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136th General Assembly  
Regular Session  
2025-2026

Sub. H. B. No. 96

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(5180.4213), 5101.1417 (5180.4214), 5101.1418 (5180.43), 5101.15 533  
(5180.44), 5101.19 (5180.45), 5101.191 (5180.451), 5101.192 534  
(5180.452), 5101.193 (5180.453), 5101.194 (5180.454), 5101.34 535  
(5180.70), 5101.341 (5180.701), 5101.342 (5180.702), 5101.343 536  
(5180.703), 5101.76 (5180.26), 5101.77 (5180.261), 5101.78 537  
(5180.262), 5101.802 (5180.52), 5101.804 (5180.71), 5101.805 538  
(5180.704), 5101.85 (5180.50), 5101.851 (5180.51), 5101.853 539  
(5180.511), 5101.854 (5180.512), 5101.855 (5180.513), 5101.856 540  
(5180.514), 5101.88 (5180.53), 5101.881 (5180.531), 5101.884 541  
(5180.532), 5101.885 (5180.533), 5101.886 (5180.534), 5101.887 542  
(5180.535), 5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 543  
(5180.56), 5104.50 (5180.04), 5180.40 (5180.73), and 5747.48 544  
(126.68) be amended for the purpose of adopting new section 545  
numbers as indicated in parentheses; and new sections 3313.902, 546  
3314.38, 3321.191, 3333.0415, 3345.86, and 3780.22 and sections 547  
9.05, 103.416, 103.417, 109.39, 109.872, 122.97, 123.14, 123.30, 548  
124.184, 125.052, 126.024, 126.10, 126.67, 135.1411, 153.695, 549  
166.36, 166.37, 166.38, 173.503, 340.038, 715.016, 924.212, 550  
943.27, 944.01, 944.02, 1320.01, 1320.02, 1320.03, 1320.04, 551  
1320.05, 1320.06, 1320.07, 1320.08, 1320.09, 1320.10, 1501.46, 552  
1501.47, 1509.075, 1513.371, 1546.25, 1546.26, 1713.032, 553  
1713.033, 1713.041, 3301.24, 3310.037, 3310.21, 3310.22, 554  
3310.23, 3310.24, 3310.25, 3310.26, 3310.412, 3310.413, 555  
3310.523, 3313.6031, 3313.6032, 3314.362, 3315.063, 3317.165, 556  
3317.27, 3317.28, 3317.29, 3317.31, 3319.173, 3319.2310, 557  
3319.271, 3321.043, 3327.18, 3332.17, 3332.21, 3332.22, 558  
3333.0420, 3333.074, 3333.952, 3333.96, 3333.97, 3345.451, 559  
3345.601, 3345.721, 3345.79, 3345.83, 3345.88, 3375.47, 560  
3721.074, 3770.074, 3770.075, 3781.062, 3901.3815, 4113.31, 561  
4141.011, 4303.189, 4503.511, 4507.41, 4561.03, 4729.261, 562  
4743.12, 4758.49, 4758.491, 4758.65, 4758.651, 4925.11, 4925.12, 563

4925.13, 4928.545, 4933.51, 4933.53, 4933.54, 4933.55, 4933.57, 564  
4933.59, 5101.546, 5101.548, 5101.612, 5103.039, 5103.09, 565  
5104.292, 5104.302, 5104.53, 5104.54, 5104.60, 5119.211, 566  
5119.344, 5120.039, 5120.85, 5123.1613, 5123.423, 5145.32, 567  
5160.53, 5162.14, 5162.17, 5162.25, 5163.04, 5163.102, 5163.50, 568  
5164.302, 5164.451, 5166.50, 5167.104, 5167.25, 5180.99, 569  
5303.34, 5303.35, 5703.901, 5705.316, and 5747.073 of the 570  
Revised Code be enacted to read as follows: 571

**Sec. 3.15.** (A) Except as otherwise provided in division 572  
(B) of this section, at all times during one's term of office: 573

(1) Each member of the general assembly ~~and each elected~~ 574  
~~voting member of the state board of education~~ shall be a 575  
resident of the district the member represents. 576

(2) Each judge and each elected officer of a court shall 577  
be a resident of the territory of that court. 578

(3) Each person holding an elective office of a political 579  
subdivision shall be a resident of that political subdivision. 580

(4) Each member of a municipal legislative authority who 581  
represents a ward shall be a resident of the ward the member 582  
represents, and each member of a board of education of a city 583  
school district who represents a subdistrict shall be a resident 584  
of the subdistrict the member represents. 585

(B) Any person who fails to meet any of the requirements 586  
of division (A) of this section that apply to the person shall 587  
forfeit the office. Division (A) of this section applies to 588  
persons who have been either elected or appointed to an elective 589  
office. Division (A) of this section does not apply to a member 590  
of the general assembly ~~or the state board of education~~, to a 591  
member of a municipal legislative authority who represents a 592

ward, or to a member of a board of education of a city school 593  
district who represents a subdistrict, during the remainder of 594  
the member's existing term of office after there is a change in 595  
the member's district's, ward's, or subdistrict's boundaries 596  
that leaves the member's permanent residence outside the 597  
district, ward, or subdistrict. 598

**Sec. 9.03.** (A) As used in this section: 599

(1) "Political subdivision" means any body corporate and 600  
politic, ~~except a municipal corporation that has adopted a~~ 601  
~~charter under Section 7 of Article XVIII, Ohio Constitution, and~~ 602  
~~except a county that has adopted a charter under Sections 3 and~~ 603  
~~4 of Article X, Ohio Constitution,~~ to which both of the 604  
following apply: 605

(a) It is responsible for governmental activities only in 606  
a geographic area smaller than the state. 607

(b) It is subject to the sovereign immunity of the state. 608

(2) "Cigarettes" and "tobacco product" have the same 609  
meanings as in section 5743.01 of the Revised Code. 610

(3) "Transaction" has the same meaning as in section 611  
1315.51 of the Revised Code. 612

(4) "Campaign committee," "campaign fund," "candidate," 613  
"legislative campaign fund," "political action committee," 614  
"political committee," "political party," and "separate 615  
segregated fund" have the same meanings as in section 3517.01 of 616  
the Revised Code. 617

(B) Except as otherwise provided in division (C) of this 618  
section, the governing body of a political subdivision may use 619  
public funds to publish and distribute newsletters, or to use 620



any other means, to communicate information about the plans, 621  
policies, and operations of the political subdivision to members 622  
of the public within the political subdivision and to other 623  
persons who may be affected by the political subdivision. 624

(C) Except as otherwise provided in division (A) (7) of 625  
section 340.03 of the Revised Code, no governing body of a 626  
political subdivision shall use public funds to do any of the 627  
following: 628

(1) Publish, distribute, or otherwise communicate 629  
information that does any of the following: 630

(a) Contains defamatory, libelous, or obscene matter; 631

(b) Promotes alcoholic beverages, cigarettes or other 632  
tobacco products, or any illegal product, service, or activity; 633

(c) Promotes illegal discrimination on the basis of race, 634  
color, religion, national origin, disability, age, or ancestry; 635

(d) Supports or opposes any labor organization or any 636  
action by, on behalf of, or against any labor organization; 637

(e) Supports or opposes the nomination or election of a 638  
candidate for public office, the investigation, prosecution, or 639  
recall of a public official, or the passage of a levy or bond 640  
issue. 641

(2) Compensate any employee of the political subdivision 642  
for time spent on any activity to influence the outcome of an 643  
election for any of the purposes described in division (C) (1) (e) 644  
of this section. Division (C) (2) of this section does not 645  
prohibit the use of public funds to compensate an employee of a 646  
political subdivision for attending a public meeting to present 647  
information about the political subdivision's finances, 648

activities, and governmental actions in a manner that is not 649  
designed to influence the outcome of an election or the passage 650  
of a levy or bond issue, even though the election, levy, or bond 651  
issue is discussed or debated at the meeting. 652

(D) Except as otherwise provided in division (A) (7) of 653  
section 340.03 of the Revised Code or in division (E) of this 654  
section, no person shall knowingly conduct a direct or indirect 655  
transaction of public funds to the benefit of any of the 656  
following: 657

- (1) A campaign committee; 658
- (2) A political action committee; 659
- (3) A legislative campaign fund; 660
- (4) A political party; 661
- (5) A campaign fund; 662
- (6) A political committee; 663
- (7) A separate segregated fund; 664
- (8) A candidate. 665

(E) Division (D) of this section does not prohibit the 666  
utilization of any person's own time to speak in support of or 667  
in opposition to any candidate, recall, referendum, levy, or 668  
bond issue unless prohibited by any other section of the Revised 669  
Code. 670

(F) Nothing in this section prohibits or restricts any 671  
political subdivision from sponsoring, participating in, or 672  
doing any of the following: 673

- (1) Charitable or public service advertising that is not 674  
commercial in nature; 675

(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;

(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.

(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.

**Sec. 9.05.** (A) As used in the Revised Code:

(1) "Boy" means a juvenile human male.

(2) "Female" means a person belonging, at conception, to the sex that produces the large reproductive cell.

(3) "Gender identity" means an individual's internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

(4) "Girl" means a juvenile human female.

(5) "Male" means an individual belonging, at conception, to the sex that produces the small reproductive cell.

(6) "Man" means an adult human male.

(7) "Sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.

(8) "Woman" means an adult human female.

(B) It is the policy of the state of Ohio to recognize two 703  
sexes, male and female. These sexes are not changeable and are 704  
grounded in fundamental and incontrovertible reality. 705

**Sec. 9.07.** (A) As used in this section: 706

(1) "Deadly weapon" has the same meaning as in section 707  
2923.11 of the Revised Code. 708

(2) "Governing authority of a local public entity" means 709  
whichever of the following is applicable: 710

(a) For a county, the board of county commissioners of the 711  
county; 712

(b) For a municipal corporation, the legislative authority 713  
of the municipal corporation; 714

(c) For a combination of counties, a combination of 715  
municipal corporations, or a combination of one or more counties 716  
and one or more municipal corporations, all boards of county 717  
commissioners and legislative authorities of all of the counties 718  
and municipal corporations that combined to form a local public 719  
entity for purposes of this section. 720

(3) "Local public entity" means a county, a municipal 721  
corporation, a combination of counties, a combination of 722  
municipal corporations, or a combination of one or more counties 723  
and one or more municipal corporations. 724

(4) "Non-contracting political subdivision" means any 725  
political subdivision to which all of the following apply: 726

(a) A correctional facility for the housing of out-of- 727  
state prisoners in this state is or will be located in the 728  
political subdivision. 729

(b) The correctional facility described in division (A) (4) 730  
(a) of this section is being operated and managed, or will be 731  
operated and managed, by a local public entity or a private 732  
contractor pursuant to a contract entered into prior to March 733  
17, 1998, or a contract entered into on or after March 17, 1998, 734  
under this section. 735

(c) The political subdivision is not a party to the 736  
contract described in division (A) (4) (b) of this section for the 737  
management and operation of the correctional facility. 738

(5) "Out-of-state jurisdiction" means the United States, 739  
any state other than this state, and any political subdivision 740  
or other jurisdiction located in a state other than this state. 741

(6) "Out-of-state prisoner" means a person who is 742  
convicted of a crime in another state or under the laws of the 743  
United States or who is found under the laws of another state or 744  
of the United States to be a delinquent child or the 745  
substantially equivalent designation. 746

(7) "Private contractor" means either of the following: 747

(a) A person who, on or after March 17, 1998, enters into 748  
a contract under this section with a local public entity to 749  
operate and manage a correctional facility in this state for 750  
out-of-state prisoners. 751

(b) A person who, pursuant to a contract with a local 752  
public entity entered into prior to March 17, 1998, operates and 753  
manages on March 17, 1998, a correctional facility in this state 754  
for housing out-of-state prisoners. 755

(B) Subject to division (I) of this section, the only 756  
entities other than this state that are authorized to operate a 757  
correctional facility to house out-of-state prisoners in this 758

state are a local public entity that operates a correctional 759  
facility pursuant to this section or a private contractor that 760  
operates a correctional facility pursuant to this section under 761  
a contract with a local public entity. 762

Subject to division (I) of this section, a private entity 763  
may operate a correctional facility in this state for the 764  
housing of out-of-state prisoners only if the private entity is 765  
a private contractor that enters into a contract that comports 766  
with division (D) of this section with a local public entity for 767  
the management and operation of the correctional facility. 768

(C) (1) Except as provided in this division, on and after 769  
March 17, 1998, a local public entity shall not enter into a 770  
contract with an out-of-state jurisdiction to house out-of-state 771  
prisoners in a correctional facility in this state. On and after 772  
March 17, 1998, a local public entity may enter into a contract 773  
with an out-of-state jurisdiction to house out-of-state 774  
prisoners in a correctional facility in this state only if the 775  
local public entity and the out-of-state jurisdiction with which 776  
the local public entity intends to contract jointly submit to 777  
the department of rehabilitation and correction a statement that 778  
certifies the correctional facility's intended use, intended 779  
prisoner population, and custody level, and the department 780  
reviews and comments upon the plans for the design or renovation 781  
of the correctional facility regarding their suitability for the 782  
intended prisoner population specified in the submitted 783  
statement. 784

(2) If a local public entity and an out-of-state 785  
jurisdiction enter into a contract to house out-of-state 786  
prisoners in a correctional facility in this state as authorized 787  
under division (C) (1) of this section, in addition to any other 788

provisions it contains, the contract shall include whichever of 789  
the following provisions is applicable: 790

(a) If a private contractor will operate the facility in 791  
question pursuant to a contract entered into in accordance with 792  
division (D) of this section, a requirement that, if the 793  
facility is closed or ceases to operate for any reason and if 794  
the conversion plan described in division (D) (16) of this 795  
section is not complied with, the out-of-state jurisdiction will 796  
be responsible for housing and transporting the prisoners who 797  
are in the facility at the time it is closed or ceases to 798  
operate and for the cost of so housing and transporting those 799  
prisoners; 800

(b) If a private contractor will not operate the facility 801  
in question pursuant to a contract entered into in accordance 802  
with division (D) of this section, a conversion plan that will 803  
be followed if, for any reason, the facility is closed or ceases 804  
to operate. The conversion plan shall include, but is not 805  
limited to, provisions that specify whether the local public 806  
entity or the out-of-state jurisdiction will be responsible for 807  
housing and transporting the prisoners who are in the facility 808  
at the time it is closed or ceases to operate and for the cost 809  
of so housing and transporting those prisoners. 810

(3) If a local public entity and an out-of-state 811  
jurisdiction intend to enter into a contract to house out-of- 812  
state prisoners in a correctional facility in this state as 813  
authorized under division (C) (1) of this section, or if a local 814  
public entity and a private contractor intend to enter into a 815  
contract pursuant to division (D) of this section for the 816  
private contractor's management and operation of a correctional 817  
facility in this state to house out-of-state prisoners, prior to 818

entering into the contract the local public entity and the out- 819  
of-state jurisdiction, or the local public entity and the 820  
private contractor, whichever is applicable, shall conduct a 821  
public hearing in accordance with this division, and, prior to 822  
entering into the contract, the governing authority of the local 823  
public entity in which the facility is or will be located shall 824  
authorize the location and operation of the facility. The 825  
hearing shall be conducted at a location within the municipal 826  
corporation or township in which the facility is or will be 827  
located. At least one week prior to conducting the hearing, the 828  
local public entity and the out-of-state jurisdiction or private 829  
contractor with the duty to conduct the hearing shall cause 830  
notice of the date, time, and place of the hearing to be made by 831  
publication in the newspaper with the largest general 832  
circulation in the county in which the municipal corporation or 833  
township is located. The notice shall be of a sufficient size 834  
that it covers at least one-quarter of a page of the newspaper 835  
in which it is published. This division applies to a private 836  
contractor that, pursuant to the requirement set forth in 837  
division (I) of this section, is required to enter into a 838  
contract under division (D) of this section. 839

(D) Subject to division (I) of this section, on and after 840  
March 17, 1998, if a local public entity enters into a contract 841  
with a private contractor for the management and operation of a 842  
correctional facility in this state to house out-of-state 843  
prisoners, the contract, at a minimum, shall include all of the 844  
following provisions: 845

(1) A requirement that the private contractor seek and 846  
obtain accreditation from the American correctional association 847  
for the correctional facility within two years after accepting 848  
the first out-of-state prisoner at the correctional facility 849



under the contract and that it maintain that accreditation for 850  
the term of the contract; 851

(2) A requirement that the private contractor comply with 852  
all applicable laws, rules, or regulations of the government of 853  
this state, political subdivisions of this state, and the United 854  
States, including, but not limited to, all sanitation, food 855  
service, safety, and health regulations; 856

(3) A requirement that the private contractor send copies 857  
of reports of inspections completed by appropriate authorities 858  
regarding compliance with laws, rules, and regulations of the 859  
type described in division (D) (2) of this section to the 860  
director of rehabilitation and correction or the director's 861  
designee and to the governing authority of the local public 862  
entity in which the correctional facility is located; 863

(4) A requirement that the private contractor report to 864  
the local law enforcement agencies with jurisdiction over the 865  
place at which the correctional facility is located, for 866  
investigation, all criminal offenses or delinquent acts that are 867  
committed in or on the grounds of, or otherwise in connection 868  
with, the correctional facility and report to the department of 869  
rehabilitation and correction all disturbances at the facility; 870

(5) A requirement that the private contractor immediately 871  
report all escapes from the facility, and the apprehension of 872  
all escapees, by telephone and in writing to the department of 873  
rehabilitation and correction, to all local law enforcement 874  
agencies with jurisdiction over the place at which the facility 875  
is located, to the state highway patrol, to the prosecuting 876  
attorney of the county in which the facility is located, and to 877  
a daily newspaper having general circulation in the county in 878  
which the facility is located. The written notice may be by 879

either facsimile transmission or mail. A failure to comply with 880  
this requirement is a violation of section 2921.22 of the 881  
Revised Code. 882

(6) A requirement that the private contractor provide a 883  
written report to the director of rehabilitation and correction 884  
or the director's designee and to the governing authority of the 885  
local public entity in which the correctional facility is 886  
located of all unusual incidents occurring at the correctional 887  
facility. The private contractor shall report the incidents in 888  
accordance with the incident reporting rules that, at the time 889  
of the incident, are applicable to state correctional facilities 890  
for similar incidents occurring at state correctional 891  
facilities. 892

(7) A requirement that the private contractor provide 893  
internal and perimeter security to protect the public, staff 894  
members of the correctional facility, and prisoners in the 895  
correctional facility; 896

(8) A requirement that the correctional facility be 897  
staffed at all times with a staffing pattern that is adequate to 898  
ensure supervision of inmates and maintenance of security within 899  
the correctional facility and to provide for appropriate 900  
programs, transportation, security, and other operational needs. 901  
In determining security needs for the correctional facility, the 902  
private contractor and the contract requirements shall fully 903  
take into account all relevant factors, including, but not 904  
limited to, the proximity of the facility to neighborhoods and 905  
schools. 906

(9) A requirement that the private contractor provide an 907  
adequate policy of insurance that satisfies the requirements set 908  
forth in division (D) of section 9.06 of the Revised Code 909

regarding contractors who operate and manage a facility under 910  
that section, and that the private contractor indemnify and hold 911  
harmless the state, its officers, agents, and employees, and any 912  
local public entity in the state with jurisdiction over the 913  
place at which the correctional facility is located or that owns 914  
the correctional facility, reimburse the state for its costs in 915  
defending the state or any of its officers, agents, or 916  
employees, and reimburse any local government entity of that 917  
nature for its costs in defending the local government entity, 918  
in the manner described in division (D) of that section 919  
regarding contractors who operate and manage a facility under 920  
that section; 921

(10) A requirement that the private contractor adopt for 922  
prisoners housed in the correctional facility the security 923  
classification system and schedule adopted by the department of 924  
rehabilitation and correction under section 5145.03 of the 925  
Revised Code, classify in accordance with the system and 926  
schedule each prisoner housed in the facility, and house all 927  
prisoners in the facility in accordance with their 928  
classification under this division; 929

(11) A requirement that the private contractor will not 930  
accept for housing, and will not house, in the correctional 931  
facility any out-of-state prisoner in relation to whom any of 932  
the following applies: 933

(a) The private entity has not obtained from the out-of- 934  
state jurisdiction that imposed the sentence or sanction under 935  
which the prisoner will be confined in this state a copy of the 936  
institutional record of the prisoner while previously confined 937  
in that out-of-state jurisdiction or a statement that the 938  
prisoner previously has not been confined in that out-of-state 939

jurisdiction and a copy of all medical records pertaining to 940  
that prisoner that are in the possession of the out-of-state 941  
jurisdiction. 942

(b) The prisoner, while confined in any out-of-state 943  
jurisdiction, has a record of institutional violence involving 944  
the use of a deadly weapon or a pattern of committing acts of an 945  
assaultive nature against employees of, or visitors to, the 946  
place of confinement or has a record of escape or attempted 947  
escape from secure custody. 948

(c) Under the security classification system and schedule 949  
adopted by the department of rehabilitation and correction under 950  
section 5145.03 of the Revised Code and adopted by the private 951  
contractor under division (B)(10) of this section, the out-of- 952  
state prisoner would be classified as being at a security level 953  
higher than medium security. 954

(12) A requirement that the private contractor, prior to 955  
housing any out-of-state prisoner in the correctional facility 956  
under the contract, enter into a written agreement with the 957  
department of rehabilitation and correction that sets forth a 958  
plan and procedure that will be used to coordinate law 959  
enforcement activities of state law enforcement agencies and of 960  
local law enforcement agencies with jurisdiction over the place 961  
at which the facility is located in response to any riot, 962  
rebellion, escape, insurrection, or other emergency occurring 963  
inside or outside the facility; 964

(13) A requirement that the private contractor cooperate 965  
with the correctional institution inspection committee in the 966  
committee's performance of its duties under section ~~103.73~~ 967  
103.71 of the Revised Code and provide the committee, its 968  
subcommittees, and its staff members, in performing those 969

duties, with access to the correctional facility as described in 970  
that section; 971

(14) A requirement that the private contractor permit any 972  
peace officer who serves a law enforcement agency with 973  
jurisdiction over the place at which the correctional facility 974  
is located to enter into the facility to investigate any 975  
criminal offense or delinquent act that allegedly has been 976  
committed in or on the grounds of, or otherwise in connection 977  
with, the facility; 978

(15) A requirement that the private contractor will not 979  
employ any person at the correctional facility until after the 980  
private contractor has submitted to the bureau of criminal 981  
identification and investigation, on a form prescribed by the 982  
superintendent of the bureau, a request that the bureau conduct 983  
a criminal records check of the person and a requirement that 984  
the private contractor will not employ any person at the 985  
facility if the records check or other information possessed by 986  
the contractor indicates that the person previously has engaged 987  
in malfeasance; 988

(16) A requirement that the private contractor will not 989  
accept for housing, and will not house, in the correctional 990  
facility any out-of-state prisoner unless the private contractor 991  
and the out-of-state jurisdiction that imposed the sentence for 992  
which the prisoner is to be confined agree that, if the out-of- 993  
state prisoner is confined in the facility in this state, 994  
commits a criminal offense while confined in the facility, is 995  
convicted of or pleads guilty to that offense, and is sentenced 996  
to a term of confinement for that offense but is not sentenced 997  
to death for that offense, the private contractor and the out- 998  
of-state jurisdiction will do all of the following: 999

(a) Unless section 5120.50 of the Revised Code does not  
apply in relation to the offense the prisoner committed while  
confined in this state and the term of confinement imposed for  
that offense, the out-of-state jurisdiction will accept the  
prisoner pursuant to that section for service of that term of  
confinement and for any period of time remaining under the  
sentence for which the prisoner was confined in the facility in  
this state, the out-of-state jurisdiction will confine the  
prisoner pursuant to that section for that term and that  
remaining period of time, and the private contractor will  
transport the prisoner to the out-of-state jurisdiction for  
service of that term and that remaining period of time.

(b) If section 5120.50 of the Revised Code does not apply  
in relation to the offense the prisoner committed while confined  
in this state and the term of confinement imposed for that  
offense, the prisoner shall be returned to the out-of-state  
jurisdiction or its private contractor for completion of the  
period of time remaining under the out-of-state sentence for  
which the prisoner was confined in the facility in this state  
before starting service of the term of confinement imposed for  
the offense committed while confined in this state, the out-of-  
state jurisdiction or its private contractor will confine the  
prisoner for that remaining period of time and will transport  
the prisoner outside of this state for service of that remaining  
period of time, and, if the prisoner is confined in this state  
in a facility operated by the department of rehabilitation and  
correction, the private contractor will be financially  
responsible for reimbursing the department at the per diem cost  
of confinement for the duration of that incarceration, with the  
amount of the reimbursement so paid to be deposited in the  
department's prisoner programs fund.

(17) A requirement that the private contractor, prior to housing any out-of-state prisoner in the correctional facility under the contract, enter into an agreement with the local public entity that sets forth a conversion plan that will be followed if, for any reason, the facility is closed or ceases to operate. The conversion plan shall include, but is not limited to, provisions that specify whether the private contractor, the local public entity, or the out-of-state jurisdictions that imposed the sentences for which the out-of-state prisoners are confined in the facility will be responsible for housing and transporting the prisoners who are in the facility at the time it is closed or ceases to operate and for the cost of so housing and transporting those prisoners.

(18) A schedule of fines that the local public entity shall impose upon the private contractor if the private contractor fails to perform its contractual duties, and a requirement that, if the private contractor fails to perform its contractual duties, the local public entity shall impose a fine on the private contractor from the schedule of fines and, in addition to the fine, may exercise any other rights it has under the contract. Division (F)(2) of this section applies regarding a fine described in this division.

(19) A requirement that the private contractor adopt and use in the correctional facility the drug testing and treatment program that the department of rehabilitation and correction uses for inmates in state correctional institutions;

(20) A requirement that the private contractor provide clothing for all out-of-state prisoners housed in the correctional facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as

a prisoner, and that is readily distinguishable from clothing of 1061  
a nature that normally is worn outside the facility by non- 1062  
prisoners, that the private contractor require all out-of-state 1063  
prisoners housed in the facility to wear the clothing so 1064  
provided, and that the private contractor not permit any out-of- 1065  
state prisoner, while inside or on the premises of the facility 1066  
or while being transported to or from the facility, to wear any 1067  
clothing of a nature that does not conspicuously identify its 1068  
wearer as a prisoner and that normally is worn outside the 1069  
facility by non-prisoners; 1070

(21) A requirement that, at the time the contract is made, 1071  
the private contractor provide to all parties to the contract 1072  
adequate proof that it has complied with the requirement 1073  
described in division (D) (9) of this section, and a requirement 1074  
that, at any time during the term of the contract, the private 1075  
contractor upon request provide to any party to the contract 1076  
adequate proof that it continues to be in compliance with the 1077  
requirement described in division (D) (9) of this section. 1078

(E) A private correctional officer or other designated 1079  
employee of a private contractor that operates a correctional 1080  
facility that houses out-of-state prisoners in this state under 1081  
a contract entered into prior to, on, or after March 17, 1998, 1082  
may carry and use firearms in the course of the officer's or 1083  
employee's employment only if the officer or employee is 1084  
certified as having satisfactorily completed an approved 1085  
training program designed to qualify persons for positions as 1086  
special police officers, security guards, or persons otherwise 1087  
privately employed in a police capacity, as described in 1088  
division (A) of section 109.78 of the Revised Code. 1089

(F) (1) Upon notification by the private contractor of an 1090



escape from, or of a disturbance at, a correctional facility 1091  
that is operated by a private contractor under a contract 1092  
entered into prior to, on, or after March 17, 1998, and that 1093  
houses out-of-state prisoners in this state, the department of 1094  
rehabilitation and correction and state and local law 1095  
enforcement agencies shall use all reasonable means to recapture 1096  
persons who escaped from the facility or quell any disturbance 1097  
at the facility, in accordance with the plan and procedure 1098  
included in the written agreement entered into under division 1099  
(D) (12) of this section in relation to contracts entered into on 1100  
or after March 17, 1998, and in accordance with their normal 1101  
procedures in relation to contracts entered into prior to March 1102  
17, 1998. Any cost incurred by this state or a political 1103  
subdivision of this state relating to the apprehension of a 1104  
person who escaped from the facility, to the quelling of a 1105  
disturbance at the facility, or to the investigation or 1106  
prosecution as described in division (G) (2) of this section of 1107  
any offense relating to the escape or disturbance shall be 1108  
chargeable to and borne by the private contractor. The 1109  
contractor also shall reimburse the state or its political 1110  
subdivisions for all reasonable costs incurred relating to the 1111  
temporary detention of a person who escaped from the facility, 1112  
following the person's recapture. 1113

(2) If a private contractor that, on or after March 17, 1114  
1998, enters into a contract under this section with a local 1115  
public entity for the operation of a correctional facility that 1116  
houses out-of-state prisoners fails to perform its contractual 1117  
duties, the local public entity shall impose upon the private 1118  
contractor a fine from the schedule of fines included in the 1119  
contract and may exercise any other rights it has under the 1120  
contract. A fine imposed under this division shall be paid to 1121

the local public entity that enters into the contract, and the 1122  
local public entity shall deposit the money so paid into its 1123  
treasury to the credit of the fund used to pay for community 1124  
policing. If a fine is imposed under this division, the local 1125  
public entity may reduce the payment owed to the private 1126  
contractor pursuant to any invoice in the amount of the fine. 1127

(3) If a private contractor, on or after March 17, 1998, 1128  
enters into a contract under this section with a local public 1129  
entity for the operation of a correctional facility that houses 1130  
out-of-state prisoners in this state, the private contractor 1131  
shall comply with the insurance, indemnification, hold harmless, 1132  
and cost reimbursement provisions described in division (D) (9) 1133  
of this section. 1134

(G) (1) Any act or omission that would be a criminal 1135  
offense or a delinquent act if committed at a state correctional 1136  
institution or at a jail, workhouse, prison, or other 1137  
correctional facility operated by this state or by any political 1138  
subdivision or group of political subdivisions of this state 1139  
shall be a criminal offense or delinquent act if committed by or 1140  
with regard to any out-of-state prisoner who is housed at any 1141  
correctional facility operated by a private contractor in this 1142  
state pursuant to a contract entered into prior to, on, or after 1143  
March 17, 1998. 1144

(2) If any political subdivision of this state experiences 1145  
any cost in the investigation or prosecution of an offense 1146  
committed by an out-of-state prisoner housed in a correctional 1147  
facility operated by a private contractor in this state pursuant 1148  
to a contract entered into prior to, on, or after March 17, 1149  
1998, the private contractor shall reimburse the political 1150  
subdivision for the costs so experienced. 1151

(3) (a) Except as otherwise provided in this division, the state, and any officer or employee, as defined in section 109.36 of the Revised Code, of the state is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the establishment, management, or operation of a correctional facility to house out-of-state prisoners in this state pursuant to a contract between a local public entity and an out-of-state jurisdiction, a local public entity and a private contractor, or a private contractor and an out-of-state jurisdiction that was entered into prior to March 17, 1998, or that is entered into on or after March 17, 1998, in accordance with its provisions. The immunity provided in this division does not apply regarding an act or omission of an officer or employee, as defined in section 109.36 of the Revised Code, of the state that is manifestly outside the scope of the officer's or employee's official responsibilities or regarding an act or omission of the state, or of an officer or employee, as so defined, of the state that is undertaken with malicious purpose, in bad faith, or in a wanton or reckless manner.

(b) Except as otherwise provided in this division, a non-contracting political subdivision, and any employee, as defined in section 2744.01 of the Revised Code, of a non-contracting political subdivision is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the establishment, management, or operation of a correctional facility to house out-of-state prisoners in this state pursuant to a contract between a local public entity other than the non-contracting political subdivision and an out-of-state jurisdiction, a local public entity other than the non-contracting political

subdivision and a private contractor, or a private contractor 1183  
and an out-of-state jurisdiction that was entered into prior to 1184  
March 17, 1998, or that is entered into on or after March 17, 1185  
1998, in accordance with its provisions. The immunity provided 1186  
in this division does not apply regarding an act or omission of 1187  
an employee, as defined in section 2744.01 of the Revised Code, 1188  
of a non-contracting political subdivision that is manifestly 1189  
outside the scope of the employee's employment or official 1190  
responsibilities or regarding an act or omission of a non- 1191  
contracting political subdivision or an employee, as so defined, 1192  
of a non-contracting political subdivision that is undertaken 1193  
with malicious purpose, in bad faith, or in a wanton or reckless 1194  
manner. 1195

(c) Divisions (G) (3) (a) and (b) of this section do not 1196  
affect any immunity or defense that the state and its officers 1197  
and employees or a non-contracting political subdivision and its 1198  
employees may be entitled to under another section of the 1199  
Revised Code or the common law of this state, including, but not 1200  
limited to, section 9.86 or Chapter 2744. of the Revised Code. 1201

(H) (1) Upon the completion of an out-of-state prisoner's 1202  
term of detention at a correctional facility operated by a 1203  
private contractor in this state pursuant to a contract entered 1204  
into prior to, on, or after March 17, 1998, the operator of the 1205  
correctional facility shall transport the prisoner to the out- 1206  
of-state jurisdiction that imposed the sentence for which the 1207  
prisoner was confined before it releases the prisoner from its 1208  
custody. 1209

(2) No private contractor that operates and manages a 1210  
correctional facility housing out-of-state prisoners in this 1211  
state pursuant to a contract entered into prior to, on, or after 1212

March 17, 1998, shall fail to comply with division (H) (1) of 1213  
this section. 1214

(3) Whoever violates division (H) (2) of this section is 1215  
guilty of a misdemeanor of the first degree. 1216

(I) Except as otherwise provided in this division, the 1217  
provisions of divisions (A) to (H) of this section apply in 1218  
relation to any correctional facility operated by a private 1219  
contractor in this state to house out-of-state prisoners, 1220  
regardless of whether the facility is operated pursuant to a 1221  
contract entered into prior to, on, or after March 17, 1998. 1222  
Division (C) (1) of this section shall not apply in relation to 1223  
any correctional facility for housing out-of-state prisoners in 1224  
this state that is operated by a private contractor under a 1225  
contract entered into with a local public entity prior to March 1226  
17, 1998. If a private contractor operates a correctional 1227  
facility in this state for the housing of out-of-state prisoners 1228  
under a contract entered into with a local public entity prior 1229  
to March 17, 1998, no later than thirty days after the effective 1230  
date of this amendment, the private contractor shall enter into 1231  
a contract with the local public entity that comports to the 1232  
requirements and criteria of division (D) of this section. 1233

**Sec. 9.239.** (A) As used in this section: 1234

(1) "Public building" means a building owned by a public 1235  
entity. 1236

(2) "Public entity" means a subdivision, the general 1237  
assembly, a court, any department, division, institution, board, 1238  
commission, authority, bureau or other agency ~~or~~ or 1239  
instrumentality of the state, the five state retirement systems, 1240  
or any other governmental entity. 1241

(3) "Subdivision" has the same meaning as in section 1242  
2744.01 of the Revised Code. 1243

(B) A person that is primarily responsible for designing 1244  
energy efficient commercial building property installed in a 1245  
public building may seek allocation of any deduction allowed 1246  
under section 179D of the Internal Revenue Code in connection 1247  
with that installation by submitting a written request to the 1248  
public entity that owns the building ~~and the tax commissioner.~~ 1249  
Within fifteen days of receiving such a request, the public 1250  
entity shall respond and, if merited, formally allocate the 1251  
deduction as required under that section and any associated 1252  
rules or guidance of the internal revenue service or the United 1253  
States department of the treasury. ~~The public entity shall send~~ 1254  
~~to the commissioner a copy of the response and, if applicable,~~ 1255  
~~the document or documents formally allocating the deduction.~~ 1256

(C) If a public entity does not respond within fifteen 1257  
days of receiving a request under division (B) of this section, 1258  
the entity shall be considered to have approved the request. ~~The~~ 1259  
~~commissioner shall provide the person that submitted the request~~ 1260  
~~with any documentation necessary to formally allocate the~~ 1261  
~~deduction.~~ 1262

(D) No public entity and no employee or agent of a public 1263  
entity acting in the employee's or agent's official capacity 1264  
shall seek, solicit, charge, or accept a fee, payment, or other 1265  
consideration in exchange for allocating a deduction allowed 1266  
under section 179D of the Internal Revenue Code or providing 1267  
documentation of such an allocation as required under that 1268  
section and any associated rules or guidance of the internal 1269  
revenue service or the United States department of the treasury. 1270

**Sec. 9.27.** (A) As used in this section, "state" and "state 1271

agency" mean the state of Ohio, including the governor, 1272  
lieutenant governor, secretary of state, auditor of state, 1273  
attorney general, and treasurer of state, and all departments, 1274  
boards, offices, commissions, agencies, institutions, and other 1275  
instrumentalities of the state of Ohio, but not including the 1276  
general assembly or any legislative agency, or any court or 1277  
judicial agency. 1278

(B) Except as otherwise required or permitted by state or 1279  
federal law, a contract entered into by the state for the 1280  
procurement of goods or services shall not include any of the 1281  
following: 1282

(1) A provision that requires the state to indemnify or 1283  
hold harmless another person. 1284

(2) A provision by which the state agrees to binding 1285  
arbitration or any other binding extra-judicial dispute 1286  
resolution process. 1287

(3) A provision that names a venue for any action or 1288  
dispute against the state other than a court of proper 1289  
jurisdiction in Franklin county, Ohio. 1290

(4) A provision that requires the state to agree to limit 1291  
the liability for any direct loss to the state for bodily 1292  
injury, death, or damage to property of the state caused by the 1293  
negligence, intentional or willful misconduct, fraudulent act, 1294  
recklessness, or other tortious conduct of a person or a 1295  
person's employees or agents, or a provision that would 1296  
otherwise impose an indemnification obligation on the state. 1297

(5) A provision that requires the state to be bound by a 1298  
term or condition that is unknown to the state at the time of 1299  
signing a contract, that is not specifically negotiated with the 1300

state, that may be unilaterally changed by the other party, or 1301  
that is electronically accepted by a state employee. 1302

(6) A provision that provides for a person other than the 1303  
attorney general to serve as legal counsel for the state or for 1304  
any state agency, unless allowed for under the process set forth 1305  
in section 109.07 of the Revised Code. 1306

(7) A provision that is inconsistent with the state's 1307  
obligations under section 149.43 of the Revised Code. 1308

(8) A provision for automatic renewal such that state 1309  
funds are or would be obligated in subsequent fiscal years. 1310

(9) A provision that limits the state's ability to recover 1311  
the cost of cover for a replacement contractor. 1312

(10) With respect to a purchase in which a state agency 1313  
receives a license to use a software application designed to run 1314  
on generally available desktop or server hardware or cloud 1315  
platforms, a requirement that the state agency install or run 1316  
the software on hardware or in a cloud platform dedicated solely 1317  
to the state agency, or a provision that otherwise restricts the 1318  
state agency from installing or running the software on hardware 1319  
or in a cloud platform of the state agency's choosing. 1320

(C) If a contract contains a term or condition described 1321  
in division (B) of this section, the term or condition is void 1322  
ab initio, and the contract containing that term or condition 1323  
otherwise shall be enforceable as if it did not contain such 1324  
term or condition. 1325

(D) A contract that contains a term or condition described 1326  
in division (B) of this section shall be governed by and 1327  
construed in accordance with Ohio law notwithstanding any term 1328  
or condition to the contrary in the contract. 1329



(E) This section does not apply to a contract in effect 1330  
before ~~the effective date of this section~~ September 30, 2021, or 1331  
to the renewal or extension of a contract in effect before ~~the~~ 1332  
~~effective date of this section~~ that date. 1333

**Sec. 9.28.** (A) As used in this section: 1334

(1) "Competitive ~~solicitation~~selection" means ~~a request~~ 1335  
~~for proposal or any other solicitation or announcement by a~~ 1336  
~~public office requiring bids or proposals for the provision of~~ 1337  
~~goods or services to that office~~the procedures for making 1338  
purchases as defined in section 125.01 of the Revised Code. 1339

(2) "Public office" includes any state agency, public 1340  
institution, political subdivision, or other organized body, 1341  
office, agency, institution, or entity established by the laws 1342  
of this state for the exercise of any function of government. 1343  
"Public office" does not include the nonprofit corporation 1344  
formed under section 187.01 of the Revised Code. 1345

(3) "State agency" includes every department, bureau, 1346  
board, commission, office, or other organized body established 1347  
by the constitution and laws of this state for the exercise of 1348  
any function of state government, including any state-supported 1349  
institution of higher education, the general assembly, any 1350  
legislative agency, any court or judicial agency, or any 1351  
political subdivision or agency of a political subdivision. 1352  
"State agency" does not include the nonprofit corporation formed 1353  
under section 187.01 of the Revised Code. 1354

(B) Except as provided in division (C) of this section, 1355  
materials ~~submitted to a public office in response~~ relating to a 1356  
~~competitive solicitation~~ through competitive selection shall not 1357  
be considered public records ~~for purposes of~~ under section 1358

149.43 of the Revised Code until ~~the date the public office~~ 1359  
~~announces~~ after the award of a ~~the~~ contract based on the 1360  
competitive ~~solicitation or the cancellation of the competitive~~ 1361  
~~solicitations~~ selection. 1362

(C) If a public office rejects all bids or proposals 1363  
received in response to a ~~competitive~~ solicitation through 1364  
competitive selection and, concurrently with the announcement of 1365  
the rejection gives notice of its intent to reissue the 1366  
solicitation through competitive selection, the materials 1367  
submitted in response to the original ~~competitive~~ solicitation 1368  
and the materials submitted in response to the reissued 1369  
~~competitive~~ solicitation shall not be considered public records 1370  
~~for purposes of~~ under section 149.43 of the Revised Code until 1371  
~~the date the public office announces~~ after the award of a ~~the~~ 1372  
contract based on the reissued ~~competitive~~ solicitation through 1373  
~~or the cancellation of the reissued~~ competitive 1374  
~~solicitations~~ selection. 1375

**Sec. 9.312.** (A) If a state agency or political subdivision 1376  
is required by law or by an ordinance or resolution adopted 1377  
under division (C) of this section to award a contract to the 1378  
lowest responsive and responsible bidder, a bidder on the 1379  
contract shall be considered responsive if the bidder's proposal 1380  
responds to bid specifications in all material respects and 1381  
contains no irregularities or deviations from the specifications 1382  
which would affect the amount of the bid or otherwise give the 1383  
bidder a competitive advantage. The factors that the state 1384  
agency or political subdivision shall consider in determining 1385  
whether a bidder on the contract is responsible include the 1386  
experience of the bidder, the bidder's financial condition, 1387  
conduct and performance on previous contracts, facilities, 1388  
management skills, and ability to execute the contract properly. 1389

For purposes of this division, the provision of a bid 1390  
guaranty in accordance with divisions (A) (1) and (B) of section 1391  
153.54 of the Revised Code issued by a surety licensed to do 1392  
business in this state is evidence of financial responsibility, 1393  
but a state agency or political subdivision may request 1394  
additional financial information for review from an apparent low 1395  
bidder after it opens all submitted bids. A state agency or 1396  
political subdivision shall keep additional financial 1397  
information it receives pursuant to a request under this 1398  
division confidential, except under proper order of a court. The 1399  
additional financial information is not a public record under 1400  
section 149.43 of the Revised Code. 1401

An apparent low bidder found not to be responsive and 1402  
responsible shall be notified by the state agency or political 1403  
subdivision of that finding and the reasons for it. Except for 1404  
contracts awarded by the department of administrative services 1405  
pursuant to section 125.11 of the Revised Code, the notification 1406  
shall be given in writing ~~and either by certified mail or, if~~ 1407  
~~the state agency or political subdivision has record of an~~ 1408  
internet identifier of record associated with the bidder, or by 1409  
ordinary certified mail and by that if no internet identifier of 1410  
record is available. When awarding contracts pursuant to section 1411  
125.11 of the Revised Code, the department may send such notice 1412  
in writing by first class mail or by electronic means. 1413

(B) Where a state agency or a political subdivision that 1414  
has adopted an ordinance or resolution under division (C) of 1415  
this section determines to award a contract to a bidder other 1416  
than the apparent low bidder or bidders for the construction, 1417  
reconstruction, improvement, enlargement, alteration, repair, 1418  
painting, or decoration of a public improvement, it shall meet 1419  
with the apparent low bidder or bidders upon a filing of a 1420

timely written protest. The protest must be received within five 1421  
days of the notification required in division (A) of this 1422  
section. No final award shall be made until the state agency or 1423  
political subdivision either affirms or reverses its earlier 1424  
determination. Notwithstanding any other provisions of the 1425  
Revised Code, the procedure described in this division is not 1426  
subject to Chapter 119. of the Revised Code. 1427

(C) A municipal corporation, township, school district, 1428  
board of county commissioners, any other county board or 1429  
commission, or any other political subdivision required by law 1430  
to award contracts by competitive bidding may by ordinance or 1431  
resolution adopt a policy of requiring each competitively bid 1432  
contract it awards to be awarded to the lowest responsive and 1433  
responsible bidder in accordance with this section. 1434

(D) As used in this section, "internet identifier of 1435  
record" means an electronic mail address, or any other 1436  
designation used for self-identification or routing in internet 1437  
communication or posting, provided for the purpose of receiving 1438  
communication. 1439

**Sec. 9.331.** (A) Before entering into a contract to employ 1440  
a construction manager or construction manager at risk, a public 1441  
authority ~~shall~~ may advertise, ~~in a newspaper of general~~ 1442  
~~circulation~~ news media available in the county where the 1443  
contract is to be performed, and ~~may~~ shall advertise by 1444  
electronic means ~~pursuant to rules adopted by the director of~~ 1445  
~~administrative services~~, notice of its intent to employ a 1446  
construction manager or construction manager at risk. The notice 1447  
shall invite interested parties to submit proposals for 1448  
consideration and shall be published at least ~~thirty~~ fourteen 1449  
calendar days prior to the date for accepting the proposals. The 1450

public authority also may advertise the information contained in 1451  
the notice in appropriate trade journals and otherwise notify 1452  
persons believed to be interested in employment as a 1453  
construction manager or construction manager at risk. 1454

(B) The advertisement shall include a general description 1455  
of the project, a statement of the specific management services 1456  
required, and a description of the qualifications required for 1457  
the project. 1458

**Sec. 9.334.** ~~(A)~~ (A) (1) Every public authority planning to 1459  
contract for construction management services with a 1460  
construction manager at risk shall evaluate the proposals 1461  
submitted and select not fewer than three construction managers 1462  
at risk the public authority considers to be the most qualified 1463  
to provide the required construction management services, except 1464  
that the public authority shall select and rank fewer than three 1465  
when the public authority determines in writing that fewer than 1466  
three qualified construction managers at risk are available. 1467

(2) For projects valued at less than four million dollars, 1468  
the public authority may require the construction manager at 1469  
risk to submit a proposal described in division (A) (1) of this 1470  
section along with a pricing proposal described in division (C) 1471  
of this section, and proceed under division (B) (2) of this 1472  
section before proceeding with selection and ranking as 1473  
described in division (A) (1) of this section. The Ohio 1474  
facilities construction commission shall biannually adjust for 1475  
the rate of inflation, as defined in section 107.032 of the 1476  
Revised Code and as of the effective date of this amendment, the 1477  
maximum project value amount indicated in this division and post 1478  
that amount on the commission's web site. 1479

~~(B)~~ (B) (1) The public authority shall provide each 1480

construction manager at risk selected under division ~~(A)~~(A) (1) 1481  
of this section with a description of the project, including a 1482  
statement of available design detail, a description of how the 1483  
guaranteed maximum price for the project shall be determined, 1484  
including the estimated level of design detail upon which the 1485  
guaranteed maximum price shall be based, the form of the 1486  
construction management contract, and a request for a pricing 1487  
proposal. 1488

(2) The public authority shall provide each construction 1489  
manager at risk who desires to submit a proposal under division 1490  
(A) (2) of this section a pre-proposal meeting to explore the 1491  
proposals further, in which the public authority shall provide 1492  
the construction manager at risk with a description of the 1493  
project, including the scope and nature of the proposed services 1494  
and potential technical approaches. 1495

(C) The pricing proposal of each construction manager at 1496  
risk shall include at least the following regarding the 1497  
construction manager at risk: 1498

(1) A list of key personnel for the project; 1499

(2) A statement of the general conditions and contingency 1500  
requirements; 1501

(3) A fee proposal divided into a preconstruction fee, a 1502  
construction fee, and the portion of the construction fee to be 1503  
at risk in a guaranteed maximum price. 1504

(D) The public authority shall evaluate the submitted 1505  
pricing proposals and may hold discussions with individual 1506  
construction managers at risk to explore their proposals 1507  
further, including the scope and nature of the proposed services 1508  
and potential technical approaches. 1509

(E) After evaluating the pricing proposals, the public authority shall rank the selected construction managers at risk based on its evaluation of the value of each pricing proposal, with such evaluation considering the proposed cost and qualifications.

(F) The public authority shall enter into negotiations for a construction management contract with the construction manager at risk whose pricing proposal the public authority determines to be the best value under division (E) of this section. Contract negotiations shall be directed toward:

(1) Ensuring that the construction manager at risk and the public authority mutually understand the essential requirements involved in providing the required construction management services, including the provisions for the use of contingency funds and the possible distribution of savings in the final costs of the project;

(2) Ensuring that the construction manager at risk will be able to provide the necessary personnel, equipment, and facilities to perform the construction management services within the time required by the construction management contract;

(3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the public authority to the construction manager at risk for the project and that shall include the costs of all the work, the cost of its general conditions, the contingency, and the fee payable to the construction manager at risk.

(G) (1) If the public authority fails to negotiate a

construction management contract with the construction manager 1539  
at risk whose pricing proposal the public authority determines 1540  
to be the best value under division (E) of this section, the 1541  
public authority shall inform the construction manager at risk, 1542  
in writing, of the termination of negotiations. 1543

(2) Upon terminating negotiations, the public authority 1544  
may enter into negotiations as provided in this section with the 1545  
construction manager at risk that the public authority ranked 1546  
next highest under division (E) of this section. If negotiations 1547  
fail, the public authority may enter into negotiations as 1548  
provided in this section with the construction manager at risk 1549  
the public authority ranked next highest under division (E) of 1550  
this section. 1551

(3) If a public authority fails to negotiate a 1552  
construction management contract with a construction manager at 1553  
risk whose pricing proposal the public authority determines to 1554  
be the best value under division (E) of this section, the public 1555  
authority may select additional construction managers at risk to 1556  
provide pricing proposals to the public authority pursuant to 1557  
this section or may select an alternative delivery method for 1558  
the project. 1559

(H) If the public authority and construction manager at 1560  
risk fail to agree on a guaranteed maximum price, nothing in 1561  
this section shall prohibit the public authority from allowing 1562  
the construction manager at risk to provide the management 1563  
services that a construction manager is authorized to provide. 1564

(I) Nothing in this section affects a public authority's 1565  
right to accept or reject any or all proposals in whole or in 1566  
part. 1567



**Sec. 9.821.** (A) The department of administrative services 1568  
shall direct and manage for state agencies all risk management 1569  
and insurance programs authorized under section 9.822 of the 1570  
Revised Code. 1571

(B) The office of risk management is hereby established 1572  
within the department of administrative services. The director 1573  
of administrative services, or a deputy director appointed by 1574  
the director, shall control and supervise the office. 1575

(C) The office may take any of the following actions that 1576  
it determines to be in the best interests of the state: 1577

(1) Provide all insurance coverages for the state, 1578  
including, but not limited to, vehicle liability, casualty, 1579  
property, public liability, and fidelity bonding. The cost of 1580  
insurance coverage shall be paid from appropriations made to the 1581  
state agencies that the office has designated to receive the 1582  
coverage. 1583

(2) Provide coverage of legal expenses that are necessary 1584  
and related to the legal defense of claims against the state; 1585

(3) Purchase insurance policies consistent with sections 1586  
125.01 to 125.111 of the Revised Code, develop and administer 1587  
self-insurance programs, or do both; 1588

(4) Consolidate and combine state insurance coverages; 1589

(5) Provide technical services in risk management and 1590  
insurance to state agencies; 1591

(6) Adopt and publish, in accordance with section 111.15 1592  
of the Revised Code, necessary rules and procedures governing 1593  
the administration of the state's insurance and risk management 1594  
activities. 1595

(D) No state agency, except a state agency exempted under section 125.02 or 125.04 of the Revised Code from the department's purchasing authority, shall purchase any insurance described in this section except as authorized by the department, when the office of risk management determines that the purchase is in the best interest of the state pursuant to division (C)(1) of this section, and in accordance with terms, conditions, and procurement methods established by the department.

(E) With respect to any civil action, demand, or claim against the state that could be filed in the court of claims, nothing in sections 9.82 to 9.823 of the Revised Code shall be interpreted to permit the settlement or compromise of those civil actions, demands, or claims, except in the manner provided in Chapter 2743. of the Revised Code.

(F) The department of administrative services and the office of risk management, while acting pursuant to the responsibilities prescribed in sections 9.82 to 9.83 of the Revised Code, are performing a public duty, as defined in section 2743.01 of the Revised Code.

(G) The office of the attorney general or counsel appointed by the office of the attorney general, including any legal representatives thereof, shall provide and share communications and documents that are made for the purpose of seeking or providing legal advice or counsel in connection with actual or potential litigation, liability claims, contract disputes, risk management issues, and other matters involving the programs of the office of risk management with the office. All such communications and documents shared between the office, a state agency, and the office of the attorney general or

counsel appointed by the office of the attorney general, 1626  
including any legal representatives thereof, are privileged and 1627  
confidential. 1628

**Sec. 101.352.** If the joint committee on agency rule review 1629  
becomes aware that an agency subject to its jurisdiction is 1630  
relying upon a principle of law or policy that, under section 1631  
121.93 of the Revised Code, should have been supplanted by its 1632  
restatement in a rule, the chairperson of the joint committee 1633  
responsible for calling and conducting meetings under section 1634  
101.35 of the Revised Code, in that chairperson's sole 1635  
discretion, may request the agency to appear before the joint 1636  
committee to address why, notwithstanding section 121.93 of the 1637  
Revised Code, it is so relying. The request shall specify the 1638  
time and place at which a designee of the agency is to appear 1639  
before the joint committee to address, and to answer the joint 1640  
committee's questions concerning, the agency's reliance. The 1641  
date set for the appearance shall be not earlier than thirty 1642  
days after the joint committee transmits the request to the 1643  
agency. The joint committee shall transmit the request to the 1644  
agency electronically. The joint committee also shall publish 1645  
the request on its web site, as part of the relevant meeting 1646  
agenda, and shall indicate in conjunction with the published 1647  
request that any person is invited to appear before the joint 1648  
committee when the agency appears to offer and make comments to 1649  
the joint committee concerning the agency's reliance. 1650

Upon receiving the request, the agency shall designate a 1651  
suitable agency officer or employee to appear on behalf of the 1652  
agency before the joint committee as directed in the request. 1653  
The agency electronically shall notify the joint committee of 1654  
the name, title, telephone number, and electronic mail address 1655  
of the officer or employee who has been designated to appear 1656

before the joint committee in response to the request. 1657

Upon appearing before the joint committee, the agency's 1658  
designee shall address why the agency is relying upon a 1659  
principle of law or policy that, notwithstanding section 121.93 1660  
of the Revised Code, has not been supplanted by its restatement 1661  
in a rule. The members of the joint committee may question the 1662  
agency's designee concerning the agency's reliance. Any person 1663  
may offer and make comments to the joint committee concerning 1664  
the agency's reliance. 1665

After the appearance has concluded, the joint committee, 1666  
by vote of a majority of its members, in writing may recommend 1667  
to the agency that it supplant the principle of law or policy 1668  
that it is relying upon by its restatement in a rule. The joint 1669  
committee shall support its recommendation with a brief 1670  
rationale of why, under section 121.93 of the Revised Code, the 1671  
principle of law or policy should be supplanted by its 1672  
restatement in a rule. The joint committee shall transmit the 1673  
recommendation electronically to the agency. 1674

After receiving the recommendation from the joint 1675  
committee, the agency shall commence the rule-making process as 1676  
soon as it is reasonably feasible to do so, but not later than 1677  
the date that is ~~six~~ three months after the recommendation was 1678  
received. The principle of law or policy as it is restated in a 1679  
rule does not need to be wholly congruent with the supplanted 1680  
principle of law or policy. The agency lawfully may improve or 1681  
develop further the supplanted principle of law or policy as it 1682  
is restated in a rule. 1683

The agency may continue to rely upon the principle of law 1684  
or policy, but only while it is complying with the preceding 1685  
paragraph. The agency may not rely upon the principle of law or 1686

policy in advising with regard to or in determining the rights 1687  
or liabilities of a person if ~~the~~ any of the following apply: 1688

(A) The agency fails to commence the rule-making process 1689  
by the deadline specified in the preceding paragraph, ~~or if,~~ 1690  
~~after.~~ 1691

(B) After commencing the rule-making process, the agency 1692  
neglects or abandons the rule-making process before it is 1693  
completed. 1694

(C) The agency fails to file a rule recommended under this 1695  
section in final form within one year of receiving a written 1696  
recommendation from the joint committee in accordance with this 1697  
section. 1698

(D) After filing a proposed rule and rule summary and 1699  
fiscal analysis with the joint committee, the agency notifies 1700  
the joint committee of the agency's intention to file a revised 1701  
proposed rule as described in division (B) of section 106.02 of 1702  
the Revised Code. 1703

**Sec. 101.84.** (A) A sunset review committee shall be 1704  
convened during each general assembly. The committee shall be 1705  
composed of nine members. The president of the senate shall 1706  
appoint three members of the senate to the committee, not more 1707  
than two of whom shall be members of the same political party. 1708  
The speaker of the house of representatives shall appoint three 1709  
members of the house of representatives to the committee, not 1710  
more than two of whom shall be members of the same political 1711  
party. The governor, with the advice and consent of the senate, 1712  
shall appoint three members to the committee, not more than two 1713  
of whom shall be members of the same political party. Members 1714  
shall be appointed within forty-five days after the commencement 1715

of the first regular session of each general assembly. 1716

(B) Each member of the committee who is a member of the 1717  
general assembly shall serve for the duration of the committee, 1718  
or until that committee member no longer is a member of the 1719  
senate or the house of representatives. Each member of the 1720  
committee who is appointed by the governor shall serve for the 1721  
duration of the committee, but not later than the thirty-first 1722  
day of December in the second year of the general assembly. A 1723  
vacancy on the committee shall be filled in the same manner as 1724  
the original appointment. 1725

In the first year of the general assembly, the chairperson 1726  
of the committee shall be a member of the house of 1727  
representatives, and the vice-chairperson of the committee shall 1728  
be a member of the senate. In the second year of the general 1729  
assembly, the chairperson of the committee shall be a member of 1730  
the senate, and the vice-chairperson of the committee shall be a 1731  
member of the house of representatives. 1732

Members of the committee shall receive no compensation, 1733  
but shall be reimbursed for their necessary expenses incurred in 1734  
the performance of their official duties. 1735

(C) The committee shall meet not later than ~~thirty~~ninety 1736  
days after the first day of the first year of the general 1737  
assembly to choose a chairperson and to commence establishment 1738  
of the schedule for agency review provided for in section 101.85 1739  
of the Revised Code or perform other committee duties under 1740  
sections 101.82 to 101.87 of the Revised Code. Five members of 1741  
the committee constitute a quorum for the conduct of committee 1742  
business. 1743

(D) The sunset review committee, after having prepared and 1744

published a report of its findings and recommendations, and 1745  
furnished the report, as required under section 101.87 of the 1746  
Revised Code, ceases to exist for the remainder of the biennial 1747  
general assembly. 1748

**Sec. 102.02.** (A) (1) Except as otherwise provided in 1749  
division (H) of this section, all of the following shall file 1750  
with the appropriate ethics commission the disclosure statement 1751  
described in this division on a form prescribed by the 1752  
appropriate commission: every person who is elected to or is a 1753  
candidate for a state, county, or city office and every person 1754  
who is appointed to fill a vacancy for an unexpired term in such 1755  
an elective office; all members of the state board of education; 1756  
the director, assistant directors, deputy directors, division 1757  
chiefs, or persons of equivalent rank of any administrative 1758  
department of the state; the president or other chief 1759  
administrative officer of every state institution of higher 1760  
education as defined in section 3345.011 of the Revised Code; 1761  
the executive director and the members of the capitol square 1762  
review and advisory board appointed or employed pursuant to 1763  
section 105.41 of the Revised Code; all members of the Ohio 1764  
casino control commission, the executive director of the 1765  
commission, all professional employees of the commission, and 1766  
all technical employees of the commission who perform an 1767  
internal audit function; the individuals set forth in division 1768  
(B) (2) of section 187.03 of the Revised Code; the chief 1769  
executive officer and the members of the board of each state 1770  
retirement system; each employee of a state retirement board who 1771  
is a state retirement system investment officer licensed 1772  
pursuant to section 1707.163 of the Revised Code; the members of 1773  
the Ohio retirement study council appointed pursuant to division 1774  
(C) of section 171.01 of the Revised Code; employees of the Ohio 1775

retirement study council, other than employees who perform 1776  
purely administrative or clerical functions; the administrator 1777  
of workers' compensation and each member of the bureau of 1778  
workers' compensation board of directors; the bureau of workers' 1779  
compensation director of investments; the chief investment 1780  
officer of the bureau of workers' compensation; all members of 1781  
the board of commissioners on grievances and discipline of the 1782  
supreme court and the ethics commission created under section 1783  
102.05 of the Revised Code; every business manager, treasurer, 1784  
or superintendent of a city, local, exempted village, joint 1785  
vocational, or cooperative education school district or an 1786  
educational service center; every person who is elected to or is 1787  
a candidate for the office of member of a board of education of 1788  
a city, local, exempted village, joint vocational, or 1789  
cooperative education school district or of a governing board of 1790  
an educational service center that has a total student count of 1791  
twelve thousand or more as most recently determined by the 1792  
department of education and workforce pursuant to section 1793  
3317.03 of the Revised Code; every person who is appointed to 1794  
the board of education of a municipal school district pursuant 1795  
to division (B) or (F) of section 3311.71 of the Revised Code; 1796  
all members of the board of directors of a sanitary district 1797  
that is established under Chapter 6115. of the Revised Code and 1798  
organized wholly for the purpose of providing a water supply for 1799  
domestic, municipal, and public use, and that includes two 1800  
municipal corporations in two counties; every public official or 1801  
employee who is paid a salary or wage in accordance with 1802  
schedule C of section 124.15 or schedule E-2 of section 124.152 1803  
of the Revised Code; all members appointed to the Ohio livestock 1804  
care standards board under section 904.02 of the Revised Code; 1805  
~~all entrepreneurs in residence assigned by the LeanOhio office~~ 1806  
~~in the department of administrative services under section~~ 1807



~~125.65 of the Revised Code~~ and every other public official or 1808  
employee who is designated by the appropriate ethics commission 1809  
pursuant to division (B) of this section. 1810

(2) The disclosure statement shall include all of the 1811  
following: 1812

(a) The name of the person filing the statement and each 1813  
member of the person's immediate family and all names under 1814  
which the person or members of the person's immediate family do 1815  
business; 1816

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 1817  
this section and except as otherwise provided in section 102.022 1818  
of the Revised Code, identification of every source of income, 1819  
other than income from a legislative agent identified in 1820  
division (A) (2) (b) (ii) of this section, received during the 1821  
preceding calendar year, in the person's own name or by any 1822  
other person for the person's use or benefit, by the person 1823  
filing the statement, and a brief description of the nature of 1824  
the services for which the income was received. If the person 1825  
filing the statement is a member of the general assembly, the 1826  
statement shall identify the amount of every source of income 1827  
received in accordance with the following ranges of amounts: 1828  
zero or more, but less than one thousand dollars; one thousand 1829  
dollars or more, but less than ten thousand dollars; ten 1830  
thousand dollars or more, but less than twenty-five thousand 1831  
dollars; twenty-five thousand dollars or more, but less than 1832  
fifty thousand dollars; fifty thousand dollars or more, but less 1833  
than one hundred thousand dollars; and one hundred thousand 1834  
dollars or more. Division (A) (2) (b) (i) of this section shall not 1835  
be construed to require a person filing the statement who 1836  
derives income from a business or profession to disclose the 1837

individual items of income that constitute the gross income of 1838  
that business or profession, except for those individual items 1839  
of income that are attributable to the person's or, if the 1840  
income is shared with the person, the partner's, solicitation of 1841  
services or goods or performance, arrangement, or facilitation 1842  
of services or provision of goods on behalf of the business or 1843  
profession of clients, including corporate clients, who are 1844  
legislative agents. A person who files the statement under this 1845  
section shall disclose the identity of and the amount of income 1846  
received from a person who the public official or employee knows 1847  
or has reason to know is doing or seeking to do business of any 1848  
kind with the public official's or employee's agency. 1849

(ii) If the person filing the statement is a member of the 1850  
general assembly, the statement shall identify every source of 1851  
income and the amount of that income that was received from a 1852  
legislative agent during the preceding calendar year, in the 1853  
person's own name or by any other person for the person's use or 1854  
benefit, by the person filing the statement, and a brief 1855  
description of the nature of the services for which the income 1856  
was received. Division (A) (2) (b) (ii) of this section requires 1857  
the disclosure of clients of attorneys or persons licensed under 1858  
section 4732.12 of the Revised Code, or patients of persons 1859  
licensed under section 4731.14 of the Revised Code, if those 1860  
clients or patients are legislative agents. Division (A) (2) (b) 1861  
(ii) of this section requires a person filing the statement who 1862  
derives income from a business or profession to disclose those 1863  
individual items of income that constitute the gross income of 1864  
that business or profession that are received from legislative 1865  
agents. 1866

(iii) Except as otherwise provided in division (A) (2) (b) 1867  
(iii) of this section, division (A) (2) (b) (i) of this section 1868

applies to attorneys, physicians, and other persons who engage 1869  
in the practice of a profession and who, pursuant to a section 1870  
of the Revised Code, the common law of this state, a code of 1871  
ethics applicable to the profession, or otherwise, generally are 1872  
required not to reveal, disclose, or use confidences of clients, 1873  
patients, or other recipients of professional services except 1874  
under specified circumstances or generally are required to 1875  
maintain those types of confidences as privileged communications 1876  
except under specified circumstances. Division (A) (2) (b) (i) of 1877  
this section does not require an attorney, physician, or other 1878  
professional subject to a confidentiality requirement as 1879  
described in division (A) (2) (b) (iii) of this section to disclose 1880  
the name, other identity, or address of a client, patient, or 1881  
other recipient of professional services if the disclosure would 1882  
threaten the client, patient, or other recipient of professional 1883  
services, would reveal details of the subject matter for which 1884  
legal, medical, or professional advice or other services were 1885  
sought, or would reveal an otherwise privileged communication 1886  
involving the client, patient, or other recipient of 1887  
professional services. Division (A) (2) (b) (i) of this section 1888  
does not require an attorney, physician, or other professional 1889  
subject to a confidentiality requirement as described in 1890  
division (A) (2) (b) (iii) of this section to disclose in the brief 1891  
description of the nature of services required by division (A) 1892  
(2) (b) (i) of this section any information pertaining to specific 1893  
professional services rendered for a client, patient, or other 1894  
recipient of professional services that would reveal details of 1895  
the subject matter for which legal, medical, or professional 1896  
advice was sought or would reveal an otherwise privileged 1897  
communication involving the client, patient, or other recipient 1898  
of professional services. 1899

(c) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A) (2) (c) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(d) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

(e) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A) (2) (e) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions and any deputy superintendent of banks shall disclose the names of all state-

chartered banks and all bank subsidiary corporations subject to 1931  
regulation under section 1109.44 of the Revised Code to whom the 1932  
superintendent or deputy superintendent owes any money. 1933

(f) The names of all persons residing or transacting 1934  
business in the state, other than a depository excluded under 1935  
division (A) (2) (c) of this section, who owe more than one 1936  
thousand dollars to the person filing the statement, either in 1937  
the person's own name or to any person for the person's use or 1938  
benefit. Division (A) (2) (f) of this section shall not be 1939  
construed to require the disclosure of clients of attorneys or 1940  
persons licensed under section 4732.12 of the Revised Code, or 1941  
patients of persons licensed under section 4731.14 of the 1942  
Revised Code, nor the disclosure of debts owed to the person 1943  
resulting from the ordinary conduct of a business or profession. 1944

(g) Except as otherwise provided in section 102.022 of the 1945  
Revised Code, the source of each gift of over seventy-five 1946  
dollars, or of each gift of over twenty-five dollars received by 1947  
a member of the general assembly from a legislative agent, 1948  
received by the person in the person's own name or by any other 1949  
person for the person's use or benefit during the preceding 1950  
calendar year, except gifts received by will or by virtue of 1951  
section 2105.06 of the Revised Code, or received from spouses, 1952  
parents, grandparents, children, grandchildren, siblings, 1953  
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1954  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 1955  
or any person to whom the person filing the statement stands in 1956  
loco parentis, or received by way of distribution from any inter 1957  
vivos or testamentary trust established by a spouse or by an 1958  
ancestor; 1959

(h) Except as otherwise provided in section 102.022 of the 1960

Revised Code, identification of the source and amount of every 1961  
payment of expenses incurred for travel to destinations inside 1962  
or outside this state that is received by the person in the 1963  
person's own name or by any other person for the person's use or 1964  
benefit and that is incurred in connection with the person's 1965  
official duties, except for expenses for travel to meetings or 1966  
conventions of a national or state organization to which any 1967  
state agency, including, but not limited to, any legislative 1968  
agency or state institution of higher education as defined in 1969  
section 3345.011 of the Revised Code, pays membership dues, or 1970  
any political subdivision or any office or agency of a political 1971  
subdivision pays membership dues; 1972

(i) Except as otherwise provided in section 102.022 of the 1973  
Revised Code, identification of the source of payment of 1974  
expenses for meals and other food and beverages, other than for 1975  
meals and other food and beverages provided at a meeting at 1976  
which the person participated in a panel, seminar, or speaking 1977  
engagement or at a meeting or convention of a national or state 1978  
organization to which any state agency, including, but not 1979  
limited to, any legislative agency or state institution of 1980  
higher education as defined in section 3345.011 of the Revised 1981  
Code, pays membership dues, or any political subdivision or any 1982  
office or agency of a political subdivision pays membership 1983  
dues, that are incurred in connection with the person's official 1984  
duties and that exceed one hundred dollars aggregated per 1985  
calendar year; 1986

(j) If the disclosure statement is filed by a public 1987  
official or employee described in division (B)(2) of section 1988  
101.73 of the Revised Code or division (B)(2) of section 121.63 1989  
of the Revised Code who receives a statement from a legislative 1990  
agent, executive agency lobbyist, or employer that contains the 1991

information described in division (F) (2) of section 101.73 of 1992  
the Revised Code or division (G) (2) of section 121.63 of the 1993  
Revised Code, all of the nondisputed information contained in 1994  
the statement delivered to that public official or employee by 1995  
the legislative agent, executive agency lobbyist, or employer 1996  
under division (F) (2) of section 101.73 or (G) (2) of section 1997  
121.63 of the Revised Code. 1998

(3) A person may file a statement required by this section 1999  
in person, by mail, or by electronic means. 2000

(4) A person who is required to file a statement under 2001  
this section shall file that statement according to the 2002  
following deadlines, as applicable: 2003

(a) Except as otherwise provided in divisions (A) (4) (b), 2004  
(c), and (d) of this section, the person shall file the 2005  
statement not later than the fifteenth day of May of each year. 2006

(b) A person who is a candidate for elective office shall 2007  
file the statement no later than the thirtieth day before the 2008  
primary, special, or general election at which the candidacy is 2009  
to be voted on, whichever election occurs soonest, except that a 2010  
person who is a write-in candidate shall file the statement no 2011  
later than the twentieth day before the earliest election at 2012  
which the person's candidacy is to be voted on. 2013

(c) A person who is appointed to fill a vacancy for an 2014  
unexpired term in an elective office shall file the statement 2015  
within fifteen days after the person qualifies for office. 2016

(d) A person who is appointed or employed after the 2017  
fifteenth day of May, other than a person described in division 2018  
(A) (4) (c) of this section, shall file an annual statement within 2019  
ninety days after appointment or employment. 2020

(5) No person shall be required to file with the 2021  
appropriate ethics commission more than one statement or pay 2022  
more than one filing fee for any one calendar year. 2023

(6) The appropriate ethics commission, for good cause, may 2024  
extend for a reasonable time the deadline for filing a statement 2025  
under this section. 2026

(7) A statement filed under this section is subject to 2027  
public inspection at locations designated by the appropriate 2028  
ethics commission except as otherwise provided in this section. 2029

(B) The Ohio ethics commission, the joint legislative 2030  
ethics committee, and the board of commissioners on grievances 2031  
and discipline of the supreme court, using the rule-making 2032  
procedures of Chapter 119. of the Revised Code, may require any 2033  
class of public officials or employees under its jurisdiction 2034  
and not specifically excluded by this section whose positions 2035  
involve a substantial and material exercise of administrative 2036  
discretion in the formulation of public policy, expenditure of 2037  
public funds, enforcement of laws and rules of the state or a 2038  
county or city, or the execution of other public trusts, to file 2039  
an annual statement under division (A) of this section. The 2040  
appropriate ethics commission shall send the public officials or 2041  
employees written notice of the requirement not less than thirty 2042  
days before the applicable filing deadline unless the public 2043  
official or employee is appointed after that date, in which case 2044  
the notice shall be sent within thirty days after appointment, 2045  
and the filing shall be made not later than ninety days after 2046  
appointment. 2047

Disclosure statements filed under this division with the 2048  
Ohio ethics commission by members of boards, commissions, or 2049  
bureaus of the state for which no compensation is received other 2050



than reasonable and necessary expenses shall be kept 2051  
confidential. Disclosure statements filed with the Ohio ethics 2052  
commission under division (A) of this section by business 2053  
managers, treasurers, and superintendents of city, local, 2054  
exempted village, joint vocational, or cooperative education 2055  
school districts or educational service centers shall be kept 2056  
confidential, except that any person conducting an audit of any 2057  
such school district or educational service center pursuant to 2058  
Chapter 117. of the Revised Code may examine the disclosure 2059  
statement of any business manager, treasurer, or superintendent 2060  
of that school district or educational service center. 2061  
Disclosure statements filed with the Ohio ethics commission 2062  
under division (A) of this section by the individuals set forth 2063  
in division (B) (2) of section 187.03 of the Revised Code shall 2064  
be kept confidential. The Ohio ethics commission shall examine 2065  
each disclosure statement required to be kept confidential to 2066  
determine whether a potential conflict of interest exists for 2067  
the person who filed the disclosure statement. A potential 2068  
conflict of interest exists if the private interests of the 2069  
person, as indicated by the person's disclosure statement, might 2070  
interfere with the public interests the person is required to 2071  
serve in the exercise of the person's authority and duties in 2072  
the person's office or position of employment. If the commission 2073  
determines that a potential conflict of interest exists, it 2074  
shall notify the person who filed the disclosure statement and 2075  
shall make the portions of the disclosure statement that 2076  
indicate a potential conflict of interest subject to public 2077  
inspection in the same manner as is provided for other 2078  
disclosure statements. Any portion of the disclosure statement 2079  
that the commission determines does not indicate a potential 2080  
conflict of interest shall be kept confidential by the 2081  
commission and shall not be made subject to public inspection, 2082

except as is necessary for the enforcement of Chapters 102. and 2083  
2921. of the Revised Code and except as otherwise provided in 2084  
this division. 2085

(C) No person shall knowingly fail to file, on or before 2086  
the applicable filing deadline established under this section, a 2087  
statement that is required by this section. 2088

(D) No person shall knowingly file a false statement that 2089  
is required to be filed under this section. 2090

(E) (1) Except as provided in divisions (E) (2) and (3) of 2091  
this section, the statement required by division (A) or (B) of 2092  
this section shall be accompanied by a filing fee of sixty 2093  
dollars. 2094

(2) The statement required by division (A) of this section 2095  
shall be accompanied by the following filing fee to be paid by 2096  
the person who is elected or appointed to, or is a candidate 2097  
for, any of the following offices: 2098

2099

1

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A	For state office, <del>except member of the state board of education</del>	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35
E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted	\$30

village, or cooperative education board of education  
or educational service center governing board

G For position of business manager, treasurer, or \$30  
superintendent of a city, local, exempted village,  
joint vocational, or cooperative education school  
district or educational service center

(3) No judge of a court of record or candidate for judge 2100  
of a court of record, and no referee or magistrate serving a 2101  
court of record, shall be required to pay the fee required under 2102  
division (E) (1) or (2) or (F) of this section. 2103

(4) For any public official who is appointed to a 2104  
nonelective office of the state and for any employee who holds a 2105  
nonelective position in a public agency of the state, the state 2106  
agency that is the primary employer of the state official or 2107  
employee shall pay the fee required under division (E) (1) or (F) 2108  
of this section. 2109

(F) If a statement required to be filed under this section 2110  
is not filed by the date on which it is required to be filed, 2111  
the appropriate ethics commission shall assess the person 2112  
required to file the statement a late filing fee of ten dollars 2113  
for each day the statement is not filed, except that the total 2114  
amount of the late filing fee shall not exceed two hundred fifty 2115  
dollars. 2116

(G) (1) The appropriate ethics commission other than the 2117  
Ohio ethics commission and the joint legislative ethics 2118  
committee shall deposit all fees it receives under divisions (E) 2119  
and (F) of this section into the general revenue fund of the 2120  
state. 2121

(2) The Ohio ethics commission shall deposit all receipts, 2122  
including, but not limited to, fees it receives under divisions 2123  
(E) and (F) of this section, investigative or other fees, costs, 2124  
or other funds it receives as a result of court orders, and all 2125  
moneys it receives from settlements under division (G) of 2126  
section 102.06 of the Revised Code, into the Ohio ethics 2127  
commission fund, which is hereby created in the state treasury. 2128  
All moneys credited to the fund shall be used solely for 2129  
expenses related to the operation and statutory functions of the 2130  
commission. 2131

(3) The joint legislative ethics committee shall deposit 2132  
all receipts it receives from the payment of financial 2133  
disclosure statement filing fees under divisions (E) and (F) of 2134  
this section into the joint legislative ethics committee 2135  
investigative and financial disclosure fund. 2136

(H) Division (A) of this section does not apply to a 2137  
person elected or appointed to the office of precinct, ward, or 2138  
district committee member under Chapter 3517. of the Revised 2139  
Code; a presidential elector; a delegate to a national 2140  
convention; village or township officials and employees; any 2141  
physician or psychiatrist who is paid a salary or wage in 2142  
accordance with schedule C of section 124.15 or schedule E-2 of 2143  
section 124.152 of the Revised Code and whose primary duties do 2144  
not require the exercise of administrative discretion; or any 2145  
member of a board, commission, or bureau of any county or city 2146  
who receives less than one thousand dollars per year for serving 2147  
in that position. 2148

**Sec. 103.41.** (A) As used in sections 103.41 to ~~103.415~~ 2149  
103.417 of the Revised Code: 2150

(1) "JMOC" means the joint medicaid oversight committee 2151

created under this section. 2152

(2) "State and local government medicaid agency" means all 2153  
of the following: 2154

(a) The department of medicaid; 2155

(b) Each state agency and political subdivision with which 2156  
the department of medicaid contracts under section 5162.35 of 2157  
the Revised Code to have the state agency or political 2158  
subdivision administer one or more components of the medicaid 2159  
program, or one or more aspects of a component, under the 2160  
department's supervision; 2161

(c) Each agency of a political subdivision that is 2162  
responsible for administering one or more components of the 2163  
medicaid program, or one or more aspects of a component, under 2164  
the supervision of the department or a state agency or political 2165  
subdivision described in division (A) (2) (b) of this section. 2166

(B) There is hereby created the joint medicaid oversight 2167  
committee. JMOC shall consist of the following members: 2168

(1) Five members of the senate appointed by the president 2169  
of the senate, three of whom are members of the majority party 2170  
and two of whom are members of the minority party; 2171

(2) Five members of the house of representatives appointed 2172  
by the speaker of the house of representatives, three of whom 2173  
are members of the majority party and two of whom are members of 2174  
the minority party. 2175

(C) The term of each JMOC member shall begin on the day of 2176  
appointment to JMOC and end on the last day that the member 2177  
serves in the house (in the case of a member appointed by the 2178  
speaker) or senate (in the case of a member appointed by the 2179

president) during the general assembly for which the member is 2180  
appointed to JMOC. The president and speaker shall make the 2181  
initial appointments not later than fifteen days after March 20, 2182  
2014. However, if this section takes effect before January 1, 2183  
2014, the president and speaker shall make the initial 2184  
appointments during the period beginning January 1, 2014, and 2185  
ending January 15, 2014. The president and speaker shall make 2186  
subsequent appointments not later than fifteen days after the 2187  
commencement of the first regular session of each general 2188  
assembly. JMOC members may be reappointed. A vacancy on JMOC 2189  
shall be filled in the same manner as the original appointment. 2190

(D) In odd-numbered years, the speaker shall designate one 2191  
of the majority members from the house as the JMOC chairperson, 2192  
the president shall designate one of the majority members from 2193  
the senate as the JMOC vice-chairperson, and the president shall 2194  
designate one of the minority members from the senate as the 2195  
JMOC ranking minority member. In even-numbered years, the 2196  
president shall designate one of the majority members from the 2197  
senate as the JMOC chairperson, the speaker shall designate one 2198  
of the majority members from the house as the JMOC vice- 2199  
chairperson, and the speaker shall designate one of the minority 2200  
members from the house as the JMOC ranking minority member. 2201

(E) In appointing members from the minority, and in 2202  
designating ranking minority members, the president and speaker 2203  
shall consult with the minority leader of their respective 2204  
houses. 2205

(F) JMOC shall meet at the call of the JMOC chairperson. 2206  
The chairperson shall call JMOC to meet not less often than once 2207  
each calendar month, unless the chairperson and ranking minority 2208  
member agree that the chairperson should not call JMOC to meet 2209

for a particular month. 2210

(G) Notwithstanding section 101.26 of the Revised Code, 2211  
the members, when engaged in their duties as members of JMOC on 2212  
days when there is not a voting session of the member's house of 2213  
the general assembly, shall be paid at the per diem rate of one 2214  
hundred fifty dollars, and their necessary traveling expenses, 2215  
which shall be paid from the funds appropriated for the payment 2216  
of expenses of legislative committees. 2217

(H) The JMOC chairperson may, subject to approval by the 2218  
speaker of the house of representatives or the speaker's 2219  
designee and the president of the senate or the president's 2220  
designee, employ professional, technical, and clerical employees 2221  
as are necessary for JMOC to be able successfully and 2222  
efficiently to perform its duties. All such employees are in the 2223  
unclassified service and may be terminated by the chairperson, 2224  
subject to approval of the speaker or the speaker's designee and 2225  
president or the president's designee. JMOC may contract for the 2226  
services of persons who are qualified by education and 2227  
experience to advise, consult with, or otherwise assist JMOC in 2228  
the performance of its duties. 2229

(I) The JMOC chairperson, when authorized by JMOC and the 2230  
president and speaker, may issue subpoenas and subpoenas duces 2231  
tecum in aid of JMOC's performance of its duties. A subpoena may 2232  
require a witness in any part of the state to appear before JMOC 2233  
at a time and place designated in the subpoena to testify. A 2234  
subpoena duces tecum may require witnesses or other persons in 2235  
any part of the state to produce books, papers, records, and 2236  
other tangible evidence before JMOC at a time and place 2237  
designated in the subpoena duces tecum. A subpoena or subpoena 2238  
duces tecum shall be issued, served, and returned, and has 2239

consequences, as specified in sections 101.41 to 101.45 of the Revised Code. 2240  
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(J) The JMOC chairperson may administer oaths to witnesses appearing before JMOC. 2242  
2243

**Sec. 103.414.** (A) Before the beginning of each fiscal biennium, JMOC shall contract with an actuary to determine the projected medical inflation rate for the upcoming fiscal biennium. The contract shall require the actuary to make the determination using the same types of classifications and sub-classifications of medical care that the United States bureau of labor statistics uses in determining the inflation rate for medical care in the consumer price index. The contract also shall require the actuary to provide JMOC a report with its determination at least one hundred twenty days before the governor is required to submit a state budget for the fiscal biennium to the general assembly under section 107.03 of the Revised Code. 2244  
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(B) On receipt of the actuary's report, JMOC shall determine whether it agrees with the actuary's projected medical inflation rate. If JMOC disagrees with the actuary's projected medical inflation rate, JMOC shall determine a different projected medical inflation rate for the upcoming fiscal biennium. 2257  
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(C) The actuary and, if JMOC determines a different projected medical inflation rate, JMOC shall determine the projected medical inflation rate for the state unless that is not practicable in which case the determination shall be made for the midwest region. 2263  
2264  
2265  
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2267

(D) Regardless of whether it agrees with the actuary's 2268



projected medical inflation rate or determines a different 2269  
projected medical inflation rate, JMOC shall complete a report 2270  
regarding the projected medical inflation rate. JMOC shall 2271  
include a copy of the actuary's report in JMOC's report. JMOC's 2272  
report shall state whether JMOC agrees with the actuary's 2273  
projected medical inflation rate and, if JMOC disagrees, the 2274  
reason why JMOC disagrees and the different medical inflation 2275  
rate JMOC determined. At least ninety days before the governor 2276  
is required to submit a state budget for the upcoming fiscal 2277  
biennium to the general assembly under section 107.03 of the 2278  
Revised Code, JMOC shall submit a copy of the report to the 2279  
general assembly in accordance with section 101.68 of the 2280  
Revised Code and to the governor and medicaid director. 2281

(E) To assist JMOC and the actuary in determining the 2282  
projected medical inflation rate for a fiscal biennium, the 2283  
medicaid director shall do both of the following: 2284

(1) Not later than a deadline established by the JMOC 2285  
executive director, enter into a data sharing agreement drafted 2286  
by JMOC. The parties to the data sharing agreement shall be the 2287  
JMOC executive director, the actuary for JMOC, and the medicaid 2288  
director. 2289

(2) Make the staff of the department of medicaid and any 2290  
contracted actuaries of the department readily available to JMOC 2291  
and the JMOC contracted actuary. 2292

(F) The medicaid director shall provide any information 2293  
requested by JMOC, JMOC's executive director, or JMOC's actuary 2294  
in a timely manner and in accordance with any deadlines 2295  
established by JMOC's executive director or JMOC's actuary. As 2296  
the body receiving oversight, the department of medicaid shall 2297  
play the same role as an auditee when being audited by the 2298

auditor of state, including providing requested information 2299  
quickly, in a timely manner, and by the deadline set by JMOC. 2300  
The medicaid director, employees of the department, and any 2301  
contractors under contract with the department shall not hinder, 2302  
obstruct, or interfere with JMOC, JMOC's executive director, or 2303  
JMOC's actuary in determining the projected medical inflation 2304  
rate for a fiscal biennium. 2305

**Sec. 103.416.** (A) Not later than October 1, 2025, and to 2306  
assist JMOC with fulfilling the duties described in section 2307  
103.412 of the Revised Code, the department of medicaid, the 2308  
department of job and family services, and county departments of 2309  
job and family services shall provide the JMOC executive 2310  
director and the staff of JMOC, to the extent permitted by 2311  
federal law, with access to view all of the information and 2312  
systems used for determining eligibility for public assistance 2313  
benefits, as well as for billing, payments, and tracking for 2314  
providers, including all of the following: 2315

- (1) The Ohio integrated eligibility system; 2316
- (2) The support enforcement tracking system; 2317
- (3) The systematic alien verification for entitlements 2318  
system; 2319
- (4) The electronic document management system; 2320
- (5) The content manager; 2321
- (6) The compass pilot; 2322
- (7) The income and eligibility verification system; 2323
- (8) The medicaid information technology system; 2324
- (9) The Ohio medicaid enterprise system; 2325

<u>(10) The fiscal intermediary;</u>	2326
<u>(11) The single state pharmacy benefit manager;</u>	2327
<u>(12) The provider network management module;</u>	2328
<u>(13) The electronic data interchange;</u>	2329
<u>(14) The business intelligence reporting system;</u>	2330
<u>(15) The work number;</u>	2331
<u>(16) Columbia gas;</u>	2332
<u>(17) Self-service reports.</u>	2333
<u>(B) When accessing the information and systems described</u>	2334
<u>in division (A) of this section, the JMOC executive director and</u>	2335
<u>staff of JMOC shall adhere to the confidentiality standards that</u>	2336
<u>employees of the department of medicaid, department of job and</u>	2337
<u>family services, and county departments of job and family</u>	2338
<u>services are required to adhere to when accessing the same</u>	2339
<u>information and systems. The department of medicaid, department</u>	2340
<u>of job and family services, and county departments of job and</u>	2341
<u>family services shall provide systems training to the JMOC</u>	2342
<u>executive director and the staff of JMOC to ensure proper</u>	2343
<u>understanding and interpretation of information viewed.</u>	2344
<b><u>Sec. 103.417.</u></b> (A) <u>The department of medicaid shall</u>	2345
<u>periodically provide information files to the JMOC contracted</u>	2346
<u>actuary in accordance with the requirements of this section.</u>	2347
<u>Beginning October 1, 2025, and every six months thereafter, the</u>	2348
<u>department shall provide the contracted actuary with all of the</u>	2349
<u>following information:</u>	2350
<u>(1) Recipient vendor files;</u>	2351
<u>(2) Recipient liability files;</u>	2352

<u>(3) Recipient eligibility files;</u>	2353
<u>(4) Provider files;</u>	2354
<u>(5) Claims files;</u>	2355
<u>(6) Capitation files;</u>	2356
<u>(7) Reference files;</u>	2357
<u>(8) Any additional files that may be added to the</u>	2358
<u>department's vendor data extract submissions in the future and</u>	2359
<u>any other files that JMOC requires the department to share with</u>	2360
<u>the contracted actuary.</u>	2361
<u>(B) (1) Files provided by the department to the contracted</u>	2362
<u>actuary shall include all relevant information for the six-month</u>	2363
<u>period immediately preceding the date of submission. A single</u>	2364
<u>file shall be provided for each of the file types described in</u>	2365
<u>division (A) of this section. The file types shall be submitted</u>	2366
<u>to the contracted actuary in a manner that current submissions</u>	2367
<u>may be appended to previous submissions or, when applicable,</u>	2368
<u>shall contain a restatement of previous information along with</u>	2369
<u>updated and more recent information.</u>	2370
<u>(2) When providing information files to the contracted</u>	2371
<u>actuary, the department shall ensure that all information</u>	2372
<u>necessary to perform last-in-chain, reversals, and claim</u>	2373
<u>adjustments are included for each submission. The information</u>	2374
<u>shall be provided in a manner that allows the actuary to</u>	2375
<u>identify all final iterations of paid claims.</u>	2376
<u>(C) In addition to the file information submitted under</u>	2377
<u>division (B) of this section, the department shall provide the</u>	2378
<u>contracted actuary with information regarding control totals for</u>	2379
<u>each information file submitted. The control totals shall</u>	2380

include record count and payment information to ensure that 2381  
information files are fully submitted to the contracted actuary. 2382

**Sec. 103.71.** (A) As used in this section: 2383

"Local public entity," "out-of-state prisoner," and 2384  
"private contractor" have the same meanings as in section 9.07 2385  
of the Revised Code. 2386

"Private correctional facility" means a correctional 2387  
facility in this state that houses out-of-state prisoners and 2388  
that is operated by a private contractor under a contract with a 2389  
local public entity pursuant to section 9.07 of the Revised 2390  
Code. 2391

(B) There is hereby created a correctional institution 2392  
inspection committee as a subcommittee of the legislative 2393  
service commission. The committee shall consist of eight 2394  
persons, four of whom shall be members of the senate appointed 2395  
by the president of the senate, not more than two of whom shall 2396  
be members of the same political party, and four of whom shall 2397  
be members of the house of representatives appointed by the 2398  
speaker of the house of representatives, not more than two of 2399  
whom shall be members of the same political party. Initial 2400  
appointments to the committee shall be made within fifteen days 2401  
after July 1, 1993, and in the manner prescribed in this 2402  
section. Thereafter, appointments to the committee shall be made 2403  
within forty-five days after the commencement of the first 2404  
regular session of the general assembly and in the manner 2405  
prescribed in this section. A vacancy on the committee shall be 2406  
filled for the unexpired term in the same manner as the original 2407  
appointment. Members of the committee shall serve on the 2408  
committee until the appointments are made in the first regular 2409  
session of the following general assembly, unless they cease to 2410

be members of the general assembly. 2411

(C) Within sixty days after the commencement of the first 2412  
regular session of the general assembly, the correctional 2413  
institution inspection committee, by a vote of a majority of 2414  
members, shall select from its membership a chairperson, vice- 2415  
chairperson, and a secretary. A member of the senate shall be 2416  
the chairperson, and a member of the house of representatives 2417  
shall be the vice-chairperson, during the first regular session 2418  
of a general assembly. A member of the house of representatives 2419  
shall be the chairperson during the second regular session of 2420  
the general assembly and a member of the senate shall be the 2421  
vice-chairperson. 2422

(D) The members of the committee shall serve without 2423  
compensation but shall be reimbursed for their actual and 2424  
necessary expenses incurred in the discharge of their official 2425  
duties. 2426

(E) The correctional institution inspection committee 2427  
shall do all of the following: 2428

(1) Subject to division (G) of this section, establish and 2429  
maintain a continuing program of inspection of each state 2430  
correctional institution used for the custody, control, 2431  
training, and rehabilitation of persons convicted of crime and 2432  
of each private correctional facility. Subject to division (G) 2433  
of this section, the committee may inspect any local 2434  
correctional institution used for the same purposes. Subject to 2435  
division (G) of this section, the committee, and each member of 2436  
the committee, for the purpose of making an inspection pursuant 2437  
to this section, shall have access to any state or local 2438  
correctional institution, to any private correctional facility, 2439  
or to any part of the institution or facility and shall not be 2440

required to give advance notice of, or to make prior 2441  
arrangements before conducting, an inspection. 2442

(2) Evaluate and assist in the development of programs to 2443  
improve the condition or operation of correctional institutions; 2444

(3) Prepare a report for submission to the succeeding 2445  
general assembly of the findings the committee makes in its 2446  
inspections and of any programs that have been proposed or 2447  
developed to improve the condition or operation of the 2448  
correctional institutions in the state. The report shall contain 2449  
a separate evaluation of the inmate grievance procedure at each 2450  
state correctional institution. The committee shall submit the 2451  
report to the succeeding general assembly within fifteen days 2452  
after commencement of that general assembly's first regular 2453  
session. 2454

(F) Subject to division (G) of this section, the committee 2455  
shall make an inspection of each state correctional institution 2456  
each biennium and of each private correctional facility each 2457  
biennium. The inspection shall include attendance at one general 2458  
meal period and one rehabilitative or educational program. 2459

(G) An inspection of a state correctional institution, a 2460  
private correctional facility, or a local correctional 2461  
institution under division (E) or (F) of this section or under 2462  
section 103.74 of the Revised Code, or an inspection under 2463  
section 103.76 of the Revised Code, is subject to and shall be 2464  
conducted in accordance with all of the following: 2465

(1) The inspection shall not be conducted unless the 2466  
chairperson of the committee grants prior approval for the 2467  
inspection. 2468

(2) The inspection shall be conducted by at least one 2469

staff member of the committee and may include one or more of the 2470  
members appointed to the committee. 2471

(3) Unless the chairperson of the committee determines 2472  
that the inspection must be conducted outside of normal business 2473  
hours for any reason, including emergency circumstances or a 2474  
justifiable cause that perpetuates the mission of the committee, 2475  
and the chairperson specifies in the grant of prior approval for 2476  
the inspection that the chairperson has so determined, the 2477  
inspection shall be conducted only during normal business hours. 2478  
If the chairperson determines that the inspection must be 2479  
conducted outside of normal business hours and the chairperson 2480  
specifies in the grant of prior approval for the inspection that 2481  
the chairperson has so determined, the inspection may be 2482  
conducted outside of normal business hours. 2483

**Sec. 103.76.** Subject to division ~~(C)~~(G) of section ~~103.73~~— 2484  
103.71 of the Revised Code, the correctional institution 2485  
inspection committee may make an inspection of any youth 2486  
services facility at such times as it determines. 2487

**Sec. 103.77.** Subject to division ~~(C)~~(G) of section ~~103.73~~— 2488  
103.71 of the Revised Code, the correctional institution 2489  
inspection committee, and each member of the committee, for the 2490  
purpose of making inspections of youth services facilities shall 2491  
have access to any youth services facility, or to any part of 2492  
that facility and shall not be required to give advance notice 2493  
of, or to make prior arrangements before conducting, an 2494  
inspection. 2495

**Sec. 103.78.** The correctional institution inspection 2496  
committee may do the following: 2497

(A) Subject to division ~~(C)~~(G) of section ~~103.73~~—103.71 of 2498



the Revised Code, establish and maintain a continuing program of 2499  
inspection of youth services facilities; 2500

(B) Evaluate and assist in the development of programs to 2501  
improve the condition or operation of youth services 2502  
facilities. 2503

**Sec. 107.12.** (A) As used in this section, "organization" 2504  
means a faith-based or other organization that is exempt from 2505  
federal income taxation under section 501(c)(3) of the "Internal 2506  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 2507  
and provides charitable services to needy residents of this 2508  
state. 2509

(B) There is hereby established within the office of the 2510  
governor the governor's office of faith-based and community 2511  
initiatives. The office shall: 2512

(1) Serve as a clearinghouse of information on federal, 2513  
state, and local funding for charitable services performed by 2514  
organizations; 2515

(2) Encourage organizations to seek public funding for 2516  
their charitable services; 2517

(3) Assist local, state, and federal agencies in 2518  
coordinating their activities to secure maximum use of funds and 2519  
efforts that benefit people receiving charitable services from 2520  
organizations; 2521

(4) Advise the governor, general assembly, and the 2522  
advisory board of the governor's office of faith-based and 2523  
community initiatives on the barriers that exist to 2524  
collaboration between organizations and governmental entities 2525  
and on ways to remove the barriers. 2526

(C) The governor shall appoint an executive director and 2527  
such other staff as may be necessary to manage the office and 2528  
perform or oversee the performance of the duties of the office. 2529  
Within sixty days after being appointed, and every twelve months 2530  
thereafter, the executive director shall distribute to the 2531  
advisory board and review with the board a strategic plan. The 2532  
executive director shall report to the board at least quarterly 2533  
on proposed initiatives and policies. A report shall include the 2534  
condition of the budget and the finances of the office. 2535

(D) (1) There is hereby created the advisory board of the 2536  
governor's office of faith-based and community initiatives. The 2537  
board shall consist of the following members: 2538

(a) Four individuals appointed by the governor; 2539

(b) One member of the house of representatives appointed 2540  
by the speaker of the house of representatives; 2541

(c) One member of the senate appointed by the president of 2542  
the senate; 2543

(d) Two individuals to represent the faith-based and other 2544  
nonprofit community, one appointed by the speaker of the house 2545  
of representatives, and one appointed by the president of the 2546  
senate. 2547

(2) Members of the house of representatives and of the 2548  
senate who are appointed to serve on the advisory board shall 2549  
serve on the board for the duration of the general assembly 2550  
during which they were appointed. Terms of the office for all 2551  
other members of the advisory board shall be one year. Any 2552  
vacancy that occurs on the board shall be filled in the same 2553  
manner as the original appointment. 2554

(3) Members of the board are not entitled to compensation, 2555

but public members appointed by the governor, the speaker of the  
house of representatives, and the president of the senate shall  
be reimbursed for their actual and necessary expenses that are  
incurred in relation to board meetings.

(4) The board shall be presided over by a chairperson and  
a vice-chairperson, who shall be the members of the board who  
are also members of the house of representatives or the senate.  
Annually on the first day of January, the chairpersonship and  
vice-chairpersonship shall alternate between the members of the  
house of representatives and the senate. The member of the  
senate shall be the chairperson during the first regular session  
of a general assembly and the member of the house of  
representatives shall be the chairperson during the second  
regular session of the general assembly.

(E) The board shall have the following duties:

(1) Provide direction, guidance, and oversight to the  
office;

(2) Assist in the dissemination of information about, and  
in the stimulation of public awareness of, the service programs  
supported by the office;

(3) Review the budget and finances of the office, proposed  
initiatives and policies, and the executive director's annual  
strategic plan at board meetings;

(4) Provide feedback for and proposed modifications of the  
executive director's strategic plan. Within forty-five days  
after submitting a strategic plan, the executive director shall  
contact each advisory board member to obtain feedback. With the  
approval of the advisory board chairperson, the executive  
director shall lead a strategic plan discussion at the first

board meeting following the distribution of the strategic plan. 2585

(5) Publish a report of its activities and accomplishments 2586  
on or before the first day of August of each year, and deliver 2587  
copies of the report to the governor, the speaker and minority 2588  
leader of the house of representatives, and the president and 2589  
minority leader of the senate. 2590

(F) No member of the board or organization that the member 2591  
is affiliated or involved with is eligible to receive any grant 2592  
that the office administers or assists in administering. 2593

Sec. 109.39. (A) The attorney general may appoint a 2594  
special prosecutor for the purpose of prosecuting offenses 2595  
committed in facilities operated by the department of 2596  
rehabilitation and correction. 2597

(B) Notwithstanding any provision of the Revised Code to 2598  
the contrary pertaining to prosecutorial authority, if a 2599  
criminal offense occurs within a facility operated by the 2600  
department of rehabilitation and correction and the attorney 2601  
general has appointed a special prosecutor under division (A) of 2602  
this section, the special prosecutor may proceed with the 2603  
prosecution of the violation with all of the rights, privileges, 2604  
and powers conferred by law on a prosecuting attorney, including 2605  
the power to appear before a grand jury and to interrogate 2606  
witnesses before a grand jury. 2607

**Sec. 109.73. (A) The Ohio peace officer training 2608  
commission shall recommend rules to the attorney general with 2609  
respect to all of the following: 2610**

(1) The approval, or revocation of approval, of peace 2611  
officer training schools administered by the state, counties, 2612  
municipal corporations, public school districts, technical 2613

college districts, and the department of natural resources; 2614

(2) Minimum courses of study, attendance requirements, and 2615  
equipment and facilities to be required at approved state, 2616  
county, municipal, and department of natural resources peace 2617  
officer training schools; 2618

(3) Minimum qualifications for instructors at approved 2619  
state, county, municipal, and department of natural resources 2620  
peace officer training schools; 2621

(4) The requirements of minimum basic training that peace 2622  
officers appointed to probationary terms shall complete before 2623  
being eligible for permanent appointment, which requirements 2624  
shall include training in the handling of the offense of 2625  
domestic violence, other types of domestic violence-related 2626  
offenses and incidents, and protection orders and consent 2627  
agreements issued or approved under section 2919.26 or 3113.31 2628  
of the Revised Code; crisis intervention training; and training 2629  
in the handling of missing children and child abuse and neglect 2630  
cases; and training in handling violations of section 2905.32 of 2631  
the Revised Code; and the time within which such basic training 2632  
shall be completed following appointment to a probationary term; 2633

(5) The requirements of minimum basic training that peace 2634  
officers not appointed for probationary terms but appointed on 2635  
other than a permanent basis shall complete in order to be 2636  
eligible for continued employment or permanent appointment, 2637  
which requirements shall include training in the handling of the 2638  
offense of domestic violence, other types of domestic violence- 2639  
related offenses and incidents, and protection orders and 2640  
consent agreements issued or approved under section 2919.26 or 2641  
3113.31 of the Revised Code, crisis intervention training, and 2642  
training in the handling of missing children and child abuse and 2643

neglect cases, and training in handling violations of section 2644  
2905.32 of the Revised Code, and the time within which such 2645  
basic training shall be completed following appointment on other 2646  
than a permanent basis; 2647

(6) Categories or classifications of advanced in-service 2648  
training programs for peace officers, including programs in the 2649  
handling of the offense of domestic violence, other types of 2650  
domestic violence-related offenses and incidents, and protection 2651  
orders and consent agreements issued or approved under section 2652  
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 2653  
and in the handling of missing children and child abuse and 2654  
neglect cases, and in handling violations of section 2905.32 of 2655  
the Revised Code, and minimum courses of study and attendance 2656  
requirements with respect to such categories or classifications; 2657

(7) Permitting persons, who are employed as members of a 2658  
campus police department appointed under section 1713.50 of the 2659  
Revised Code; who are employed as police officers by a qualified 2660  
nonprofit corporation police department pursuant to section 2661  
1702.80 of the Revised Code; who are appointed and commissioned 2662  
as bank, savings and loan association, savings bank, credit 2663  
union, or association of banks, savings and loan associations, 2664  
savings banks, or credit unions police officers, as railroad 2665  
police officers, or as hospital police officers pursuant to 2666  
sections 4973.17 to 4973.22 of the Revised Code; or who are 2667  
appointed and commissioned as amusement park police officers 2668  
pursuant to section 4973.17 of the Revised Code, to attend 2669  
approved peace officer training schools, including the Ohio 2670  
peace officer training academy, and to receive certificates of 2671  
satisfactory completion of basic training programs, if the 2672  
private college or university that established the campus police 2673  
department; qualified nonprofit corporation police department; 2674

bank, savings and loan association, savings bank, credit union, 2675  
or association of banks, savings and loan associations, savings 2676  
banks, or credit unions; railroad company; hospital; or 2677  
amusement park sponsoring the police officers pays the entire 2678  
cost of the training and certification and if trainee vacancies 2679  
are available; 2680

(8) Permitting undercover drug agents to attend approved 2681  
peace officer training schools, other than the Ohio peace 2682  
officer training academy, and to receive certificates of 2683  
satisfactory completion of basic training programs, if, for each 2684  
undercover drug agent, the county, township, or municipal 2685  
corporation that employs that undercover drug agent pays the 2686  
entire cost of the training and certification; 2687

(9) (a) The requirements for basic training programs for 2688  
bailiffs and deputy bailiffs of courts of record of this state 2689  
and for criminal investigators employed by the state public 2690  
defender that those persons shall complete before they may carry 2691  
a firearm while on duty; 2692

(b) The requirements for any training received by a 2693  
bailiff or deputy bailiff of a court of record of this state or 2694  
by a criminal investigator employed by the state public defender 2695  
prior to June 6, 1986, that is to be considered equivalent to 2696  
the training described in division (A) (9) (a) of this section. 2697

(10) Establishing minimum qualifications and requirements 2698  
for certification for dogs utilized by law enforcement agencies; 2699

(11) Establishing minimum requirements for certification 2700  
of persons who are employed as correction officers in a full- 2701  
service jail, five-day facility, or eight-hour holding facility 2702  
or who provide correction services in such a jail or facility; 2703

(12) Establishing requirements for the training of humane society agents under section 1717.061 of the Revised Code, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices;

(13) Permitting tactical medical professionals to attend approved peace officer training schools, including the Ohio peace officer training academy, to receive training of the type described in division (A) (14) of this section and to receive certificates of satisfactory completion of training programs described in that division;

(14) The requirements for training programs that tactical medical professionals shall complete to qualify them to carry firearms while on duty under section 109.771 of the Revised Code, which requirements shall include at least the firearms training specified in division (A) of section 109.748 of the Revised Code;

(15) Procedures and requirements for a portion of basic training that peace officers complete in proper interactions with civilians during traffic stops and other in-person encounters as specified in division (B) (4) of section 109.803 of the Revised Code and including the topics of instruction listed for active duty peace officers under divisions (B) (4) (a) to (d) of that section;

(16) Permitting county correctional officers to attend approved peace officer training schools, including the Ohio peace officer training academy, to receive training of the type described in division (A) (17) of this section, and to receive certificates of satisfactory completion of basic training



programs described in that division; 2734

(17) The requirements for basic training programs that 2735  
county correctional officers shall complete to qualify them to 2736  
carry firearms while on duty under section 109.772 of the 2737  
Revised Code, which requirements shall include the firearms 2738  
training specified in section 109.773 of the Revised Code; 2739

(18) Permitting fire investigators to attend approved 2740  
peace officer training schools, including the Ohio peace officer 2741  
training academy, to receive training of the type described in 2742  
division (A)(19) of this section, and to receive certificates of 2743  
satisfactory completion of training programs described in that 2744  
division; 2745

(19) The requirements for training programs that fire 2746  
investigators shall complete to qualify them to carry firearms 2747  
while on duty under section 109.774 of the Revised Code, which 2748  
requirements shall include at least the firearms training 2749  
specified in division (A) of section 109.7481 of the Revised 2750  
Code; 2751

(20) The requirements for refresher training under 2752  
division (L) of section 109.77 of the Revised Code. 2753

(B) The commission shall appoint an executive director, 2754  
with the approval of the attorney general, who shall hold office 2755  
during the pleasure of the commission. The executive director 2756  
shall perform such duties assigned by the commission. The 2757  
executive director shall receive a salary fixed pursuant to 2758  
Chapter 124. of the Revised Code and reimbursement for expenses 2759  
within the amounts available by appropriation. The executive 2760  
director may appoint officers, employees, agents, and 2761  
consultants as the executive director considers necessary, 2762

prescribe their duties, and provide for reimbursement of their 2763  
expenses within the amounts available for reimbursement by 2764  
appropriation and with the approval of the commission. 2765

(C) The commission may do all of the following: 2766

(1) Recommend studies, surveys, and reports to be made by 2767  
the executive director regarding the carrying out of the 2768  
objectives and purposes of sections 109.71 to 109.77 of the 2769  
Revised Code; 2770

(2) Visit and inspect any peace officer training school 2771  
that has been approved by the executive director or for which 2772  
application for approval has been made; 2773

(3) Make recommendations, from time to time, to the 2774  
executive director, the attorney general, and the general 2775  
assembly regarding the carrying out of the purposes of sections 2776  
109.71 to 109.77 of the Revised Code; 2777

(4) Report to the attorney general from time to time, and 2778  
to the governor and the general assembly at least annually, 2779  
concerning the activities of the commission; 2780

(5) Establish fees for the services the commission offers 2781  
under sections 109.71 to 109.79 of the Revised Code, including, 2782  
but not limited to, fees for training, certification, and 2783  
testing; 2784

(6) Perform such other acts as are necessary or 2785  
appropriate to carry out the powers and duties of the commission 2786  
as set forth in sections 109.71 to 109.77 of the Revised Code. 2787

(D) In establishing the requirements, under division (A) 2788  
(12) of this section, the commission may consider any portions 2789  
of the curriculum for instruction on the topic of animal 2790

husbandry practices, if any, of the Ohio state university 2791  
college of veterinary medicine. No person or entity that fails 2792  
to provide instruction on traditional animal husbandry methods 2793  
and training techniques, including customary owner-performed 2794  
practices, shall qualify to train a humane society agent for 2795  
appointment under section 1717.06 of the Revised Code. 2796

(E) (1) As used in this division, "license" has the same 2797  
meaning as in section 4796.01 of the Revised Code, except that 2798  
it includes a certificate of completion of a training program 2799  
required under sections 109.71 to 109.804 of the Revised Code. 2800  
"License" does not include a certificate of completion of a 2801  
firearm basic training program under division (B) (1) of section 2802  
109.78 of the Revised Code or a certificate of completion of any 2803  
firearm requalification training program. 2804

(2) Notwithstanding any requirement for a license issued 2805  
by the commission, the commission shall issue a license in 2806  
accordance with Chapter 4796. of the Revised Code to an 2807  
individual if either of the following applies: 2808

(a) The individual holds a license in another state. 2809

(b) The individual has satisfactory work experience, a 2810  
government certification, or a private certification as 2811  
described in that chapter in the same profession, occupation, or 2812  
occupational activity as the profession, occupation, or 2813  
occupational activity for which the license is required in this 2814  
state in a state that does not require such a license. 2815

**Sec. 109.77.** (A) As used in this section: 2816

(1) "Felony" has the same meaning as in section 109.511 of 2817  
the Revised Code. 2818

(2) "Companion animal" has the same meaning as in section 2819

959.131 of the Revised Code.	2820
(B) (1) Notwithstanding any general, special, or local law	2821
or charter to the contrary, and except as otherwise provided in	2822
this section, no person shall receive an original appointment on	2823
a permanent basis as any of the following unless the person	2824
previously has been awarded a certificate by the executive	2825
director of the Ohio peace officer training commission attesting	2826
to the person's satisfactory completion of an approved state,	2827
county, municipal, or department of natural resources peace	2828
officer basic training program:	2829
(a) A peace officer of any county, township, municipal	2830
corporation, regional transit authority, or metropolitan housing	2831
authority;	2832
(b) A natural resources law enforcement staff officer,	2833
forest-fire investigator, wildlife officer, or natural resources	2834
officer of the department of natural resources;	2835
(c) An employee of a park district under section 511.232	2836
or 1545.13 of the Revised Code;	2837
(d) An employee of a conservancy district who is	2838
designated pursuant to section 6101.75 of the Revised Code;	2839
(e) A state university law enforcement officer;	2840
(f) A special police officer employed by the department of	2841
mental health and addiction services pursuant to section 5119.08	2842
of the Revised Code or the department of developmental	2843
disabilities pursuant to section 5123.13 of the Revised Code;	2844
(g) An enforcement agent of the department of public	2845
safety whom the director of public safety designates under	2846
section 5502.14 of the Revised Code;	2847

(h) A special police officer employed by a port authority 2848  
under section 4582.04 or 4582.28 of the Revised Code; 2849

(i) A special police officer employed by a municipal 2850  
corporation at a municipal airport, or other municipal air 2851  
navigation facility, that has scheduled operations, as defined 2852  
in section 119.3 of Title 14 of the Code of Federal Regulations, 2853  
14 C.F.R. 119.3, as amended, and that is required to be under a 2854  
security program and is governed by aviation security rules of 2855  
the transportation security administration of the United States 2856  
department of transportation as provided in Parts 1542. and 2857  
1544. of Title 49 of the Code of Federal Regulations, as 2858  
amended; 2859

(j) A gaming agent employed under section 3772.03 of the 2860  
Revised Code. 2861

(2) Every person who is appointed on a temporary basis or 2862  
for a probationary term or on other than a permanent basis as 2863  
any of the following shall forfeit the appointed position unless 2864  
the person previously has completed satisfactorily or, within 2865  
the time prescribed by rules adopted by the attorney general 2866  
pursuant to section 109.74 of the Revised Code, satisfactorily 2867  
completes a state, county, municipal, or department of natural 2868  
resources peace officer basic training program for temporary or 2869  
probationary officers and is awarded a certificate by the 2870  
director attesting to the satisfactory completion of the 2871  
program: 2872

(a) A peace officer of any county, township, municipal 2873  
corporation, regional transit authority, or metropolitan housing 2874  
authority; 2875

(b) A natural resources law enforcement staff officer, 2876

park officer, forest officer, preserve officer, wildlife 2877  
officer, or state watercraft officer of the department of 2878  
natural resources; 2879

(c) An employee of a park district under section 511.232 2880  
or 1545.13 of the Revised Code; 2881

(d) An employee of a conservancy district who is 2882  
designated pursuant to section 6101.75 of the Revised Code; 2883

(e) A special police officer employed by the department of 2884  
mental health and addiction services pursuant to section 5119.08 2885  
of the Revised Code or the department of developmental 2886  
disabilities pursuant to section 5123.13 of the Revised Code; 2887

(f) An enforcement agent of the department of public 2888  
safety whom the director of public safety designates under 2889  
section 5502.14 of the Revised Code; 2890

(g) A special police officer employed by a port authority 2891  
under section 4582.04 or 4582.28 of the Revised Code; 2892

(h) A special police officer employed by a municipal 2893  
corporation at a municipal airport, or other municipal air 2894  
navigation facility, that has scheduled operations, as defined 2895  
in section 119.3 of Title 14 of the Code of Federal Regulations, 2896  
14 C.F.R. 119.3, as amended, and that is required to be under a 2897  
security program and is governed by aviation security rules of 2898  
the transportation security administration of the United States 2899  
department of transportation as provided in Parts 1542. and 2900  
1544. of Title 49 of the Code of Federal Regulations, as 2901  
amended. 2902

(3) For purposes of division (B) of this section, a state, 2903  
county, municipal, or department of natural resources peace 2904  
officer basic training program, regardless of whether the 2905

program is to be completed by peace officers appointed on a 2906  
permanent or temporary, probationary, or other nonpermanent 2907  
basis, shall include training in the handling of the offense of 2908  
domestic violence, other types of domestic violence-related 2909  
offenses and incidents, protection orders and consent agreements 2910  
issued or approved under section 2919.26 or 3113.31 of the 2911  
Revised Code, crisis intervention training, and training on 2912  
companion animal encounters and companion animal behavior. The 2913  
requirement to complete training in the handling of the offense 2914  
of domestic violence, other types of domestic violence-related 2915  
offenses and incidents, and protection orders and consent 2916  
agreements issued or approved under section 2919.26 or 3113.31 2917  
of the Revised Code does not apply to any person serving as a 2918  
peace officer on March 27, 1979, and the requirement to complete 2919  
training in crisis intervention does not apply to any person 2920  
serving as a peace officer on April 4, 1985. Any person who is 2921  
serving as a peace officer on April 4, 1985, who terminates that 2922  
employment after that date, and who subsequently is hired as a 2923  
peace officer by the same or another law enforcement agency 2924  
shall complete training in crisis intervention as prescribed by 2925  
rules adopted by the attorney general pursuant to section 2926  
109.742 of the Revised Code. No peace officer shall have 2927  
employment as a peace officer terminated and then be reinstated 2928  
with intent to circumvent this section. 2929

(4) Division (B) of this section does not apply to any 2930  
person serving on a permanent basis on March 28, 1985, as a park 2931  
officer, forest officer, preserve officer, wildlife officer, or 2932  
state watercraft officer of the department of natural resources 2933  
or as an employee of a park district under section 511.232 or 2934  
1545.13 of the Revised Code, to any person serving on a 2935  
permanent basis on March 6, 1986, as an employee of a 2936

conservancy district designated pursuant to section 6101.75 of 2937  
the Revised Code, to any person serving on a permanent basis on 2938  
January 10, 1991, as a preserve officer of the department of 2939  
natural resources, to any person employed on a permanent basis 2940  
on July 2, 1992, as a special police officer by the department 2941  
of mental health and addiction services pursuant to section 2942  
5119.08 of the Revised Code or by the department of 2943  
developmental disabilities pursuant to section 5123.13 of the 2944  
Revised Code, to any person serving on a permanent basis on May 2945  
17, 2000, as a special police officer employed by a port 2946  
authority under section 4582.04 or 4582.28 of the Revised Code, 2947  
to any person serving on a permanent basis on March 19, 2003, as 2948  
a special police officer employed by a municipal corporation at 2949  
a municipal airport or other municipal air navigation facility 2950  
described in division (A)(19) of section 109.71 of the Revised 2951  
Code, to any person serving on a permanent basis on June 19, 2952  
1978, as a state university law enforcement officer pursuant to 2953  
section 3345.04 of the Revised Code and who, immediately prior 2954  
to June 19, 1978, was serving as a special police officer 2955  
designated under authority of that section, or to any person 2956  
serving on a permanent basis on September 20, 1984, as a liquor 2957  
control investigator, known after June 30, 1999, as an 2958  
enforcement agent of the department of public safety, engaged in 2959  
the enforcement of Chapters 4301. and 4303. of the Revised Code. 2960

(5) Division (B) of this section does not apply to any 2961  
person who is appointed as a regional transit authority police 2962  
officer pursuant to division (Y) of section 306.35 of the 2963  
Revised Code if, on or before July 1, 1996, the person has 2964  
completed satisfactorily an approved state, county, municipal, 2965  
or department of natural resources peace officer basic training 2966  
program and has been awarded a certificate by the executive 2967



director of the Ohio peace officer training commission attesting 2968  
to the person's satisfactory completion of such an approved 2969  
program and if, on July 1, 1996, the person is performing peace 2970  
officer functions for a regional transit authority. 2971

(C) No person, after September 20, 1984, shall receive an 2972  
original appointment on a permanent basis as a veterans' home 2973  
police officer designated under section 5907.02 of the Revised 2974  
Code unless the person previously has been awarded a certificate 2975  
by the executive director of the Ohio peace officer training 2976  
commission attesting to the person's satisfactory completion of 2977  
an approved police officer basic training program. Every person 2978  
who is appointed on a temporary basis or for a probationary term 2979  
or on other than a permanent basis as a veterans' home police 2980  
officer designated under section 5907.02 of the Revised Code 2981  
shall forfeit that position unless the person previously has 2982  
completed satisfactorily or, within one year from the time of 2983  
appointment, satisfactorily completes an approved police officer 2984  
basic training program. 2985

(D) No bailiff or deputy bailiff of a court of record of 2986  
this state and no criminal investigator who is employed by the 2987  
state public defender shall carry a firearm, as defined in 2988  
section 2923.11 of the Revised Code, while on duty unless the 2989  
bailiff, deputy bailiff, or criminal investigator has done or 2990  
received one of the following: 2991

(1) Has been awarded a certificate by the executive 2992  
director of the Ohio peace officer training commission, which 2993  
certificate attests to satisfactory completion of an approved 2994  
state, county, or municipal basic training program for bailiffs 2995  
and deputy bailiffs of courts of record and for criminal 2996  
investigators employed by the state public defender that has 2997

been recommended by the Ohio peace officer training commission; 2998

(2) Has successfully completed a firearms training program 2999  
approved by the Ohio peace officer training commission prior to 3000  
employment as a bailiff, deputy bailiff, or criminal 3001  
investigator; 3002

(3) Prior to June 6, 1986, was authorized to carry a 3003  
firearm by the court that employed the bailiff or deputy bailiff 3004  
or, in the case of a criminal investigator, by the state public 3005  
defender and has received training in the use of firearms that 3006  
the Ohio peace officer training commission determines is 3007  
equivalent to the training that otherwise is required by 3008  
division (D) of this section. 3009

(E) (1) Before a person seeking a certificate completes an 3010  
approved peace officer basic training program, the executive 3011  
director of the Ohio peace officer training commission shall 3012  
request the person to disclose, and the person shall disclose, 3013  
any previous criminal conviction of or plea of guilty of that 3014  
person to a felony. 3015

(2) Before a person seeking a certificate completes an 3016  
approved peace officer basic training program, the executive 3017  
director shall request a criminal history records check on the 3018  
person. The executive director shall submit the person's 3019  
fingerprints to the bureau of criminal identification and 3020  
investigation, which shall submit the fingerprints to the 3021  
federal bureau of investigation for a national criminal history 3022  
records check. 3023

Upon receipt of the executive director's request, the 3024  
bureau of criminal identification and investigation and the 3025  
federal bureau of investigation shall conduct a criminal history 3026

records check on the person and, upon completion of the check, 3027  
shall provide a copy of the criminal history records check to 3028  
the executive director. The executive director shall not award 3029  
any certificate prescribed in this section unless the executive 3030  
director has received a copy of the criminal history records 3031  
check on the person to whom the certificate is to be awarded. 3032

(3) The executive director of the commission shall not 3033  
award a certificate prescribed in this section to a person who 3034  
has been convicted of or has pleaded guilty to a felony or who 3035  
fails to disclose any previous criminal conviction of or plea of 3036  
guilty to a felony as required under division (E)(1) of this 3037  
section. 3038

(4) The executive director of the commission shall revoke 3039  
the certificate awarded to a person as prescribed in this 3040  
section, and that person shall forfeit all of the benefits 3041  
derived from being certified as a peace officer under this 3042  
section, if the person, before completion of an approved peace 3043  
officer basic training program, failed to disclose any previous 3044  
criminal conviction of or plea of guilty to a felony as required 3045  
under division (E)(1) of this section. 3046

(F)(1) Regardless of whether the person has been awarded 3047  
the certificate or has been classified as a peace officer prior 3048  
to, on, or after October 16, 1996, the executive director of the 3049  
Ohio peace officer training commission shall revoke any 3050  
certificate that has been awarded to a person as prescribed in 3051  
this section if the person does either of the following: 3052

(a) Pleads guilty to a felony committed on or after 3053  
January 1, 1997; 3054

(b) Pleads guilty to a misdemeanor committed on or after 3055

January 1, 1997, pursuant to a negotiated plea agreement as 3056  
provided in division (D) of section 2929.43 of the Revised Code 3057  
in which the person agrees to surrender the certificate awarded 3058  
to the person under this section. 3059

(2) The executive director of the commission shall suspend 3060  
any certificate that has been awarded to a person as prescribed 3061  
in this section if the person is convicted, after trial, of a 3062  
felony committed on or after January 1, 1997. The executive 3063  
director shall suspend the certificate pursuant to division (F) 3064  
(2) of this section pending the outcome of an appeal by the 3065  
person from that conviction to the highest court to which the 3066  
appeal is taken or until the expiration of the period in which 3067  
an appeal is required to be filed. If the person files an appeal 3068  
that results in that person's acquittal of the felony or 3069  
conviction of a misdemeanor, or in the dismissal of the felony 3070  
charge against that person, the executive director shall 3071  
reinstate the certificate awarded to the person under this 3072  
section. If the person files an appeal from that person's 3073  
conviction of the felony and the conviction is upheld by the 3074  
highest court to which the appeal is taken or if the person does 3075  
not file a timely appeal, the executive director shall revoke 3076  
the certificate awarded to the person under this section. 3077

(G) (1) If a person is awarded a certificate under this 3078  
section and the certificate is revoked pursuant to division (E) 3079  
(4) or (F) of this section, the person shall not be eligible to 3080  
receive, at any time, a certificate attesting to the person's 3081  
satisfactory completion of a peace officer basic training 3082  
program. 3083

(2) The revocation or suspension of a certificate under 3084  
division (E) (4) or (F) of this section shall be in accordance 3085

with Chapter 119. of the Revised Code. 3086

(H) (1) A person who was employed as a peace officer of a 3087  
county, township, or municipal corporation of the state on 3088  
January 1, 1966, and who has completed at least sixteen years of 3089  
full-time active service as such a peace officer, or equivalent 3090  
service as determined by the executive director of the Ohio 3091  
peace officer training commission, may receive an original 3092  
appointment on a permanent basis and serve as a peace officer of 3093  
a county, township, or municipal corporation, or as a state 3094  
university law enforcement officer, without complying with the 3095  
requirements of division (B) of this section. 3096

(2) Any person who held an appointment as a state highway 3097  
trooper on January 1, 1966, may receive an original appointment 3098  
on a permanent basis and serve as a peace officer of a county, 3099  
township, or municipal corporation, or as a state university law 3100  
enforcement officer, without complying with the requirements of 3101  
division (B) of this section. 3102

(I) No person who is appointed as a peace officer of a 3103  
county, township, or municipal corporation on or after April 9, 3104  
1985, shall serve as a peace officer of that county, township, 3105  
or municipal corporation unless the person has received training 3106  
in the handling of missing children and child abuse and neglect 3107  
cases from an approved state, county, township, or municipal 3108  
police officer basic training program or receives the training 3109  
within the time prescribed by rules adopted by the attorney 3110  
general pursuant to section 109.741 of the Revised Code. 3111

(J) No part of any approved state, county, or municipal 3112  
basic training program for bailiffs and deputy bailiffs of 3113  
courts of record and no part of any approved state, county, or 3114  
municipal basic training program for criminal investigators 3115

employed by the state public defender shall be used as credit 3116  
toward the completion by a peace officer of any part of the 3117  
approved state, county, or municipal peace officer basic 3118  
training program that the peace officer is required by this 3119  
section to complete satisfactorily. 3120

(K) This section does not apply to any member of the 3121  
police department of a municipal corporation in an adjoining 3122  
state serving in this state under a contract pursuant to section 3123  
737.04 of the Revised Code. 3124

(L) (1) Except as provided in division (L) (2) of this 3125  
section, no certificate awarded by the executive director of the 3126  
Ohio peace officer training commission attesting to a person's 3127  
satisfactory completion of an approved state, county, municipal, 3128  
or department of natural resources peace officer basic training 3129  
program shall be deemed insufficient for an appointment to a 3130  
position listed in division (B) (1) of this section because of a 3131  
lapse in the person's service as a peace officer. 3132

(2) The Ohio peace officer training commission shall 3133  
require a re-appointed peace officer to complete refresher 3134  
training of the following duration prior to performing the 3135  
functions of a peace officer, if the peace officer, having 3136  
previously been awarded a certificate by the executive director 3137  
of the commission attesting to the person's satisfactory 3138  
completion of an approved state, county, municipal, or 3139  
department of natural resources peace officer basic training 3140  
program or pursuant to Chapter 4796. of the Revised Code, for at 3141  
least one year prior to an appointment, was not employed as a 3142  
peace officer: 3143

(a) If the period of lapse was at least one year, but less 3144  
than four years, up to forty hours; 3145

<u>(b) If the period of lapse was four years or longer,</u>	3146
<u>eighty hours.</u>	3147
<b><u>Sec. 109.872.</u></b> (A) As used in this section:	3148
<u>(1) "Sworn employee" means any of the following:</u>	3149
<u>(a) An enforcement agent of the Ohio investigative unit</u>	3150
<u>appointed pursuant to section 5502.14 of the Revised Code.</u>	3151
<u>(b) The superintendent and troopers of the state highway</u>	3152
<u>patrol appointed pursuant to section 5503.01 of the Revised</u>	3153
<u>Code.</u>	3154
<u>(c) Special police officers of the state highway patrol</u>	3155
<u>appointed pursuant to section 5503.09 of the Revised Code.</u>	3156
<u>(d) Other employees of any department, agency, or board of</u>	3157
<u>this state who are under the executive branch and ultimately</u>	3158
<u>report to the governor and are authorized to investigate,</u>	3159
<u>execute the laws of the state, protect public safety, or enforce</u>	3160
<u>the laws of this state as part of their job duties.</u>	3161
<u>(2) "Physical harm to persons" and "serious physical harm</u>	3162
<u>to persons" have the same meanings as in section 2901.01 of the</u>	3163
<u>Revised Code.</u>	3164
<u>(B) A sworn employee may be represented by an attorney</u>	3165
<u>selected pursuant to division (C) of this section when all of</u>	3166
<u>the following apply:</u>	3167
<u>(1) The sworn employee was involved in a use of force that</u>	3168
<u>resulted in death, serious physical harm to persons, or physical</u>	3169
<u>harm to persons.</u>	3170
<u>(2) The sworn employee's involvement in the use of force</u>	3171
<u>occurred within the scope and in the course of the sworn</u>	3172

employee's assigned duties. 3173

(3) The sworn employee's involvement in the use of force 3174  
is being investigated by a prosecuting attorney, the bureau of 3175  
criminal identification and investigation, or another criminal 3176  
investigating authority for possible criminal charges. 3177

(C) When all of the conditions set forth in division (B) 3178  
of this section apply, the sworn employee may submit a request 3179  
in writing for legal representation to the director of the sworn 3180  
employee's appointing authority and to the governor or the 3181  
governor's designee. If the governor or the governor's designee 3182  
determines that all of the conditions in that division apply, 3183  
and if the governor or the governor's designee considers the 3184  
requested legal representation to be appropriate, the governor 3185  
or the governor's designee, in the governor's or the governor's 3186  
designee's sole discretion, may approve the request. If the 3187  
governor or the governor's designee approves the request, the 3188  
governor or the governor's designee shall furnish the sworn 3189  
employee the names of three attorneys who are admitted to the 3190  
practice of law in this state and are experienced in the defense 3191  
of criminal charges. The sworn employee may select one of the 3192  
attorneys to represent the sworn employee until the grand jury 3193  
concludes its proceedings, a criminal complaint is filed, or the 3194  
case is disposed of before the grand jury concludes its 3195  
proceedings or a criminal complaint is filed. 3196

(D) An attorney who represents a sworn employee pursuant 3197  
to division (C) of this section shall be paid at the usual rate 3198  
for like services in the community in which the criminal 3199  
proceedings occur or at the usual rate paid to special counsel 3200  
under section 109.07 of the Revised Code. The appointing 3201  
authority shall pay the attorney's compensation and all 3202



reasonable expenses and court costs incurred in the defense of 3203  
the sworn employee. 3204

(E) If a criminal investigation described in division (B) 3205  
(3) of this section of a sworn employee results in an indictment 3206  
or the filing of a criminal complaint based on the sworn 3207  
employee's involvement in the use of force, an attorney who 3208  
represents the sworn employee pursuant to division (C) of this 3209  
section may continue to represent the sworn employee in the 3210  
criminal proceeding on any terms to which the attorney and sworn 3211  
employee mutually agree. Neither the governor or the governor's 3212  
designee nor the appointing authority is obligated to provide 3213  
the sworn employee with legal representation or to pay 3214  
attorney's fees, expenses, or court costs incurred by the sworn 3215  
employee following the indictment or criminal complaint charging 3216  
the sworn employee with an offense, but the governor or the 3217  
governor's designee, in the governor's or the governor's 3218  
designee's sole discretion, may approve a request to pay 3219  
attorney's fees, expenses, or court costs incurred by the sworn 3220  
employee following the indictment or criminal complaint. 3221

(F) If a sworn employee is represented by an attorney as 3222  
described in division (C) of this section and if the sworn 3223  
employee is subsequently convicted of or pleads guilty to a 3224  
criminal offense based on the sworn employee's involvement in 3225  
the use of force, the governor or the governor's designee or the 3226  
appointing authority may direct the attorney general to seek to 3227  
recover, including by means of a civil action, from the sworn 3228  
employee the costs of legal representation paid by the 3229  
appointing authority pursuant to division (C) of this section. 3230

(G) A decision of the governor or the governor's designee 3231  
made under division (C) or (E) of this section is not subject to 3232

appeal or review in any court or other forum. No person has a 3233  
right of action against the appointing authority, the governor, 3234  
or the governor's designee in the court of claims or any other 3235  
court based on a decision of the governor or the governor's 3236  
designee made under this section. 3237

(H) The indemnification of a sworn employee pursuant to 3238  
this section shall be accomplished only through the following 3239  
procedure: 3240

(1) If the governor or the governor's designee determines 3241  
that the actions or omissions of the employee that gave rise to 3242  
the claim were within the scope of the employee's employment and 3243  
that the costs of legal representation should be indemnified, 3244  
the sworn officer's appointing authority shall prepare an 3245  
indemnity agreement. The indemnity agreement shall specify that 3246  
the appointing authority will indemnify the employee for the 3247  
expenses of legal representation. The agreement is not effective 3248  
until it is approved by the employee, the director or appointing 3249  
authority, and the governor or the governor's designee. 3250

(2) The appointing authority shall forward a copy of the 3251  
indemnity agreement to the director of budget and management. 3252

(3) The director of budget and management shall direct the 3253  
appointing authority to pay the indemnification pursuant to this 3254  
section against available unencumbered money in the 3255  
appropriations of the appointing authority. The director of 3256  
budget and management has sole discretion to determine whether 3257  
unencumbered money in a particular appropriation is available 3258  
for payment of the indemnification. 3259

(4) If sufficient money does not exist to pay the 3260  
indemnification, the appointing authority shall request the 3261

general assembly to make an appropriation sufficient to pay the 3262  
indemnification, and no payment shall be made until the 3263  
appropriation is made. The appointing authority shall make the 3264  
appropriation request during the current biennium and during 3265  
each succeeding biennium until a sufficient appropriation is 3266  
made. 3267

**Sec. 113.05.** (A) As used in sections 113.05 to 113.40 of 3268  
the Revised Code: 3269

(1) "Account," "appropriation," "disbursement," 3270  
"electronic funds transfer," "fund," and "warrant" have the same 3271  
meanings as in section 131.01 of the Revised Code. 3272

(2) "Assets" has the same meaning as in section 131.01 of 3273  
the Revised Code, but does not include items held in safekeeping 3274  
by the treasurer of state including, but not limited to, 3275  
collateral pledged to a state agency. 3276

(3) "Custodial funds" do not include items held in 3277  
safekeeping by the treasurer of state including, but not limited 3278  
to, collateral pledged to a state agency. 3279

(B) The state treasury consists of the moneys, claims, 3280  
bonds, notes, other obligations, stocks, and other securities, 3281  
receipts or other evidences of ownership, and other intangible 3282  
assets of the state that are required by law to be deposited in 3283  
the state treasury or are otherwise a part of the state 3284  
treasury. All assets of the state treasury shall be kept in the 3285  
rooms assigned the treasurer of state, with the vaults, safes, 3286  
and other appliances therein; provided, that: 3287

(1) Securities required by law to be deposited or kept in 3288  
the state treasury may be deposited for safekeeping with the 3289  
federal reserve bank of Cleveland, Ohio or secured and insured 3290

depositories in or out of this state as designated by the 3291  
treasurer of state. 3292

(2) Public moneys may be kept in constituted state 3293  
depositories. 3294

(C) The custodial funds of the treasurer of state consist 3295  
of the moneys, claims, bonds, notes, other obligations, stocks, 3296  
and other securities, receipts or other evidences of ownership, 3297  
and other intangible assets that are required by law to be kept 3298  
in the custody of the treasurer of state but are not part of the 3299  
state treasury. All assets of the custodial funds of the 3300  
treasurer of state shall be kept in either or both of the 3301  
following: 3302

(1) The rooms assigned the treasurer of state, with the 3303  
vaults, safes, and other appliances therein; 3304

(2) The federal reserve bank of Cleveland, Ohio or secured 3305  
and insured depositories in or out of this state as designated 3306  
by the treasurer of state. 3307

(D) Assets of the state treasury shall not be commingled 3308  
with assets of the custodial funds of the treasurer of state. 3309

~~The repositing and deposit of payments pursuant to section 3310  
113.06 of the Revised Code is in compliance with this section. 3311~~

**Sec. 113.13.** The treasurer of state shall have available 3312  
and, as requested, transmit to the director of budget and 3313  
management and to the governor information concerning the amount 3314  
in the ~~inactive account, the amount in the active account,~~ and 3315  
the amount of cash on hand. 3316

**Sec. 113.40.** (A) As used in this section: 3317

(1) "Financial transaction device" includes a credit card, 3318

debit card, ~~charge~~ banking card, prepaid or stored value card, 3319  
or ~~automated clearinghouse network credit, debit, or e-check-~~ 3320  
~~entry that includes, but is not limited to, accounts receivable-~~ 3321  
~~and internet-initiated, point of purchase, and telephone-~~ 3322  
~~initiated applications, or any other device or method for making~~ 3323  
an electronic payment or transfer of funds denominated in United 3324  
States dollars. 3325

(2) "Processor" means an entity conducting the settlement 3326  
of an electronic payment or transfer of funds, which shall be 3327  
denominated in United States dollars. 3328

(3) "State expenses" includes fees, costs, taxes, 3329  
assessments, fines, penalties, payments, or any other expense a 3330  
person owes to a state office under the authority of a state 3331  
elected official or to a state entity. 3332

~~(3)~~(4) "State elected official" means the governor, 3333  
lieutenant governor, attorney general, secretary of state, 3334  
treasurer of state, and auditor of state. 3335

~~(4)~~(5) "State entity" includes any state department, 3336  
agency, board, ~~or~~ commission, or office under the authority of a 3337  
state elected official that deposits funds into the state 3338  
treasury or into an account in the custody of the treasurer of 3339  
state. 3340

(B) Notwithstanding any other section of the Revised Code 3341  
and subject to division (D) of this section, the board of 3342  
deposit ~~may~~ shall adopt a resolution authorizing the acceptance 3343  
of payments by financial transaction device to pay for state 3344  
expenses. ~~The resolution shall include all of the following:-~~ 3345

~~(1) A designation of those state elected officials and~~ 3346  
~~state entities authorized to accept payments by financial-~~ 3347

~~transaction device;~~ 3348

~~(2) A list of state expenses that may be paid by the use  
of a financial transaction device;~~ 3349  
3350

~~(3) Specific identification of financial transaction  
devices that a state elected official or state entity may  
authorize as acceptable means of payment for state expenses.  
Division (B) (3) of this section does not require that the same  
financial transaction devices be accepted for the payment of  
different types of state expenses.~~ 3351  
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~~(4) The amount, if any, authorized as a surcharge or  
convenience fee under division (E) of this section for persons  
using a financial transaction device. Division (B) (4) of this  
section does not require that the same surcharges or convenience  
fees be applied to the payment of different types of state  
expenses.~~ 3357  
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~~(5) A specific requirement, as provided in division (C) of  
this section, for the payment of a penalty if a payment made by  
means of a financial transaction device is returned or  
dishonored for any reason.~~ 3363  
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The board of deposit's resolution also shall designate the 3367  
treasurer of state as the administrative agent to solicit 3368  
proposals for financial transaction device services, within 3369  
guidelines established by the board of deposit in the resolution 3370  
and in compliance with the procedures provided in division (C) 3371  
of this section, ~~from financial institutions, issuers of  
financial transaction devices, and processors of financial  
transaction devices;~~ 3372  
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offices entities and state elected officials in implementing the

~~state's any financial transaction device acceptance, and~~ 3377  
~~processing, and settlement program authorized under this~~ 3378  
section. The board of deposit's resolution applies to financial 3379  
transaction device services related to any and all bank accounts 3380  
comprising the state treasury as well as those in the custody of 3381  
the treasurer of state but not part of the state treasury. 3382

(C) The administrative agent shall follow the procedures 3383  
provided in this division whenever it plans to contract with 3384  
~~financial institutions, issuers of financial transaction~~ 3385  
~~devices, one or more processors of financial transaction devices~~ 3386  
for the purposes of this section. The administrative agent shall 3387  
request proposals ~~from at least three financial institutions,~~ 3388  
~~issuers of financial transaction devices, or processors of~~ 3389  
~~financial transaction devices, for acceptance, processing, and~~ 3390  
settlement services as appropriate in accordance with the 3391  
resolution adopted under division (B) of this section. Prior to 3392  
~~sending any financial institution, issuer, or processor a copy~~ 3393  
~~of any such~~ making the request for proposals available, the 3394  
administrative agent shall advertise its intent to request 3395  
proposals for two consecutive weeks by electronic publication on 3396  
~~a state agency~~ the administrative agent's web site made 3397  
available to the general public. The notice shall state that the 3398  
administrative agent intends to request proposals; specify the 3399  
purpose of the request; indicate the date, which shall be at 3400  
least ~~ten~~ fifteen calendar days after the initial publication, 3401  
on which the request for proposals will be ~~electronically mailed~~ 3402  
~~to financial institutions, issuers, or processors; and require~~ 3403  
~~that any financial institution, issuer, or processor, whichever~~ 3404  
~~is appropriate, interested in receiving the request for~~ 3405  
~~proposals submit written notice of this interest to the~~ 3406  
~~administrative agent not later than the day on which the request~~ 3407

~~for proposals will be electronically mailed~~available. 3408

Upon receiving the proposals, the administrative agent 3409  
shall review them and make a recommendation to the board of 3410  
deposit regarding which proposal or proposals to accept. The 3411  
board of deposit shall consider the agent's recommendation~~and~~ 3412  
~~review all proposals submitted,~~ and then may choose to authorize 3413  
the administrative agent, on the board's behalf, to contract 3414  
with any or all one or more of the entities-processors 3415  
submitting proposals, as appropriate; whereupon the 3416  
administrative agent may enter into one or more contracts to 3417  
provide acceptance, processing and settlement services to the 3418  
state entities and state elected officials. Through its 3419  
administrative agent, The~~the~~ board of deposit shall provide any 3420  
~~financial institution, issuer, or processor~~ that submitted a 3421  
proposal, but with which the board of deposit's administrative 3422  
agent does not enter into a contract, notice that its proposal 3423  
is rejected. 3424

(D) ~~The board of deposit shall send a copy of the~~ 3425  
~~resolution adopted under division (B) of this section to each~~ 3426  
~~state elected official and state entity authorized to accept~~ 3427  
~~payments for state expenses by financial transaction device.~~ 3428  
~~After receiving the resolution and before accepting such~~ 3429  
~~payments by financial transaction device, such a state elected~~ 3430  
~~official or state entity shall provide written notification to~~ 3431  
~~the administrative agent of the official's or entity's intent to~~ 3432  
~~implement the resolution within the official's or entity's~~ 3433  
~~office.~~ Each state office elected official or state entity 3434  
subject to the board's resolution adopted under division (B) of 3435  
this section shall use only the ~~financial institutions, issuers~~ 3436  
~~of financial transaction devices, and processors of financial~~ 3437  
transaction devices with which the board of ~~deposit~~deposit's 3438



administrative agent contracts, and each such ~~office~~ state  
elected official or state entity is subject to the terms of  
those contracts.

~~If a state entity under the authority of a state elected  
official is directly responsible for collecting one or more  
state expenses and the state elected official determines not to  
accept payments by financial transaction device for one or more  
of those expenses, the office is not required to accept payments  
by financial transaction device for those expenses,  
notwithstanding the adoption of a resolution by the board of  
deposit under division (B) of this section.~~

(E) The ~~board of deposit~~ state elected official or state  
entity may establish a surcharge or convenience fee that may be  
imposed upon a person making payment by a financial transaction  
device. ~~The surcharge or convenience fee shall not be imposed  
unless authorized or otherwise permitted by the rules prescribed  
under a contract, between the financial institution, issuer, or  
processor and the administrative agent, governing the use and  
acceptance of the financial transaction device.~~

~~The establishment of a~~ Any surcharge or convenience fee  
shall follow the guidelines of the ~~financial institution, issuer  
of financial transaction devices, or processor~~ or processors of  
financial transaction devices with which the board of  
~~deposit~~ deposit's administrative agent contracts.

If a surcharge or convenience fee is imposed, every state  
elected official and state entity accepting payment by a  
financial transaction device, ~~regardless of whether that entity  
is subject to a resolution adopted by the board of deposit,~~  
~~shall clearly post a notice in the entity's office, and shall  
notify each person making a payment by such a device, about the~~

surcharge or fee. Notice to each person making a payment shall 3469  
be provided regardless of the medium used to make the payment 3470  
and in a manner appropriate to that medium. Each notice shall 3471  
include ~~all~~ both of the following: 3472

(1) A statement that there is a surcharge or convenience 3473  
fee for using a financial transaction device; 3474

(2) The total amount of the charge or fee expressed in 3475  
dollars and cents for each transaction, or the rate of the 3476  
charge or fee expressed as a percentage of the total amount of 3477  
the transaction, whichever is applicable; ~~—~~ 3478

~~(3) A clear statement that the surcharge or convenience 3479  
fee is nonrefundable. 3480~~

~~(F) If a person elects to make a payment by a financial 3481  
transaction device and a surcharge or convenience fee is 3482  
imposed, the payment of the surcharge or convenience fee is not 3483  
refundable. ~~—~~ 3484~~

~~(G) If a person makes payment by a financial transaction 3485  
device and the payment is ~~returned or dishonored~~ reversed for 3486  
any reason, the person is liable to the state elected official 3487  
or state entity for the state expense and any reimbursable costs 3488  
for collection, including banking charges, legal fees, or other 3489  
expenses incurred by the state elected official or state entity 3490  
in collecting the ~~returned or dishonored~~ reversed payment. The 3491  
remedies and procedures provided in this section are in addition 3492  
to any other available civil or criminal remedies provided by 3493  
law. 3494~~

~~(H)~~ (G) No person making any payment by a financial 3495  
transaction device to a state ~~office~~ elected official or state 3496  
entity shall be relieved from liability for the underlying 3497

obligation, except to the extent that the state elected official 3498  
or state entity realizes final payment of the underlying 3499  
obligation in cash or its equivalent. If final payment is not 3500  
made by the financial transaction device issuer, or by other 3501  
means of payment, or by other guarantor of payment in the 3502  
transaction, the underlying obligation survives and the state 3503  
elected official or state entity shall retain all remedies for 3504  
enforcement that would have applied if the transaction had not 3505  
occurred. 3506

~~(I)~~ (H) A state ~~entity~~ elected official or employee of a 3507  
state entity or state elected official who accepts a financial 3508  
transaction device payment in accordance with this section and 3509  
any applicable state or local statutes, laws, policies, or rules 3510  
is immune from personal liability for the final collection of 3511  
such payments as specified in section 9.87 of the Revised Code. 3512

~~(J)~~ (I) If the board of deposit determines that it is 3513  
necessary and in the state's best interest to contract with an 3514  
additional ~~entity~~ processor subsequent to the contract award 3515  
made under division (C) of this section, the board may meet and 3516  
choose to contract with one or more additional ~~entities~~ 3517  
processors for the remainder of the period previously 3518  
established by a contract award made under division (C) of this 3519  
section. 3520

~~(K)~~ (J) The administrative agent, in cooperation with the 3521  
office of budget and management, may adopt, amend, and rescind 3522  
rules in accordance with section 111.15 of the Revised Code to 3523  
implement and administer this section. 3524

**Sec. 113.51.** (A) The treasurer of state shall implement 3525  
and administer a program under the terms and conditions 3526  
established under sections 113.50 to 113.56 of the Revised Code. 3527

- For that purpose, the treasurer shall do all of the following: 3528
- (1) Develop and implement the program in a manner 3529  
consistent with the provisions of sections 113.50 to 113.56 of 3530  
the Revised Code; 3531
  - (2) Engage the services of consultants on a contract basis 3532  
for rendering professional and technical assistance and advice; 3533
  - (3) Seek rulings and other guidance from the secretary and 3534  
the internal revenue service relating to the program; 3535
  - (4) Make modifications to the program as necessary for 3536  
participants in the program to qualify for the federal income 3537  
tax benefits or treatment provided under section 529A of the 3538  
Internal Revenue Code or rules adopted thereunder; 3539
  - (5) Impose and collect administrative fees and service 3540  
charges in connection with any agreement or transaction relating 3541  
to the program; 3542
  - (6) Develop marketing plans and promotional materials to 3543  
publicize the program; 3544
  - (7) Establish the procedures by which funds held in 3545  
program accounts shall be disbursed; 3546
  - (8) Administer the issuance of interests by the Ohio ABLE 3547  
savings program trust fund to designated beneficiaries; 3548
  - (9) Establish the procedures by which funds held in 3549  
program accounts shall be allocated to pay for administrative 3550  
costs; 3551
  - (10) Take any other action necessary to implement and 3552  
administer the program; 3553
  - (11) Adopt rules in accordance with Chapter 119. of the 3554

Revised Code necessary to implement and administer the program; 3555

(12) Notify the secretary when a program account has been 3556  
opened for a designated beneficiary and submit other reports 3557  
concerning the program as required by the secretary or under 3558  
section 529A of the Internal Revenue Code. 3559

(B) The treasurer of state may enter into agreements with 3560  
other states or agencies of, subdivisions of, or residents of 3561  
those states related to the program or a similar ABLE account 3562  
program established by another state in accordance with section 3563  
529A of the Internal Revenue Code. 3564

(C) Any record of the treasurer of state indicating the 3565  
identity of account beneficiaries and the balances and activity 3566  
in ABLE accounts is not a public record under section 149.43 of 3567  
the Revised Code. 3568

(D) The treasurer of state shall pay account fees 3569  
associated with an ABLE account on behalf of an Ohio account 3570  
owner or beneficiary. 3571

**Sec. 113.53.** (A) A designated beneficiary, or a trustee or 3572  
guardian of a designated beneficiary who lacks capacity to enter 3573  
into an agreement, may apply, on forms prescribed by the 3574  
treasurer of state, to open a program account. A beneficiary may 3575  
have only one ABLE account. The treasurer of state may impose a 3576  
nonrefundable application fee. The application shall require the 3577  
applicant to provide the following information: 3578

(1) The name, address, social security number, and birth 3579  
date of the designated beneficiary; 3580

(2) The name, address, and social security number of the 3581  
designated beneficiary's trustee or guardian, if applicable; 3582

(3) Certification by the applicant that the applicant 3583  
understands the maximum account value and the consequences under 3584  
division (C) of this section for excess contributions and 3585  
understands how program account values exceeding the amount 3586  
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 3587  
of 2014," 26 U.S.C. 529A note, may affect the applicant's 3588  
resources for determining the applicant's eligibility for the 3589  
supplemental security income program; 3590

(4) Any additional information required by the treasurer 3591  
of state. 3592

(B) (1) To qualify for a program account, a designated 3593  
beneficiary must be an eligible individual at the time the 3594  
program account is opened. Before opening a program account, the 3595  
treasurer of state or program manager shall enter into an 3596  
agreement with the account owner that discloses the requirements 3597  
and restrictions on contributions and withdrawals from the 3598  
program account. 3599

(2) Any person may make contributions to a program account 3600  
after the account is opened, subject to the limitations imposed 3601  
by section 529A of the Internal Revenue Code and any rules 3602  
adopted by the secretary. 3603

(C) Contributions to a program account shall be made in 3604  
cash. The treasurer of state or program manager shall reject or 3605  
promptly withdraw a contribution to a program account if that 3606  
contribution would exceed the annual limits prescribed in 3607  
subsection (b) (2) (B) of section 529A of the Internal Revenue 3608  
Code. The treasurer or program manager shall reject or promptly 3609  
withdraw a contribution if the value of the program account 3610  
equals or exceeds the maximum account value or the designated 3611  
beneficiary is not an eligible individual in the current 3612

calendar year. 3613

(D) (1) To the extent authorized by federal law, and in 3614  
accordance with rules adopted by the treasurer of state, an 3615  
account owner may change the designated beneficiary of a program 3616  
account to another individual. 3617

(2) No account owner may use an interest in an ABLE 3618  
account as security for a loan. Any pledge of an interest in an 3619  
account shall be void and of no force and effect. 3620

(E) (1) A distribution from a program account to any 3621  
individual or for the benefit of any individual during a 3622  
calendar year shall be reported to the internal revenue service 3623  
and the designated beneficiary or the distributee to the extent 3624  
required under state or federal law. 3625

(2) Statements shall be provided to each account owner of 3626  
a program account at least four times each year within thirty 3627  
days after the end of the quarterly period to which a statement 3628  
relates. The statement shall identify the contributions made 3629  
during the preceding quarter, the total contributions made to 3630  
the account through the last day of that quarter, the value of 3631  
the account on the last day of that quarter, distributions made 3632  
during that quarter, and any other information that the 3633  
treasurer of state requires to be reported to the account owner. 3634

(3) Statements and information relating to program 3635  
accounts shall be prepared and filed to the extent required 3636  
under sections 113.50 to 113.56 of the Revised Code and any 3637  
other state or federal law. 3638

(F) The program shall provide separate accounting for each 3639  
designated beneficiary. An annual fee may be imposed upon the 3640  
account owner for the maintenance of a program account. 3641

~~(G)~~—(G) (1) Money in an ABLE account shall be exempt from 3642  
attachment, execution, or garnishment as provided in section 3643  
2329.66 of the Revised Code, ~~and is~~. 3644

(2) Unless required by federal law, money in an ABLE 3645  
account is not subject to claims made under the medicaid estate 3646  
recovery program instituted pursuant to section 5162.21 of the 3647  
Revised Code, in accordance with subsection (f) of section 529A— 3648  
of the Internal Revenue Code and subject to any limitations 3649  
imposed by the secretary. 3650

(H) (1) Notwithstanding any other provision of state law, 3651  
all of the following shall be disregarded for the purposes of 3652  
determining an individual's eligibility for a means-tested 3653  
public assistance program funded only with state, local, or 3654  
state and local funds and the amount of assistance or benefits 3655  
the individual is eligible to receive under the program: 3656

(a) Any amount in an ABLE account, including earnings on 3657  
the account; 3658

(b) Any contributions to an ABLE account; 3659

(c) Any distribution from an ABLE account for qualified 3660  
disability expenses. 3661

(2) Division (H) (1) of this section applies only to an 3662  
individual who is either of the following: 3663

(a) The designated beneficiary of the ABLE account; 3664

(b) An individual whose eligibility for the means-tested 3665  
program is conditioned on the ABLE account's designated 3666  
beneficiary disclosing the designated beneficiary's income, 3667  
resources, or both to the entity administering the means-tested 3668  
public assistance program. 3669



**Sec. 113.78.** (A) The medical quality assurance fund is 3670  
created, which shall be in the custody of the treasurer of state 3671  
but shall not be part of the state treasury. The fund shall 3672  
consist of all money transferred to it as a result of the repeal 3673  
of section 3701.89 of the Revised Code on January 1, 2026, by 3674  
H.B. 238 of the 135th ~~General Assembly~~ general assembly and its 3675  
requirements related to the repeal of that section. All 3676  
investment earnings of the fund shall be credited to the fund. 3677

(B) Except as provided in division (C) of this section, 3678  
all money in the fund shall be used as directed by the general 3679  
assembly, which. Uses of the money may include funding any of 3680  
the following programs that the former Ohio medical quality 3681  
foundation was authorized to fund in a similar manner under 3682  
division (F) of section 3701.89 of the Revised Code before the 3683  
repeal of that section by ~~this act~~ H.B. 238 of the 135th general 3684  
assembly: 3685

~~(A)~~ (1) Programs approved under criteria established under 3686  
section 4731.251 of the Revised Code; 3687

~~(B)~~ (2) Programs designed to improve the quality of 3688  
graduate medical education; 3689

~~(C)~~ (3) Programs designed to improve risk management and 3690  
quality assurance in hospitals, as defined in section 3722.01 of 3691  
the Revised Code, and in outpatient settings, including 3692  
physician offices; 3693

~~(D)~~ (4) Other programs, meetings, and educational seminars 3694  
that are designed to improve the quality of medical care in this 3695  
state. 3696

(C) If the treasurer of state determines that money in the 3697  
fund exceeds the amount required to meet the current needs of 3698

the fund's uses as directed by the general assembly, the excess 3699  
money may be invested by the treasurer of state in accordance 3700  
with section 135.143 of the Revised Code. 3701

**Sec. 121.02.** The following administrative departments and 3702  
their respective directors are hereby created: 3703

(A) The office of budget and management, which shall be 3704  
administered by the director of budget and management; 3705

(B) The department of commerce, which shall be 3706  
administered by the director of commerce; 3707

(C) The department of administrative services, which shall 3708  
be administered by the director of administrative services; 3709

(D) The department of transportation, which shall be 3710  
administered by the director of transportation; 3711

(E) The department of agriculture, which shall be 3712  
administered by the director of agriculture; 3713

(F) The department of natural resources, which shall be 3714  
administered by the director of natural resources; 3715

(G) The department of health, which shall be administered 3716  
by the director of health; 3717

(H) The department of job and family services, which shall 3718  
be administered by the director of job and family services; 3719

(I) The department of children and youth, which shall be 3720  
administered by the director of children and youth; 3721

(J) The department of public safety, which shall be 3722  
administered by the director of public safety; 3723

(K) The department of ~~mental-behavioral health-and-~~ 3724  
~~addiction services,~~ which shall be administered by the director 3725

of <del>mental behavioral health and addiction services;</del>	3726
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	3727 3728 3729
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	3730 3731 3732
(N) The department of development, which shall be administered by the director of development;	3733 3734
(O) The department of youth services, which shall be administered by the director of youth services;	3735 3736
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	3737 3738 3739
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	3740 3741
(R) The department of aging, which shall be administered by the director of aging;	3742 3743
(S) The department of veterans services, which shall be administered by the director of veterans services;	3744 3745
(T) The department of medicaid, which shall be administered by the medicaid director;	3746 3747
(U) The department of education and workforce, which shall be administered by the director of education and workforce.	3748 3749
The director of each department shall exercise the powers and perform the duties vested by law in such department.	3750 3751
<b>Sec. 121.03.</b> The following administrative department heads	3752

shall be appointed by the governor, with the advice and consent 3753  
of the senate, and shall hold their offices during the term of 3754  
the appointing governor, and are subject to removal at the 3755  
pleasure of the governor. 3756

- (A) The director of budget and management; 3757
- (B) The director of commerce; 3758
- (C) The director of transportation; 3759
- (D) The director of agriculture; 3760
- (E) The director of job and family services; 3761
- (F) The director of children and youth; 3762
- (G) The director of public safety; 3763
- (H) The superintendent of insurance; 3764
- (I) The director of development; 3765
- (J) The tax commissioner; 3766
- (K) The director of administrative services; 3767
- (L) The director of natural resources; 3768
- (M) The director of ~~mental behavioral health and addiction~~ 3769  
~~services;~~ 3770
- (N) The director of developmental disabilities; 3771
- (O) The director of health; 3772
- (P) The director of youth services; 3773
- (Q) The director of rehabilitation and correction; 3774
- (R) The director of environmental protection; 3775
- (S) The director of aging; 3776

(T) The administrator of workers' compensation who meets 3777  
the qualifications required under division (A) of section 3778  
4121.121 of the Revised Code; 3779

(U) The director of veterans services who meets the 3780  
qualifications required under section 5902.01 of the Revised 3781  
Code; 3782

(V) The chancellor of higher education; 3783

(W) The medicaid director; 3784

(X) The director of education and workforce. 3785

**Sec. 121.085.** The financial literacy education fund is 3786  
hereby created in the state treasury. The fund shall consist of 3787  
funds transferred to it from the consumer finance fund pursuant 3788  
to section 1321.21 of the Revised Code. The fund shall be used 3789  
to support various adult financial literacy education programs 3790  
developed or implemented by the director of commerce. The fund 3791  
shall be administered by the director of commerce who shall 3792  
adopt rules for the distribution of fund moneys. ~~The director of 3793  
commerce shall adopt a rule to require that at least one-half of 3794  
the financial literacy education programs developed or 3795  
implemented pursuant to this section, and offered to the public, 3796  
be presented by or available at public community colleges or 3797  
state institutions throughout the state. The director of 3798  
commerce shall deliver to the president of the senate, the 3799  
speaker of the house of representatives, the minority leader of 3800  
the senate, the minority leader of the house of representatives, 3801  
and the governor an annual report that includes an outline of 3802  
each adult financial literacy education program developed or 3803  
implemented, the number of individuals who were educated by each 3804  
program, and an accounting for all funds distributed.~~ 3805

Sec. 121.22. (A) This section shall be liberally construed 3806  
to require public officials to take official action and to 3807  
conduct all deliberations upon official business only in open 3808  
meetings unless the subject matter is specifically excepted by 3809  
law. 3810

(B) As used in this section: 3811

(1) "Public body" means any of the following: 3812

(a) Any board, commission, committee, council, or similar 3813  
decision-making body of a state agency, institution, or 3814  
authority, and any legislative authority or board, commission, 3815  
committee, council, agency, authority, or similar decision- 3816  
making body of any county, township, municipal corporation, 3817  
school district, or other political subdivision or local public 3818  
institution; 3819

(b) Any committee or subcommittee of a body described in 3820  
division (B) (1) (a) of this section; 3821

(c) A court of jurisdiction of a sanitary district 3822  
organized wholly for the purpose of providing a water supply for 3823  
domestic, municipal, and public use when meeting for the purpose 3824  
of the appointment, removal, or reappointment of a member of the 3825  
board of directors of such a district pursuant to section 3826  
6115.10 of the Revised Code, if applicable, or for any other 3827  
matter related to such a district other than litigation 3828  
involving the district. As used in division (B) (1) (c) of this 3829  
section, "court of jurisdiction" has the same meaning as "court" 3830  
in section 6115.01 of the Revised Code. 3831

(2) "Meeting" means any prearranged discussion of the 3832  
public business of the public body by a majority of its members. 3833

(3) "Regulated individual" means either of the following: 3834

(a) A student in a state or local public educational institution; 3835  
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(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care. 3837  
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(4) "Public office" has the same meaning as in section 149.011 of the Revised Code. 3842  
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(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting. 3844  
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The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section. 3850  
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(D) This section does not apply to any of the following: 3855

(1) A grand jury; 3856

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit; 3857  
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3859

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the 3860  
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department of rehabilitation and correction when its hearings 3863  
are conducted at a correctional institution for the sole purpose 3864  
of making determinations under section 2967.271 of the Revised 3865  
Code regarding the release or maintained incarceration of an 3866  
offender to whom that section applies; 3867

(4) The organized crime investigations commission 3868  
established under section 177.01 of the Revised Code; 3869

(5) Meetings of a child fatality review board established 3870  
under section 307.621 of the Revised Code, meetings related to a 3871  
review conducted pursuant to guidelines established by the 3872  
director of health under section 3701.70 of the Revised Code, 3873  
and meetings conducted pursuant to sections 5153.171 to 5153.173 3874  
of the Revised Code; 3875

(6) The state medical board when determining whether to 3876  
suspend a license or certificate without a prior hearing 3877  
pursuant to division (G) of either section 4730.25 or 4731.22 of 3878  
the Revised Code; 3879

(7) The board of nursing when determining whether to 3880  
suspend a license or certificate without a prior hearing 3881  
pursuant to division (B) of section 4723.281 of the Revised 3882  
Code; 3883

(8) The state board of pharmacy when determining whether 3884  
to do either of the following: 3885

(a) Suspend a license, certification, or registration 3886  
without a prior hearing, including during meetings conducted by 3887  
telephone conference, pursuant to Chapters 3719., 3796., 4729., 3888  
and 4752. of the Revised Code and rules adopted thereunder; or 3889

(b) Restrict a person from obtaining further information 3890  
from the drug database established in section 4729.75 of the 3891



Revised Code without a prior hearing pursuant to division (C) of	3892
section 4729.86 of the Revised Code.	3893
(9) The state chiropractic board when determining whether	3894
to suspend a license without a hearing pursuant to section	3895
4734.37 of the Revised Code;	3896
(10) The executive committee of the emergency response	3897
commission when determining whether to issue an enforcement	3898
order or request that a civil action, civil penalty action, or	3899
criminal action be brought to enforce Chapter 3750. of the	3900
Revised Code;	3901
(11) The board of directors of the nonprofit corporation	3902
formed under section 187.01 of the Revised Code or any committee	3903
thereof, and the board of directors of any subsidiary of that	3904
corporation or a committee thereof;	3905
(12) An audit conference conducted by the audit staff of	3906
the department of job and family services with officials of the	3907
public office that is the subject of that audit under section	3908
5101.37 of the Revised Code;	3909
(13) The occupational therapy section of the occupational	3910
therapy, physical therapy, and athletic trainers board when	3911
determining whether to suspend a license without a hearing	3912
pursuant to division (E) of section 4755.11 of the Revised Code;	3913
(14) The physical therapy section of the occupational	3914
therapy, physical therapy, and athletic trainers board when	3915
determining whether to suspend a license without a hearing	3916
pursuant to division (F) of section 4755.47 of the Revised Code;	3917
(15) The athletic trainers section of the occupational	3918
therapy, physical therapy, and athletic trainers board when	3919
determining whether to suspend a license without a hearing	3920

pursuant to division (E) of section 4755.64 of the Revised Code;	3921
(16) Meetings of the pregnancy-associated mortality review board established under section <del>3738.01</del> <u>5180.27</u> of the Revised Code;	3922 3923 3924
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	3925 3926
(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;	3927 3928
(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code;	3929 3930
(20) Meetings of the officers, members, or directors of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code, at which the public business of the corporation pertaining to a purpose for which the district is created is not discussed;	3931 3932 3933 3934 3935
(21) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code;	3936 3937
(22) Any nonprofit agency that has received an endorsement under section <del>122.69</del> <u>5101.315</u> of the Revised Code.	3938 3939
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	3940 3941 3942 3943 3944 3945 3946 3947 3948

(1) Marketing plans;	3949
(2) Specific business strategy;	3950
(3) Production techniques and trade secrets;	3951
(4) Financial projections;	3952
(5) Personal financial statements of the applicant or	3953
members of the applicant's immediate family, including, but not	3954
limited to, tax records or other similar information not open to	3955
public inspection.	3956
The vote by the authority or board to accept or reject the	3957
application, as well as all proceedings of the authority or	3958
board not subject to this division, shall be open to the public	3959
and governed by this section.	3960
(F) Every public body, <del>by rule,</del> shall establish a	3961
reasonable method <u>available on the public body's web site</u>	3962
whereby any person may determine the time and place of all	3963
regularly scheduled meetings and the time, place, and purpose of	3964
all special meetings. A public body shall not hold a special	3965
meeting unless it gives at least twenty-four hours' advance	3966
notice to the news media that have requested notification,	3967
except in the event of an emergency requiring immediate official	3968
action. In the event of an emergency, the member or members	3969
calling the meeting shall notify the news media that have	3970
requested notification immediately of the time, place, and	3971
purpose of the meeting.	3972
The <del>rule</del> <u>reasonable method</u> shall provide that any person,	3973
upon request and payment of a reasonable fee, may obtain	3974
reasonable advance notification of all meetings at which any	3975
specific type of public business is to be discussed. Provisions	3976
for advance notification may include, but are not limited to,	3977

electronically mailing the agenda of meetings to all subscribers 3978  
on ~~a an electronic mailing list or mailing notices in self-~~ 3979  
~~addressed, stamped envelopes provided by the person.~~ 3980

(G) Except as provided in divisions (G)(8) and (J) of this 3981  
section, the members of a public body may hold an executive 3982  
session only after a majority of a quorum of the public body 3983  
determines, by a roll call vote, to hold an executive session 3984  
and only at a regular or special meeting for the sole purpose of 3985  
the consideration of any of the following matters: 3986

(1) To consider the appointment, employment, dismissal, 3987  
discipline, promotion, demotion, or compensation of a public 3988  
employee or official, or the investigation of charges or 3989  
complaints against a public employee, official, licensee, or 3990  
regulated individual, unless the public employee, official, 3991  
licensee, or regulated individual requests a public hearing. 3992  
Except as otherwise provided by law, no public body shall hold 3993  
an executive session for the discipline of an elected official 3994  
for conduct related to the performance of the elected official's 3995  
official duties or for the elected official's removal from 3996  
office. If a public body holds an executive session pursuant to 3997  
division (G)(1) of this section, the motion and vote to hold 3998  
that executive session shall state which one or more of the 3999  
approved purposes listed in division (G)(1) of this section are 4000  
the purposes for which the executive session is to be held, but 4001  
need not include the name of any person to be considered at the 4002  
meeting. 4003

(2) To consider the purchase of property for public 4004  
purposes, the sale of property at competitive bidding, or the 4005  
sale or other disposition of unneeded, obsolete, or unfit-for- 4006  
use property in accordance with section 505.10 of the Revised 4007

Code, if premature disclosure of information would give an 4008  
unfair competitive or bargaining advantage to a person whose 4009  
personal, private interest is adverse to the general public 4010  
interest. No member of a public body shall use division (G) (2) 4011  
of this section as a subterfuge for providing covert information 4012  
to prospective buyers or sellers. A purchase or sale of public 4013  
property is void if the seller or buyer of the public property 4014  
has received covert information from a member of a public body 4015  
that has not been disclosed to the general public in sufficient 4016  
time for other prospective buyers and sellers to prepare and 4017  
submit offers. 4018

If the minutes of the public body show that all meetings 4019  
and deliberations of the public body have been conducted in 4020  
compliance with this section, any instrument executed by the 4021  
public body purporting to convey, lease, or otherwise dispose of 4022  
any right, title, or interest in any public property shall be 4023  
conclusively presumed to have been executed in compliance with 4024  
this section insofar as title or other interest of any bona fide 4025  
purchasers, lessees, or transferees of the property is 4026  
concerned. 4027

(3) Conferences with an attorney for the public body 4028  
concerning disputes involving the public body that are the 4029  
subject of pending or imminent court action; 4030

(4) Preparing for, conducting, or reviewing negotiations 4031  
or bargaining sessions with public employees concerning their 4032  
compensation or other terms and conditions of their employment; 4033

(5) Matters required to be kept confidential by federal 4034  
law or regulations or state statutes; 4035

(6) Details relative to the security arrangements and 4036

emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

(7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, a joint township hospital operated pursuant to Chapter 513. of the Revised Code, or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code;

(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(b) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

If a public body holds an executive session to consider 4067  
any of the matters listed in divisions (G) (2) to (8) of this 4068  
section, the motion and vote to hold that executive session 4069  
shall state which one or more of the approved matters listed in 4070  
those divisions are to be considered at the executive session. 4071

A public body specified in division (B) (1) (c) of this 4072  
section shall not hold an executive session when meeting for the 4073  
purposes specified in that division. 4074

(H) A resolution, rule, or formal action of any kind is 4075  
invalid unless adopted in an open meeting of the public body. A 4076  
resolution, rule, or formal action adopted in an open meeting 4077  
that results from deliberations in a meeting not open to the 4078  
public is invalid unless the deliberations were for a purpose 4079  
specifically authorized in division (G) or (J) of this section 4080  
and conducted at an executive session held in compliance with 4081  
this section. A resolution, rule, or formal action adopted in an 4082  
open meeting is invalid if the public body that adopted the 4083  
resolution, rule, or formal action violated division (F) of this 4084  
section. 4085

(I) (1) Any person may bring an action to enforce this 4086  
section. An action under division (I) (1) of this section shall 4087  
be brought within two years after the date of the alleged 4088  
violation or threatened violation. Upon proof of a violation or 4089  
threatened violation of this section in an action brought by any 4090  
person, the court of common pleas shall issue an injunction to 4091  
compel the members of the public body to comply with its 4092  
provisions. 4093

(2) (a) If the court of common pleas issues an injunction 4094  
pursuant to division (I) (1) of this section, the court shall 4095  
order the public body that it enjoins to pay a civil forfeiture 4096

of five hundred dollars to the party that sought the injunction 4097  
and shall award to that party all court costs and, subject to 4098  
reduction as described in division (I) (2) of this section, 4099  
reasonable attorney's fees. The court, in its discretion, may 4100  
reduce an award of attorney's fees to the party that sought the 4101  
injunction or not award attorney's fees to that party if the 4102  
court determines both of the following: 4103

(i) That, based on the ordinary application of statutory 4104  
law and case law as it existed at the time of violation or 4105  
threatened violation that was the basis of the injunction, a 4106  
well-informed public body reasonably would believe that the 4107  
public body was not violating or threatening to violate this 4108  
section; 4109

(ii) That a well-informed public body reasonably would 4110  
believe that the conduct or threatened conduct that was the 4111  
basis of the injunction would serve the public policy that 4112  
underlies the authority that is asserted as permitting that 4113  
conduct or threatened conduct. 4114

(b) If the court of common pleas does not issue an 4115  
injunction pursuant to division (I) (1) of this section and the 4116  
court determines at that time that the bringing of the action 4117  
was frivolous conduct, as defined in division (A) of section 4118  
2323.51 of the Revised Code, the court shall award to the public 4119  
body all court costs and reasonable attorney's fees, as 4120  
determined by the court. 4121

(3) Irreparable harm and prejudice to the party that 4122  
sought the injunction shall be conclusively and irrebuttably 4123  
presumed upon proof of a violation or threatened violation of 4124  
this section. 4125



(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I) (1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name,

address, and occupation of the applicant, whether the assistance 4155  
was granted or denied, the amount of the assistance if 4156  
assistance is granted, and the votes for and against the 4157  
granting of assistance. 4158

**Sec. 121.35.** (A) Subject to division (B) of this section, 4159  
the following state agencies shall collaborate to revise and 4160  
make more uniform the eligibility standards and eligibility 4161  
determination procedures of programs the state agencies 4162  
administer: 4163

(1) The department of aging; 4164

(2) The department of development; 4165

(3) The department of developmental disabilities; 4166

(4) The department of education and workforce; 4167

(5) The department of health; 4168

(6) The department of job and family services; 4169

(7) The department of medicaid; 4170

(8) The department of ~~mental behavioral health and~~ 4171  
~~addiction services;~~ 4172

(9) The opportunities for Ohioans with disabilities 4173  
agency; 4174

(10) The department of children and youth. 4175

(B) In revising eligibility standards and eligibility 4176  
determination procedures, a state agency shall not make any 4177  
program's eligibility standards or eligibility determination 4178  
procedures inconsistent with state or federal law. To the extent 4179  
authorized by state and federal law, the revisions may provide 4180  
for the state agencies to share administrative operations. 4181

**Sec. 121.36.** (A) As used in this section, "home care  
dependent adult" means an individual who resides in a private  
home or other noninstitutional and unlicensed living  
arrangement, without the presence of a parent or guardian, but  
has health and safety needs that require the provision of  
regularly scheduled home care services to remain in the home or  
other living arrangement because one of the following is the  
case:

(1) The individual is at least twenty-one years of age but  
less than sixty years of age and has a physical disability or  
mental impairment.

(2) The individual is sixty years of age or older,  
regardless of whether the individual has a physical disability  
or mental impairment.

(B) Except as provided in division (D) of this section,  
the departments of developmental disabilities, aging, job and  
family services, and health shall each implement this section  
with respect to all contracts entered into by the department for  
the provision of home care services to home care dependent  
adults that are paid for in whole or in part with federal,  
state, or local funds. Except as provided in division (D) of  
this section, each department shall also require all public and  
private entities that receive money from or through the  
department to comply with this section when entering into  
contracts for the provision of home care services to home care  
dependent adults that are paid for in whole or in part with  
federal, state, or local funds. Such entities may include county  
boards of developmental disabilities, area agencies on aging,  
county departments of job and family services, and boards of  
health of city and general health districts.

(C) ~~Beginning one year after September 26, 2003, each~~ Each 4212  
contract subject to this section shall include terms requiring 4213  
that the provider of home care services to home care dependent 4214  
adults have a system in place that effectively monitors the 4215  
delivery of the services by its employees. To be considered an 4216  
effective monitoring system for purposes of the contract, the 4217  
system established by a provider must include at least the 4218  
following components: 4219

(1) When providing home care services to home care 4220  
dependent adults who have a mental impairment or life- 4221  
threatening health condition, a mechanism to verify whether the 4222  
provider's employees are present at the location where the 4223  
services are to be provided and at the time the services are to 4224  
be provided; 4225

(2) When providing home care services to all other home 4226  
care dependent adults, a system to verify at the end of each 4227  
working day whether the provider's employees have provided the 4228  
services at the proper location and time; 4229

(3) A protocol to be followed in scheduling a substitute 4230  
employee when the monitoring system identifies that an employee 4231  
has failed to provide home care services at the proper location 4232  
and time, including standards for determining the length of time 4233  
that may elapse without jeopardizing the health and safety of 4234  
the home care dependent adult; 4235

(4) Procedures for maintaining records of the information 4236  
obtained through the monitoring system; 4237

(5) Procedures for compiling annual reports of the 4238  
information obtained through the monitoring system, including 4239  
statistics on the rate at which home care services were provided 4240

at the proper location and time; 4241

(6) Procedures for conducting random checks of the 4242  
accuracy of the monitoring system. For purposes of conducting 4243  
these checks, a random check is considered to be a check of not 4244  
more than five per cent of the home care visits the provider's 4245  
employees make to different home care dependent adults within a 4246  
particular work shift. 4247

(D) In implementing this section, the departments shall 4248  
exempt ~~providers~~ the following from the section's requirements: 4249

(1) Providers of home care services who are self-employed 4250  
providers with no other employees or are otherwise considered by 4251  
the departments not to be agency providers. ~~The departments~~ 4252  
~~shall conduct a study on how the exempted providers may be made~~ 4253  
~~subject to the requirement of effectively monitoring whether~~ 4254  
~~home care services are being provided and have been provided at~~ 4255  
~~the proper location and time. Not later than two years after~~ 4256  
~~September 26, 2003, the departments shall prepare a report of~~ 4257  
~~their findings and recommendations. The report shall be~~ 4258  
~~submitted to the president of the senate and the speaker of the~~ 4259  
~~house of representatives;~~ 4260

(2) Providers who utilize an electronic visit verification 4261  
system as described in section 12006 of the "21st Century Cures 4262  
Act of 2016," 42 U.S.C. 1903(1). 4263

(E) The departments of developmental disabilities, aging, 4264  
job and family services, and health shall each adopt rules as 4265  
necessary to implement this section. The rules shall be adopted 4266  
in accordance with Chapter 119. of the Revised Code. 4267

**Sec. 121.37.** (A) (1) There is hereby created the Ohio 4268  
family and children first cabinet council. The council shall be 4269

composed of the director of education and workforce, the 4270  
executive director of the opportunities for Ohioans with 4271  
disabilities agency, the medicaid director, and the directors of 4272  
youth services, job and family services, ~~mental-behavioral~~ 4273  
~~health-and-addiction-services~~, health, developmental 4274  
disabilities, aging, rehabilitation and correction, children and 4275  
youth, and budget and management. The chairperson of the council 4276  
shall be the governor or the governor's designee and shall 4277  
establish procedures for the council's internal control and 4278  
management. 4279

The purpose of the cabinet council is to help families 4280  
seeking government services. This section shall not be 4281  
interpreted or applied to usurp the role of parents, but solely 4282  
to streamline and coordinate existing government services for 4283  
families seeking assistance for their children. 4284

(2) In seeking to fulfill its purpose, the council may do 4285  
any of the following: 4286

(a) Advise and make recommendations to the governor and 4287  
general assembly regarding the provision of services to 4288  
children; 4289

(b) Advise and assess local governments on the 4290  
coordination of service delivery to children; 4291

(c) Hold meetings at such times and places as may be 4292  
prescribed by the council's procedures and maintain records of 4293  
the meetings, except that records identifying individual 4294  
children are confidential and shall be disclosed only as 4295  
provided by law; 4296

(d) Develop programs and projects, including pilot 4297  
projects, to encourage coordinated efforts at the state and 4298

local level to improve the state's social service delivery system; 4299  
4300

(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; 4301  
4302  
4303  
4304  
4305

(f) Enter into contracts with and apply for grants from federal agencies or private organizations; 4306  
4307

(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds; 4308  
4309  
4310  
4311  
4312

(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; 4313  
4314  
4315  
4316  
4317

(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 4318  
4319  
4320  
4321

(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children; 4322  
4323  
4324  
4325

(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that 4326  
4327

serve alleged or adjudicated unruly children or children who are 4328  
at risk of being alleged or adjudicated unruly children. 4329

(3) The cabinet council shall provide for the following: 4330

(a) Reviews of service and treatment plans for children 4331  
for which such reviews are requested; 4332

(b) Assistance as the council determines to be necessary 4333  
to meet the needs of children referred by county family and 4334  
children first councils; 4335

(c) Monitoring and supervision of a statewide, 4336  
comprehensive, coordinated, multi-disciplinary, interagency 4337  
system for infants and toddlers with developmental disabilities 4338  
or delays and their families, as established pursuant to federal 4339  
grants received and administered by the department of children 4340  
and youth for early intervention services under the "Individuals 4341  
with Disabilities Education Act of 2004," 118 Stat. 2744, 20 4342  
U.S.C.A. 1400, as amended; 4343

(d) Establishing and maintaining the Ohio automated 4344  
service coordination system pursuant to section 121.376 of the 4345  
Revised Code. 4346

(4) The cabinet council shall develop and implement the 4347  
following: 4348

(a) An interagency process to select the indicators that 4349  
will be used to measure progress toward increasing child well- 4350  
being in the state and to update the indicators on an annual 4351  
basis. 4352

(b) An interagency system to offer guidance and monitor 4353  
progress toward increasing child well-being in the state and in 4354  
each county; 4355



(c) An annual plan that identifies state-level agency 4356  
efforts taken to ensure progress towards increasing child well- 4357  
being in the state; 4358

(d) A state appeals process to resolve disputes among the 4359  
members of a county council, established under division (B) of 4360  
this section, concerning whether reasonable responsibilities are 4361  
being shared. The appeals process may be accessed only by a 4362  
majority vote of the council members who are required to serve 4363  
on the council. Upon appeal, the cabinet council may order that 4364  
state funds for services to children and families be redirected 4365  
to a county's board of county commissioners. 4366

(5) On an annual basis, the cabinet council shall submit 4367  
to the governor and the general assembly a report on the status 4368  
of efforts to increase child well-being in the state. This 4369  
report shall be made available to any other person on request. 4370

(6) The cabinet council state office may adopt rules 4371  
governing the responsibilities of county family and children 4372  
first councils established in division ~~(B) (3)~~ (B) (5) of this 4373  
section. 4374

(B) (1) ~~Each~~ Except as provided in division (B) (2) of this 4375  
section, each board of county commissioners shall establish a 4376  
county family and children first council. The board may invite 4377  
any local public or private agency or group that funds, 4378  
advocates, or provides services to children and families to have 4379  
a representative become a permanent or temporary member of its 4380  
county council. Each county council must include the following 4381  
individuals: 4382

(a) At least three individuals ~~who are not employed by an~~ 4383  
~~agency represented on the council and whose families are~~ 4384

receiving or have received services from an agency represented 4385  
on the council or another county's council. If such an 4386  
individual is employed by an agency represented on the council, 4387  
the individual shall complete a conflict of interest disclosure 4388  
form and abstain from any vote that involves the agency that 4389  
employs the individual. Where possible, the number of members 4390  
representing families ~~shall~~may be equal to twenty per cent of 4391  
the council's membership. 4392

(b) The director of the board of alcohol, drug addiction, 4393  
and mental health services that serves the county, or, in the 4394  
case of a county that has a board of alcohol and drug addiction 4395  
services and a community mental health board, the directors of 4396  
both boards. If a board of alcohol, drug addiction, and mental 4397  
health services covers more than one county, the director may 4398  
designate a person to participate on the county's council. 4399

(c) The health commissioner, or the commissioner's 4400  
designee, of the board of health of each city and general health 4401  
district in the county. If the county has two or more health 4402  
districts, the health commissioner membership may be limited to 4403  
the commissioners of the two districts with the largest 4404  
populations. 4405

(d) The director of the county department of job and 4406  
family services; 4407

(e) The executive director of the public children services 4408  
agency; 4409

(f) The superintendent of the county board of 4410  
developmental disabilities or, if the superintendent serves as 4411  
superintendent of more than one county board of developmental 4412  
disabilities, the superintendent's designee; 4413

(g) The superintendent of the city, exempted village, or 4414  
local school district with the largest number of pupils residing 4415  
in the county, or a district-level administrative designee with 4416  
decision-making authority, as determined by the department of 4417  
education and workforce, which shall notify each board of county 4418  
commissioners of its determination at least biennially; 4419

(h) A school superintendent representing all other school 4420  
districts with territory in the county, or a district-level 4421  
administrative designee with decision-making authority, as 4422  
designated at a biennial meeting of the superintendents of those 4423  
districts; 4424

(i) A representative of the municipal corporation with the 4425  
largest population in the county; 4426

(j) The president of the board of county commissioners or 4427  
an individual designated by the board; 4428

(k) A representative of the department of youth services 4429  
or an individual designated by the department; 4430

(l) A representative of the county's head start agencies, 4431  
as defined in section 3301.32 of the Revised Code; 4432

(m) A representative of the county's early intervention 4433  
collaborative established pursuant to the federal early 4434  
intervention program operated under the "Individuals with 4435  
Disabilities Education Act of 2004"; 4436

(n) A representative of a local nonprofit entity that 4437  
funds, advocates, or provides services to children and families. 4438

Notwithstanding any other provision of law, the public 4439  
members of a county council are not prohibited from serving on 4440  
the council and making decisions regarding the duties of the 4441

council, including those involving the funding of joint projects 4442  
and those outlined in the county's service coordination 4443  
mechanism implemented pursuant to division (C) of this section. 4444

The county's juvenile court judge senior in service or 4445  
another judge of the juvenile court designated by the 4446  
administrative judge or, where there is no administrative judge, 4447  
by the judge senior in service shall serve as the judicial 4448  
advisor to the county family and children first council. The 4449  
judge may advise the county council on the court's utilization 4450  
of resources, services, or programs provided by the entities 4451  
represented by the members of the county council and how those 4452  
resources, services, or programs assist the court in its 4453  
administration of justice. Service of a judge as a judicial 4454  
advisor pursuant to this section is a judicial function. 4455

(2) By passing a resolution, a board of county 4456  
commissioners may decide not to establish or maintain a county 4457  
family and children first council for the county if the board 4458  
determines that all of the following conditions exist: 4459

(a) Alternative programs and services exist in the county 4460  
to meet the needs of those served by a family and children first 4461  
council. 4462

(b) A family and children first council for the county is 4463  
not or would not be sufficiently funded to make the council 4464  
financially sustainable. 4465

(c) The director of the county department of job and 4466  
family services, executive director of the public children 4467  
services agency, and county board of developmental disabilities 4468  
each recommend to the board of county commissioners not to 4469  
establish or maintain a county family and children first 4470

council. 4471

(3) A county's board of county commissioners that has 4472  
decided to not establish or maintain a county family and 4473  
children first council may reconsider the decision at any time 4474  
but shall do so not later than five years after the date the 4475  
resolution passed. In reconsidering the decision, the board of 4476  
county commissioners shall determine whether all the conditions 4477  
described in division (B) (2) of this section exist. 4478

(4) The purpose of the county council is to streamline and 4479  
coordinate existing government services for families seeking 4480  
services for their children. In seeking to fulfill its purpose, 4481  
a county council shall provide for the following: 4482

(a) Referrals to the cabinet council of those children for 4483  
whom the county council cannot provide adequate services; 4484

(b) Development and implementation of a process that 4485  
annually evaluates and prioritizes services, fills service gaps 4486  
where possible, and invents new approaches to achieve better 4487  
results for families and children; 4488

(c) Participation in the development of a countywide, 4489  
comprehensive, coordinated, multi-disciplinary, interagency 4490  
system for infants and toddlers with developmental disabilities 4491  
or delays and their families, as established pursuant to federal 4492  
grants received and administered by the department of children 4493  
and youth for early intervention services under the "Individuals 4494  
with Disabilities Education Act of 2004"; 4495

(d) Maintenance of an accountability system to monitor the 4496  
county council's progress in achieving results for families and 4497  
children; 4498

(e) Establishment of a mechanism to ensure ongoing input 4499

from a broad representation of families who are receiving 4500  
services within the county system. 4501

~~(3)~~(5) A county council shall develop and implement the 4502  
following: 4503

(a) An interagency process to establish local indicators 4504  
and monitor the county's progress toward increasing child well- 4505  
being in the county; 4506

(b) An interagency process to identify local priorities to 4507  
increase child well-being. 4508

(c) An annual plan that identifies the county's 4509  
interagency efforts to increase child well-being in the county. 4510

On an annual basis, the county council shall submit a 4511  
report on the status of efforts by the county to increase child 4512  
well-being in the county to the county's board of county 4513  
commissioners and the cabinet council. This report shall be made 4514  
available to any other person on request. 4515

~~(4)~~~~(a)~~(6) (a) Except as provided in division ~~(B)~~~~(4)~~~~(b)~~(B) 4516  
(6) (b) of this section, a county council shall comply with the 4517  
policies, procedures, and activities prescribed by the rules or 4518  
interagency agreements of a state department participating on 4519  
the cabinet council whenever the county council performs a 4520  
function subject to those rules or agreements. 4521

(b) On application of a county council, the cabinet 4522  
council may grant an exemption from any rules or interagency 4523  
agreements of a state department participating on the council if 4524  
an exemption is necessary for the council to implement an 4525  
alternative program or approach for service delivery to families 4526  
and children. The application shall describe the proposed 4527  
program or approach and specify the rules or interagency 4528

agreements from which an exemption is necessary. The cabinet 4529  
council shall approve or disapprove the application in 4530  
accordance with standards and procedures it shall adopt. If an 4531  
application is approved, the exemption is effective only while 4532  
the program or approach is being implemented, including a 4533  
reasonable period during which the program or approach is being 4534  
evaluated for effectiveness. 4535

~~(5)(a)~~ (7)(a) Each county council shall designate an 4536  
administrative agent for the council from among the following 4537  
public entities: the board of alcohol, drug addiction, and 4538  
mental health services, including a board of alcohol and drug 4539  
addiction or a community mental health board if the county is 4540  
served by separate boards; the board of county commissioners; 4541  
any board of health of the county's city and general health 4542  
districts; the county department of job and family services; the 4543  
county agency responsible for the administration of children 4544  
services pursuant to section 5153.15 of the Revised Code; the 4545  
county board of developmental disabilities; any of the county's 4546  
boards of education or governing boards of educational service 4547  
centers; or the county's juvenile court. Any of the foregoing 4548  
public entities, other than the board of county commissioners, 4549  
may decline to serve as the council's administrative agent. 4550

A county council's administrative agent shall serve as the 4551  
council's appointing authority for any employees of the council. 4552  
The council shall file an annual budget with its administrative 4553  
agent, with copies filed with the county auditor and with the 4554  
board of county commissioners, unless the board is serving as 4555  
the council's administrative agent. The council's administrative 4556  
agent shall ensure that all expenditures are handled in 4557  
accordance with policies, procedures, and activities prescribed 4558  
by state departments in rules, grant agreements, or interagency 4559

agreements that are applicable to the council's functions. 4560

The administrative agent of a county council ~~shall~~may 4561  
send notice of a member's absence if a member listed in division 4562  
(B) (1) of this section has been absent from either three 4563  
consecutive meetings of the county council or a county council 4564  
subcommittee, or from one-quarter of such meetings in a calendar 4565  
year, whichever is less. The notice shall be sent to the board 4566  
of county commissioners that establishes the county council and, 4567  
for the members listed in divisions (B) (1) (b), (c), (e), and (l) 4568  
of this section, to the governing board overseeing the 4569  
respective entity; for the member listed in division (B) (1) (f) 4570  
of this section, to the county board of developmental 4571  
disabilities that employs the superintendent; for a member 4572  
listed in division (B) (1) (g) or (h) of this section, to the 4573  
school board that employs the superintendent; for the member 4574  
listed in division (B) (1) (i) of this section, to the mayor of 4575  
the municipal corporation; for the member listed in division (B) 4576  
(1) (k) of this section, to the director of youth services; and 4577  
for the member listed in division (B) (1) (n) of this section, to 4578  
that member's board of trustees. 4579

The administrative agent for a county council may do any 4580  
of the following on behalf of the council: 4581

(i) Enter into agreements or administer contracts with 4582  
public or private entities to fulfill specific council business. 4583  
Such agreements and contracts are exempt from the competitive 4584  
bidding requirements of section 307.86 of the Revised Code if 4585  
they have been approved by the county council and they are for 4586  
the purchase of services for families and children. The approval 4587  
of the county council is not required to exempt agreements or 4588  
contracts entered into under section 5139.34, 5139.41, or 4589



5139.43 of the Revised Code from the competitive bidding 4590  
requirements of section 307.86 of the Revised Code. 4591

(ii) As determined by the council, provide financial 4592  
stipends, reimbursements, or both, to family representatives for 4593  
expenses related to council activity; 4594

(iii) Receive by gift, grant, devise, or bequest any 4595  
moneys, lands, or other property for the purposes for which the 4596  
council is established. The agent shall hold, apply, and dispose 4597  
of the moneys, lands, or other property according to the terms 4598  
of the gift, grant, devise, or bequest. Any interest or earnings 4599  
shall be treated in the same manner and are subject to the same 4600  
terms as the gift, grant, devise, or bequest from which it 4601  
accrues. 4602

(b) (i) If the county council designates the board of 4603  
county commissioners as its administrative agent, the board may, 4604  
by resolution, delegate any of its powers and duties as 4605  
administrative agent to an executive committee the board 4606  
establishes from the membership of the county council. The board 4607  
shall name to the executive committee at least the individuals 4608  
described in divisions (B) (1) (b) to (h) of this section and may 4609  
appoint the president of the board or another individual as the 4610  
chair of the executive committee. The executive committee must 4611  
include at least one family county council representative who 4612  
does not have a family member employed by an agency represented 4613  
on the council. 4614

(ii) The executive committee may, with the approval of the 4615  
board, hire an executive director to assist the county council 4616  
in administering its powers and duties. The executive director 4617  
shall serve in the unclassified civil service at the pleasure of 4618  
the executive committee. The executive director may, with the 4619

approval of the executive committee, hire other employees as 4620  
necessary to properly conduct the county council's business. 4621

(iii) The board may require the executive committee to 4622  
submit an annual budget to the board for approval and may amend 4623  
or repeal the resolution that delegated to the executive 4624  
committee its authority as the county council's administrative 4625  
agent. 4626

~~(6)~~(8) Two or more county councils may enter into an 4627  
agreement to administer their county councils jointly by 4628  
creating a regional family and children first council. A 4629  
regional council possesses the same duties and authority 4630  
possessed by a county council, except that the duties and 4631  
authority apply regionally rather than to individual counties. 4632  
Prior to entering into an agreement to create a regional 4633  
council, the members of each county council to be part of the 4634  
regional council shall meet to determine whether all or part of 4635  
the members of each county council will serve as members of the 4636  
regional council. 4637

~~(7)~~(9) A board of county commissioners may approve a 4638  
resolution by a majority vote of the board's members that 4639  
requires the county council to submit a statement to the board 4640  
each time the council proposes to enter into an agreement, adopt 4641  
a plan, or make a decision, other than a decision pursuant to 4642  
section 121.38 of the Revised Code, that requires the 4643  
expenditure of funds for two or more families. The statement 4644  
shall describe the proposed agreement, plan, or decision. 4645

Not later than fifteen days after the board receives the 4646  
statement, it shall, by resolution approved by a majority of its 4647  
members, approve or disapprove the agreement, plan, or decision. 4648  
Failure of the board to pass a resolution during that time 4649

period shall be considered approval of the agreement, plan, or decision. 4650  
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An agreement, plan, or decision for which a statement is required to be submitted to the board shall be implemented only if it is approved by the board. 4652  
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(C) Each county shall develop a county service coordination mechanism. The county service coordination mechanism shall serve as the guiding document for coordination of services in the county. For children who also receive services under the early intervention program, the main provider of service coordination shall be an early intervention service coordinator to ensure compliance with section ~~5123.02~~ 5180.30 of the Revised Code. All family service coordination plans shall be developed in accordance with the county service coordination mechanism. The mechanism shall be developed and approved with the participation of the county entities representing child welfare; developmental disabilities; alcohol, drug addiction, and mental health services; health; juvenile judges; education; the county family and children first council; and the county early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004." The county shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and administration of each county's service coordination mechanism. 4655  
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Each mechanism shall include all of the following: 4676

(1) A procedure for an agency, including a juvenile court, or a family voluntarily seeking service coordination, to refer the child and family to the county council for service 4677  
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coordination in accordance with the mechanism; 4680

(2) A procedure ensuring that a family and all appropriate 4681  
staff from involved agencies, including a representative from 4682  
the appropriate school district, are notified of and invited to 4683  
participate in all family service coordination plan meetings; 4684

(3) A procedure that permits a family to initiate a 4685  
meeting to develop or review the family's service coordination 4686  
plan and allows the family to invite a family advocate, mentor, 4687  
or support person of the family's choice to participate in any 4688  
such meeting; 4689

(4) A procedure for ensuring that a family service 4690  
coordination plan meeting is conducted for each child who 4691  
receives service coordination under the mechanism and for whom 4692  
an emergency out-of-home placement has been made or for whom a 4693  
nonemergency out-of-home placement is being considered. The 4694  
meeting shall be conducted within ten days of an emergency out- 4695  
of-home placement. The meeting shall be conducted before a 4696  
nonemergency out-of-home placement. The family service 4697  
coordination plan shall outline how the county council members 4698  
will jointly pay for services, where applicable, and provide 4699  
services in the least restrictive environment. 4700

(5) A procedure for monitoring the progress and tracking 4701  
the outcomes of each service coordination plan requested in the 4702  
county including monitoring and tracking children in out-of-home 4703  
placements to assure continued progress, appropriateness of 4704  
placement, and continuity of care after discharge from placement 4705  
with appropriate arrangements for housing, treatment, and 4706  
education; 4707

(6) A procedure for protecting the confidentiality of all 4708

personal family information disclosed during service 4709  
coordination meetings or contained in the comprehensive family 4710  
service coordination plan; 4711

(7) A procedure for assessing the needs and strengths of 4712  
any child or family that has been referred to the council for 4713  
service coordination, including a child whose parent or 4714  
custodian is voluntarily seeking services, and for ensuring that 4715  
parents and custodians are afforded the opportunity to 4716  
participate; 4717

(8) A procedure for development of a family service 4718  
coordination plan described in division (D) of this section; 4719

(9) A local dispute resolution process to serve as the 4720  
process that must be used first to resolve disputes among the 4721  
agencies represented on the county council concerning the 4722  
provision of services to children, including children who are 4723  
abused, neglected, dependent, unruly, alleged unruly, or 4724  
delinquent children and under the jurisdiction of the juvenile 4725  
court and children whose parents or custodians are voluntarily 4726  
seeking services. The local dispute resolution process shall 4727  
comply with sections 121.38, 121.381, and 121.382 of the Revised 4728  
Code. The local dispute resolution process shall be used to 4729  
resolve disputes between a child's parents or custodians and the 4730  
county council regarding service coordination. The county 4731  
council shall inform the parents or custodians of their right to 4732  
use the dispute resolution process. Parents or custodians shall 4733  
use existing local agency grievance procedures to address 4734  
disputes not involving service coordination. The dispute 4735  
resolution process is in addition to and does not replace other 4736  
rights or procedures that parents or custodians may have under 4737  
other sections of the Revised Code. 4738

The cabinet council shall adopt rules in accordance with 4739  
Chapter 119. of the Revised Code establishing an administrative 4740  
review process to address problems that arise concerning the 4741  
operation of a local dispute resolution process. 4742

Nothing in division (C) (4) of this section shall be 4743  
interpreted as overriding or affecting decisions of a juvenile 4744  
court or public children services agency regarding an out-of- 4745  
home placement, long-term placement, or emergency out-of-home 4746  
placement. 4747

(D) Each county shall develop a family service 4748  
coordination plan that does all of the following: 4749

(1) Designates service responsibilities among the various 4750  
state and local agencies that provide services to children and 4751  
their families, including children who are abused, neglected, 4752  
dependent, unruly, or delinquent children and under the 4753  
jurisdiction of the juvenile court and children whose parents or 4754  
custodians are voluntarily seeking services; 4755

(2) Designates an individual, approved by the family, to 4756  
track the progress of the family service coordination plan, 4757  
schedule reviews as necessary, and facilitate the family service 4758  
coordination plan meeting process; 4759

(3) Ensures that assistance and services to be provided 4760  
are responsive to the strengths and needs of the family, as well 4761  
as the family's culture, race, and ethnic group, by allowing the 4762  
family to offer information and suggestions and participate in 4763  
decisions. Identified assistance and services shall be provided 4764  
in the least restrictive environment possible. 4765

(4) Includes a process for dealing with a child who is 4766  
alleged to be an unruly child. The process shall include methods 4767

to divert the child from the juvenile court system; 4768

(5) Includes timelines for completion of goals specified 4769  
in the plan with regular reviews scheduled to monitor progress 4770  
toward those goals; 4771

(6) Includes a plan for dealing with short-term crisis 4772  
situations and safety concerns. 4773

(E) (1) The process provided for under division (D) (4) of 4774  
this section may include, but is not limited to, the following: 4775

(a) Designation of the person or agency to conduct the 4776  
assessment of the child and the child's family as described in 4777  
division (C) (7) of this section and designation of the 4778  
instrument or instruments to be used to conduct the assessment; 4779

(b) An emphasis on the personal responsibilities of the 4780  
child and the parental responsibilities of the parents, 4781  
guardian, or custodian of the child; 4782

(c) Involvement of local law enforcement agencies and 4783  
officials. 4784

(2) The method to divert a child from the juvenile court 4785  
system that must be included in the service coordination process 4786  
may include, but is not limited to, the following: 4787

(a) The preparation of a complaint under section 2151.27 4788  
of the Revised Code alleging that the child is an unruly child 4789  
and notifying the child and the parents, guardian, or custodian 4790  
that the complaint has been prepared to encourage the child and 4791  
the parents, guardian, or custodian to comply with other methods 4792  
to divert the child from the juvenile court system; 4793

(b) Conducting a meeting with the child, the parents, 4794  
guardian, or custodian, and other interested parties to 4795

determine the appropriate methods to divert the child from the juvenile court system; 4796  
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(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian; 4798  
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(d) A program to provide a mentor to the child or the parents, guardian, or custodian; 4802  
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(e) A program to provide parenting education to the parents, guardian, or custodian; 4804  
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(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school; 4806  
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(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council. 4809  
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(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds. 4813  
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(G) As used in this section, "early intervention service coordinator" means a person who holds an early intervention service coordinator credential or an early intervention service coordination supervisor credential issued by the department of ~~developmental disabilities~~ children and youth and who assists and enables an infant or toddler with a developmental delay or 4819  
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disability and the child's family to receive the services and 4825  
rights, including procedural safeguards, required under part C 4826  
of the "Individuals with Disabilities Education Act of 2004," 20 4827  
U.S.C. 1400, as amended. 4828

**Sec. 121.93.** (A) Except as provided in division (E) of 4829  
this section, an agency shall review its operations to identify 4830  
principles of law or policy that have not been stated in a rule 4831  
and that the agency is relying upon in conducting adjudications 4832  
or other determinations of rights and liabilities or in issuing 4833  
writings and other materials, such as instructions, directives, 4834  
policy statements, guidelines, handbooks, manuals, advisories, 4835  
notices, circulars, advertisements, forms, letters, and 4836  
opinions. An agency is not required to identify principles of 4837  
law or policy relied upon in issuing internal management rules 4838  
as defined in section 111.15 of the Revised Code. The agency 4839  
shall complete at least one of the reviews during a governor's 4840  
term. 4841

Within six months after the expiration of a governor's 4842  
term, the agency electronically shall transmit a report to the 4843  
joint committee on agency rule review containing the following: 4844

(1) A statement that the agency has completed one or more 4845  
of the reviews, specifying the exact number of reviews completed 4846  
during the governor's expired term; 4847

(2) The principles of law or policies identified under 4848  
this division; 4849

(3) The agency's considerations regarding the identified 4850  
principles of law or policies under division (B) of this 4851  
section; 4852

(4) Any principles of law or policies for which the agency 4853

determines rulemaking is indicated or for which the agency has 4854  
commenced the rule-making process under division (C) of this 4855  
section. 4856

The joint committee on agency rule review shall make the 4857  
reports available on its web site. 4858

(B) The agency shall determine whether a principle of law 4859  
or policy thus identified has a general and uniform operation 4860  
and establishes a legal regulation or standard that would not 4861  
exist in its absence. If the principle of law or policy has 4862  
these characteristics, the agency shall determine whether the 4863  
principle of law or policy should be supplanted by its 4864  
restatement in a rule to achieve one or more of the following as 4865  
they are relevant to the principle of law or policy: 4866

(1) Assert the general and uniform operation of the 4867  
principle of law or policy; 4868

(2) Make the principle of law or policy more readily 4869  
available to the public; 4870

(3) Make the principle of law or policy more readily 4871  
available to persons who specifically are affected by the 4872  
principle of law or policy; 4873

(4) Enable the principle of law or policy to be better 4874  
known in advance of its application; 4875

(5) Enable greater public participation in improvement and 4876  
further development of the principle of law or policy; 4877

(6) Enable greater participation by persons specifically 4878  
affected by the principle of law or policy in the improvement 4879  
and further development of the principle of law or policy; 4880

(7) Make the principle of law or policy more easily 4881

understandable; or 4882

(8) Make the principle of law or policy more readily 4883  
available to those legally charged with monitoring or reviewing 4884  
the agency's operations. 4885

If a principle of law or policy aids in the interpretation 4886  
of an existing rule or statute, the agency shall consider 4887  
whether the aiding effect clarifies or otherwise resolves an 4888  
uncertainty in the existing rule or statute. If the principle of 4889  
law or policy can be so characterized, the agency shall consider 4890  
whether the principle of law or policy should be supplanted by 4891  
its restatement in an interpretive rule. The agency may not 4892  
presume that a principle of law or policy that aids in the 4893  
interpretation of an existing rule or statute is simply a 4894  
reiteration of the existing rule or statute. 4895

(C) If the agency determines, in light of the foregoing 4896  
standards, that rulemaking is indicated, the agency shall 4897  
commence the rule-making process as soon as it is reasonably 4898  
feasible to do so, but not later than the date that is ~~six~~three 4899  
months after the determination was made. The principle of law or 4900  
policy as it is restated in a rule does not need to be wholly 4901  
congruent with the supplanted principle of law or policy. The 4902  
agency lawfully may improve or develop further the supplanted 4903  
principle of law or policy as it is restated in a rule. 4904

The agency may continue to rely upon the principle of law 4905  
or policy, but only while it is complying with the preceding 4906  
paragraph. The agency may not rely upon the principle of law or 4907  
policy in advising with regard to or in determining the rights 4908  
or liabilities of a person if ~~the~~any of the following apply: 4909

(1) The agency fails to commence the rule-making process 4910

by the deadline specified in the preceding paragraph,~~or if,~~ 4911  
~~after~~. 4912

(2) After commencing the rule-making process, the agency 4913  
neglects or abandons the rule-making process before it is 4914  
completed. 4915

(3) The agency fails to file a rule for which rulemaking 4916  
is indicated under this section in final form within one year of 4917  
the agency making a determination under this section. 4918

(4) After filing a proposed rule and rule summary and 4919  
fiscal analysis with the joint committee, the agency notifies 4920  
the joint committee of the agency's intention to file a revised 4921  
proposed rule as described in division (B) of section 106.02 of 4922  
the Revised Code. 4923

(D) A principle of law or policy that is relied upon 4924  
directly or by clear implication from a statute applying to the 4925  
agency does not need to be supplanted by rule. 4926

(E) This section does not apply to an agency, commission, 4927  
or committee created in the legislative branch of government or 4928  
to serve the general assembly including, but not limited to, all 4929  
of the following: 4930

(1) The joint legislative ethics committee; 4931

(2) The joint medicaid oversight committee; 4932

(3) The correctional institution inspection committee; 4933

(4) The legislative service commission; 4934

(5) The legislative information services; 4935

(6) The capitol square review and advisory board. 4936

**Sec. 121.931.** (A) A person may petition an agency in 4937

writing to restate a principle of law or policy in a rule if (1) 4938  
the person was a party to an adjudication or other determination 4939  
before an agency that has resulted in an order or other 4940  
disposition or was a party to a civil action in which judgment 4941  
has been entered, and (2) the adjudication or other 4942  
determination, or the civil action, involved a principle of law 4943  
or policy relied upon by the agency that, under section 121.93 4944  
of the Revised Code, should have been supplanted by its 4945  
restatement in a rule but has not been so supplanted. The 4946  
petition shall briefly explain why the principle of law or 4947  
policy should, under section 121.93 of the Revised Code, be 4948  
supplanted by its restatement in a rule. The person shall send 4949  
the petition to the agency not later than the ninetieth day 4950  
after the order or other disposition was issued or the judgment 4951  
was entered. The person also shall send a copy of the petition 4952  
to the joint committee on agency rule review. 4953

(B) The agency, not later than the thirtieth day after 4954  
receiving a timely petition, shall consider the petition in 4955  
light of section 121.93 of the Revised Code, and shall notify 4956  
the petitioner in writing, by certified mail, return receipt 4957  
requested, whether it grants or intends to deny the petition. 4958

(1) If the agency grants the petition, it shall commence 4959  
the rule-making process as soon as it is reasonably feasible to 4960  
do so, but not later than the date that is ~~six~~three months 4961  
after the petition was granted. The principle of law or policy 4962  
as it is restated in a rule does not need to be wholly congruent 4963  
with the supplanted principle of law or policy. The agency 4964  
lawfully may improve or develop further the supplanted principle 4965  
of law or policy. 4966

The agency may continue to rely upon the principle of law 4967

or policy, but only while it is complying with the preceding 4968  
paragraph. The agency may not rely upon the principle of law or 4969  
policy in advising with regard to or in determining the rights 4970  
or liabilities of a person if ~~the~~ any of the following apply: 4971

(a) The agency fails to commence the rule-making process 4972  
by the deadline specified in the preceding paragraph, ~~or if,~~ 4973  
~~after.~~ 4974

(b) After commencing the rule-making process, the agency 4975  
neglects or abandons the rule-making process before it is 4976  
completed. 4977

(c) The agency fails to file a rule for which rulemaking 4978  
is required under this section in final form within one year of 4979  
the agency granting a petition under this division. 4980

(d) After filing a proposed rule and rule summary and 4981  
fiscal analysis with the joint committee, the agency notifies 4982  
the joint committee of the agency's intention to file a revised 4983  
proposed rule as described in division (B) of section 106.02 of 4984  
the Revised Code. 4985

(2) If the agency intends to deny the petition, it shall 4986  
send the petitioner a notice affording the petitioner an 4987  
opportunity for a hearing on the petition and briefly explaining 4988  
why the agency intends to deny the petition. If the petitioner 4989  
does not in writing request a hearing within fifteen days after 4990  
receiving the notice, the agency shall deny the petition and 4991  
notify the petitioner in writing. If the petitioner responds in 4992  
writing within the fifteen-day period requesting a hearing, the 4993  
agency, by certified mail, return receipt requested, promptly 4994  
shall notify the petitioner of the time and place for the 4995  
hearing, which shall be not earlier than the thirtieth day after 4996

the notice was sent to the petitioner. 4997

(C) At the hearing, the agency shall explain why, 4998  
notwithstanding section 121.93 of the Revised Code, it intends 4999  
to deny the petition, and the petitioner shall explain why under 5000  
that section the petitioner believes the agency's intention to 5001  
be erroneous. The hearing shall be informal. The petitioner may 5002  
be assisted by counsel at the hearing. 5003

(D) Not later than the thirtieth day after the hearing 5004  
concludes, the agency shall grant or deny the petition. 5005

(1) If the agency grants the petition, it shall commence 5006  
the rule-making process as soon as it is reasonably feasible to 5007  
do so, but not later than the date that is ~~six~~three months 5008  
after the determination was made. The principle of law or policy 5009  
as it is restated in a rule does not need to be wholly congruent 5010  
with the supplanted principle of law or policy. The agency 5011  
lawfully may improve or develop further the supplanted principle 5012  
of law or policy as it is restated in a rule. 5013

The agency may continue to rely upon the principle of law 5014  
or policy, but only while it is complying with the preceding 5015  
paragraph. The agency may not rely upon the principle of law or 5016  
policy in advising with regard to or in determining the rights 5017  
or liabilities of a person if ~~the~~any of the following apply: 5018

(a) The agency fails to commence the rule-making process 5019  
by the deadline specified in the preceding paragraph, ~~or if,~~ 5020  
~~after~~. 5021

(b) After commencing the rule-making process, the agency 5022  
neglects or abandons the rule-making process before it is 5023  
completed. 5024

(c) The agency fails to file a rule for which rulemaking 5025

is required under this section in final form within one year of 5026  
the agency granting a petition under this division. 5027

(d) After filing a proposed rule and rule summary and 5028  
fiscal analysis with the joint committee, the agency notifies 5029  
the joint committee of the agency's intention to file a revised 5030  
proposed rule as described in division (B) of section 106.02 of 5031  
the Revised Code. 5032

(2) If the petitioner failed to appear at the hearing, or 5033  
if the petitioner failed to persuade the agency that its 5034  
intention to deny the petition is erroneous, the agency shall 5035  
deny the petition. 5036

The agency shall send notice in writing to the petitioner 5037  
of the outcome. If the outcome is denial of the petition, the 5038  
notice shall explain briefly why the agency is denying the 5039  
petition. The petitioner is not entitled to appeal the outcome. 5040

**Sec. 122.04.** The department of development shall do the 5041  
following: 5042

(A) Maintain a continuing evaluation of the sources 5043  
available for the retention, development, or expansion of 5044  
industrial and commercial facilities in this state through both 5045  
public and private agencies; 5046

(B) Assist public and private agencies in obtaining 5047  
information necessary to evaluate the desirability of the 5048  
retention, construction, or expansion of industrial and 5049  
commercial facilities in the state; 5050

(C) Facilitate contracts between community improvement 5051  
corporations organized under Chapter 1724. of the Revised Code 5052  
or Ohio development corporations organized under Chapter 1726. 5053  
of the Revised Code and industrial and commercial concerns 5054



seeking to locate or expand in the state; 5055

(D) Upon request, consult with public agencies or 5056  
authorities in the preparation of studies of human and economic 5057  
needs or advantages relating to economic and community 5058  
development; 5059

(E) Encourage, promote, and assist trade and commerce 5060  
between this state and foreign nations; 5061

(F) Promote and encourage persons to visit and travel 5062  
within this state; 5063

(G) Maintain membership in the national association of 5064  
state development agencies; 5065

(H) Assist in the development of facilities and 5066  
technologies that will lead to increased, environmentally sound 5067  
use of Ohio coal; 5068

(I) Specify the purposes for which counties may use trust 5069  
fund fees collected pursuant to section 317.36 of the Revised 5070  
Code; 5071

(J) Promote economic growth in the state. 5072

**Sec. 122.09.** (A) As used in this section: 5073

(1) "Development costs" means expenditures paid or 5074  
incurred by the property owner in completing a certified 5075  
transformational mixed use development project, including 5076  
architectural or engineering fees paid or incurred in connection 5077  
with the project and expenses incurred before the date the 5078  
project is certified by the tax credit authority under division 5079  
(C) of this section. In the case of a certified transformational 5080  
mixed use development project that is part of a larger 5081  
contiguous project that is planned to be completed in phases, 5082

"development costs" include only expenditures associated with 5083  
the portion of the project that is certified by the tax credit 5084  
authority and do not include expenditures incurred for other 5085  
phases of the project. 5086

(2) "Owner" means a person or persons holding a fee simple 5087  
or leasehold interest in real property, including interests in 5088  
real property acquired through a capital lease arrangement. 5089  
"Owner" does not include the state or a state agency, or any 5090  
political subdivision as defined in section 9.23 of the Revised 5091  
Code. For the purpose of this division, "fee simple interest," 5092  
"leasehold interest," and "capital lease" shall be construed in 5093  
accordance with generally accepted accounting principles. 5094

(3) "Transformational mixed use development" means a 5095  
project that consists of new construction or the redevelopment, 5096  
rehabilitation, expansion, or other improvement of vacant 5097  
buildings or structures, or a combination of the foregoing, and 5098  
that: 5099

(a) Will have a transformational economic impact on the 5100  
development site and the surrounding area; 5101

(b) Integrates some combination of retail, office, 5102  
residential, recreation, structured parking, and other similar 5103  
uses into one mixed use development; and 5104

(c) Satisfies one of the following criteria: 5105

(i) If the development site is located within ten miles of 5106  
a major city, the project includes at least one new or 5107  
previously vacant building that is fifteen or more stories in 5108  
height or has a floor area of at least three hundred fifty 5109  
thousand square feet, or after completion will be the site of 5110  
employment accounting for at least four million dollars in 5111

annual payroll, or includes two or more buildings that are 5112  
connected to each other, are located on the same parcel or on 5113  
contiguous parcels, and that collectively have a floor area of 5114  
at least three hundred fifty thousand square feet; 5115

(ii) If the development site is not located within ten 5116  
miles of a major city, the project includes at least one new or 5117  
previously vacant building that is two or more stories in height 5118  
or has a floor area of at least seventy-five thousand square 5119  
feet or two or more new buildings that are located on the same 5120  
parcel or on contiguous parcels and that collectively have a 5121  
floor area of at least seventy-five thousand square feet. 5122

"Transformational mixed use development" may include a 5123  
portion of a larger contiguous project that is planned to be 5124  
completed in phases as long as the phases collectively meet the 5125  
criteria described in division (A) (3) of this section. 5126

(4) "Increase in tax collections" means the difference, if 5127  
positive, of the amount of state and local taxes derived from 5128  
economic activity occurring within the development site and the 5129  
surrounding area during a period of time minus the amount of 5130  
such taxes that are estimated to be derived from such economic 5131  
activity in that site and surrounding area during the same 5132  
period if the transformational mixed use project were not 5133  
completed. 5134

(5) "Completion period" means the time period beginning on 5135  
the day after a transformational mixed use development is 5136  
certified by the tax credit authority and ending on the fifth 5137  
anniversary of the day the project is completed. 5138

(6) "Insurance company" means a person subject to the tax 5139  
imposed under section 5725.18 or 5729.03 of the Revised Code. 5140

(7) "Contribute capital" means to invest, loan, or donate 5141  
cash in exchange for an equity interest in an asset, a debt 5142  
instrument, or no consideration. 5143

(8) "Major city" means a municipal corporation that has a 5144  
population greater than one hundred thousand. 5145

(9) "Tax credit authority" means the tax credit authority 5146  
created under section 122.17 of the Revised Code. 5147

(10) "Adjusted development costs" means the development 5148  
costs attributed to a complete transformational mixed use 5149  
development project minus the sum of the capital contributions 5150  
of any insurance companies that are preliminarily approved for a 5151  
tax credit in connection with the same project. 5152

(11) A "property owner's share" of the increase in tax 5153  
collections equals the product obtained by multiplying the total 5154  
increase in tax collections since the date the transformational 5155  
mixed use development project was certified by a fraction, the 5156  
numerator of which is the adjusted development costs and the 5157  
denominator of which is the actual development costs attributed 5158  
to the project. 5159

(12) An "insurance company's share" of the increase in tax 5160  
collections equals the product obtained by multiplying the total 5161  
increase in tax collections since the date the transformational 5162  
mixed use development project was certified by a fraction, the 5163  
numerator of which is the insurance company's capital 5164  
contribution to the project and the denominator of which is the 5165  
actual development costs attributed to the project. 5166

(B) The owner of one or more parcels of land in this state 5167  
within which a transformational mixed use development is planned 5168  
or an insurance company that contributes capital to be used in 5169

the planning or construction of such a development may apply to 5170  
the tax credit authority for certification of the development 5171  
and preliminary approval of a tax credit. Each application shall 5172  
be filed in the form and manner prescribed by the director of 5173  
development and shall, at minimum, include a development plan 5174  
comprised of all of the following information: 5175

(1) The location of the development site and an indication 5176  
of whether it is located within ten miles of a major city; 5177

(2) A detailed description of the proposed 5178  
transformational mixed use development including site plans, 5179  
construction drawings, architectural renderings, or other means 5180  
sufficient to convey the appearance, size, purposes, capacity, 5181  
and scope of the project and, if applicable, previously 5182  
completed and future phases of the project; 5183

(3) A viable financial plan that estimates the development 5184  
costs that have been or will be incurred in the completion of 5185  
the project and that designates a source of financing or a 5186  
strategy for obtaining financing; 5187

(4) An estimated schedule for the progression and 5188  
completion of the project including, if applicable, previously 5189  
completed and future phases of the project; 5190

(5) An assessment of the projected economic impact of the 5191  
project on the development site and the surrounding area; 5192

(6) Evidence that the increase in tax collections during 5193  
the completion period will exceed ten per cent of the estimated 5194  
development costs reported under division (B) (3) of this 5195  
section; 5196

(7) If the applicant is an insurance company that is not 5197  
the property owner, the amount of the insurance company's 5198

capital contribution to the development and the date on which it 5199  
was or will be made; 5200

(8) Evidence that the project will not be completed unless 5201  
the applicant receives the credit. 5202

(C) (1) In determining whether to certify a project that is 5203  
the subject of an application submitted under division (B) of 5204  
this section, the tax credit authority shall consider the 5205  
potential impact of the transformational mixed use development 5206  
on the development site and the surrounding area in terms of 5207  
architecture, accessibility to pedestrians, retail entertainment 5208  
and dining sales, job creation, property values, connectivity, 5209  
and revenue from sales, income, lodging, and property taxes. The 5210  
tax credit authority shall not certify a project unless it 5211  
satisfies the following conditions: 5212

(a) The project qualifies as a transformational mixed use 5213  
development and satisfies all other criteria prescribed by this 5214  
section or by rule of the director of development; 5215

(b) The estimated increase in tax collections during the 5216  
completion period exceeds ten per cent of the estimated 5217  
development costs for the project reported under division (B) (3) 5218  
of this section; 5219

(c) The project will not be completed unless the applicant 5220  
receives the credit; 5221

(d) If the development site is located within ten miles of 5222  
a major city, the estimated development costs to complete the 5223  
project plus, if applicable, the estimated expenditures that 5224  
have been or will be incurred to complete all other contiguous 5225  
phases of the project, exceed fifty million dollars. 5226

In making its determination of whether or not to approve 5227

an application, the tax credit authority may conduct an 5228  
interview of the applicant. 5229

(2) If the tax credit authority approves an application, 5230  
the authority shall issue a statement certifying the associated 5231  
transformational mixed use development project and preliminarily 5232  
approving a tax credit. The statement shall stipulate that 5233  
receipt of a tax credit certificate is contingent upon 5234  
completion of the transformational mixed use development as 5235  
described in the development plan. The statement shall specify 5236  
the estimated amount of the tax credit, but state that the 5237  
amount of the credit is dependent upon determination of the 5238  
actual development costs attributed to the project and, unless 5239  
the tax credit authority grants a request by the property owner 5240  
under division (F) of this section, of the increase in tax 5241  
collections during the completion period. 5242

(3) Except as otherwise provided in this division, if the 5243  
applicant is an insurance company that is not the property 5244  
owner, the estimated amount of the tax credit shall equal ten 5245  
per cent of the insurance company's capital contribution to the 5246  
project as reported in the development plan pursuant to division 5247  
(B) (7) of this section. Except as otherwise provided in this 5248  
division, if the applicant is the property owner, the estimated 5249  
amount of the tax credit shall equal ten per cent of the 5250  
estimated development costs for the project as reported in the 5251  
development plan pursuant to division (B) (3) of this section 5252  
minus any estimated credit amounts that have been preliminarily 5253  
approved for insurance companies contributing capital to the 5254  
project. The estimated credit amounts may be reduced by the tax 5255  
credit authority as a condition of certifying the project if 5256  
such a reduction is necessary to comply with the limitations on 5257  
the amount of credits that may be preliminarily approved as 5258

prescribed by division (C) (5) of this section. The estimated 5259  
credit amounts shall not be adjusted after the statement 5260  
described in division (C) (2) of this section has been issued. 5261

(4) If the tax credit authority denies an application, the 5262  
authority shall notify the applicant of the reason or reasons 5263  
for such determination. The authority's determination is final, 5264  
but an applicant may revise and resubmit a previously denied 5265  
application. 5266

~~(5) (a) The tax credit authority shall not certify any 5267  
transformational mixed use development projects after June 30, 5268  
2025. 5269~~

~~(b) The tax credit authority may not preliminarily approve 5270  
more than one hundred million dollars of estimated tax credits 5271  
in each of fiscal years 2022, 2023, 2024, and 2025 any fiscal 5272  
year. 5273~~

~~(e) (b) Not more than eighty million dollars of estimated 5274  
tax credits in each such fiscal year may be preliminarily 5275  
approved in connection with projects that are located within ten 5276  
miles of a major city. 5277~~

~~(d) (c) Not more than forty million dollars of estimated 5278  
tax credits may be preliminarily approved in connection with the 5279  
same transformational mixed use development project. 5280~~

(6) If the dollar amount of tax credits applied for under 5281  
division (B) of this section in connection with projects that 5282  
are located within ten miles of a major city exceeds eighty 5283  
million dollars for a fiscal year, the tax credit authority 5284  
shall rank those applications and certify the associated 5285  
projects in order, starting with the project that presents the 5286  
best combination of economic value and transformational impact. 5287



If the dollar amount of tax credits applied for in connection 5288  
with projects not located within ten miles of a major city 5289  
exceeds twenty million dollars for a fiscal year, the tax credit 5290  
authority shall rank those applications and certify the 5291  
associated projects in order, starting with the project that 5292  
presents the best combination of economic value and 5293  
transformational impact. In either case, the authority shall 5294  
consider the following factors in ranking the applications: 5295

(a) The projected increase in tax collections during the 5296  
completion period as a percentage of the total amount of 5297  
estimated tax credits that would be preliminarily approved in 5298  
connection with the project; 5299

(b) The economic impact of the project on the development 5300  
site and the surrounding area and the impact of the project in 5301  
terms of architecture, accessibility to pedestrians, retail 5302  
entertainment and dining sales, job creation, property values, 5303  
and connectivity; 5304

(c) The expeditiousness of the schedule for completing the 5305  
project, realizing the increase in tax collections, and 5306  
attaining the economic and other impacts on the development site 5307  
and the surrounding area. 5308

(D) Within twelve months of the date a project is 5309  
certified, the property owner shall provide the tax credit 5310  
authority with an updated schedule for the progression and 5311  
completion of the project and documentation sufficient to 5312  
demonstrate that construction of the project has begun. If the 5313  
property owner does not provide the schedule and documentation 5314  
or if construction of the project has not begun within the time 5315  
prescribed by this division, the tax credit authority shall 5316  
rescind certification of the project and send notice of the 5317

rescission to the property owner and each insurance company that 5318  
is preliminarily approved for a tax credit in connection with 5319  
the project. A property owner that receives notice of rescission 5320  
may submit a new application concerning the same project under 5321  
division (B) of this section. 5322

(E) An applicant that is the property owner and is 5323  
preliminarily approved for a tax credit under this section may 5324  
sell or transfer the rights to that credit to one or more 5325  
persons for the purpose of raising capital for the certified 5326  
project. The applicant shall notify the tax credit authority 5327  
upon selling or transferring the rights to the credit. The 5328  
notice shall identify the person or persons to which the credit 5329  
was sold or transferred and the credit amount sold or 5330  
transferred to each such person. Only an applicant that owns the 5331  
property may sell or transfer a credit under this division. A 5332  
credit may be divided among multiple purchasers through more 5333  
than one transaction but once a particular credit amount is 5334  
acquired by a person other than the applicant it may not be sold 5335  
or transferred again. 5336

(F) After a transformational mixed use development project 5337  
is certified and before it is completed, the property owner may 5338  
request that the value of the tax credit certificates awarded in 5339  
connection with the project be computed using the alternative 5340  
method described in division (I) of this section. The tax credit 5341  
authority shall grant the request if the authority determines, 5342  
and a third party engaged by the authority at the expense of the 5343  
property owner affirms, that it is reasonably certain that the 5344  
increase in tax collections will exceed ten per cent of the 5345  
estimated development costs within one year after the project is 5346  
completed. Otherwise, the authority shall deny the request and 5347  
the amount of each credit awarded in connection with the project 5348

shall be computed under division (H) of this section. The 5349  
authority's determination under this division shall be delivered 5350  
in writing and is final and not appealable. 5351

(G) (1) The property owner shall notify the tax credit 5352  
authority upon completion of a certified transformational mixed 5353  
use development project. The notification shall include a report 5354  
prepared by a third-party certified public accountant that 5355  
contains a detailed accounting of the actual development costs 5356  
attributed to the project. 5357

(2) Upon receiving such a notice, unless the tax credit 5358  
authority has previously granted a request by the property owner 5359  
under division (F) of this section, the authority shall 5360  
determine the increase in tax collections since the date the 5361  
project was certified by consulting with the tax commissioner 5362  
and with the tax administrator of any municipal corporation that 5363  
levies an income tax within the project site and the surrounding 5364  
area. The tax commissioner and the tax administrators that are 5365  
consulted pursuant to this division shall provide the tax credit 5366  
authority with any information that is necessary to determine 5367  
the increase in tax collections. 5368

(3) After determining the increase in tax collections 5369  
under division (G) (2) of this section, if required, and 5370  
computing the value of the tax credit under division (H) or (I) 5371  
of this section, as applicable, the tax credit authority shall 5372  
issue a tax credit certificate to each applicant that is 5373  
preliminarily approved for a credit associated with the project 5374  
or to the person or persons to which such an applicant sold or 5375  
transferred the rights to the credit under division (E) of this 5376  
section. If the amount of the tax credit awarded to the property 5377  
owner is less than the credit amount estimated under division 5378

(C) of this section and the property owner sold or transferred 5379  
the rights to the credit, the tax credit authority shall reduce 5380  
the amount of each tax credit certificate issued to each 5381  
purchaser or recipient on a pro rata basis unless the property 5382  
owner requests an alternative allocation of the credit. 5383

(H) (1) Unless the tax credit authority granted a request 5384  
by the property owner under division (F) of this section, the 5385  
aggregate value of the tax credit certificates issued under 5386  
division (G) of this section to the property owner and to any 5387  
persons to whom the property owner sold or transferred the 5388  
rights to the credit shall equal the lesser of the following: 5389

(a) Ten per cent of the adjusted development costs; 5390

(b) Five per cent of the adjusted development costs plus 5391  
any amount by which the property owner's share of the increase 5392  
in tax collections since the date the project was certified 5393  
exceeds five per cent of the adjusted development costs; 5394

(c) The estimated credit amount specified in the tax 5395  
credit authority's statement certifying the project and 5396  
preliminarily approving the tax credit under division (C) of 5397  
this section. 5398

(2) The value of a tax credit certificate issued under 5399  
division (G) of this section to an insurance company that 5400  
contributed capital to the project shall equal the lesser of the 5401  
following: 5402

(a) Ten per cent of the insurance company's actual capital 5403  
contribution; 5404

(b) Five per cent of such capital contribution plus any 5405  
amount by which the insurance company's share of the increase in 5406  
tax collections since the date the project was certified exceeds 5407

five per cent of the insurance company's capital contribution; 5408

(c) The estimated credit amount specified in the tax 5409  
credit authority's statement certifying the project and 5410  
preliminarily approving the tax credit under division (C) of 5411  
this section. 5412

(I) If the tax credit authority granted a request by the 5413  
property owner under division (F) of this section, the value of 5414  
the tax credit certificates issued in connection with the 5415  
transformational mixed use development project shall be computed 5416  
as follows: 5417

(1) For the property owner or any person to which the 5418  
property owner sold or transferred the rights to the credit, ten 5419  
per cent of the actual development costs attributed to the 5420  
project. If the amount of the credit is less than the credit 5421  
amount estimated under division (C) of this section and the 5422  
property owner sold or transferred the rights to the credit to 5423  
more than one person, the authority shall reduce the amount of 5424  
each tax credit certificate on a pro rata basis unless the 5425  
property owner requests an alternative allocation of the credit. 5426

(2) For an insurance company that contributed capital to 5427  
the project, ten per cent of the insurance company's actual 5428  
capital contribution. 5429

(J) If the value of a tax credit certificate was computed 5430  
under division (H) of this section for a project, the property 5431  
owner, on or before the thirtieth day following the first, 5432  
second, third, fourth, and fifth anniversaries of the date the 5433  
certified transformational mixed use development project is 5434  
completed, may request in writing that the tax credit authority 5435  
update the increase in tax collections during the completion 5436

period. Upon receiving such a request, the tax credit authority 5437  
shall update the increase in tax collections in the same manner 5438  
described by division (G) of this section. If the tax credit 5439  
authority determines that the value of the tax credit 5440  
certificates computed under division (H) of this section would 5441  
be greater if computed based on the updated increase in tax 5442  
collections, the authority shall issue an additional tax credit 5443  
certificate to each person that previously received a 5444  
certificate for the project under those divisions. The value of 5445  
each additional tax credit certificate shall equal the amount by 5446  
which the tax credit certificate computed under division (H) of 5447  
this section upon completion of the project would have been 5448  
greater had the value of such certificate been computed based on 5449  
the updated increase in tax collections, less the value of any 5450  
additional tax credit certificates previously issued under this 5451  
division to the same person respecting the same project. 5452

(K) The aggregate value of all tax credit certificates 5453  
issued under this section for the same transformational mixed 5454  
use development project shall not exceed (1) ten per cent of the 5455  
actual development costs of that project or (2) the sum of all 5456  
estimated credit amounts preliminarily approved by the tax 5457  
credit authority in connection with the project. 5458

(L) Issuance of a tax credit certificate under this 5459  
section does not represent a verification or certification by 5460  
the tax credit authority of the actual development costs of the 5461  
project or the capital contributions to the project by an 5462  
insurance company. Such amounts are subject to inspection and 5463  
examination by the superintendent of insurance. 5464

(M) Upon the issuance of a tax credit certificate under 5465  
division (G) or (J) of this section, the tax credit authority 5466

shall certify to the superintendent of insurance (1) the name of 5467  
each person that was issued a tax credit certificate, (2) 5468  
whether the person is the property owner, an insurance company 5469  
that contributed capital to the development, or a person that 5470  
acquired the rights to the tax credit certificate from the 5471  
property owner, (3) the credit amount shown on each tax credit 5472  
certificate, and (4) any other information required by the rules 5473  
adopted under this section. A person that holds the rights to a 5474  
tax credit certificate issued under this section and that is an 5475  
insurance company may claim a tax credit under section 5725.35 5476  
or 5729.18 of the Revised Code. 5477

(N) The tax credit authority shall publish information 5478  
about each transformational mixed use development on the web 5479  
site of the department of development not later than the first 5480  
day of August following certification of the project. The tax 5481  
credit authority shall update the published information annually 5482  
until the project is complete and the credit or credits are 5483  
fully claimed. The published information shall include all of 5484  
the following: 5485

(1) The location of the transformational mixed use 5486  
development and the name by which it is known; 5487

(2) The estimated schedule for progression and completion 5488  
of the project included in the development plan pursuant to 5489  
division (B) (4) of this section; 5490

(3) The assessment of the projected economic impact of the 5491  
project included in the development plan pursuant to division 5492  
(B) (5) of this section; 5493

(4) The evidence supporting the estimated increase in tax 5494  
collections included in the development plan pursuant to 5495

division (B) (6) of this section, except that the tax credit 5496  
authority may omit any proprietary or sensitive information 5497  
included in such evidence; 5498

(5) The estimated development costs that have been or will 5499  
be incurred in completion of the project and, if applicable, the 5500  
amount of the insurance company's capital contribution to the 5501  
development and the date on which it was made, as reported in 5502  
the development plan pursuant to divisions (B) (3) and (7) of 5503  
this section; 5504

(6) A copy of each report submitted to the tax credit 5505  
authority by the applicant under division (D) of this section. 5506

(O) The director, in accordance with Chapter 119. of the 5507  
Revised Code, shall adopt rules that establish all of the 5508  
following: 5509

(1) Forms and procedures by which applicants may apply for 5510  
a transformational investment tax credit, and any deadlines for 5511  
applying; 5512

(2) Criteria and procedures for reviewing, evaluating, 5513  
ranking, and approving applications within the limitations 5514  
prescribed by this section, including rules prescribing the 5515  
timing and frequency by which the tax credit authority must rank 5516  
applications and preliminarily approve tax credits under 5517  
division (C) of this section; 5518

(3) Eligibility requirements for obtaining a tax credit 5519  
certificate under this section; 5520

(4) The form of the tax credit certificate; 5521

(5) Reporting requirements and monitoring procedures; 5522

(6) Procedures for computing the increase in tax 5523



collections within the project site and the surrounding area; 5524

(7) Forms and procedures by which property owners may 5525  
request the alternative method of computing the value of tax 5526  
credit certificates under division (I) of this section that are 5527  
awarded in connection with a project and criteria for evaluating 5528  
and making a determination on such requests; 5529

(8) Any other rules necessary to implement and administer 5530  
this section. 5531

**Sec. 122.14.** (A) As used in this section, "professional 5532  
sports facility" has the same meaning as in section 5516.01 of 5533  
the Revised Code. 5534

(B) There is hereby created in the state treasury the 5535  
roadwork development fund. The fund shall consist of the 5536  
investment earnings of the security deposit fund created by 5537  
section 4509.27 of the Revised Code and revenue transferred to 5538  
it by the director of budget and management from the highway 5539  
operating fund created in section 5735.051 of the Revised Code. 5540  
The fund shall be used by the development services agency in 5541  
accordance with Section 5a of Article XII, Ohio Constitution, to 5542  
make road improvements associated with retaining or attracting 5543  
business for this state, including both of the following: 5544

(1) Construction, reconstruction, maintenance, or repair 5545  
of public roads that provide access to a public airport or are 5546  
located within a public airport; 5547

(2) Construction, reconstruction, maintenance, or repair 5548  
of public roads and the associated improvements that provide or 5549  
improve access to tourism attractions or professional sports 5550  
facilities. 5551

~~(B)~~ (C) All investment earnings of the fund shall be 5552

credited to the fund. 5553

**Sec. 122.175.** (A) As used in this section: 5554

(1) "Capital investment project" means a plan of 5555  
investment at a project site for the acquisition, construction, 5556  
renovation, expansion, replacement, or repair of a computer data 5557  
center or of computer data center equipment, but does not 5558  
include any of the following: 5559

(a) Project costs paid before a date determined by the tax 5560  
credit authority for each capital investment project; 5561

(b) Payments made to a related member as defined in 5562  
section 5733.042 of the Revised Code or to a consolidated 5563  
elected taxpayer or a combined taxpayer as defined in section 5564  
5751.01 of the Revised Code. 5565

(2) "Computer data center" means a facility used or to be 5566  
used primarily to house computer data center equipment used or 5567  
to be used in conducting one or more computer data center 5568  
businesses, as determined by the tax credit authority. 5569

(3) "Computer data center business" means, as may be 5570  
further determined by the tax credit authority, a business that 5571  
provides electronic information services as defined in division 5572  
(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 5573  
a facility to one or more such businesses. "Computer data center 5574  
business" does not include providing electronic publishing as 5575  
defined in that section. 5576

(4) "Computer data center equipment" means tangible 5577  
personal property used or to be used for any of the following: 5578

(a) To conduct a computer data center business, including 5579  
equipment cooling systems to manage the performance of computer 5580

data center equipment; 5581

(b) To generate, transform, transmit, distribute, or 5582  
manage electricity necessary to operate the tangible personal 5583  
property used or to be used in conducting a computer data center 5584  
business; 5585

(c) As building and construction materials sold to 5586  
construction contractors for incorporation into a computer data 5587  
center. 5588

(5) "Eligible computer data center" means a computer data 5589  
center that satisfies all of the following requirements: 5590

(a) One or more taxpayers operating a computer data center 5591  
business at the project site will, in the aggregate, make 5592  
payments for a capital investment project of at least one 5593  
hundred million dollars at the project site during one of the 5594  
following cumulative periods: 5595

(i) For projects beginning in 2013, six consecutive 5596  
calendar years; 5597

(ii) For projects beginning in 2014, four consecutive 5598  
calendar years; 5599

(iii) For projects beginning in or after 2015, three 5600  
consecutive calendar years. 5601

(b) One or more taxpayers operating a computer data center 5602  
business at the project site will, in the aggregate, pay annual 5603  
compensation that is subject to the withholding obligation 5604  
imposed under section 5747.06 of the Revised Code of at least 5605  
one million five hundred thousand dollars to employees employed 5606  
at the project site for each year of the agreement beginning on 5607  
or after the first day of the twenty-fifth month after the 5608

agreement was entered into under this section. 5609

(6) "Person" has the same meaning as in section 5701.01 of 5610  
the Revised Code. 5611

(7) "Project site," "related member," and "tax credit 5612  
authority" have the same meanings as in sections 122.17 and 5613  
122.171 of the Revised Code. 5614

(8) "Taxpayer" means any person subject to the taxes 5615  
imposed under Chapters 5739. and 5741. of the Revised Code. 5616

(B) The tax credit authority may completely or partially 5617  
exempt from the taxes levied under Chapters 5739. and 5741. of 5618  
the Revised Code the sale, storage, use, or other consumption of 5619  
computer data center equipment used or to be used at an eligible 5620  
computer data center. Any such exemption shall extend to charges 5621  
for the delivery, installation, or repair of the computer data 5622  
center equipment subject to the exemption under this section. 5623

(C) A taxpayer that proposes a capital improvement project 5624  
for an eligible computer data center in this state may apply to 5625  
the tax credit authority to enter into an agreement under this 5626  
section authorizing a complete or partial exemption from the 5627  
taxes imposed under Chapters 5739. and 5741. of the Revised Code 5628  
on computer data center equipment purchased by the applicant or 5629  
any other taxpayer that operates a computer data center business 5630  
at the project site and used or to be used at the eligible 5631  
computer data center. The director of development ~~services~~ shall 5632  
prescribe the form of the application. After receipt of an 5633  
application, the authority shall forward copies of the 5634  
application to ~~the director of budget and management and the tax~~ 5635  
~~commissioner, each of whom who~~ shall review the application to 5636  
determine the economic impact that the proposed eligible 5637

computer data center would have on the state and any affected 5638  
political subdivisions and submit to the authority a summary of 5639  
their determinations. The authority shall also forward a copy of 5640  
the application to the director of development ~~services~~ who 5641  
shall review the application to determine the economic impact 5642  
that the proposed eligible computer data center would have on 5643  
the state and the affected political subdivisions and shall 5644  
submit a summary of their determinations and recommendations to 5645  
the authority. 5646

(D) Upon review and consideration of such determinations 5647  
and recommendations, the tax credit authority may enter into an 5648  
agreement with the applicant and any other taxpayer that 5649  
operates a computer data center business at the project site for 5650  
a complete or partial exemption from the taxes imposed under 5651  
Chapters 5739. and 5741. of the Revised Code on computer data 5652  
center equipment used or to be used at an eligible computer data 5653  
center if the authority determines all of the following: 5654

(1) The capital investment project for the eligible 5655  
computer data center will increase payroll and the amount of 5656  
income taxes to be withheld from employee compensation pursuant 5657  
to section 5747.06 of the Revised Code. 5658

(2) The applicant is economically sound and has the 5659  
ability to complete or effect the completion of the proposed 5660  
capital investment project. 5661

(3) The applicant intends to and has the ability to 5662  
maintain operations at the project site for the term of the 5663  
agreement. 5664

(4) Receiving the exemption is a major factor in the 5665  
applicant's decision to begin, continue with, or complete the 5666

capital investment project. 5667

(E) An agreement entered into under this section shall 5668  
include all of the following: 5669

(1) A detailed description of the capital investment 5670  
project that is the subject of the agreement, including the 5671  
amount of the investment, the period over which the investment 5672  
has been or is being made, the annual compensation to be paid by 5673  
each taxpayer subject to the agreement to its employees at the 5674  
project site, and the anticipated amount of income taxes to be 5675  
withheld from employee compensation pursuant to section 5747.06 5676  
of the Revised Code. 5677

(2) The percentage of the exemption from the taxes imposed 5678  
under Chapters 5739. and 5741. of the Revised Code for the 5679  
computer data center equipment used or to be used at the 5680  
eligible computer data center, the length of time the computer 5681  
data center equipment will be exempted, and the first date on 5682  
which the exemption applies. 5683

(3) A requirement that the computer data center remain an 5684  
eligible computer data center during the term of the agreement 5685  
and that the applicant maintain operations at the eligible 5686  
computer data center during that term. An applicant does not 5687  
violate the requirement described in division (E)(3) of this 5688  
section if the applicant ceases operations at the eligible 5689  
computer data center during the term of the agreement but 5690  
resumes those operations within eighteen months after the date 5691  
of cessation. The agreement shall provide that, in such a case, 5692  
the applicant and any other taxpayer that operates a computer 5693  
data center business at the project site shall not claim the tax 5694  
exemption authorized in the agreement for any purchase of 5695  
computer data center equipment made during the period in which 5696

the applicant did not maintain operations at the eligible 5697  
computer data center. 5698

(4) A requirement that, for each year of the term of the 5699  
agreement beginning on or after the first day of the twenty- 5700  
fifth month after the date the agreement was entered into, one 5701  
or more taxpayers operating a computer data center business at 5702  
the project site will, in the aggregate, pay annual compensation 5703  
that is subject to the withholding obligation imposed under 5704  
section 5747.06 of the Revised Code of at least one million five 5705  
hundred thousand dollars to employees at the eligible computer 5706  
data center. 5707

(5) A requirement that each taxpayer subject to the 5708  
agreement annually report to the director of development 5709  
~~services~~ employment, tax withholding, capital investment, and 5710  
other information required by the director to perform the 5711  
director's duties under this section. 5712

(6) A requirement that the director of development 5713  
~~services~~ annually review the annual reports of each taxpayer 5714  
subject to the agreement to verify the information reported 5715  
under division (E) (5) of this section and compliance with the 5716  
agreement. Upon verification, the director shall issue a 5717  
certificate to each such taxpayer stating that the information 5718  
has been verified and that the taxpayer remains eligible for the 5719  
exemption specified in the agreement. 5720

(7) A provision providing that the taxpayers subject to 5721  
the agreement may not relocate a substantial number of 5722  
employment positions from elsewhere in this state to the project 5723  
site unless the director of development ~~services~~ determines that 5724  
the appropriate taxpayer notified the legislative authority of 5725  
the county, township, or municipal corporation from which the 5726

employment positions would be relocated. For purposes of this 5727  
paragraph, the movement of an employment position from one 5728  
political subdivision to another political subdivision shall be 5729  
considered a relocation of an employment position unless the 5730  
movement is confined to the project site. The transfer of an 5731  
employment position from one political subdivision to another 5732  
political subdivision shall not be considered a relocation of an 5733  
employment position if the employment position in the first 5734  
political subdivision is replaced by another employment 5735  
position. 5736

(8) A waiver by each taxpayer subject to the agreement of 5737  
any limitations periods relating to assessments or adjustments 5738  
resulting from the taxpayer's failure to comply with the 5739  
agreement. 5740

(F) The term of an agreement under this section shall be 5741  
determined by the tax credit authority, and the amount of the 5742  
exemption shall not exceed one hundred per cent of such taxes 5743  
that would otherwise be owed in respect to the exempted computer 5744  
data center equipment. 5745

(G) If any taxpayer subject to an agreement under this 5746  
section fails to meet or comply with any condition or 5747  
requirement set forth in the agreement, the tax credit authority 5748  
may amend the agreement to reduce the percentage of the 5749  
exemption or term during which the exemption applies to the 5750  
computer data center equipment used or to be used by the 5751  
noncompliant taxpayer at an eligible computer data center. The 5752  
reduction of the percentage or term may take effect in the 5753  
current calendar year. 5754

(H) Financial statements and other information submitted 5755  
to the department of development ~~services~~ or the tax credit 5756



authority by an applicant for or recipient of an exemption under 5757  
this section, and any information taken for any purpose from 5758  
such statements or information, are not public records subject 5759  
to section 149.43 of the Revised Code. However, the chairperson 5760  
of the authority may make use of the statements and other 5761  
information for purposes of issuing public reports or in 5762  
connection with court proceedings concerning tax exemption 5763  
agreements under this section. Upon the request of the tax 5764  
commissioner, the chairperson of the authority shall provide to 5765  
the tax commissioner any statement or other information 5766  
submitted by an applicant for or recipient of an exemption under 5767  
this section. The tax commissioner shall preserve the 5768  
confidentiality of the statement or other information. 5769

(I) The tax commissioner shall issue a direct payment 5770  
permit under section 5739.031 of the Revised Code to each 5771  
taxpayer subject to an agreement under this section. Such direct 5772  
payment permit shall authorize the taxpayer to pay any sales and 5773  
use taxes due on purchases of computer data center equipment 5774  
used or to be used in an eligible computer data center and to 5775  
pay any sales and use taxes due on purchases of tangible 5776  
personal property or taxable services other than computer data 5777  
center equipment used or to be used in an eligible computer data 5778  
center directly to the tax commissioner. Each such taxpayer 5779  
shall pay pursuant to such direct payment permit all sales tax 5780  
levied on such purchases under sections 5739.02, 5739.021, 5781  
5739.023, and 5739.026 of the Revised Code and all use tax 5782  
levied on such purchases under sections 5741.02, 5741.021, 5783  
5741.022, and 5741.023 of the Revised Code, consistent with the 5784  
terms of the agreement entered into under this section. 5785

During the term of an agreement under this section each 5786  
taxpayer subject to the agreement shall submit to the tax 5787

commissioner a return that shows the amount of computer data 5788  
center equipment purchased for use at the eligible computer data 5789  
center, the amount of tangible personal property and taxable 5790  
services other than computer data center equipment purchased for 5791  
use at the eligible computer data center, the amount of tax 5792  
under Chapter 5739. or 5741. of the Revised Code that would be 5793  
due in the absence of the agreement under this section, the 5794  
exemption percentage for computer data center equipment 5795  
specified in the agreement, and the amount of tax due under 5796  
Chapter 5739. or 5741. of the Revised Code as a result of the 5797  
agreement under this section. Each such taxpayer shall pay the 5798  
tax shown on the return to be due in the manner and at the times 5799  
as may be further prescribed by the tax commissioner. Each such 5800  
taxpayer shall include a copy of the director of ~~development-~~ 5801  
~~services'~~development's certificate of verification issued under 5802  
division (E) (6) of this section. Failure to submit a copy of the 5803  
certificate with the return does not invalidate the claim for 5804  
exemption if the taxpayer submits a copy of the certificate to 5805  
the tax commissioner within the time prescribed by section 5806  
5703.0510 of the Revised Code. 5807

(J) If the director of development ~~services~~ determines 5808  
that one or more taxpayers received an exemption from taxes due 5809  
on the purchase of computer data center equipment purchased for 5810  
use at a computer data center that no longer complies with the 5811  
requirement under division (E) (3) of this section, the director 5812  
shall notify the tax credit authority and, if applicable, the 5813  
taxpayer that applied to enter the agreement for the exemption 5814  
under division (C) of this section of the noncompliance. After 5815  
receiving such a notice, and after giving each taxpayer subject 5816  
to the agreement an opportunity to explain the noncompliance, 5817  
the authority may terminate the agreement and require each such 5818

taxpayer to pay to the state all or a portion of the taxes that 5819  
would have been owed in regards to the exempt equipment in 5820  
previous years, all as determined under rules adopted pursuant 5821  
to division (K) of this section. In determining the portion of 5822  
the taxes that would have been owed on the previously exempted 5823  
equipment to be paid to this state by a taxpayer, the authority 5824  
shall consider the effect of market conditions on the eligible 5825  
computer data center, whether the taxpayer continues to maintain 5826  
other operations in this state, and, with respect to agreements 5827  
involving multiple taxpayers, the taxpayer's level of 5828  
responsibility for the noncompliance. After making the 5829  
determination, the authority shall certify to the tax 5830  
commissioner the amount to be paid by each taxpayer subject to 5831  
the agreement. The tax commissioner shall make an assessment for 5832  
that amount against each such taxpayer under Chapter 5739. or 5833  
5741. of the Revised Code. The time limitations on assessments 5834  
under those chapters do not apply to an assessment under this 5835  
division, but the tax commissioner shall make the assessment 5836  
within one year after the date the authority certifies to the 5837  
tax commissioner the amount to be paid by the taxpayer. 5838

(K) The director of development ~~services~~, after 5839  
consultation with the tax commissioner and in accordance with 5840  
Chapter 119. of the Revised Code, shall adopt rules necessary to 5841  
implement this section. The rules may provide for recipients of 5842  
tax exemptions under this section to be charged fees to cover 5843  
administrative costs incurred in the administration of this 5844  
section. The fees collected shall be credited to the tax 5845  
incentives operating fund created in section 122.174 of the 5846  
Revised Code. At the time the director gives public notice under 5847  
division (A) of section 119.03 of the Revised Code of the 5848  
adoption of the rules, the director shall submit copies of the 5849

proposed rules to the chairpersons of the standing committees on 5850  
economic development in the senate and the house of 5851  
representatives. 5852

(L) On or before the first day of August of each year, the 5853  
director of development ~~services~~ shall submit a report to the 5854  
governor, the president of the senate, and the speaker of the 5855  
house of representatives on the tax exemption authorized under 5856  
this section. The report shall include information on the number 5857  
of agreements that were entered into under this section during 5858  
the preceding calendar year, a description of the eligible 5859  
computer data center that is the subject of each such agreement, 5860  
and an update on the status of eligible computer data centers 5861  
under agreements entered into before the preceding calendar 5862  
year. 5863

(M) A taxpayer may be made a party to an existing 5864  
agreement entered into under this section by the tax credit 5865  
authority and another taxpayer or group of taxpayers. In such a 5866  
case, the taxpayer shall be entitled to all benefits and bound 5867  
by all obligations contained in the agreement and all 5868  
requirements described in this section. When an agreement 5869  
includes multiple taxpayers, each taxpayer shall be entitled to 5870  
a direct payment permit as authorized in division (I) of this 5871  
section. 5872

**Sec. 122.1710.** (A) As used in this section: 5873

(1) "Low-income individual" has the same meaning as "low- 5874  
income person" in section ~~122.66~~ 5101.311 of the Revised Code. 5875

(2) "Microcredential" has the same meaning as in section 5876  
122.178 of the Revised Code. 5877

(3) "OhioMeansJobs web site" has the same meaning as in 5878

section 6301.01 of the Revised Code.	5879
(4) "Partially unemployed" and "totally unemployed" have the same meanings as in section 4141.01 of the Revised Code.	5880 5881
(5) "Training provider" means all of the following:	5882
(a) A state institution of higher education as defined in section 3345.011 of the Revised Code;	5883 5884
(b) An Ohio technical center as defined in section 3333.94 of the Revised Code;	5885 5886
(c) A private business or institution that offers training to allow an individual to earn one or more microcredentials.	5887 5888
(B) There is hereby created the individual microcredential assistance program to reimburse training providers for training costs for individuals to earn a microcredential. The department of development, in consultation with the governor's office of workforce transformation, shall administer the program.	5889 5890 5891 5892 5893
(C) A training provider seeking to participate in the program shall submit an application to the director of development. The training provider shall include in the application all of the following information:	5894 5895 5896 5897
(1) The number of microcredentials the training provider will seek a reimbursement for and the names of the microcredentials;	5898 5899 5900
(2) The cost of the training for each microcredential;	5901
(3) The total amount of the reimbursement the training provider will seek;	5902 5903
(4) The training provider's plan to provide opportunities for individuals who are low income, partially unemployed, or	5904 5905

totally unemployed to participate in a training program and 5906  
receive a microcredential; 5907

(5) Any other information the director requires. 5908

(D) (1) The director shall consider the following factors 5909  
in determining whether to approve an application submitted under 5910  
division (C) of this section: 5911

(a) The duration of the training program; 5912

(b) The cost of the training; 5913

(c) Whether approving an application will promote regional 5914  
diversity in apportioning reimbursements uniformly across the 5915  
state; 5916

(d) The training provider's commitment to providing 5917  
opportunities for individuals who are low income, partially 5918  
unemployed, or totally unemployed to participate in a training 5919  
program and receive a microcredential. 5920

(2) In determining regional diversity under division (D) 5921  
(1) (c) of this section, the director shall use the regions 5922  
established under division (G) of section 122.178 of the Revised 5923  
Code. 5924

(3) The director shall not approve an application 5925  
submitted under this section if either of the following apply: 5926

(a) The microcredentials identified in the application are 5927  
not included in the list the chancellor of higher education 5928  
establishes under section 122.178 of the Revised Code. 5929

(b) The training provider has violated Chapter 4111. of 5930  
the Revised Code within the four fiscal years immediately 5931  
preceding the date of application. 5932

(4) The director shall notify a training provider in writing of the director's decision to approve or deny the training provider's application to participate in the program.

(E) A participating training provider shall not charge an individual participating in a training program to earn a microcredential for which the training provider is seeking a reimbursement for either of the following:

(1) Any costs associated with the individual's participation in the training program;

(2) Any costs to the training provider resulting from an individual not completing the training program.

(F) (1) Each participating training provider seeking reimbursement for training costs for one or more microcredentials earned by one or more individuals in a training program shall submit an application to the director after the individual or individuals have earned a microcredential. The training provider shall include in the reimbursement application all of the following information:

(a) The actual cost for the training provider to provide each individual with the training;

(b) Evidence that each individual earned a microcredential;

(c) Any demographic information of each individual that the individual provides to the training provider, including race and gender.

(2) The amount of the reimbursement shall be not more than three thousand dollars for each microcredential an individual receives. A participating training provider may not receive a

reimbursement for any additional individual who earns a 5961  
microcredential beyond the number of microcredentials included 5962  
in the application under division (C) of this section. A 5963  
participating training provider may receive a total 5964  
reimbursement of five hundred thousand dollars in a fiscal year. 5965

(3) A training provider may request that an individual 5966  
participating in the training provider's program provide 5967  
demographic information to the training provider, including race 5968  
and gender. An individual is not required to provide that 5969  
information. 5970

(G) The director shall do both of the following regarding 5971  
the operation of the program: 5972

(1) Create an application to participate in the program 5973  
and an application for reimbursement; 5974

(2) Create and distribute a survey to each individual who 5975  
successfully earned a microcredential because of a reimbursement 5976  
to a training provider under this section inquiring as to the 5977  
individual's occupation and wages at the time of completing the 5978  
survey. 5979

(H) The director shall include on the internet web site 5980  
maintained by the department, and the governor's office of 5981  
workforce transformation shall include on the office's internet 5982  
web site and the OhioMeansJobs web site, all of the content 5983  
created under division (G) of this section. 5984

(I) The director may adopt rules in accordance with 5985  
Chapter 119. of the Revised Code as the director considers 5986  
necessary to implement this section, including establishing 5987  
priority guidelines for approving applications under division 5988  
(D) of this section. 5989



(J) Any personal information of an individual the director receives in connection with the individual microcredential assistance program created under this section is not a public record for purposes of section 149.43 of the Revised Code. However, the director may use the information as necessary to complete the reports required under section 122.1711 of the Revised Code.

**Sec. 122.4041.** (A) ~~As used in this section, "passes" means the residential addresses in close proximity to a broadband provider's broadband infrastructure network to which residents at those addresses may opt to connect.~~

~~(B)~~ The scoring system required under section 122.4040 of the Revised Code shall include the factors and scoring rubric as described in divisions ~~(C)~~(B) to ~~(J)~~(I) of this section. Applications for a grant under the Ohio residential broadband expansion grant program shall be prioritized from the highest to the lowest point score under those factors and rubric.

~~(C)~~(B) Of a possible maximum score of three hundred points, the score for eligible projects for unserved and underserved areas shall be calculated as ~~the sum of the following~~follows:

(1) ~~The point value determined by multiplying three hundred times the percentage of passes~~application will receive one-half point for each residential address in unserved areas of the application.

(2) ~~One half of the point value determined by multiplying three hundred times the percentage of passes~~The application will receive one-quarter point for each residential address in underserved areas of the application.

~~(D)~~(C) Of a possible maximum score of two hundred points, 6019  
the score for broadband service speed, based on a graduated 6020  
scale, shall be: 6021

(1) Twenty-five points for broadband speeds that are one 6022  
hundred megabits per second downstream or greater and twenty 6023  
megabits per second or greater upstream, but less than two 6024  
hundred fifty megabits per second downstream and fifty megabits 6025  
upstream; 6026

(2) Fifty points for broadband speeds that are two hundred 6027  
fifty megabits per second or greater downstream and fifty 6028  
megabits or greater per second upstream, but less than five 6029  
hundred megabits per second downstream and one hundred megabits 6030  
per second upstream; 6031

(3) One hundred points for broadband speeds that are five 6032  
hundred megabits per second or greater downstream and one 6033  
hundred megabits per second or greater upstream, but less than 6034  
seven hundred fifty megabits per second downstream and two 6035  
hundred fifty megabits per second upstream; 6036

(4) One hundred twenty-five points for broadband speeds 6037  
that are seven hundred fifty megabits per second or greater 6038  
downstream and two hundred fifty megabits per second or greater 6039  
upstream, but less than one gigabit per second downstream and 6040  
five hundred megabits per second upstream; 6041

(5) One hundred fifty points for broadband speeds that are 6042  
one gigabit per second or greater downstream and five hundred 6043  
megabits per second or greater upstream, but less than one 6044  
gigabit per second upstream; 6045

(6) Two hundred points for broadband speeds that are one 6046  
gigabit per second or greater downstream and one gigabit per 6047

second or greater upstream. 6048

~~(E) (1)~~ (D) (1) Of a possible maximum score of one hundred 6049  
fifty points, the score for rating broadband service cost shall 6050  
be the sum of divisions ~~(E) (1) (a)~~ (D) (1) (a) and (b) of this 6051  
section as follows: 6052

(a) Of a possible maximum of seventy-five points, the 6053  
number of points equal to the application's grant cost 6054  
percentile multiplied by seventy-five; 6055

(b) Of a possible maximum score of seventy-five points, 6056  
the number of points equal to one half of the application's 6057  
percentage of eligible project funding from all sources other 6058  
than the Ohio residential broadband expansion grant program. 6059

(2) (a) For each application submission period, the 6060  
broadband expansion program authority shall determine the grant 6061  
cost percentile for each application submitted during that 6062  
period. The authority shall determine the grant cost percentile 6063  
by doing the following: 6064

(i) Determining, for each individual application in the 6065  
state, the total grant cost per eligible address in the 6066  
application by calculating the quotient of the amount of program 6067  
grant funds requested for the application divided by the number 6068  
of eligible addresses in the application; 6069

(ii) Ranking, from lowest to highest cost, all individual 6070  
applications by total grant cost per eligible address; 6071

(iii) Assigning each individual application a percentile 6072  
based on its total grant cost per eligible address relative to 6073  
all other applications' total grant cost per eligible address. 6074

(b) Percentiles under division ~~(E) (2) (a) (iii)~~ (D) (2) (a) 6075

(iii) of this section shall be assigned so that the highest 6076  
percentile is assigned to the application with the lowest total 6077  
grant cost per eligible address and percentiles for all other 6078  
applications assigned based on each application's relative grant 6079  
cost per eligible address. 6080

~~(F)~~(E) Of a possible maximum score of one hundred points, 6081  
the score for providing tier two broadband service or greater to 6082  
eligible addresses located in an eligible project shall be 6083  
calculated as follows: 6084

(1) Ten points for the number of eligible addresses equal 6085  
to five hundred or more, but less than one thousand; 6086

(2) Twenty points for the number of eligible addresses 6087  
equal to one thousand or more, but less than one thousand five 6088  
hundred; 6089

(3) Thirty points for the number of eligible addresses 6090  
equal to one thousand five hundred or more, but less than two 6091  
thousand; 6092

(4) Forty points for the number of eligible addresses 6093  
equal to two thousand or more, but less than two thousand five 6094  
hundred; 6095

(5) Fifty points for the number of eligible addresses 6096  
equal to two thousand five hundred or more, but less than three 6097  
thousand; 6098

(6) Sixty points for the number of eligible addresses 6099  
equal to three thousand or more, but less than three thousand 6100  
five hundred; 6101

(7) Seventy points for the number of eligible addresses 6102  
equal to three thousand five hundred or more, but less than four 6103

thousand; 6104

(8) Eighty points for the number of eligible addresses 6105  
equal to four thousand or more, but less than four thousand five 6106  
hundred; 6107

(9) Ninety points for the number of eligible addresses 6108  
equal to four thousand five hundred or more, but less than five 6109  
thousand; 6110

(10) One hundred points for the number of eligible 6111  
addresses equal to five thousand or more. 6112

~~(G)~~(F) Of a possible maximum score of fifty points, the 6113  
score for local support for the application shall be calculated 6114  
as follows: 6115

(1) (a) Twenty-five points if the application includes a 6116  
resolution of support from the board of county commissioners in 6117  
the county where the eligible project is located; or 6118

(b) If an application's eligible project spans multiple 6119  
counties, of a possible maximum score of twenty-five points for 6120  
resolutions adopted by boards of county commissioners, the 6121  
number of points awarded on a pro rata basis based on the 6122  
percentage of eligible addresses for the eligible project in 6123  
each affected county for which the board of county commissioners 6124  
adopted a resolution of support. 6125

(2) (a) Fifteen points if the application includes a letter 6126  
of support from a board of township trustees, village, or 6127  
municipal corporation; or 6128

(b) If an application's eligible project spans multiple 6129  
townships, villages, and municipal corporations, of a possible 6130  
maximum score of fifteen points for letters from boards of 6131

township trustees, villages, or municipal corporations, the 6132  
number of points awarded on a pro rata basis according to the 6133  
percentage of eligible addresses for the project in each 6134  
affected village, municipal corporation, and unincorporated area 6135  
of the township for which a board of township trustees, village, 6136  
or municipal corporation submitted a letter of support; 6137

(c) Ten points for letters of support from a local 6138  
economic development agency or a chamber of commerce that 6139  
advocates for an area of the eligible project with the majority 6140  
of eligible addresses in the application. 6141

~~(H)~~(G) Of a possible maximum score of seventy-five points, 6142  
the score for broadband provider general experience and 6143  
technical and financial ability shall be based on the judgment 6144  
of the broadband expansion program authority. The authority may 6145  
award partial points for scores awarded under division ~~(H)~~(G) of 6146  
this section. 6147

~~(I)~~(H) Of a possible maximum score of seventy-five points, 6148  
the score for broadband provider experience based on the number 6149  
of years that the provider has been providing tier two broadband 6150  
service shall be calculated as follows: 6151

(1) Ten points for four years, but less than five years of 6152  
experience; 6153

(2) Twenty points for five years, but less than six years 6154  
of experience; 6155

(3) Thirty points for six years, but less than seven years 6156  
of experience; 6157

(4) Forty points for seven years, but less than eight 6158  
years of experience; 6159

(5) Fifty points for eight years, but less than nine years of experience;	6160 6161
(6) Sixty points for nine years, but less than ten years of experience;	6162 6163
(7) Seventy-five points for ten or more years of experience.	6164 6165
<del>(J)</del> (I) (1) Of a possible maximum score of fifty points, the score for county median income, based on the median county per capita income of the United States as determined by the most recently available data from the United States census bureau, shall be calculated as follows:	6166 6167 6168 6169 6170
(a) Zero points for a county median income that is equal to or greater than one hundred sixty per cent of the county median income;	6171 6172 6173
(b) Ten points for a county median income that is equal to or greater than one hundred forty per cent, but less than one hundred sixty per cent of the county median income;	6174 6175 6176
(c) Twenty points for a county median income that is equal to or greater than one hundred twenty per cent, but less than one hundred forty per cent of the county median income;	6177 6178 6179
(d) Thirty points for a county median income that is equal to or greater than one hundred per cent, but less than one hundred twenty per cent of the county median income;	6180 6181 6182
(e) Forty points for a county median income that is equal to or greater than eighty per cent, but less than one hundred per cent of the county median income;	6183 6184 6185
(f) Fifty points for a county median income that is less than eighty per cent of the county median income.	6186 6187

(2) If an application's eligible project spans multiple 6188  
counties, the points awarded as specified in division ~~(J)(1)~~(I) 6189  
(1) of this section shall be based on the percentage of eligible 6190  
addresses for the eligible project in each affected county. 6191

**Sec. 122.41.** The director of development ~~services~~ is 6192  
invested with the powers and duties provided in Chapter 122. of 6193  
the Revised Code, in order to promote the welfare of the people 6194  
of the state, to stabilize the economy, to provide employment, 6195  
to assist in the development within the state of industrial, 6196  
commercial, distribution, and research activities required for 6197  
the people of the state, and for their gainful employment, or 6198  
otherwise to create or preserve jobs and employment 6199  
opportunities, or improve the economic welfare of the people of 6200  
the state, ~~and also to assist in the financing of air, water, or~~ 6201  
~~thermal pollution control facilities and solid waste disposal~~ 6202  
~~facilities by mortgage insurance as provided in section 122.451~~ 6203  
~~of the Revised Code.~~ It is hereby determined that the 6204  
accomplishment of such purposes is essential so that the people 6205  
of the state may maintain their present high standards in 6206  
comparison with the people of other states and so that 6207  
opportunities for employment and for favorable markets for the 6208  
products of the state's natural resources, agriculture, and 6209  
manufacturing shall be improved and that it is necessary for the 6210  
state to establish the programs authorized pursuant to Chapter 6211  
122. of the Revised Code and invest the director of development 6212  
~~services~~ with the powers and duties provided in Chapter 122. of 6213  
the Revised Code. The powers granted to the director by Chapter 6214  
165. of the Revised Code are independent of and in addition and 6215  
alternate to, and are not limited or restricted by, Chapter 122. 6216  
of the Revised Code. 6217

**Sec. 122.42.** (A) The director of development shall do all 6218



of the following: 6219

(1) Receive applications for assistance under sections 6220  
122.39 and 122.41 to 122.62 of the Revised Code; 6221

(2) Make a final determination whether to approve the 6222  
application for assistance; 6223

(3) Transmit determinations to approve assistance to the 6224  
controlling board together with any information the controlling 6225  
board requires for the board's review and decision as to whether 6226  
to approve the assistance; 6227

(4) Issue revenue bonds of the state through the treasurer 6228  
of state, as necessary, payable solely from revenues and other 6229  
sources as provided in sections 122.39 and 122.41 to 122.62 of 6230  
the Revised Code. 6231

(B) The director may do all of the following: 6232

(1) Fix the rate of interest and charges to be made upon 6233  
or with respect to moneys loaned by the director and the terms 6234  
upon which mortgages and lease rentals may be guaranteed and the 6235  
rates of charges to be made for the loans and guarantees and to 6236  
make provisions for the operation of the funds established by 6237  
the director in accordance with this section and ~~sections~~ 6238  
section 122.54, 122.55, 122.56, and 122.57 of the Revised Code; 6239

(2) Loan moneys from the fund established in accordance 6240  
with section 122.54 of the Revised Code pursuant to and in 6241  
compliance with sections 122.39 and 122.41 to 122.62 of the 6242  
Revised Code; 6243

(3) Acquire in the name of the director any property of 6244  
any kind or character in accordance with sections 122.39 and 6245  
122.41 to 122.62 of the Revised Code, by purchase, purchase at 6246

foreclosure, or exchange on such terms and in such manner as the 6247  
director considers proper; 6248

(4) Make and enter into all contracts and agreements 6249  
necessary or incidental to the performance of the director's 6250  
duties and the exercise of the director's powers under sections 6251  
122.39 and 122.41 to 122.62 of the Revised Code; 6252

(5) Maintain, protect, repair, improve, and insure any 6253  
property which the director has acquired and dispose of the same 6254  
by sale, exchange, or lease for the consideration and on the 6255  
terms and in the manner as the director considers proper, but is 6256  
not authorized to operate any such property as a business except 6257  
as the lessor of the property; 6258

(6) (a) When the cost of any contract for the maintenance, 6259  
protection, repair, or improvement of any property held by the 6260  
director other than compensation for personal services involves 6261  
an expenditure of more than one thousand dollars, the director 6262  
shall make a written contract with the lowest responsive and 6263  
responsible bidder in accordance with section 9.312 of the 6264  
Revised Code after advertisement for not less than two 6265  
consecutive weeks in a newspaper of general circulation in the 6266  
county where such contract, or some substantial part of it, is 6267  
to be performed, and in such other publications as the director 6268  
determines, which notice shall state the general character of 6269  
the work and the general character of the materials to be 6270  
furnished, the place where plans and specifications may be 6271  
examined, and the time and place of receiving bids. 6272

(b) Each bid for a contract for the construction, 6273  
demolition, alteration, repair, or reconstruction of an 6274  
improvement shall contain the full name of every person 6275  
interested in it and meet the requirements of section 153.54 of 6276

the Revised Code. 6277

(c) Each bid for a contract, except as provided in 6278  
division (B) (6) (b) of this section, shall contain the full name 6279  
of every person interested in it and shall be accompanied by 6280  
bond or certified check on a solvent bank, in such amount as the 6281  
director considers sufficient, that if the bid is accepted a 6282  
contract will be entered into and the performance of the 6283  
proposal secured. 6284

(d) The director may reject any and all bids. 6285

(e) A bond with good and sufficient surety, approved by 6286  
the director, shall be required of every contractor awarded a 6287  
contract except as provided in division (B) (6) (b) of this 6288  
section, in an amount equal to at least fifty per cent of the 6289  
contract price, conditioned upon faithful performance of the 6290  
contract. 6291

(7) Employ financial consultants, appraisers, consulting 6292  
engineers, superintendents, managers, construction and 6293  
accounting experts, attorneys, and other employees and agents as 6294  
are necessary in the director's judgment and fix their 6295  
compensation; 6296

(8) Assist qualified persons in the coordination and 6297  
formation of a small business development company, having a 6298  
statewide area of operation, conditional upon the company's 6299  
agreeing to seek to obtain certification from the federal small 6300  
business administration as a certified statewide development 6301  
company and participation in the guaranteed loan program 6302  
administered by the small business administration pursuant to 6303  
the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During 6304  
the initial period of formation of the statewide small business 6305

development company, the director shall provide technical and 6306  
financial expertise, legal and managerial assistance, and other 6307  
services as are necessary and proper to enable the company to 6308  
obtain and maintain federal certification and participation in 6309  
the federal guaranteed loan program. The director may charge a 6310  
fee, in such amount and on such terms and conditions as the 6311  
director determines necessary and proper, for assistance and 6312  
services provided pursuant to division (B) (8) of this section. 6313

Persons chosen by the director to receive assistance in 6314  
the formation of a statewide small business development company 6315  
pursuant to division (B) (8) of this section shall make a special 6316  
effort to use their participation in the federal guaranteed loan 6317  
program to assist small businesses which are minority business 6318  
enterprises as defined in division (E) of section 122.71 of the 6319  
Revised Code. The director, with the assistance of the minority 6320  
business development division of the department of development, 6321  
shall provide technical and financial expertise, legal and 6322  
managerial assistance, and other services in such a manner to 6323  
enable the development company to provide assistance to small 6324  
businesses which are minority business enterprises, and shall 6325  
make available to the development company information pertaining 6326  
to assistance available to minority business enterprises under 6327  
programs established pursuant to sections 122.71 to 122.83, 6328  
122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the 6329  
Revised Code. 6330

(9) Receive and accept grants, gifts, and contributions of 6331  
money, property, labor, and other things of value to be held, 6332  
used, and applied only for the purpose for which such grants, 6333  
gifts, and contributions are made, from individuals, private and 6334  
public corporations, from the United States or any agency of the 6335  
United States, from the state or any agency of the state, and 6336

from any political subdivision of the state, and may agree to 6337  
repay any contribution of money or to return any property 6338  
contributed or the value of the property at such times, in such 6339  
amounts, and on such terms and conditions, excluding the payment 6340  
of interest, as the director determines at the time such 6341  
contribution is made, and may evidence such obligations by 6342  
notes, bonds, or other written instruments; 6343

(10) Establish with the treasurer of state the ~~funds~~ fund 6344  
provided in ~~sections~~ section 122.54, ~~122.55, 122.56, and 122.57~~ 6345  
of the Revised Code, in addition to such funds as the director 6346  
determines are necessary or proper; 6347

(11) Do all acts and things necessary or proper to carry 6348  
out the powers expressly granted and the duties imposed in 6349  
sections 122.39 and 122.41 to 122.62 and Chapter 163. of the 6350  
Revised Code. 6351

(C) All expenses and obligations incurred by the director 6352  
in carrying out the director's powers and in exercising the 6353  
director's duties under sections 122.39 and 122.41 to 122.62 of 6354  
the Revised Code, shall be payable solely from the proceeds of 6355  
revenue bonds issued pursuant to those sections, from revenues 6356  
or other receipts or income of the director, from grants, gifts, 6357  
and contributions, or funds established in accordance with those 6358  
sections. Those sections do not authorize the director to incur 6359  
indebtedness or to impose liability on the state or any 6360  
political subdivision of the state. 6361

(D) Financial statements and financial data submitted to 6362  
the director by any corporation, partnership, or person in 6363  
connection with a loan application, or any information taken 6364  
from such statements or data for any purpose, shall not be open 6365  
to public inspection. 6366

**Sec. 122.47.** At the request of the director of 6367  
development, the treasurer of state shall issue revenue bonds of 6368  
the state for the purpose of acquiring moneys for the purposes 6369  
of this chapter, which moneys shall be credited by the treasurer 6370  
of state as the director of development shall determine to and 6371  
among the funds established in accordance with or pursuant to 6372  
sections 122.35, 122.42, and 122.54, ~~122.55, 122.56, 122.561,~~ 6373  
~~and 122.57~~ of the Revised Code. ~~The principal of and interest on~~ 6374  
~~such~~ Such revenue bonds ~~shall be payable solely from the sinking~~ 6375  
~~funds established in accordance with section 122.57 of the~~ 6376  
~~Revised Code at the times and in the order and manner provided~~ 6377  
~~in the bond issuing proceedings or in any trust agreements~~ 6378  
~~securing such bonds,~~ and shall be secured by the revenue bond 6379  
guaranty fund established in accordance with section 122.571 of 6380  
the Revised Code and shall also be secured by moneys in the 6381  
other funds established by the director to the extent and on the 6382  
terms ~~he~~ the director specifies and by covenants of the director 6383  
~~that he will~~ to so manage the loans and leases and fix interest 6384  
rates, charges, and rentals so as to assure receipt of net 6385  
income and revenue sufficient to provide for the payment of the 6386  
principal of and the interest on the revenue bonds. 6387

**Sec. 122.49.** The proceeds of each issue of revenue bonds 6388  
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 6389  
Revised Code shall be used for the making of loans authorized in 6390  
sections 122.43 and 122.45 of the Revised Code, for the purchase 6391  
and improvement of property authorized in section 122.46 of the 6392  
Revised Code, ~~for insuring mortgage payments authorized in~~ 6393  
~~section 122.451 of the Revised Code,~~ and for the crediting into 6394  
and among the funds established in accordance with sections 6395  
122.35, and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the 6396  
Revised Code, but subject to such conditions, limitations, and 6397

covenants with the purchasers and holders of the bonds as shall 6398  
be provided for in the bond authorization proceedings and in the 6399  
trust agreement securing the same. 6400

Provision shall be made by the director of development 6401  
~~services~~ for the payment of the expenses of the director in 6402  
operating the assistance programs authorized under this chapter 6403  
in such manner and to such extent as shall be determined by the 6404  
director. 6405

**Sec. 122.53.** In the discretion of the treasurer of state, 6406  
any bonds issued under sections 122.39 and 122.41 to 122.62 of 6407  
the Revised Code, may be secured by a trust agreement between 6408  
the treasurer of state and a corporate trustee, which trustee 6409  
may be any trust company or bank having the powers of a trust 6410  
company within or without the state. 6411

Any such trust agreement may pledge or assign payments of 6412  
principal of and interest on loans, charges, fees, and other 6413  
revenue to be received by the director of development ~~services,~~ 6414  
all rentals received under leases made by the director, and all 6415  
proceeds of the sale or other disposition of property held by 6416  
the director, ~~and may provide for the holding in trust by the~~ 6417  
~~trustee to the extent provided for in the proceedings~~ 6418  
~~authorizing such bonds, of all such moneys and moneys otherwise~~ 6419  
~~payable into the mortgage guarantee fund created by section~~ 6420  
~~122.56 of the Revised Code, and all moneys otherwise payable~~ 6421  
~~into the mortgage insurance fund created by section 122.561 of~~ 6422  
~~the Revised Code, and of moneys payable into the sinking fund or~~ 6423  
~~funds referred to in section 122.57 of the Revised Code, but~~ 6424  
shall not convey or mortgage any of the real or personal 6425  
property held by the director or any part thereof. Any such 6426  
trust agreement, or any proceedings providing for the issuance 6427

of such bonds, may contain such provisions for protecting and 6428  
enforcing the rights and remedies of the bondholders as are 6429  
reasonable and proper and not in violation of law, including 6430  
covenants setting forth the duties of the director in relation 6431  
to the acquisition of property, and the construction, 6432  
improvement, maintenance, repair, operation, and insurance of 6433  
facilities, the making of loans and leases and the terms and 6434  
provisions thereof, and the custody, safeguarding, investment, 6435  
and application of all moneys, and provisions for the employment 6436  
of consulting engineers or other consultants in connection with 6437  
the making of loans and leases and the construction or operation 6438  
of any facility. Any bank or trust company incorporated under 6439  
the laws of this state which may act as trustee or as depository 6440  
of the proceeds of bonds or of revenue may furnish such 6441  
indemnifying bonds or may pledge such securities as are required 6442  
by the treasurer of state. Any such trust agreement may set 6443  
forth the rights and remedies of the bondholders and of the 6444  
trustee, and may restrict the individual right of action by 6445  
bondholders as is customary in trust agreements or trust 6446  
indentures securing bonds or debentures of corporations. Such 6447  
trust agreement may contain such other provisions as the 6448  
treasurer of state deems reasonable and proper for the security 6449  
of the bondholders. All expenses incurred by the treasurer of 6450  
state in carrying out the provisions of any such trust agreement 6451  
shall be treated as a part of the cost of the operation of the 6452  
assistance programs authorized pursuant to Chapter 122. of the 6453  
Revised Code. Any such trust agreement may provide the method 6454  
whereby general administrative overhead expense of the director 6455  
with respect to those assistance programs shall be allocated 6456  
among the funds established pursuant to Chapter 122. of the 6457  
Revised Code with respect to the operating expenses of the 6458  
director payable out of the income of the assistance programs. 6459



**Sec. 122.571.** ~~In addition to the separate sinking funds~~ 6460  
~~created under section 122.57 of the Revised Code, there~~ There is 6461  
hereby created the revenue bond guaranty fund to consist of all 6462  
money allocated by the director of development to guarantee 6463  
payment of interest on, principal of and redemption premium on, 6464  
the revenue bonds issued by the director under Chapter 122. of 6465  
the Revised Code, all grants, gifts, and contributions made to 6466  
the director for such purpose, and all money and property 6467  
provided by law for such purpose. 6468

**Sec. 122.59.** In the event of a default with respect to any 6469  
loan or lease, the director of development shall take such 6470  
action as ~~he~~ the director deems proper in the circumstances to 6471  
enforce and protect the rights of the director, and such action 6472  
as may be required by the provisions of any proceedings 6473  
authorizing the revenue bonds or of any trust agreement securing 6474  
such bonds, which may include any appropriate action at law or 6475  
in equity, enforcement or waiver of any provision of any 6476  
mortgage or security agreement or lease, or reinstatement of any 6477  
forfeited or cancelled right, title, or privilege. 6478  
~~Notwithstanding any such action, the director shall transfer~~ 6479  
~~from the mortgage guarantee fund created by section 122.56 of~~ 6480  
~~the Revised Code to the sinking fund or funds referred to in~~ 6481  
~~section 122.57 of the Revised Code amounts not greater than the~~ 6482  
~~amounts which would have been paid upon such loan or under such~~ 6483  
~~lease but for such default, at the time or times when such~~ 6484  
~~amounts would have been paid but for such defaults, to the~~ 6485  
~~extent provided in the proceedings authorizing and the trust~~ 6486  
~~agreements securing such bonds, to be held and applied as other~~ 6487  
~~moneys in the sinking fund, and shall make such other transfers~~ 6488  
~~and take such other action as shall be required of the director~~ 6489  
~~by any such bond issuance proceedings or trust agreement.~~ 6490

Sec. 122.631. (A) As used in sections 122.631 to 122.633 6491  
of the Revised Code: 6492

(1) "Qualified nonprofit developer" means a nonprofit 6493  
corporation, as defined in section 1702.01 of the Revised Code, 6494  
that is all of the following: 6495

(a) Incorporated in this state; 6496

(b) Engaged in community development activities primarily 6497  
within an identified geographic area of operation in this state; 6498

(c) Has as its primary purpose the improvement of the 6499  
physical, economic, or social environment by addressing critical 6500  
problems in that geographic area of operation including housing. 6501

(2) "Electing subdivision," "county land reutilization 6502  
corporation," and "land reutilization program" have the same 6503  
meanings as in section 5722.01 of the Revised Code. 6504

~~(2)~~ (3) "Manufactured home" has the same meaning as in 6505  
section 3781.06 of the Revised Code, and "mobile home" has the 6506  
same meaning as in section 4501.01 of the Revised Code. 6507

~~(3)~~ (4) "Qualifying residential property" means ~~single-~~ 6508  
~~family residential property, including a~~ a single unit of 6509  
single-family residential property that has at least eight 6510  
hundred square feet of habitable space and is either a stand- 6511  
alone unit or in a multi-unit property containing not more than 6512  
ten single-family residential units. "Qualifying residential 6513  
property" excludes mobile homes but includes both of the 6514  
following: 6515

(a) A manufactured home; 6516

(b) A single unit in a multi-unit property ~~containing not-~~ 6517  
~~more than ten units but excluding manufactured homes, that has 6518~~

~~at least one thousand square feet of habitable space per~~ 6519  
~~unit~~ that has other nonresidential units or uses. Such 6520  
nonresidential units or uses are not qualifying residential 6521  
property. 6522

~~(4)~~ (5) "Qualifying median income" means eighty one hundred 6523  
twenty per cent of median income for the county where qualifying 6524  
residential property is located, as determined by the director 6525  
of development pursuant to section 174.04 of the Revised Code. 6526

(6) "Qualifying financial literacy counseling" means a 6527  
homeownership course with a curriculum that includes basic home 6528  
maintenance training and financial literacy. 6529

(7) "Qualifying counseling provider" means an individual, 6530  
business, nonprofit organization, or political subdivision, 6531  
including an agency or instrumentality thereof, that is 6532  
licensed, certified, or authorized to provide homeownership 6533  
counseling and financial literacy as one of its primary 6534  
functions, including housing counselors certified by the United 6535  
States department of housing and urban development or the Ohio 6536  
housing financing agency. 6537

(B) There is created in the department of development the 6538  
welcome home Ohio (WHO) program to administer the grants 6539  
authorized by this section and section ~~163.632~~ 122.632 of the 6540  
Revised Code and the tax credits authorized by section 122.633 6541  
of the Revised Code. The department shall create and maintain a 6542  
list of qualifying residential property to which the deed 6543  
restriction described in division (D) (4) of this section, 6544  
division (B) (4) of section 122.632, or division (C) (4) of 6545  
section 122.633 of the Revised Code applies. That list is not a 6546  
public record for purposes of section 149.43 of the Revised 6547  
Code. 6548

(C) An electing subdivision ~~or, a~~ county land 6549  
reutilization corporation, or a qualified nonprofit developer 6550  
may apply to the director of development for a grant from the 6551  
welcome home Ohio fund, which is created in the state treasury, 6552  
to pay or defer the cost of purchasing qualifying residential 6553  
property for incorporation into the electing subdivision's or 6554  
county land reutilization corporation's land reutilization 6555  
program or the qualified nonprofit developer's housing program. 6556  
Up to two thousand dollars of each grant may be used to fund the 6557  
qualifying financial literacy counseling required under division 6558  
(D) (6) of this section. To the extent that funding is available 6559  
in that fund, the director may award grants to electing 6560  
subdivisions ~~and,~~ county land reutilization corporations, and 6561  
qualified nonprofit developers that make such an application and 6562  
agree to comply with division (D) of this section, with a 6563  
maximum grant of one hundred thousand dollars per qualifying 6564  
residential property. 6565

(D) The director of development shall require all 6566  
applicants for a grant authorized by division (C) of this 6567  
section to agree, as part of the application, to all of the 6568  
following: 6569

(1) That grant funds shall only be used to pay the cost of 6570  
purchasing qualifying residential property; 6571

(2) That qualifying residential property on which grant 6572  
funds are spent shall be held until sold to an individual or 6573  
individuals who, inclusively: 6574

(a) Have annual income that is not more than the 6575  
qualifying median income; 6576

(b) Demonstrate the financial means to purchase the 6577

qualifying residential property; 6578

(c) Agree to maintain ownership of the qualifying 6579  
residential property, occupy it as a primary residence, and not 6580  
to rent any portion of the property to another individual for 6581  
use as a dwelling, for at least ~~five~~three years following the 6582  
date of purchase; 6583

(d) Agree not to sell the qualifying residential property, 6584  
within ~~twenty~~fifteen years after the date of the sale, to any 6585  
purchaser ~~except~~other than the electing subdivision, county 6586  
land reutilization corporation, or qualified nonprofit developer 6587  
or an individual or individuals who have annual income that is 6588  
not more than the qualifying median income; 6589

(e) Agree to pay a penalty to the director of development 6590  
for violation of the agreement required by division (D) (2) (c) of 6591  
this section that, ~~subject to divisions (F) (2) and (3) of this~~ 6592  
~~section,~~ equals ~~ninety thousand dollars~~the amount of the grant 6593  
attributable to the property, less ~~eighteen thousand dollars~~ 6594  
one-third of that amount multiplied by the number of full years 6595  
the individual or individuals owned the property; 6596

(f) Agree that the director of development is a third- 6597  
party beneficiary of the purchase agreement; 6598

(g) Agree to participate in the applicant's qualifying 6599  
financial literacy program; 6600

(h) Agree to annually certify to the director of 6601  
development ~~or the director's designee,~~ during the period 6602  
described by division (D) (2) (c) of this section, that the 6603  
individual or individuals own and occupy the qualifying 6604  
residential property, and that no part of the property is being 6605  
rented to another individual for use as a dwelling. 6606

(3) That qualifying residential property on which grant 6607  
funds are spent shall be sold for not more than ~~one~~ two hundred 6608  
~~eighty~~ twenty thousand dollars per property. 6609

(4) That qualifying residential property on which grant 6610  
funds are spent shall not be sold without a deed restriction 6611  
prohibiting the sale of the property to a person that is not the 6612  
electing subdivision, county land reutilization corporation, or 6613  
qualified nonprofit developer or an individual or individuals 6614  
who have annual income that is not more than the qualifying 6615  
median income for ~~twenty~~ fifteen years after the date of the 6616  
property's first transfer from the applicant following the use 6617  
of grant funds. The deed restriction is a covenant running with 6618  
the land and is fully binding on subsequent purchasers of the 6619  
property until it expires on the fifteenth anniversary of the 6620  
property's first transfer from the applicant following the use 6621  
of grant funds. The electing subdivision, county land 6622  
reutilization corporation, or qualified nonprofit developer may 6623  
include in the deed restriction a right of first refusal to 6624  
repurchase the property for the purpose of ensuring that the 6625  
property is ultimately sold to an individual or individuals who 6626  
have annual income that is not more than the qualifying median 6627  
income. 6628

(5) That the applicant shall repay all grant funds not 6629  
expended to purchase qualifying residential property or to fund 6630  
the qualifying financial literacy counseling required by 6631  
division (D) (6) of this section and all grant funds expended to 6632  
purchase qualifying residential property that is not sold to an 6633  
individual or individuals who meet the requirements described in 6634  
division (D) (2) of this section or that is sold without the deed 6635  
restriction described in division (D) (4) of this section. 6636

(6) That the applicant shall provide qualifying financial 6637  
literacy counseling, over a minimum of ~~one year~~six months, 6638  
delivered by a qualifying counseling provider, to each purchaser 6639  
of qualifying residential property on which grant funds are 6640  
spent. An applicant may provide information regarding its 6641  
qualifying financial literacy program to the director of 6642  
development for review as part of the application or prior to 6643  
application. ~~Financial~~Qualifying financial literacy counseling 6644  
provided by the applicant to the same purchaser, in accordance 6645  
with division (B) (6) of section 122.632 of the Revised Code or 6646  
division (C) (5) of section 122.633 of the Revised Code, 6647  
satisfies the requirements of division (D) (6) of this section. 6648

(7) That the applicant shall report to the department of 6649  
development the date when the qualifying residential property 6650  
that is the subject of the application is sold by the applicant. 6651

(E) The director of development has authority and standing 6652  
to sue for the enforcement of a deed restriction described in 6653  
division (D) (4) of this section. 6654

~~(F) (1)~~ (F) An electing subdivision ~~or,~~ a county land 6655  
reutilization corporation, or a qualified nonprofit developer 6656  
may apply for, and the director of development may award both a 6657  
grant under this section for the purchase of qualifying 6658  
residential property, and either a grant under section 122.632 6659  
of the Revised Code, or a tax credit under section 122.633 of 6660  
the Revised Code, to rehabilitate or construct the same 6661  
qualifying residential property. 6662

~~(2) If an electing subdivision or county land~~ 6663  
~~reutilization is awarded a grant under this section and a grant~~ 6664  
~~under section 122.632 of the Revised Code for the same~~ 6665  
~~qualifying residential property, and the individual or~~ 6666

~~individuals who purchase the property violate both of the~~ 6667  
~~agreements required by division (D) (2) (c) of this section and~~ 6668  
~~division (B) (2) (c) of section 122.632 of the Revised Code, only~~ 6669  
~~the penalty described by division (B) (2) (c) of section 122.632~~ 6670  
~~of the Revised Code applies.~~ 6671

~~(3) If an electing subdivision or county land~~ 6672  
~~reutilization is awarded a grant under this section and a tax~~ 6673  
~~credit under section 122.633 of the Revised Code for the same~~ 6674  
~~qualifying residential property, and the individual or~~ 6675  
~~individuals who purchase the property violate both of the~~ 6676  
~~agreements required by division (D) (2) (c) of this section and~~ 6677  
~~division (C) (2) (a) of section 122.633 of the Revised Code, only~~ 6678  
~~the greater of the penalties described in divisions (D) (2) (c) of~~ 6679  
~~this section and division (C) (2) (c) of section 122.633 of the~~ 6680  
~~Revised Code applies.~~ 6681

(G) (1) The director may adopt rules in accordance with 6682  
Chapter 119. Of the Revised Code as necessary to administer the 6683  
grant program. Such rules may include the following: 6684

(a) Application forms, deadlines, and procedures; 6685

(b) Criteria for evaluating and prioritizing applications; 6686

(c) Guidelines for promoting an even geographic 6687  
distribution of grants throughout the state; 6688

(d) Guidelines to determine the value of qualifying 6689  
residential property located in a building with other uses and 6690  
the total value of that building. 6691

(2) Any grants repaid under this section shall be credited 6692  
to the welcome home Ohio fund. 6693

(3) An electing subdivision, a county land reutilization 6694



corporation, or a qualified nonprofit developer shall use all 6695  
profits derived from the sale of qualifying residential property 6696  
on which grant funds are spent, including profits derived from 6697  
the resale of such property to a subsequent purchaser, for the 6698  
electing subdivision's or county land reutilization 6699  
corporation's land reutilization program or the qualified 6700  
nonprofit developer's housing program. 6701

**Sec. 122.632.** (A) An electing subdivision~~or~~, a county 6702  
land reutilization corporation, or a qualified nonprofit 6703  
developer may apply to the director of development for a grant 6704  
from the welcome home Ohio fund created in section 122.631 of 6705  
the Revised Code to pay or defer the cost to rehabilitate or 6706  
construct qualifying residential property held by the electing 6707  
subdivision's or county land reutilization corporation's land 6708  
reutilization program or the qualified nonprofit developer's 6709  
housing program. To the extent that funding is available, in 6710  
that fund the director may award grants to electing subdivisions 6711  
~~and~~, county land reutilization corporations, and qualified 6712  
nonprofit developers that make such an application and agree to 6713  
comply with division (B) of this section, with a maximum grant 6714  
of ~~thirty one~~ hundred thousand dollars per qualifying 6715  
residential property. 6716

(B) The director of development shall require all 6717  
applicants for a grant authorized by division (A) of this 6718  
section to agree, as part of the application, to all of the 6719  
following: 6720

(1) That grant funds shall ~~only~~ be used to pay the cost of 6721  
rehabilitation or construction of qualifying residential 6722  
property and all work will be completed according to all 6723  
applicable construction and design standards; — Up to two 6724

thousand dollars of each grant may be used to fund the 6725  
qualifying financial literacy counseling required under division 6726  
(B) (6) of this section. If grant funds are spent to construct or 6727  
rehabilitate a qualifying residential property described in 6728  
division (A) (4) (b) of section 122.631 of the Revised Code, then 6729  
no portion of the funds shall be spent to construct or 6730  
rehabilitate portions of the building that are for 6731  
nonresidential uses, except for common areas used by the 6732  
occupants of the residential units and improvements that serve 6733  
both the residential units and the other portions of the 6734  
building. 6735

(2) That qualifying residential property on which grant 6736  
funds are spent shall be held until sold to an individual or 6737  
individuals who, inclusively: 6738

(a) Have annual income that is not more than the 6739  
qualifying median income; 6740

(b) Demonstrate the financial means to purchase the 6741  
qualifying residential property; 6742

(c) Agree to maintain ownership of the qualifying 6743  
residential property, occupy it as a primary residence, and not 6744  
to rent any portion of the property to another individual for 6745  
use as a dwelling, for at least ~~five~~three years following the 6746  
date of purchase; 6747

(d) Agree not to sell the qualifying residential property, 6748  
within ~~twenty~~fifteen years after the date of the sale, to any 6749  
purchaser ~~except~~other than the electing subdivision, county 6750  
land reutilization corporation, or qualified nonprofit developer 6751  
or an individual or individuals who have annual income that is 6752  
not more than the qualifying median income; 6753

(e) Agree to pay a penalty to the director of development 6754  
for violation of the agreement required by division (B) (2) (c) of 6755  
this section that, ~~subject to division (F) (2) of section 122.631~~ 6756  
~~of the Revised Code, equals ninety thousand dollars~~ the amount of 6757  
the grant attributable to the property, less eighteen thousand- 6758  
~~dollars~~ one-third of that amount multiplied by the number of 6759  
full years the individual or individuals owned the property. 6760

(f) Agree that the director of development is a third- 6761  
party beneficiary of the purchase agreement; 6762

(g) Agree to participate in the applicant's qualifying 6763  
financial literacy program; 6764

(h) Agree to annually certify to the director of 6765  
development ~~or the director's designee~~, during the period 6766  
described by division (B) (2) (c) of this section, that the 6767  
individual or individuals own and occupy the qualifying 6768  
residential property, and that no part of the property is being 6769  
rented to another individual for use as a dwelling. 6770

(3) That qualifying residential property on which grant 6771  
funds are spent shall be sold for not more than ~~one~~ two hundred 6772  
~~eighty~~ twenty thousand dollars per property. 6773

(4) That qualifying residential property on which grant 6774  
funds are spent shall not be sold without a deed restriction 6775  
prohibiting the sale of the property to a person that is not the 6776  
electing subdivision, county land reutilization corporation, or 6777  
qualified nonprofit developer or an individual or individuals 6778  
who have annual income that is not more than the median income 6779  
for ~~twenty~~ fifteen years after the date of the property's first 6780  
transfer from the applicant following the use of grant funds~~+~~. 6781  
The deed restriction is a covenant running with the land and is 6782

fully binding on subsequent purchasers of the property until it 6783  
expires on the fifteenth anniversary of the property's first 6784  
transfer from the applicant following the use of grant funds. 6785  
The electing subdivision, county land reutilization corporation, 6786  
or qualified nonprofit developer may include in the deed 6787  
restriction a right of first refusal to repurchase the property 6788  
for the purpose of ensuring that the property is ultimately sold 6789  
to an individual or individuals who have annual income that is 6790  
not more than the qualifying median income. 6791

(5) That the applicant shall repay all grant funds 6792  
expended on any expenses other than the construction or 6793  
rehabilitation of qualifying residential property or financial 6794  
literacy counseling required under division (B) (6) of this 6795  
section, or on qualifying residential property that is not sold 6796  
to an individual or individuals who meet the requirements 6797  
described in division (B) (2) of this section or that is sold 6798  
without the deed restriction described in division (B) (4) of 6799  
this section; 6800

(6) That the applicant shall provide financial qualifying 6801  
literacy counseling, over a minimum of ~~one year~~ six months, 6802  
delivered by the qualifying counseling provider, to each 6803  
purchaser of qualifying residential property on which grant 6804  
funds are spent. An applicant may provide information regarding 6805  
its qualifying financial literacy program to the director of 6806  
development for review as part of the application or prior to 6807  
application; 6808

(7) That the applicant shall report to the department of 6809  
development the date when the qualifying residential property 6810  
that is the subject of the application is sold by the applicant. 6811

(8) That, if grant funds are received, the qualifying 6812

residential property that is the subject of the application 6813  
shall not be the subject of an application for a tax credit 6814  
under section 122.633 of the Revised Code. 6815

(C) The director of development is granted authority and 6816  
standing to sue for the enforcement of a deed restriction 6817  
described in division (B) (4) of this section. 6818

(D) (1) The director may adopt rules in accordance with 6819  
Chapter 119. of the Revised Code as necessary to administer the 6820  
grant program. Such rules may include the following: 6821

(a) Application forms, deadlines, and procedures; 6822

(b) Criteria for evaluating and prioritizing applications; 6823

(c) Guidelines for promoting an even geographic 6824  
distribution of grants throughout the state; 6825

(d) Guidelines to determine the value of qualifying 6826  
residential property located in a building with other uses and 6827  
the total value of that building. 6828

(2) Any grants repaid under this section shall be credited 6829  
to the welcome home Ohio fund. 6830

(3) An electing subdivision, a county land reutilization 6831  
corporation, or a qualified nonprofit developer shall use all 6832  
profits derived from the sale of qualifying residential property 6833  
on which grant funds are spent, including profits derived from 6834  
the resale of such property to a subsequent purchaser, for the 6835  
electing subdivision's or county land reutilization 6836  
corporation's land reutilization program or the qualified 6837  
nonprofit developer's housing program. 6838

**Sec. 122.633.** (A) As used in this section, "eligible 6839  
developer" means any of the following: 6840

(1) A nonprofit corporation, as defined in section 1702.01 6841  
of the Revised Code, based in this state with a primary activity 6842  
of the development and preservation of affordable housing; 6843

(2) A limited partnership or domestic limited partnership, 6844  
as defined in section 1782.01 of the Revised Code, in which a 6845  
general partner is a nonprofit corporation based in this state, 6846  
a primary activity of which is the development and preservation 6847  
of affordable housing; 6848

(3) A limited liability company, as defined in section 6849  
1706.01 of the Revised Code, in which the manager is a nonprofit 6850  
corporation based in this state, a primary activity of which is 6851  
the development and preservation of affordable housing; 6852

(4) A community improvement corporation, as defined in 6853  
section 1724.01 of the Revised Code, or a community urban 6854  
redevelopment corporation, as defined in section 1728.01 of the 6855  
Revised Code. 6856

(B) An electing subdivision or eligible developer that 6857  
rehabilitates or constructs a unit of qualifying residential 6858  
property and sells the property to an individual or individuals 6859  
for the individual's or individuals' occupancy may apply to the 6860  
director of development for a nonrefundable credit against the 6861  
tax levied under section 5726.02 or 5747.02 of the Revised Code, 6862  
provided the rehabilitation or construction and the sale comply 6863  
with division (C) of this section. The credit application shall 6864  
be made on forms prescribed by the director. The credit shall 6865  
equal ninety thousand dollars or ~~one-third~~ ninety per cent of 6866  
the cost to rehabilitate or construct the property, whichever is 6867  
less. 6868

(C) An application for a credit authorized by division ~~(C)~~ 6869

(B) of this section shall certify all of the following: 6870

(1) That the rehabilitation or construction of qualifying residential property that is the subject of the application was completed according to all applicable construction and design standards; 6871  
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(2) That each qualifying residential property that is the subject of the application was sold to an individual or individuals who have annual income that is not more than the qualifying median income, demonstrated the financial means to purchase the qualifying residential property, and agreed to all of the following in the purchase agreement: 6875  
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(a) To maintain ownership of the qualifying residential property, occupy it as a primary residence, and not to rent any portion of the property to another individual for use as a dwelling, for at least ~~five~~three years following the date of purchase; 6881  
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(b) Not to sell the qualifying residential property to a purchaser other than the electing subdivision, the eligible developer, or an individual or individuals who have annual income that is no more than the qualifying median income for at least ~~twenty~~fifteen years after the date of purchase; 6886  
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(c) To pay a penalty to the director of development for violation of the agreement required by division (C) (2) (a) of this section that, ~~subject to division (F) (3) of section 122.631 of the Revised Code,~~ equals the total amount of the tax credit authorized by this section and attributable to the qualifying residential property purchased by the individual, reduced by ~~twenty per cent~~one-third of that amount for each full year the individual or individuals owned the property; 6891  
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(d) That the director of development is a third-party beneficiary of the purchase agreement; 6899  
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(e) To participate in the applicant's qualifying financial literacy program; 6901  
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(f) Agree to annually certify to the director of development ~~or the director's designee~~, during the period described by division (C) (2) (a) of this section, that the individual or individuals own and occupy the qualifying residential property, and that no part of the property is being rented to another individual for use as a dwelling. 6903  
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(3) That the qualifying residential property that is the subject of the application was sold for not more than ~~one~~ two hundred ~~eighty~~ twenty thousand dollars; 6909  
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(4) That the purchaser of the qualifying residential property that is the subject of the application was transferred with a deed restriction prohibiting the sale of the property to a person other than the electing subdivision, the eligible developer, or an individual or individuals who have annual income that is not more than the qualifying median income for at least ~~twenty~~ fifteen years after the date of transfer. The deed restriction is a covenant running with the land and is fully binding on subsequent purchasers of the property until it expires on the fifteenth anniversary of the property's first transfer from the applicant under this section. The electing subdivision or eligible developer may include in the deed restriction a right of first refusal to repurchase the property for the purposes of ensuring that the property is ultimately sold to an individual or individuals who have annual income that is not more than the qualifying median income. 6912  
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(5) That the applicant provides a minimum of ~~one year~~ six  
months of qualifying financial literacy counseling, delivered by  
a qualifying counseling provider, to each purchaser of  
qualifying residential property that is the subject of the  
application. An applicant may provide information regarding its  
qualifying financial literacy program to the director of  
development for review as part of the application or prior to  
application; ~~—~~.

(6) That the applicant shall report to the department of  
development the date when the qualifying residential property  
that is the subject of the application is sold by the applicant.

(7) That the qualifying residential property that is the  
subject of the application was not rehabilitated or constructed  
using grant funds received under section 122.632 of the Revised  
Code.

(D) The director of development is granted authority and  
standing to sue for the enforcement of a deed restriction  
described in division (C) (4) of this section.

(E) (1) Subject to division (E) (2) of this section, if the  
director determines that the applicant qualifies for a credit  
under this section, the director shall issue a tax credit  
certificate to the applicant identified with a unique number and  
listing the amount of the credit that is eligible to be  
transferred or claimed pursuant to division (E) (3) or (F) of  
this section.

(2) The total amount of tax credits issued by the director  
under this section after the effective date of this amendment  
shall not exceed ~~twenty-five~~ twenty million dollars ~~in any~~  
~~fiscal year~~, and no tax credits shall be issued after June 30,

~~2025~~2027.

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(3) A person granted a certificate pursuant to division (E) (1) of this section may claim the credit against the tax levied under section 5726.02 of the Revised Code or against the person's aggregate tax liability under section 5747.02 of the Revised Code for the taxable year in which the certificate is issued. The taxpayer shall claim the credit in the order prescribed by section 5726.98 or 5747.98 of the Revised Code, as applicable. Any unused amount may be carried forward for the following five taxable years. If the person is a pass-through entity, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's taxable year may claim the taxpayer's proportionate or distributive share of the credit against the taxpayer's aggregate amount of tax levied under section 5747.02 of the Revised Code.

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A taxpayer claiming a credit under this section shall submit a copy of the certificate with the taxpayer's return or report.

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(F) A person granted a certificate pursuant to division (E) (1) of this section may transfer the right to claim all or part of the credit reflected on the certificate to another person.

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To effectuate the transfer, the transferor shall notify the tax commissioner, in writing, that the transferor is transferring the right to claim all or part of the remaining credit stated on the certificate. The transferor shall identify in that notification the certificate's number, the name and the tax identification number of the transferee, the amount of the remaining credit transferred to the transferee, and, if applicable, the amount of remaining credit retained by the

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transferor. 6987

The transferee may claim the amount of the credit received 6988  
under this division against the tax levied under section 5726.02 6989  
of the Revised Code or against the person's aggregate tax 6990  
liability under section 5747.02 of the Revised Code for the 6991  
taxable year in the same manner and for the same taxable years 6992  
as it may be claimed by a person under division (E) (3) of this 6993  
section. 6994

Any person to which a credit has been transferred under 6995  
this division may transfer the right to claim all or part of the 6996  
transferred credit amount to any other person, in the same 6997  
manner prescribed by this division for the initial transfer, 6998  
including that any such transfer be reported by the transferor 6999  
to the tax commissioner as described in this division. 7000

Transferring a credit under this division does not extend 7001  
the taxable years for which the credit may be claimed or number 7002  
of years for which the unclaimed credit amount may be carried 7003  
forward. 7004

(G) The director may adopt rules in accordance with 7005  
Chapter 119. of the Revised Code as necessary to administer the 7006  
tax credits authorized by this section. Such rules may include 7007  
the following: 7008

- (1) Application forms, deadlines, and procedures; 7009
- (2) Criteria for evaluating and prioritizing applications; 7010
- (3) Guidelines for promoting an even geographic 7011  
distribution of credits throughout the state. 7012

**Sec. 122.85.** (A) As used in this section and in sections 7013  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 7014

(1) "Tax credit-eligible production" means a motion picture or Broadway theatrical production certified by the director of development under division (B) of this section as qualifying the production company for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.

(2) "Certificate owner" means a production company to which a tax credit certificate is issued.

(3) "Production company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that is producing a motion picture or Broadway theatrical production.

(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a production company directly for the production of a tax credit-eligible production, for postproduction activities, or for advertising and promotion of the production.

~~"Eligible expenditures" do not include qualified expenditures for which a production company receives a tax credit under section 122.852 of the Revised Code.~~

"Eligible expenditures" include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment.

(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or

exhibition to the general public, including, but not limited to, 7044  
feature-length films; documentaries; long-form, specials, 7045  
miniseries, series, and interstitial television programming; 7046  
interactive web sites; sound recordings; videos; music videos; 7047  
interactive television; interactive games; video games; 7048  
commercials; any format of digital media; and any trailer, 7049  
pilot, video teaser, or demo created primarily to stimulate the 7050  
sale, marketing, promotion, or exploitation of future investment 7051  
in either a product or a motion picture by any means and media 7052  
in any digital media format, film, or videotape, provided the 7053  
motion picture qualifies as a motion picture. "Motion picture" 7054  
does not include any television program created primarily as 7055  
news, weather, or financial market reports, a production 7056  
featuring current events or sporting events, an awards show or 7057  
other gala event, a production whose sole purpose is 7058  
fundraising, a long-form production that primarily markets a 7059  
product or service or in-house corporate advertising or other 7060  
similar productions, a production for purposes of political 7061  
advocacy, or any production for which records are required to be 7062  
maintained under 18 U.S.C. 2257 with respect to sexually 7063  
explicit content. 7064

(6) "Broadway theatrical production" means a prebroadway 7065  
production, long run production, or tour launch that is 7066  
directed, managed, and performed by a professional cast and crew 7067  
and that is directly associated with New York city's Broadway 7068  
theater district. 7069

(7) "Prebroadway production" means a live stage production 7070  
that is scheduled for presentation in New York city's Broadway 7071  
theater district after the original or adaptive version is 7072  
performed in a qualified production facility. 7073

(8) "Long run production" means a live stage production 7074  
that is scheduled to be performed at a qualified production 7075  
facility for more than five weeks, with an average of at least 7076  
six performances per week. 7077

(9) "Tour launch" means a live stage production for which 7078  
the activities comprising the technical period are conducted at 7079  
a qualified production facility before a tour of the original or 7080  
adaptive version of the production begins. 7081

(10) "Qualified production facility" means a facility 7082  
located in this state that is used in the development or 7083  
presentation to the public of theater productions. 7084

(B) For the purpose of encouraging and developing strong 7085  
film and theater industries in this state, the director of 7086  
development may certify a motion picture or Broadway theatrical 7087  
production produced by a production company as a tax credit- 7088  
eligible production. In the case of a television series, the 7089  
director may certify the production of each episode of the 7090  
series as a separate tax credit-eligible production. A 7091  
production company shall apply for certification of a motion 7092  
picture or Broadway theatrical production as a tax credit- 7093  
eligible production on a form and in the manner prescribed by 7094  
the director. Each application shall include the following 7095  
information: 7096

(1) The name and telephone number of the production 7097  
company; 7098

(2) The name and telephone number of the company's contact 7099  
person; 7100

(3) A list of the first preproduction date through the 7101  
last production and postproduction dates in Ohio and, in the 7102

case of a Broadway theatrical production, a list of each	7103
scheduled performance in a qualified production facility;	7104
(4) The Ohio production office or qualified production	7105
facility address and telephone number;	7106
(5) The total production budget;	7107
(6) The total budgeted eligible expenditures and the	7108
percentage that amount is of the total production budget of the	7109
motion picture or Broadway theatrical production;	7110
(7) In the case of a motion picture, the total percentage	7111
of the production being shot in Ohio;	7112
(8) The level of employment of cast and crew who reside in	7113
Ohio;	7114
(9) A synopsis of the script;	7115
(10) In the case of a motion picture, the shooting script;	7116
(11) A creative elements list that includes the names of	7117
the principal cast and crew and the producer and director;	7118
(12) Documentation of financial ability to undertake and	7119
complete the motion picture or Broadway theatrical production,	7120
including documentation that shows that the company has secured	7121
funding equal to at least fifty per cent of the total production	7122
budget;	7123
(13) Estimated value of the tax credit based upon total	7124
budgeted eligible expenditures;	7125
(14) Estimated amount of state and local taxes to be	7126
generated in this state from the production;	7127
(15) Estimated economic impact of the production in this	7128
state;	7129

(16) Any other information considered necessary by the 7130  
director. 7131

Within ninety days after certification of a motion picture 7132  
or Broadway theatrical production as a tax credit-eligible 7133  
production, and any time thereafter upon the request of the 7134  
director, the production company shall present to the director 7135  
sufficient evidence of reviewable progress. If the production 7136  
company fails to present sufficient evidence, the director may 7137  
rescind the certification. If the production of a motion picture 7138  
or Broadway theatrical production does not begin within ninety 7139  
days after the date it is certified as a tax credit-eligible 7140  
production, the director shall rescind the certification unless 7141  
the director finds that the production company shows good cause 7142  
for the delay, meaning that the production was delayed due to 7143  
unforeseeable circumstances beyond the production company's 7144  
control or due to action or inaction by a government agency. 7145  
Upon rescission, the director shall notify the applicant that 7146  
the certification has been rescinded. Nothing in this section 7147  
prohibits an applicant whose tax credit-eligible production 7148  
certification has been rescinded from submitting a subsequent 7149  
application for certification. 7150

(C) (1) A production company whose motion picture or 7151  
Broadway theatrical production has been certified as a tax 7152  
credit-eligible production may apply to the director of 7153  
development on or after July 1, 2009, for a refundable credit 7154  
against the tax imposed by section 5726.02, 5733.06, 5747.02, or 7155  
5751.02 of the Revised Code. The director in consultation with 7156  
the tax commissioner shall prescribe the form and manner of the 7157  
application and the information or documentation required to be 7158  
submitted with the application. 7159



The credit is determined as follows: 7160

(a) If the total budgeted eligible expenditures stated in 7161  
the application submitted under division (B) of this section or 7162  
the actual eligible expenditures as finally determined under 7163  
division (D) of this section, whichever is least, is less than 7164  
or equal to three hundred thousand dollars, no credit is 7165  
allowed; 7166

(b) If the total budgeted eligible expenditures stated in 7167  
the application submitted under division (B) of this section or 7168  
the actual eligible expenditures as finally determined under 7169  
division (D) of this section, whichever is least, is greater 7170  
than three hundred thousand dollars, the credit equals thirty 7171  
per cent of the least of such budgeted or actual eligible 7172  
expenditure amounts. 7173

(2) Except as provided in division (C) (4) of this section, 7174  
if the director of development approves a production company's 7175  
application for a credit, the director shall issue a tax credit 7176  
certificate to the company. The director in consultation with 7177  
the tax commissioner shall prescribe the form and manner of 7178  
issuing certificates. The director shall assign a unique 7179  
identifying number to each tax credit certificate and shall 7180  
record the certificate in a register devised and maintained by 7181  
the director for that purpose. The certificate shall state the 7182  
amount of the eligible expenditures on which the credit is based 7183  
and the amount of the credit. Upon the issuance of a 7184  
certificate, the director shall certify to the tax commissioner 7185  
the name of the production company to which the certificate was 7186  
issued, the amount of eligible expenditures shown on the 7187  
certificate, the amount of the credit, and any other information 7188  
required by the rules adopted to administer this section. 7189

(3) The amount of eligible expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Once the eligible expenditures are finally determined under section 5703.19 of the Revised Code and division (D) of this section, the credit amount is not subject to adjustment unless the director determines an error was committed in the computation of the credit amount.

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. The amount of tax credit allowed per fiscal year shall not exceed the sum of ~~(a) fifty~~ Seventy-five million dollars, ~~(b) the difference between the maximum credit amount for that fiscal year under section 122.852 of the Revised Code and the amount the director of development elects to allow under this section pursuant to division (D)(1) of section 122.852 of the Revised Code,~~ and ~~(c) the difference between the maximum amount of credits that could have been awarded in the previous fiscal year under this section and the amount actually awarded. Out of that sum, five million dollars shall be reserved for Broadway theatrical productions, and the balance may be allowed for any tax credit-eligible production. For any fiscal year in which less than five million dollars of tax credits are allowed for Broadway theatrical productions, the amount of the five million dollars not allowed and added to the maximum annual amount for the following fiscal year shall be reserved for Broadway theatrical productions in the following fiscal year.~~

(5) The director shall review and approve applications for tax credits ~~in two rounds each fiscal year. The first round of credits shall be awarded not later than the last day of July of~~

~~the fiscal year, and the second round of credits shall be~~ 7221  
~~awarded not later than the last day of the ensuing January. The~~ 7222  
~~amount of credits awarded in the first round of applications~~ 7223  
~~each fiscal year shall not exceed one-half of the maximum~~ 7224  
~~allowance for the fiscal year calculated under division (C)(4)~~ 7225  
~~of this section, two million five hundred thousand dollars of~~ 7226  
~~which shall be reserved for Broadway theatrical productions. For~~ 7227  
~~each round, the director shall rank applications on the basis of~~ 7228  
~~the extent of positive economic impact each tax credit-eligible~~ 7229  
~~production is likely to have in this state and the effect on~~ 7230  
~~developing a permanent workforce in motion picture or theatrical~~ 7231  
~~production industries in the state. For the purpose of such~~ 7232  
~~ranking, the~~ on a rolling basis. The director shall give 7233  
priority to tax-credit eligible productions that are television 7234  
series or miniseries due to the long-term commitment typically 7235  
associated with such productions. ~~The economic impact ranking~~ 7236  
~~shall be based on the production company's total expenditures in~~ 7237  
~~this state directly associated with the tax credit-eligible~~ 7238  
~~production. The effect on developing a permanent workforce in~~ 7239  
~~the motion picture or theatrical production industries shall be~~ 7240  
~~evaluated first by the number of new jobs created and second by~~ 7241  
~~amount of payroll added with respect to employees in this state.~~ 7242

~~The director shall approve productions in the order of~~ 7243  
~~their ranking, from those with the greatest positive economic~~ 7244  
~~impact and workforce development effect to those with the least~~ 7245  
~~positive economic impact and workforce development effect.~~ 7246

(D) A production company whose motion picture or Broadway 7247  
theatrical production has been certified as a tax credit- 7248  
eligible production shall engage, at the company's expense, an 7249  
independent certified public accountant to examine the company's 7250  
production, postproduction, and advertising and promotion 7251

expenditures to identify the expenditures that qualify as 7252  
eligible expenditures. The certified public accountant shall 7253  
issue a report to the company and to the director of development 7254  
certifying the company's eligible expenditures and any other 7255  
information required by the director. Upon receiving and 7256  
examining the report, the director may disallow any expenditure 7257  
the director determines is not an eligible expenditure. If the 7258  
director disallows an expenditure, the director shall issue a 7259  
written notice to the production company stating that the 7260  
expenditure is disallowed and the reason for the disallowance. 7261  
Upon examination of the report and disallowance of any 7262  
expenditures, the director shall determine finally the lesser of 7263  
the total budgeted eligible expenditures stated in the 7264  
application submitted under division (B) of this section or the 7265  
actual eligible expenditures for the purpose of computing the 7266  
amount of the credit. 7267

(E) No credit shall be allowed under section 5726.55, 7268  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 7269  
director has reviewed the report and made the determination 7270  
prescribed by division (D) of this section. 7271

(F) This state reserves the right to refuse the use of 7272  
this state's name in the credits of any tax credit-eligible 7273  
motion picture production or program of any Broadway theatrical 7274  
production. 7275

(G) (1) The director of development in consultation with 7276  
the tax commissioner shall adopt rules for the administration of 7277  
this section, including rules setting forth and governing the 7278  
criteria for determining whether a motion picture or Broadway 7279  
theatrical production is a tax credit-eligible production; 7280  
activities that constitute the production or postproduction of a 7281

motion picture or Broadway theatrical production; reporting 7282  
sufficient evidence of reviewable progress; expenditures that 7283  
qualify as eligible expenditures; a schedule and deadlines for 7284  
applications to be submitted and reviewed; a competitive process 7285  
for approving credits based on likely economic impact in this 7286  
state and development of a permanent workforce in motion picture 7287  
or theatrical production industries in this state; consideration 7288  
of geographic distribution of credits; and implementation of the 7289  
program described in division (H) of this section. The rules 7290  
shall be adopted under Chapter 119. of the Revised Code. 7291

(2) To cover the administrative costs of the program, the 7292  
director shall require each applicant to pay an application fee 7293  
equal to the lesser of ten thousand dollars or one per cent of 7294  
the estimated value of the tax credit as stated in the 7295  
application. The fees collected shall be credited to the tax 7296  
incentives operating fund created in section 122.174 of the 7297  
Revised Code. All grants, gifts, fees, and contributions made to 7298  
the director for marketing and promotion of the motion picture 7299  
industry within this state shall also be credited to the fund. 7300

(H) The director of development shall establish a program 7301  
for the training of Ohio residents who are or wish to be 7302  
employed in the film or multimedia industry. Under the program, 7303  
the director shall: 7304

(1) Certify individuals as film and multimedia trainees. 7305  
In order to receive such a certification, an individual must be 7306  
an Ohio resident, have participated in relevant on-the-job 7307  
training or have completed a relevant training course approved 7308  
by the director, and have met any other requirements established 7309  
by the director. 7310

(2) Accept applications from production companies that 7311

intend to hire and provide on-the-job training to one or more 7312  
certified film and multimedia trainees who will be employed in 7313  
the company's tax credit-eligible production; 7314

(3) Upon completion of a tax-credit eligible production, 7315  
and upon the receipt of any salary information and other 7316  
documentation required by the director, authorize a 7317  
reimbursement payment to each production company whose 7318  
application was approved under division (H) (2) of this section. 7319  
The payment shall equal fifty per cent of the salaries paid to 7320  
film and multimedia trainees employed in the production. 7321

Sec. 122.97. (A) The director of development may allocate 7322  
the state ceiling on the aggregate amount of private activity 7323  
bonds issued in this state as provided in 26 U.S.C. 146. The 7324  
allocation shall be made pursuant to rules the director adopts 7325  
in accordance with Chapter 119. of the Revised Code that do all 7326  
of the following: 7327

(1) Provide a formula for allocating the state ceiling, as 7328  
authorized under 26 U.S.C. 146(e); 7329

(2) Authorize procedures to administer those allocations; 7330

(3) Impose fees on persons to which such allocations are 7331  
issued; 7332

(4) Establish any other requirements, processes, or 7333  
procedures to administer the state ceiling. 7334

(B) The development volume cap fund is created in the 7335  
custody of the treasurer of state, but is not part of the state 7336  
treasury. The fund shall consist of all fees paid by issuers 7337  
receiving state ceiling allocations. Funds may be used to pay 7338  
the department of development's costs in administering ceiling 7339  
allocations. The treasurer of state shall disburse money from 7340

the fund on order of the director of development. All interest 7341  
and investment income earned by the fund shall be deposited into 7342  
the fund. 7343

**Sec. 123.10.** (A) As used in this section and section 7344  
123.11 of the Revised Code, "public exigency" means an injury or 7345  
obstruction that occurs in any public works of the state and 7346  
that materially impairs its immediate use or places in jeopardy 7347  
property adjacent to it; an immediate danger of such an injury 7348  
or obstruction; or an injury or obstruction, or an immediate 7349  
danger of an injury or obstruction, that occurs in any public 7350  
works of the state and that materially impairs its immediate use 7351  
or places in jeopardy property adjacent to it. 7352

(B) When a declaration of public exigency is issued 7353  
pursuant to division (C) of this section, the Ohio facilities 7354  
construction commission, or the requesting director of the state 7355  
agency, state institution of higher education as defined in 7356  
division (A) (1) of section 3345.12 of the Revised Code, or other 7357  
state instrumentality, as determined by the executive director 7358  
of the commission, shall enter into contracts with proper 7359  
persons for the performance of labor, the furnishing of 7360  
materials, or the construction of any structures and buildings 7361  
necessary to the maintenance, control, and management of the 7362  
public works of the state or any part of those public works. Any 7363  
contracts awarded for the work performed pursuant to the 7364  
declaration of a public exigency may be awarded without 7365  
competitive bidding or selection as set forth in Chapter 153. of 7366  
the Revised Code. 7367

(C) The executive director of the Ohio facilities 7368  
construction commission may issue a declaration of a public 7369  
exigency on the executive director's own initiative or upon the 7370

request of the director of any state agency, a state institution 7371  
of higher education as defined in division (A)(1) of section 7372  
3345.12 of the Revised Code, or any other state instrumentality. 7373  
The executive director's declaration shall identify the specific 7374  
injury, obstruction, or danger that is the subject of the 7375  
declaration and shall set forth a dollar limitation for the 7376  
repair, removal, or prevention of that exigency under the 7377  
declaration. 7378

Before any project to repair, remove, or prevent a public 7379  
exigency under the executive director's declaration may begin, 7380  
the executive director shall send notice of the project, in 7381  
writing, to the director of budget and management and to the 7382  
members of the controlling board. That notice shall detail the 7383  
project to be undertaken to address the public exigency and 7384  
shall include a copy of the executive director's declaration 7385  
that establishes the monetary limitations on that project. 7386

Sec. 123.14. (A) Every two years, the department of 7387  
administrative services shall conduct a comprehensive study and 7388  
issue a report on all real property owned or leased by the state 7389  
or a state agency. The director of administrative services shall 7390  
deliver the report to the speaker of the house of 7391  
representatives, the president of the senate, and the governor 7392  
not later than the thirty-first day of January of every odd- 7393  
numbered year. The study shall include all of the following: 7394

(1) A complete list of all the real property owned by the 7395  
state or a state agency. The list shall be organized by who owns 7396  
the real property, which shall include information regarding the 7397  
nature of the real property, such as whether the real property 7398  
includes structures, whether any structure is office space, the 7399  
value of the real property, the cost of maintaining the real 7400



property, and what percentage of the real property is used or 7401  
unused by the state or state agency. 7402

(2) A complete list of all the real property that the 7403  
state or a state agency rents or leases, but does not own, and 7404  
the cost of renting or leasing; 7405

(3) Which state agencies use the real property, whether 7406  
owned or leased, and the square footage that is used, versus not 7407  
used, organized by state agency; 7408

(4) How much of the real property identified in division 7409  
(A) (3) of this section would be used if all employees of that 7410  
agency worked in person, rather than remote. 7411

(B) As used in this section, "state agency" means every 7412  
organized body, office, or agency established by the laws of the 7413  
state for the exercise of any function of state government, 7414  
including the nonprofit corporation formed under section 187.01 7415  
of the Revised Code, but not including the courts or any 7416  
judicial agency, any state-assisted institution of higher 7417  
education, or any local agency. 7418

**Sec. 123.28.** As used in this section and in section 7419  
123.281 of the Revised Code: 7420

(A) "Culture" means any of the following: 7421

(1) Visual, musical, dramatic, graphic, design, and other 7422  
arts, including, but not limited to, architecture, dance, 7423  
literature, motion pictures, music, painting, photography, 7424  
sculpture, and theater, and the provision of training or 7425  
education in these arts; 7426

(2) The presentation or making available, in museums or 7427  
other indoor or outdoor facilities, of principles of science and 7428

their development, use, or application in business, industry, or 7429  
commerce or of the history, heritage, development, presentation, 7430  
and uses of the arts described in division (A) (1) of this 7431  
section and of transportation; 7432

(3) The preservation, presentation, or making available of 7433  
features of archaeological, architectural, environmental, or 7434  
historical interest or significance in a state historical 7435  
facility or a local historical facility. 7436

(B) "Cultural organization" means either of the following: 7437

(1) A governmental agency or Ohio nonprofit corporation, 7438  
including the Ohio history connection, that provides programs or 7439  
activities in areas directly concerned with culture; 7440

(2) A regional arts and cultural district as defined in 7441  
section 3381.01 of the Revised Code. 7442

(C) "Cultural project" means all or any portion of an Ohio 7443  
cultural facility for which the general assembly has made an 7444  
appropriation or has specifically authorized the spending of 7445  
money or the making of rental payments relating to the financing 7446  
of construction. 7447

(D) "Cooperative use agreement" means a contract between 7448  
the Ohio facilities construction commission and a cultural 7449  
organization providing the terms and conditions of the 7450  
cooperative use of an Ohio cultural facility. 7451

(E) "Costs of operation" means amounts required to manage 7452  
an Ohio cultural facility that are incurred following the 7453  
completion of construction of its cultural project, provided 7454  
that both of the following apply: 7455

(1) Those amounts either: 7456

(a) Have been committed to a fund dedicated to that purpose; 7457  
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(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose. 7459  
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(2) The commission and the cultural organization have executed an agreement with respect to either of those funds. 7461  
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(F) "Governmental agency" means a state agency, a state institution of higher education as defined in section 3345.12 of the Revised Code, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement. 7463  
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(G) "Local contributions" means the value of an asset provided by or on behalf of a cultural organization from sources other than the state, the value and nature of which shall be approved by the Ohio facilities construction commission, in its sole discretion. "Local contributions" may include the value of the site where a cultural project is to be constructed. All "local contributions," except a contribution attributable to such a site, shall be for the costs of construction of a cultural project or the creation or expansion of an endowment for the costs of operation of a cultural facility. 7473  
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(H) "Local historical facility" means a site or facility, other than a state historical facility, of archaeological, architectural, environmental, or historical interest or 7483  
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significance, or a facility, including a storage facility, 7486  
appurtenant to the operations of such a site or facility, that 7487  
is owned by a cultural organization and is used for or in 7488  
connection with cultural activities, including the presentation 7489  
or making available of culture to the public. 7490

(I) "Manage," "operate," or "management" means the 7491  
provision of, or the exercise of control over the provision of, 7492  
activities: 7493

(1) Relating to culture for an Ohio cultural facility, 7494  
including as applicable, but not limited to, providing for 7495  
displays, exhibitions, specimens, and models; booking of 7496  
artists, performances, or presentations; scheduling; and hiring 7497  
or contracting for directors, curators, technical and scientific 7498  
staff, ushers, stage managers, and others directly related to 7499  
the cultural activities in the facility; but not including 7500  
general building services; 7501

(2) Relating to sports and athletic events for an Ohio 7502  
sports facility, including as applicable, but not limited to, 7503  
providing for booking of athletes, teams, and events; 7504  
scheduling; and hiring or contracting for staff, ushers, 7505  
managers, and others directly related to the sports and athletic 7506  
events in the facility; but not including general building 7507  
services. 7508

(J) "Ohio cultural facility" means any of the following: 7509

(1) The theaters located in the state office tower at 77 7510  
South High street in Columbus; 7511

(2) Any cultural facility in this state that is managed 7512  
directly by, or is subject to a cooperative use or management 7513  
agreement with, the Ohio facilities construction commission. 7514

(3) A state historical facility or a local historical facility. 7515  
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(K) "Construction" includes acquisition, including 7517  
acquisition by lease-purchase, demolition, reconstruction, 7518  
alteration, renovation, remodeling, enlargement, improvement, 7519  
site improvements, and related equipping and furnishing. 7520

(L) "State historical facility" means a site or facility 7521  
that has all of the following characteristics: 7522

(1) It is created, supervised, operated, protected, 7523  
maintained, and promoted by the Ohio history connection pursuant 7524  
to the Ohio history connection's performance of public functions 7525  
under sections 149.30 and 149.302 of the Revised Code. 7526

(2) Its title must reside wholly or in part with the 7527  
state, the Ohio history connection, or both the state and the 7528  
Ohio history connection. 7529

(3) It is managed directly by or is subject to a 7530  
cooperative use or management agreement with the Ohio facilities 7531  
construction commission and is used for or in connection with 7532  
cultural activities, including the presentation or making 7533  
available of culture to the public. 7534

(M) "Ohio sports facility" means all or a portion of a 7535  
stadium, arena, tennis facility, motorsports complex, or other 7536  
capital facility in this state. A primary purpose of the 7537  
facility shall be to provide a site or venue for the 7538  
presentation to the public of motorsports events, professional 7539  
tennis tournaments, or events of one or more major or minor 7540  
league professional athletic or sports teams that are associated 7541  
with the state or with a city or region of the state. The 7542  
facility shall be, in the case of a motorsports complex, owned 7543

by the state or governmental agency, or in all other instances, 7544  
owned by or located on real property owned by the state or a 7545  
governmental agency, and includes all parking facilities, 7546  
walkways, and other auxiliary facilities, equipment, 7547  
furnishings, and real and personal property and interests and 7548  
rights therein, that may be appropriate for or used for or in 7549  
connection with the facility or its operation, for capital costs 7550  
of which state funds are spent pursuant to this section and 7551  
section 123.281 of the Revised Code. A facility constructed as 7552  
an Ohio sports facility may be both an Ohio cultural facility 7553  
and an Ohio sports facility. 7554

(N) "Motorsports" means sporting events in which motor 7555  
vehicles are driven on a clearly demarcated tracked surface. 7556

(O) "Professional sports franchise" means a member of the 7557  
national football league, women's national football conference, 7558  
women's football alliance, women's football league association, 7559  
national hockey league, professional women's hockey league, 7560  
major league baseball, women's professional baseball league, 7561  
major league soccer, national women's soccer league, national 7562  
basketball association, or the women's national basketball 7563  
association, or a successor of such an entity. 7564

(P) "Major sports facility" means an Ohio sports facility 7565  
that meets all of the following criteria: 7566

(1) A primary purpose of the sports facility is to provide 7567  
a site or venue for the presentation of events of a professional 7568  
sports franchise that is committed to playing a majority of the 7569  
franchise's home games at the sports facility for a period of at 7570  
least thirty years after completion of the construction of the 7571  
sports facility. 7572

(2) The initial total estimated construction cost to be 7573  
incurred in connection with the construction of the sports 7574  
facility, excluding any site acquisition cost, is greater than 7575  
one billion dollars. 7576

(Q) "Transformational major sports facility mixed-use 7577  
project" means the following, as applicable: 7578

(1) A mixed-use project that does all of the following: 7579

(a) Includes the construction of a major sports facility; 7580

(b) Integrates some combination of retail, office, hotel, 7581  
residential, recreation, structured parking, or other similar 7582  
uses into one or more mixed-use developments; (c) Is expected to 7583  
generate increased state tax revenues pursuant to state taxes 7584  
levied under Chapters 5739., 5741., 5747., and 5751. of the 7585  
Revised Code. 7586

(2) A transformational major sports facility mixed-use 7587  
project also may include any of the following: 7588

(a) Other projects supporting or relating to the major 7589  
sports facility or the professional sports franchise 7590  
constructing or using the major sports facility; 7591

(b) Any mixed-use project adjacent or otherwise relating 7592  
to practice facilities for the professional sports franchise; 7593

(c) Conference centers, concert, or other entertainment 7594  
venues and facilities; 7595

(d) Retail, food, restaurant, and beverage facilities, 7596  
whether fixed or mobile; 7597

(e) Parks and other public open spaces or facilities; 7598

(f) Related on-site infrastructure necessary or desirable 7599

for all such elements for the transformational major sports facility mixed-use project. 7600  
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(R) "Transformational major sports facility mixed-use project district" means the geographic area encompassing the land upon which the transformational major sports facility mixed-use project is located, as designated by a municipal corporation under section 715.016 of the Revised Code. 7602  
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(S) "Base professional sports franchise state tax revenues" means a fixed dollar amount equal to all state tax revenues generated pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code that are attributable to the professional sports franchise, and its operations at the existing facility in which the professional sports facility plays home games if in the state, and collected by the tax commissioner in the calendar year occurring immediately before the calendar year in which the professional sports franchise plays its initial regular season home game in the major sports facility. 7607  
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(T) "Total major sports facility mixed-use project district state tax revenues" means the total aggregate state tax revenue generated in the territory of a transformational major sports facility mixed-use project district pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code, including state tax revenues attributable to purchasing or leasing materials and items used in construction in the territory of a transformational major sports facility mixed-use project district, in a calendar year during the initial term of the applicable major sports facility lease. 7618  
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(U) "Incremental major sports facility mixed-use project district state tax revenues" means the amount of state tax 7628  
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revenues received by the state determined by subtracting base 7630  
professional sports franchise state tax revenues from total 7631  
major sports facility mixed-use project district state tax 7632  
revenues in a calendar year, beginning with the calendar year in 7633  
which the professional sports franchise plays its initial 7634  
regular season home game in the major sports facility. 7635

(V) "Total incremental major sports facility mixed-use 7636  
project district state tax revenues" means the sum of both of 7637  
the following: 7638

(1) The total aggregate incremental major sports facility 7639  
mixed-use district state tax revenues during the initial term of 7640  
the applicable major sports facility lease; 7641

(2) The total major sports facility mixed-use project 7642  
district tax revenues received in the calendar years prior to 7643  
the calendar year in which the professional sports franchise 7644  
plays its initial regular season home game in the major sports 7645  
facility. 7646

(W) "Major sports facility lease" means the lease or other 7647  
agreement held by the professional sports franchise for the use 7648  
of the major sports facility, the site of the major sports 7649  
facility, or both. 7650

**Sec. 123.281.** (A) The Ohio facilities construction 7651  
commission shall provide for the construction of a cultural 7652  
project in conformity with Chapter 153. of the Revised Code, 7653  
except for construction services provided on behalf of the state 7654  
by a governmental agency or a cultural organization in 7655  
accordance with divisions (B) and (C) of this section. 7656

(B) In order for a governmental agency or a cultural 7657  
organization to provide construction services on behalf of the 7658

state for a cultural project, other than a state historical 7659  
facility, for which the general assembly has made an 7660  
appropriation or specifically authorized the spending of money 7661  
or the making of rental payments relating to the financing of 7662  
the construction, the governmental agency or cultural 7663  
organization shall submit to the Ohio facilities construction 7664  
commission a cooperative use agreement that includes, but is not 7665  
limited to, provisions that: 7666

(1) Specify how the proposed project will support culture; 7667

(2) Specify that the governmental agency or cultural 7668  
organization has local contributions amounting to not less than 7669  
fifty per cent of the total state funding for the cultural 7670  
project; 7671

(3) Specify that the funds shall be used only for 7672  
construction; 7673

(4) Identify the facility to be constructed, renovated, 7674  
remodeled, or improved; 7675

(5) Specify that the project scope meets the intent and 7676  
purpose of the project appropriation and that the project can be 7677  
completed and ready to support culture without exceeding 7678  
appropriated funds; 7679

(6) Specify that the governmental agency or cultural 7680  
organization shall hold the Ohio facilities construction 7681  
commission harmless from all liability for the operation and 7682  
maintenance costs of the facility; 7683

(7) Specify that the agreement or any actions taken under 7684  
it are not subject to Chapter 123. or 153. of the Revised Code, 7685  
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 7686  
and 153.011 of the Revised Code, and are subject to Chapter 7687

4115. of the Revised Code; and 7688

(8) Provide that amendments to the agreement shall require 7689  
the approval of the Ohio facilities construction commission. 7690

(C) In order for a cultural organization to provide 7691  
construction services on behalf of the state for a state 7692  
historical facility for which the general assembly has made an 7693  
appropriation or specifically authorized the spending of money 7694  
or the making of rental payments relating to the financing of 7695  
the construction, the cultural organization shall submit to the 7696  
Ohio facilities construction commission a cooperative use 7697  
agreement that includes, but is not limited to, provisions that: 7698

(1) Specify how the proposed project will support culture; 7699

(2) Specify that the funds shall be used only for 7700  
construction; 7701

(3) Specify that not more than three per cent of the funds 7702  
may be used by the cultural organization to administer the 7703  
project; 7704

(4) Identify the facility to be constructed, renovated, 7705  
remodeled, or improved; 7706

(5) Specify that the project scope meets the intent and 7707  
purpose of the project appropriation and that the project can be 7708  
completed and ready to support culture without exceeding 7709  
appropriated funds; 7710

(6) Specify that the cultural organization shall hold the 7711  
Ohio facilities construction commission harmless from all 7712  
liability for the operation and maintenance costs of the 7713  
facility; 7714

(7) Specify that the agreement or any actions taken under 7715

it are not subject to Chapter 123., 153., or 4115. of the 7716  
Revised Code, except for sections 123.20, 123.201, 123.21, 7717  
123.28, and 123.281 of the Revised Code; and 7718

(8) Provide that amendments to the agreement shall require 7719  
the approval of the Ohio facilities construction commission. 7720

(D) For an Ohio sports facility that is financed in part 7721  
by obligations issued under Chapter 154. of the Revised Code, 7722  
construction services shall be provided on behalf of the state 7723  
by or at the direction of the governmental agency or nonprofit 7724  
corporation that will own or be responsible for the management 7725  
of the facility. Any construction services to be provided by a 7726  
governmental agency or nonprofit corporation shall be specified 7727  
in a cooperative use agreement between the Ohio facilities 7728  
construction commission and the governmental agency or nonprofit 7729  
corporation. The agreement and any actions taken under it are 7730  
not subject to Chapter 123. or 153. of the Revised Code, except 7731  
for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 7732  
153.011 of the Revised Code, and are subject to Chapter 4115. of 7733  
the Revised Code. 7734

(E) ~~State~~ Except as provided in division (H) of this 7735  
section, state funds shall not be used to pay or reimburse more 7736  
than fifteen per cent of the initial estimated construction cost 7737  
of an Ohio sports facility, excluding any site acquisition cost, 7738  
and no state funds, including any state bond proceeds, shall be 7739  
spent on any Ohio sports facility under this chapter unless, 7740  
with respect to that facility, all of the following apply: 7741

(1) The Ohio facilities construction commission has 7742  
received a financial and development plan satisfactory to it, 7743  
and provision has been made, by agreement or otherwise, 7744  
satisfactory to the commission, for a contribution amounting to 7745

not less than eighty-five per cent of the total estimated 7746  
construction cost of the facility, excluding any site 7747  
acquisition cost, from sources other than the state. 7748

(2) The general assembly has specifically authorized the 7749  
spending of money on, or made an appropriation for, the 7750  
construction of the facility, or for rental payments relating to 7751  
state financing of all or a portion of the costs of constructing 7752  
the facility. Authorization to spend money, or an appropriation, 7753  
for planning or determining the feasibility of or need for the 7754  
facility does not constitute authorization to spend money on, or 7755  
an appropriation for, costs of constructing the facility. 7756

(3) If state bond proceeds are being used for the Ohio 7757  
sports facility, the state or a governmental agency owns or has 7758  
sufficient property interests in the facility or in the site of 7759  
the facility or in the portion or portions of the facility 7760  
financed from proceeds of state bonds, which may include, but is 7761  
not limited to, the right to use or to require the use of the 7762  
facility for the presentation of sport and athletic events to 7763  
the public at the facility. 7764

(F) In addition to the requirements of division (E) of 7765  
this section, no state funds, including any state bond proceeds, 7766  
shall be spent on any Ohio sports facility that is a motorsports 7767  
complex, unless, with respect to that facility, both of the 7768  
following apply: 7769

(1) Motorsports events shall be presented at the facility 7770  
pursuant to a lease entered into with the owner of the facility. 7771  
The term of the lease shall be for a period of not less than the 7772  
greater of the useful life of the portion of the facility 7773  
financed from proceeds of state bonds as determined using the 7774  
guidelines for maximum maturities as provided under divisions 7775

(B) and (C) of section 133.20 of the Revised Code, or the period 7776  
of time remaining to the date of payment or provision for 7777  
payment of outstanding state bonds allocable to costs of the 7778  
facility, all as determined by the director of budget and 7779  
management and certified by the executive director of the Ohio 7780  
facilities construction commission and to the treasurer of 7781  
state. 7782

(2) Any motorsports organization that commits to using the 7783  
facility for an established period of time shall give the 7784  
political subdivision in which the facility is located not less 7785  
than six months' advance notice if the organization intends to 7786  
cease utilizing the facility prior to the expiration of that 7787  
established period. Such a motorsports organization shall be 7788  
liable to the state for any state funds used on the construction 7789  
costs of the facility. 7790

(G) In addition to the requirements of division (E) of 7791  
this section, no state bond proceeds shall be spent on any Ohio 7792  
sports facility that is a tennis facility, unless the owner or 7793  
manager of the facility provides contractual commitments from a 7794  
national or international professional tennis organization in a 7795  
form acceptable to the Ohio facilities construction commission 7796  
that assures that one or more sanctioned professional tennis 7797  
events will be presented at the facility during each year that 7798  
the bonds remain outstanding. 7799

(H) State funds may be used to pay or reimburse up to 7800  
thirty per cent of the initial estimated construction cost for a 7801  
major sports facility if all of the following criteria are met: 7802

(1) The major sports facility upon completion will be a 7803  
part of a transformational major sports facility mixed-use 7804  
project. 7805

(2) The Ohio facilities construction commission has 7806  
received a financial and development plan satisfactory to it, 7807  
and provision has been made in such plan, by agreement or 7808  
otherwise, satisfactory to the commission, for a contribution 7809  
amounting to not less than seventy per cent of the total initial 7810  
estimated construction cost of the major sports facility, 7811  
excluding any site acquisition cost, from sources other than the 7812  
state, including a contribution from the professional sports 7813  
franchise that plans to use the facility, or affiliates of the 7814  
franchise, of at least fifty per cent of the total estimated 7815  
construction cost of the major sports facility. 7816

(3) The general assembly has specifically authorized the 7817  
spending of money on, or made an appropriation for, the 7818  
construction of the major sports facility, or for rental 7819  
payments relating to state financing of all or a portion of the 7820  
costs of constructing the major sports facility, provided that 7821  
authorization to spend money, or an appropriation, for planning 7822  
or determining the feasibility of or need for the major sports 7823  
facility does not constitute authorization to spend money on, or 7824  
an appropriation for, costs of constructing the major sports 7825  
facility. 7826

(4) If state bond proceeds are being used for the major 7827  
sports facility, both of the following: 7828

(a) The financial and development plan described in 7829  
division (H) (2) of this section demonstrates to the satisfaction 7830  
of the Ohio facilities construction commission, in consultation 7831  
with the department of taxation and the office of budget and 7832  
management, that, as of the date of the issuance of such bonds, 7833  
the total incremental major sports facility mixed-use project 7834  
district state tax revenues expected to be generated by the 7835

transformational major sports facility mixed-use project are 7836  
projected to be in excess of the total debt service of the state 7837  
bonds for their initial term. 7838

(b) The state or a state agency owns or has sufficient 7839  
property interests in the major sports facility or in the site 7840  
of the major sports facility or in the portion or portions of 7841  
the major sports facility financed from proceeds of state bonds, 7842  
which may include, but is not limited to, the right to use or to 7843  
require the use of the major sports facility for the 7844  
presentation of sport and athletic events to the public at the 7845  
major sports facility. 7846

(5) If state bond proceeds are being used for the major 7847  
sports facility, then, without prejudice to the provisions of 7848  
section 154.08 of the Revised Code, any such issue of bonds 7849  
shall have a maturity of not less than twenty-five years. 7850

(6) If state bond proceeds are being used for the major 7851  
sports facility, then the total major sports facility mixed-use 7852  
project district state tax revenues shall be deposited by the 7853  
treasurer of state into the major sports facility district fund 7854  
created under division (I) of this section. From the major 7855  
sports facility district fund, the director of budget and 7856  
management may transfer funds to the Ohio cultural facilities 7857  
bond service fund, which is created pursuant to division (D) of 7858  
section 154.23 of the Revised Code, and held as trust funds 7859  
pledged to the payment of bond service charges on the applicable 7860  
obligations issued pursuant to Chapter 154. of the Revised Code 7861  
to the extent provided in the applicable bond proceedings, and 7862  
payment thereof from the Ohio cultural facilities bond service 7863  
fund shall be made or provided for by the treasurer of state in 7864  
accordance with the applicable bond proceedings without 7865



necessity for any act or appropriation. 7866

(7) If state bond proceeds are being used for the major sports facility, the financial and development plan, and the agreements relating thereto, described in division (H) (2) of this section shall include a commitment from the professional sports franchise, or an affiliate of the professional sports franchise, to cause the deposit, either through the major sports facility lease or otherwise, of an amount equal to five per cent of the state funds provided under division (H) of this section to pay or reimburse costs of the major sports facility into an escrow account held for the benefit of the state. The terms of the escrow shall provide that the funds in the escrow account and all interest and earnings thereon shall be released to the state if, and to the extent that, upon the date after the later of the expiration of the initial term of the applicable major sports facility lease or the maturity of the state bonds issued to pay or reimburse costs of the major sports facility, total debt service on the state bonds issued to pay or reimburse costs of the major sports facility exceeds the total incremental major sports facility mixed-use project district state tax revenues, with any amounts remaining after the payment of such excess bond debt service to be released from the escrow account to the professional sports franchise or affiliate thereof, as applicable. 7867  
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(I) For the purpose of receiving and distributing, and accounting for, revenues pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code generated in the territory of a transformational major sports facility mixed-use project district, the major sports facility district fund is created in the state treasury. 7890  
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(J) The governmental agency that owns or has an ownership interest in a major sports facility or site of a major sports facility shall provide the department of taxation with all of the following information: 7896  
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(1) A list of names and social security numbers or federal employer identification numbers for all persons generating tax revenues pursuant to state taxes levied under Chapters 5747. and 5751. of the Revised Code in the territory of a transformational major sports facility mixed-use project district; 7900  
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(2) A list of names and social security numbers or federal employer identification numbers for all persons generating tax revenues pursuant to state taxes levied under Chapters 5739. and 5741. of the Revised Code in the territory of a transformational major sports facility mixed-use project district, and persons purchasing or leasing materials and items used in construction in the territory of a transformational major sports facility mixed-use project district; 7905  
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(3) Updated information under divisions (J) (1) and (2) of this section on a monthly basis. 7913  
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(K) Every person who owns real property located in, or otherwise enters into a lease, license, or use or operating agreement for all or a portion of the building and facilities located in, the territory of a transformational major sports facility mixed-use project district is subject to reporting requirements as may be required by the governmental agency that owns or has an ownership interest in a major sports facility in order to fulfill its obligations under division (J) of this section. Such requirements may be evidenced by an instrument that is duly recorded with the county recorder. 7915  
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(L) Every person doing business in a transformational 7925  
major sports facility mixed-use project district shall file tax 7926  
returns and make tax payments pursuant to Chapters 5739., 5741., 7927  
5747., and 5751. of the Revised Code using an electronic medium 7928  
in a format prescribed by the department of taxation. Persons 7929  
that pay salaries and wages to employees in the territory of a 7930  
transformational major sports facility mixed-use project 7931  
district shall register for a separate withholding account and 7932  
shall remit the wages and salaries withheld from employees for 7933  
activities performed in the territory of a transformational 7934  
major sports facility mixed-use project district separately from 7935  
all income taxes withheld by such employer. In addition, every 7936  
person doing business in the territory of a transformational 7937  
major sports facility mixed-use project district shall provide 7938  
all of the following information to the department of taxation: 7939

(1) For persons that collect transformational major sports 7940  
facility mixed-use project district tax revenues pursuant to 7941  
Chapter 5739. of the Revised Code, tax collections generated 7942  
from construction or transactions in the territory of a 7943  
transformational major sports facility mixed-use project 7944  
district on the returns filed pursuant to Chapter 5739. of the 7945  
Revised Code as prescribed by the tax commissioner; 7946

(2) For persons that generate transformational major 7947  
sports facility mixed-use project district tax revenues under 7948  
Chapters 5741., 5747., and 5751. of the Revised Code, estimated 7949  
payments for corporate income taxes generated from the 7950  
transformational major sports facility mixed-use project 7951  
district and information regarding gross revenues generated from 7952  
activities in the transformational major sports facility mixed- 7953  
use project district and gross revenues from all activities in 7954  
this state; 7955

(3) For persons that make payments to an independent contractor attributable to construction or transactions in the territory of a transformational major sports facility mixed-use project district, information regarding such payments by the thirty-first day of January of each year in a format prescribed by the tax commissioner. 7956  
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(M) The department of taxation shall promulgate forms necessary to implement and administer this section. The tax commissioner may disclose taxpayer information regarding transactions, real or personal property, income, or business of any person to the governmental agency that owns or has an ownership interest in a major sports facility or the site of a major sports facility as may be necessary for the administration of the provisions authorized by this section. 7962  
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(N) The Ohio facilities construction commission, in consultation with the department of taxation and the office of budget and management, shall adopt rules in accordance with Chapter 119. of the Revised Code for both of the following: 7970  
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(1) Reviewing and evaluating whether a proposed major sports facility fulfills the criteria of division (H) of this section; 7974  
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(2) Any other rules necessary to implement and administer this section. 7977  
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**Sec. 123.30.** (A) Except as provided in division (B) of this section, no state agency or any entity that manages the grounds or buildings under the control of a state agency shall display on the grounds or building any flag except for the official state flag, as described in section 5.01 of the Revised Code, the United States flag, or the POW/MIA flag as described 7979  
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in section 9.50 of the Revised Code. 7985

(B) Division (A) of this section does not apply to the 7986  
Ohio statehouse or the grounds of the Ohio statehouse. 7987

**Sec. 124.02.** The director of administrative services and 7988  
the state personnel board of review shall exercise all 7989  
functions, powers, and duties that ~~formerly~~, on or before 7990  
January 1, 1959, were by law actually devolved upon, vested in, 7991  
and imposed upon the state civil service commission and the 7992  
offices of commissioners and members and upon their employees, 7993  
agents, and representatives. 7994

~~Whenever in any law or rule of this state or any political~~ 7995  
~~subdivision, "state civil service commission," "commission,"~~ 7996  
~~"commissioner" or "member," meaning the state civil service~~ 7997  
~~commission or the offices of commissioners or members of said~~ 7998  
~~commission, is used, such terms shall be construed as referring~~ 7999  
~~to the department of administrative services, the director of~~ 8000  
~~administrative services, the state personnel board of review, or~~ 8001  
~~the members of the state personnel board of review, as this~~ 8002  
~~chapter may require.~~ 8003

**Sec. 124.07.** (A) The director of administrative services 8004  
shall appoint examiners, inspectors, clerks, and other 8005  
assistants as necessary to carry out sections 124.01 to 124.64 8006  
of the Revised Code. ~~The director may designate persons in or~~ 8007  
~~out of the service of the state to serve as examiners or~~ 8008  
~~assistants under the director's direction. An examiner or~~ 8009  
~~assistant shall receive the compensation for each day actually~~ 8010  
~~and necessarily spent in the discharge of duties as an examiner~~ 8011  
~~or assistant that the director determines; provided that, if the~~ 8012  
~~examiner or assistant is in the service of the state or any~~ 8013  
~~political subdivision of the state, it shall be a part of the~~ 8014

~~examiner's or assistant's official duties to render those 8015  
services in connection with an examination without extra 8016  
compensation. 8017~~

(B) Each state agency shall pay the cost of the services 8018  
and facilities furnished to it by the department of 8019  
administrative services that are necessary to provide and 8020  
maintain payroll services as prescribed in section 125.21 of the 8021  
Revised Code and state merit standards as prescribed in sections 8022  
124.01 to 124.64 of the Revised Code for the agency. ~~If a state- 8023  
supported college or university or a municipal corporation 8024  
chooses to use the services and facilities furnished by the 8025  
department that are necessary to provide and maintain the 8026  
services and standards so prescribed, the state-supported 8027  
college or university or municipal corporation shall pay the 8028  
cost of the services and facilities that the department 8029  
furnishes to it. The charges against a state agency, a state- 8030  
supported college or university, or a municipal corporation 8031  
shall be computed on a reasonable cost basis in accordance with 8032  
procedures prescribed by the director of budget and management. 8033  
Any moneys the department receives from a state agency, a state- 8034  
supported college or university, or a municipal corporation 8035  
under this division that are in excess of the amount necessary 8036  
to pay the cost of furnishing the department's services and 8037  
facilities during any fiscal year shall be either refunded to or 8038  
credited for the ensuing fiscal year to the state agency, the 8039  
state-supported college or university, or the municipal 8040  
corporation. 8041~~

(C) ~~The director of administrative services may enter into 8042  
an agreement with any county, municipal corporation, or other 8043  
political subdivision to furnish services and facilities of the 8044  
department in the administration of a merit program or other 8045~~

~~functions related to human resources that include, but are not limited to, providing competitive examinations for positions in the classified service. The agreement shall provide that the department shall be reimbursed for the reasonable costs of those services and facilities as determined by the director.~~ 8046  
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~~(D) All moneys received by the department as reimbursement for a merit program or other human resources services performed and facilities furnished under this section, such as competitive examinations administered, shall be paid into the state treasury to the credit of the human resources services fund, which is hereby created.~~ 8051  
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~~(E) In counties of the state in which are located cities having municipal civil service commissions, the director of administrative services may designate the municipal civil service commission of the largest city within the county as the director's agent for the purpose of carrying out the provisions of sections 124.01 to 124.64 of the Revised Code, within the county, that the director designates. Each municipal civil service commission designated as an agent of the director shall render to the director, at the end of each month, an itemized statement of the cost incurred by the commission for work done as the agent of the director, and the director, after approving that statement, shall pay the total amount of it to the treasurer of the municipal corporation in the same manner as other expenses of the department of administrative services.~~ 8057  
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~~(F) The director of administrative services and the examiners, inspectors, clerks, and assistants referred to in this section shall receive, in addition to their salaries, reimbursement for necessary traveling and other expenses incurred in the actual discharge of their official duties. The~~ 8071  
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~~director may also incur the necessary expenses for stationery, 8076  
printing, and other supplies incident to the business of the 8077  
department. 8078~~

**Sec. 124.1310.** (A) As used in this section: 8079

(1) "Emergency medical service," "EMT-basic," "EMT-I," 8080  
"first responder," and "paramedic" have the same meanings as in 8081  
section 4765.01 of the Revised Code. 8082

(2) "Volunteer firefighter" has the same meaning as in 8083  
section 146.01 of the Revised Code. 8084

(B) A state employee who is an EMT-basic, EMT-I, first 8085  
responder, paramedic, or volunteer firefighter shall receive 8086  
~~forty~~ one hundred twenty hours of leave with pay each calendar 8087  
year to use during those hours when the employee is absent from 8088  
work in order to ~~provide~~ do either of the following: 8089

(1) Provide emergency medical service or fire-fighting 8090  
service; 8091

(2) Attend a training or continuing education program that 8092  
relates to providing emergency medical service or fire-fighting 8093  
service. 8094

(C) An appointing authority shall compensate an employee 8095  
who uses leave granted under this section at the employee's 8096  
regular rate of pay for those regular work hours during which 8097  
the employee is absent from work. 8098

**Sec. 124.1312.** (A) As used in this section: 8099

(1) "Foster caregiver" has the same meaning as in section 8100  
5103.02 of the Revised Code. 8101

(2) "Kinship caregiver" has the same meaning as in section 8102



~~5101.85~~ 5180.50 of the Revised Code. 8103

(B) Each permanent full-time and permanent part-time 8104  
employee paid in accordance with section 124.152 of the Revised 8105  
Code and each employee listed in division (B) (2), (3), or (4) of 8106  
section 124.14 of the Revised Code who works thirty or more 8107  
hours per week, and who is a foster caregiver or kinship 8108  
caregiver is eligible, on placement of a child in the employee's 8109  
home, to a maximum of five days of caregiver leave with full pay 8110  
in a calendar year. Caregiver leave eligibility begins on the 8111  
day on which the child is placed with the prospective foster 8112  
caregiver or kinship caregiver. 8113

(C) The average number of regular hours worked, which 8114  
shall include all hours of holiday pay and other types of paid 8115  
leave, during the three-month period immediately preceding the 8116  
day caregiver leave begins shall be used to determine 8117  
eligibility for leave under this section for part-time 8118  
employees. If an employee has not worked for a three-month 8119  
period, the number of hours for which the employee has been 8120  
scheduled to work per week during the employee's period of 8121  
employment shall be used to determine eligibility for leave 8122  
under this section. 8123

(D) Use of caregiver leave does not affect an employee's 8124  
eligibility for other forms of paid leave granted under this 8125  
chapter and does not prohibit an employee from taking leave 8126  
under the "Family and Medical Leave Act of 1993," 29 U.S.C. 8127  
2601, except that caregiver leave shall be included in any leave 8128  
time provided under that act. 8129

(E) The director of administrative services may adopt 8130  
rules in accordance with Chapter 119. of the Revised Code 8131  
governing caregiver leave established under this section. 8132

**Sec. 124.152.** (A) (1) Except as provided in division (A) (2) 8133  
of this section, each exempt employee shall be paid a salary or 8134  
wage in accordance with schedule E-1 or schedule E-2 of division 8135  
(B) of this section. 8136

(2) Each exempt employee who holds a position in the 8137  
unclassified civil service pursuant to division (A) (26) or (30) 8138  
of section 124.11 of the Revised Code may be paid a salary or 8139  
wage in accordance with schedule E-1 or schedule E-2 of division 8140  
(B) of this section, as applicable. 8141

(B) (1) Each exempt employee who must be paid in accordance 8142  
with schedule E-1 or schedule E-2 of this section shall be paid 8143  
a salary or wage in accordance with the following schedule of 8144  
rates as of the pay period that includes July 1, ~~2021~~2024: 8145

Schedule E-1 8146  
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	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B										
C		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	
D	Range									

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	1	2	3	4	5	6	7	8	9	10
A	1	Hourly	<del>12.14</del>	<del>12.69</del>	<del>13.21</del>	<del>13.80</del>				
			<u>13.52</u>	<u>14.13</u>	<u>14.72</u>	<u>15.37</u>				
B		Annually	<del>25251</del>	<del>26395</del>	<del>27476</del>	<del>28704</del>				

			<u>28122</u>	<u>29390</u>	<u>30618</u>	<u>31970</u>
C	2	Hourly	<del>14.73</del>	<del>15.36</del>	<del>16.01</del>	<del>16.72</del>
			<u>16.41</u>	<u>17.10</u>	<u>17.83</u>	<u>18.63</u>
D		Annually	<del>30638</del>	<del>31948</del>	<del>33300</del>	<del>34777</del>
			<u>34133</u>	<u>35568</u>	<u>37086</u>	<u>38750</u>
E	3	Hourly	<del>15.44</del>	<del>16.13</del>	<del>16.84</del>	<del>17.56</del>
			<u>17.20</u>	<u>17.97</u>	<u>18.76</u>	<u>19.56</u>
F		Annually	<del>32115</del>	<del>33550</del>	<del>35027</del>	<del>36524</del>
			<u>35776</u>	<u>37378</u>	<u>39021</u>	<u>40685</u>
G	4	Hourly	<del>16.20</del>	<del>16.93</del>	<del>17.75</del>	<del>18.51</del>
			<u>18.05</u>	<u>18.86</u>	<u>19.77</u>	<u>20.62</u>
H		Annually	<del>33696</del>	<del>35214</del>	<del>36920</del>	<del>38500</del>
			<u>37544</u>	<u>39229</u>	<u>41122</u>	<u>42890</u>
I	5	Hourly	<del>17.00</del>	<del>17.78</del>	<del>18.51</del>	<del>19.33</del>
			<u>18.94</u>	<u>19.80</u>	<u>20.62</u>	<u>21.54</u>
J		Annually	<del>35360</del>	<del>36982</del>	<del>38500</del>	<del>40206</del>
			<u>39395</u>	<u>41184</u>	<u>42890</u>	<u>44803</u>
K	6	Hourly	<del>17.91</del>	<del>18.66</del>	<del>19.47</del>	<del>20.27</del>
			<u>19.95</u>	<u>20.79</u>	<u>21.68</u>	<u>22.59</u>
L		Annually	<del>37252</del>	<del>38812</del>	<del>40497</del>	<del>42161</del>

			<u>41496</u>	<u>43243</u>	<u>45094</u>	<u>46987</u>		
M	7	Hourly	<del>19.01</del>	<del>19.72</del>	<del>20.54</del>	<del>21.25</del>	<del>22.07</del>	
			<u>21.18</u>	<u>21.97</u>	<u>22.88</u>	<u>23.68</u>	<u>24.58</u>	
N		Annually	<del>39540</del>	<del>41017</del>	<del>42723</del>	<del>44200</del>	<del>45905</del>	
			<u>44054</u>	<u>45698</u>	<u>47590</u>	<u>49254</u>	<u>51126</u>	
O	8	Hourly	<del>20.11</del>	<del>21.00</del>	<del>21.90</del>	<del>22.89</del>	<del>23.97</del>	
			<u>22.40</u>	<u>23.39</u>	<u>24.40</u>	<u>25.50</u>	<u>26.70</u>	
P		Annually	<del>41828</del>	<del>43680</del>	<del>45552</del>	<del>47611</del>	<del>49857</del>	
			<u>46592</u>	<u>48651</u>	<u>50752</u>	<u>53040</u>	<u>55536</u>	
Q	9	Hourly	<del>21.45</del>	<del>22.56</del>	<del>23.67</del>	<del>24.85</del>	<del>26.11</del>	
			<u>23.89</u>	<u>25.14</u>	<u>26.37</u>	<u>27.69</u>	<u>29.09</u>	
R		Annually	<del>44616</del>	<del>46924</del>	<del>49233</del>	<del>51688</del>	<del>54308</del>	
			<u>49691</u>	<u>52291</u>	<u>54850</u>	<u>57595</u>	<u>60507</u>	
S	10	Hourly	<del>23.13</del>	<del>24.41</del>	<del>25.72</del>	<del>27.20</del>	<del>28.64</del>	
			<u>25.76</u>	<u>27.18</u>	<u>28.64</u>	<u>30.30</u>	<u>31.91</u>	
T		Annually	<del>48110</del>	<del>50772</del>	<del>53497</del>	<del>56576</del>	<del>59571</del>	
			<u>53581</u>	<u>56534</u>	<u>59571</u>	<u>63024</u>	<u>66373</u>	
U	11	Hourly	<del>25.20</del>	<del>26.66</del>	<del>28.20</del>	<del>29.80</del>	<del>31.49</del>	
			<u>28.08</u>	<u>29.69</u>	<u>31.42</u>	<u>33.19</u>	<u>35.07</u>	
V		Annually	<del>52416</del>	<del>55452</del>	<del>58656</del>	<del>61984</del>	<del>65499</del>	

			<u>58406</u>	<u>61755</u>	<u>65354</u>	<u>69035</u>	<u>72946</u>			
W	12	Hourly	<del>27.80</del>	<del>29.36</del>	<del>30.93</del>	<del>32.64</del>	<del>34.46</del>	<del>36.34</del>	<del>37.82</del>	<del>39.60</del>
			<u>30.96</u>	<u>32.71</u>	<u>34.46</u>	<u>36.36</u>	<u>38.38</u>	<u>40.48</u>	<u>42.13</u>	<u>44.11</u>
X		Annually	<del>57824</del>	<del>61068</del>	<del>64334</del>	<del>67891</del>	<del>71676</del>	<del>75587</del>	<del>78665</del>	<del>82368</del>
			<u>64397</u>	<u>68037</u>	<u>71677</u>	<u>75629</u>	<u>79830</u>	<u>84198</u>	<u>87630</u>	<u>91749</u>
Y	13	Hourly	<del>30.64</del>	<del>32.32</del>	<del>34.09</del>	<del>35.92</del>	<del>37.95</del>	<del>39.99</del>	<del>41.63</del>	<del>43.59</del>
			<u>34.14</u>	<u>36.00</u>	<u>37.97</u>	<u>40.02</u>	<u>42.27</u>	<u>44.55</u>	<u>46.38</u>	<u>48.56</u>
Z		Annually	<del>63731</del>	<del>67225</del>	<del>70907</del>	<del>74713</del>	<del>78936</del>	<del>83179</del>	<del>86590</del>	<del>90667</del>
			<u>71011</u>	<u>74880</u>	<u>78978</u>	<u>83242</u>	<u>87922</u>	<u>92664</u>	<u>96470</u>	<u>101005</u>
AA	14	Hourly	<del>33.69</del>	<del>35.61</del>	<del>37.52</del>	<del>39.56</del>	<del>41.80</del>	<del>44.13</del>	<del>45.95</del>	<del>48.10</del>
			<u>37.53</u>	<u>39.67</u>	<u>41.80</u>	<u>44.07</u>	<u>46.56</u>	<u>49.15</u>	<u>51.19</u>	<u>53.58</u>
AB		Annually	<del>70075</del>	<del>74068</del>	<del>78041</del>	<del>82284</del>	<del>86944</del>	<del>91790</del>	<del>95576</del>	<del>100048</del>
			<u>78062</u>	<u>82514</u>	<u>86944</u>	<u>91666</u>	<u>96845</u>	<u>102232</u>	<u>106475</u>	<u>111446</u>
AC	15	Hourly	<del>37.02</del>	<del>39.10</del>	<del>41.30</del>	<del>43.57</del>	<del>45.99</del>	<del>48.51</del>	<del>50.50</del>	<del>52.88</del>
			<u>41.23</u>	<u>43.55</u>	<u>46.01</u>	<u>48.54</u>	<u>51.23</u>	<u>54.04</u>	<u>56.26</u>	<u>58.91</u>
AD		Annually	<del>77001</del>	<del>81328</del>	<del>85904</del>	<del>90625</del>	<del>95659</del>	<del>100900</del>	<del>105040</del>	<del>109990</del>
			<u>85758</u>	<u>90584</u>	<u>95701</u>	<u>100963</u>	<u>106558</u>	<u>112403</u>	<u>117021</u>	<u>122533</u>
AE	16	Hourly	<del>40.81</del>	<del>43.08</del>	<del>45.45</del>	<del>48.00</del>	<del>50.63</del>	<del>53.53</del>	<del>55.73</del>	<del>58.34</del>
			<u>45.45</u>	<u>47.99</u>	<u>50.62</u>	<u>53.47</u>	<u>56.40</u>	<u>59.63</u>	<u>62.08</u>	<u>64.98</u>
AF		Annually	<del>84884</del>	<del>89606</del>	<del>94536</del>	<del>99840</del>	<del>105310</del>	<del>111342</del>	<del>115918</del>	<del>121347</del>

			<u>94536</u>	<u>99819</u>	<u>105290</u>	<u>111218</u>	<u>117312</u>	<u>124030</u>	<u>129126</u>	<u>135158</u>
AG	17	Hourly	<del>44.96</del>	<del>47.44</del>	<del>50.10</del>	<del>52.86</del>	<del>55.83</del>	<del>58.94</del>	<u>69.27</u>	
			<u>50.09</u>	<u>52.85</u>	<u>55.81</u>	<u>58.88</u>	<u>62.19</u>	<u>65.66</u>		
AH		Annually	<del>93516</del>	<del>98675</del>	<del>104208</del>	<del>109948</del>	<del>116126</del>	<del>122595</del>	<u>144082</u>	
			<u>104187</u>	<u>109928</u>	<u>116085</u>	<u>122470</u>	<u>129355</u>	<u>136573</u>		
AI	18	Hourly	<del>49.55</del>	<del>52.29</del>	<del>55.24</del>	<del>58.28</del>	<del>61.50</del>	<del>64.94</del>		
			<u>55.20</u>	<u>58.25</u>	<u>61.54</u>	<u>64.92</u>	<u>68.51</u>	<u>72.35</u>		
AJ		Annually	<del>103064</del>	<del>108763</del>	<del>114899</del>	<del>121222</del>	<del>127920</del>	<del>135075</del>		
			<u>114816</u>	<u>121160</u>	<u>128003</u>	<u>135034</u>	<u>142501</u>	<u>150488</u>		
AK	19	Hourly	<u>60.72</u>	<u>64.37</u>	<u>67.69</u>	<u>71.41</u>	<u>75.37</u>	<u>79.58</u>		
AL		Annually	<u>126298</u>	<u>133890</u>	<u>140795</u>	<u>148533</u>	<u>156770</u>	<u>165526</u>		

Schedule E-2

8149

8150

		1		2		3		4
A	Range					Minimum		Maximum
B	41	Hourly				16.23		<del>48.99</del> <u>54.57</u>
C		Annually				33758		<del>101899</del> <u>113506</u>
D	42	Hourly				17.89		<del>54.09</del> <u>60.25</u>
E		Annually				37211		<del>112507</del> <u>125320</u>
F	43	Hourly				19.70		<del>59.56</del> <u>66.35</u>

G		Annually	40976	<del>123884</del> <u>138008</u>
H	44	Hourly	21.73	<del>65.08</del> <u>72.49</u>
I		Annually	45198	<del>135366</del> <u>150779</u>
J	45	Hourly	24.01	<del>71.05</del> <u>79.15</u>
K		Annually	49941	<del>147784</del> <u>164632</u>
L	46	Hourly	26.43	<del>77.65</del> <u>86.50</u>
M		Annually	54974	<del>161512</del> <u>179920</u>
N	47	Hourly	29.14	<del>84.75</del> <u>94.41</u>
O		Annually	60611	<del>176280</del> <u>196373</u>
P	48	Hourly	32.14	<del>92.45</del> <u>102.98</u>
Q		Annually	66851	<del>192296</del> <u>214198</u>
R	49	Hourly	35.44	<del>99.83</del> <u>111.20</u>
S		Annually	73715	<del>207646</del> <u>231296</u>

(2) Each exempt employee who must be paid in accordance 8151  
with schedule E-1 or schedule E-2 of this section shall be paid 8152  
a salary or wage in accordance with the following schedule of 8153  
rates as of the pay period that includes July 1, ~~2022~~2025: 8154

Schedule E-1 8155

8156

A Pay Ranges and Step Values

B Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8

C Range

8157

	1	2	3	4	5	6	7	8	9	10
A 1 Hourly	<del>12.50</del>	<del>13.07</del>	<del>13.61</del>	<del>14.21</del>						
	<u>14.13</u>	<u>14.77</u>	<u>15.38</u>	<u>16.06</u>						
B Annually	<del>26000</del>	<del>27185</del>	<del>28308</del>	<del>29556</del>						
	<u>29390</u>	<u>30722</u>	<u>31990</u>	<u>33405</u>						
C 2 Hourly	<del>15.17</del>	<del>15.82</del>	<del>16.49</del>	<del>17.22</del>						
	<u>17.15</u>	<u>17.87</u>	<u>18.63</u>	<u>19.47</u>						
D Annually	<del>31553</del>	<del>32905</del>	<del>34299</del>	<del>35817</del>						
	<u>35672</u>	<u>37170</u>	<u>38750</u>	<u>40498</u>						
E 3 Hourly	<del>15.90</del>	<del>16.61</del>	<del>17.35</del>	<del>18.09</del>						
	<u>17.97</u>	<u>18.78</u>	<u>19.60</u>	<u>20.44</u>						
F Annually	<del>33072</del>	<del>34548</del>	<del>36088</del>	<del>37627</del>						
	<u>37378</u>	<u>39062</u>	<u>40768</u>	<u>42515</u>						
G 4 Hourly	<del>16.69</del>	<del>17.44</del>	<del>18.28</del>	<del>19.07</del>						
	<u>18.86</u>	<u>19.71</u>	<u>20.66</u>	<u>21.55</u>						
H Annually	<del>34715</del>	<del>36275</del>	<del>38022</del>	<del>39665</del>						



			<u>39229</u>	<u>40997</u>	<u>42973</u>	<u>44824</u>		
I	5	Hourly	<del>17.51</del>	<del>18.31</del>	<del>19.07</del>	<del>19.91</del>		
			<u>19.79</u>	<u>20.69</u>	<u>21.55</u>	<u>22.51</u>		
J		Annually	<del>36420</del>	<del>38084</del>	<del>39665</del>	<del>41412</del>		
			<u>41163</u>	<u>43035</u>	<u>44824</u>	<u>46821</u>		
K	6	Hourly	<del>18.45</del>	<del>19.22</del>	<del>20.05</del>	<del>20.88</del>		
			<u>20.85</u>	<u>21.73</u>	<u>22.66</u>	<u>23.61</u>		
L		Annually	<del>38376</del>	<del>39977</del>	<del>41704</del>	<del>43430</del>		
			<u>43368</u>	<u>45198</u>	<u>47133</u>	<u>49109</u>		
M	7	Hourly	<del>19.58</del>	<del>20.31</del>	<del>21.16</del>	<del>21.89</del>	<del>22.73</del>	
			<u>22.13</u>	<u>22.96</u>	<u>23.91</u>	<u>24.75</u>	<u>25.69</u>	
N		Annually	<del>40726</del>	<del>42244</del>	<del>44012</del>	<del>45531</del>	<del>47278</del>	
			<u>46030</u>	<u>47757</u>	<u>49733</u>	<u>51480</u>	<u>53435</u>	
O	8	Hourly	<del>20.71</del>	<del>21.63</del>	<del>22.56</del>	<del>23.58</del>	<del>24.69</del>	
			<u>23.41</u>	<u>24.44</u>	<u>25.50</u>	<u>26.65</u>	<u>27.90</u>	
P		Annually	<del>43076</del>	<del>44990</del>	<del>46924</del>	<del>49046</del>	<del>51355</del>	
			<u>48693</u>	<u>50835</u>	<u>53040</u>	<u>55432</u>	<u>58032</u>	
Q	9	Hourly	<del>22.09</del>	<del>23.24</del>	<del>24.38</del>	<del>25.60</del>	<del>26.89</del>	
			<u>24.97</u>	<u>26.27</u>	<u>27.56</u>	<u>28.94</u>	<u>30.40</u>	
R		Annually	<del>45947</del>	<del>48339</del>	<del>50710</del>	<del>53248</del>	<del>55931</del>	

		<u>51938</u>	<u>54642</u>	<u>57325</u>	<u>60195</u>	<u>63232</u>			
S	10 Hourly	<del>23.82</del>	<del>25.14</del>	<del>26.49</del>	<del>28.02</del>	<del>29.50</del>			
		<u>26.92</u>	<u>28.40</u>	<u>29.93</u>	<u>31.66</u>	<u>33.35</u>			
T	Annually	<del>49545</del>	<del>52291</del>	<del>55099</del>	<del>58281</del>	<del>61360</del>			
		<u>55994</u>	<u>59072</u>	<u>62254</u>	<u>65853</u>	<u>69368</u>			
U	11 Hourly	<del>25.96</del>	<del>27.46</del>	<del>29.05</del>	<del>30.69</del>	<del>32.43</del>			
		<u>29.34</u>	<u>31.03</u>	<u>32.83</u>	<u>34.68</u>	<u>36.65</u>			
V	Annually	<del>53996</del>	<del>57116</del>	<del>60424</del>	<del>63835</del>	<del>67454</del>			
		<u>61027</u>	<u>64542</u>	<u>68286</u>	<u>72134</u>	<u>76232</u>			
W	12 Hourly	<del>28.63</del>	<del>30.24</del>	<del>31.86</del>	<del>33.62</del>	<del>35.49</del>	<del>37.43</del>	<del>38.95</del>	<del>40.79</del>
		<u>32.35</u>	<u>34.18</u>	<u>36.01</u>	<u>38.00</u>	<u>40.11</u>	<u>42.30</u>	<u>44.03</u>	<u>46.09</u>
X	Annually	<del>59550</del>	<del>62889</del>	<del>66268</del>	<del>69929</del>	<del>73819</del>	<del>77854</del>	<del>81016</del>	<del>84843</del>
		<u>67288</u>	<u>71094</u>	<u>74901</u>	<u>79040</u>	<u>83429</u>	<u>87984</u>	<u>91582</u>	<u>95867</u>
Y	13 Hourly	<del>31.56</del>	<del>33.29</del>	<del>35.11</del>	<del>37.00</del>	<del>39.09</del>	<del>41.19</del>	<del>42.88</del>	<del>44.90</del>
		<u>35.68</u>	<u>37.62</u>	<u>39.68</u>	<u>41.82</u>	<u>44.17</u>	<u>46.55</u>	<u>48.47</u>	<u>50.75</u>
Z	Annually	<del>65644</del>	<del>69243</del>	<del>73028</del>	<del>76960</del>	<del>81307</del>	<del>85675</del>	<del>89190</del>	<del>93392</del>
		<u>74214</u>	<u>78250</u>	<u>82534</u>	<u>86986</u>	<u>91874</u>	<u>96824</u>	<u>100818</u>	<u>105560</u>
AA	14 Hourly	<del>34.70</del>	<del>36.68</del>	<del>38.65</del>	<del>40.75</del>	<del>43.05</del>	<del>45.45</del>	<del>47.33</del>	<del>49.54</del>
		<u>39.22</u>	<u>41.46</u>	<u>43.68</u>	<u>46.05</u>	<u>48.66</u>	<u>51.36</u>	<u>53.49</u>	<u>55.99</u>
AB	Annually	<del>72176</del>	<del>76294</del>	<del>80392</del>	<del>84760</del>	<del>89544</del>	<del>94536</del>	<del>98446</del>	<del>103043</del>

		<u>81578</u>	<u>86237</u>	<u>90854</u>	<u>95784</u>	<u>101213</u>	<u>106829</u>	<u>111259</u>	<u>116459</u>
AC 15 Hourly		<del>38.13</del>	<del>40.27</del>	<del>42.54</del>	<del>44.88</del>	<del>47.37</del>	<del>49.97</del>	<del>52.02</del>	<del>54.47</del>
		<u>43.09</u>	<u>45.51</u>	<u>48.08</u>	<u>50.72</u>	<u>53.54</u>	<u>56.47</u>	<u>58.79</u>	<u>61.56</u>
AD Annually		<del>79310</del>	<del>83761</del>	<del>88483</del>	<del>93350</del>	<del>98529</del>	<del>103937</del>	<del>108201</del>	<del>113297</del>
		<u>89627</u>	<u>94661</u>	<u>100006</u>	<u>105498</u>	<u>111363</u>	<u>117458</u>	<u>122283</u>	<u>128045</u>
AE 16 Hourly		<del>42.03</del>	<del>44.37</del>	<del>46.81</del>	<del>49.44</del>	<del>52.15</del>	<del>55.14</del>	<del>57.40</del>	<del>60.09</del>
		<u>47.50</u>	<u>50.15</u>	<u>52.90</u>	<u>55.88</u>	<u>58.94</u>	<u>62.31</u>	<u>64.87</u>	<u>67.90</u>
AF Annually		<del>87422</del>	<del>92289</del>	<del>97364</del>	<del>102835</del>	<del>108472</del>	<del>114691</del>	<del>119392</del>	<del>124987</del>
		<u>98800</u>	<u>104312</u>	<u>110032</u>	<u>116230</u>	<u>122595</u>	<u>129605</u>	<u>134930</u>	<u>141232</u>
AG 17 Hourly		<del>46.31</del>	<del>48.86</del>	<del>51.60</del>	<del>54.45</del>	<del>57.50</del>	<del>60.71</del>	<u>72.39</u>	
		<u>52.34</u>	<u>55.23</u>	<u>58.32</u>	<u>61.53</u>	<u>64.99</u>	<u>68.61</u>		
AH Annually		<del>96324</del>	<del>101628</del>	<del>107328</del>	<del>113256</del>	<del>119600</del>	<del>126276</del>	<u>150571</u>	
		<u>108867</u>	<u>114878</u>	<u>121306</u>	<u>127982</u>	<u>135179</u>	<u>142709</u>		
AI 18 Hourly		<del>51.04</del>	<del>53.86</del>	<del>56.90</del>	<del>60.03</del>	<del>63.35</del>	<del>66.89</del>		
		<u>57.68</u>	<u>60.87</u>	<u>64.31</u>	<u>67.84</u>	<u>71.59</u>	<u>75.61</u>		
AJ Annually		<del>106163</del>	<del>112028</del>	<del>118352</del>	<del>124862</del>	<del>131768</del>	<del>139131</del>		
		<u>119974</u>	<u>126610</u>	<u>133765</u>	<u>141107</u>	<u>148907</u>	<u>157269</u>		
AK 19 Hourly		<del>63.45</del>	<del>67.27</del>	<del>70.74</del>	<del>74.62</del>	<del>78.76</del>	<del>83.16</del>		
AL Annually		<del>131976</del>	<del>139922</del>	<del>147139</del>	<del>155210</del>	<del>163821</del>	<del>172973</del>		

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	<del>50.46</del> <u>57.03</u>
C		Annually	33758	<del>104956</del> <u>118622</u>
D	42	Hourly	17.89	<del>55.71</del> <u>62.96</u>
E		Annually	37211	<del>115876</del> <u>130957</u>
F	43	Hourly	19.70	<del>61.35</del> <u>69.34</u>
G		Annually	40976	<del>127608</del> <u>144227</u>
H	44	Hourly	21.73	<del>67.03</del> <u>75.75</u>
I		Annually	45198	<del>139422</del> <u>157560</u>
J	45	Hourly	24.01	<del>73.18</del> <u>82.71</u>
K		Annually	49941	<del>152214</del> <u>172037</u>
L	46	Hourly	26.43	<del>79.98</del> <u>90.39</u>
M		Annually	54974	<del>166358</del> <u>188011</u>
N	47	Hourly	29.14	<del>87.29</del> <u>98.66</u>
O		Annually	60611	<del>181563</del> <u>205213</u>
P	48	Hourly	32.14	<del>95.22</del> <u>107.61</u>
Q		Annually	66851	<del>198057</del> <u>223829</u>



			<u>18.51</u>	<u>19.34</u>	<u>20.19</u>	<u>21.05</u>		
I		Annually	<del>34070</del>	<del>35588</del>	<del>37169</del>	<del>38750</del>		
			<u>38501</u>	<u>40227</u>	<u>41995</u>	<u>43784</u>		
J	4	Hourly	<del>17.19</del>	<del>17.96</del>	<del>18.83</del>	<del>19.64</del>		
			<u>19.43</u>	<u>20.30</u>	<u>21.28</u>	<u>22.20</u>		
K		Annually	<del>35755</del>	<del>37356</del>	<del>39166</del>	<del>40851</del>		
			<u>40414</u>	<u>42224</u>	<u>44262</u>	<u>46176</u>		
L	5	Hourly	<del>18.04</del>	<del>18.86</del>	<del>19.64</del>	<del>20.51</del>		
			<u>20.38</u>	<u>21.31</u>	<u>22.20</u>	<u>23.19</u>		
M		Annually	<del>37523</del>	<del>39228</del>	<del>40851</del>	<del>42660</del>		
			<u>42390</u>	<u>44325</u>	<u>46176</u>	<u>48235</u>		
N	6	Hourly	<del>19.00</del>	<del>19.80</del>	<del>20.65</del>	<del>21.51</del>		
			<u>21.48</u>	<u>22.38</u>	<u>23.34</u>	<u>24.32</u>		
O		Annually	<del>39520</del>	<del>41184</del>	<del>42952</del>	<del>44740</del>		
			<u>44678</u>	<u>46550</u>	<u>48547</u>	<u>50586</u>		
P	7	Hourly	<del>20.17</del>	<del>20.92</del>	<del>21.79</del>	<del>22.55</del>	<del>23.41</del>	
			<u>22.79</u>	<u>23.65</u>	<u>24.63</u>	<u>25.49</u>	<u>26.46</u>	
Q		Annually	<del>41953</del>	<del>43513</del>	<del>45323</del>	<del>46904</del>	<del>48692</del>	
			<u>47403</u>	<u>49192</u>	<u>51230</u>	<u>53019</u>	<u>55037</u>	
R	8	Hourly	<del>21.33</del>	<del>22.28</del>	<del>23.24</del>	<del>24.29</del>	<del>25.43</del>	

			<u>24.11</u>	<u>25.17</u>	<u>26.27</u>	<u>27.45</u>	<u>28.74</u>		
S		Annually	<del>44366</del>	<del>46342</del>	<del>48339</del>	<del>50523</del>	<del>52894</del>		
			<u>50149</u>	<u>52354</u>	<u>54642</u>	<u>57096</u>	<u>59779</u>		
T	9	Hourly	<del>22.75</del>	<del>23.94</del>	<del>25.11</del>	<del>26.37</del>	<del>27.70</del>		
			<u>25.72</u>	<u>27.06</u>	<u>28.39</u>	<u>29.81</u>	<u>31.31</u>		
U		Annually	<del>47320</del>	<del>49795</del>	<del>52228</del>	<del>54849</del>	<del>57616</del>		
			<u>53498</u>	<u>56285</u>	<u>59051</u>	<u>62005</u>	<u>65125</u>		
V	10	Hourly	<del>24.53</del>	<del>25.89</del>	<del>27.28</del>	<del>28.86</del>	<del>30.39</del>		
			<u>27.73</u>	<u>29.25</u>	<u>30.83</u>	<u>32.61</u>	<u>34.35</u>		
W		Annually	<del>51022</del>	<del>53851</del>	<del>56742</del>	<del>60028</del>	<del>63211</del>		
			<u>57678</u>	<u>60840</u>	<u>64126</u>	<u>67829</u>	<u>71448</u>		
X	11	Hourly	<del>26.74</del>	<del>28.28</del>	<del>29.92</del>	<del>31.61</del>	<del>33.40</del>		
			<u>30.22</u>	<u>31.96</u>	<u>33.81</u>	<u>35.72</u>	<u>37.75</u>		
Y		Annually	<del>55619</del>	<del>58822</del>	<del>62233</del>	<del>65748</del>	<del>69472</del>		
			<u>62858</u>	<u>66477</u>	<u>70325</u>	<u>74298</u>	<u>78520</u>		
Z	12	Hourly	<del>29.49</del>	<del>31.15</del>	<del>32.82</del>	<del>34.63</del>	<del>36.55</del>	<del>38.55</del>	<del>40.12</del>
			<u>33.32</u>	<u>35.21</u>	<u>37.09</u>	<u>39.14</u>	<u>41.31</u>	<u>43.57</u>	<u>45.35</u>
AA		Annually	<del>61339</del>	<del>64792</del>	<del>68265</del>	<del>72030</del>	<del>76024</del>	<del>80184</del>	<del>83449</del>
			<u>69306</u>	<u>73237</u>	<u>77147</u>	<u>81411</u>	<u>85925</u>	<u>90626</u>	<u>94328</u>
AB	13	Hourly	<del>32.51</del>	<del>34.29</del>	<del>36.16</del>	<del>38.11</del>	<del>40.26</del>	<del>42.43</del>	<del>44.17</del>
			<u>32.51</u>	<u>34.29</u>	<u>36.16</u>	<u>38.11</u>	<u>40.26</u>	<u>42.43</u>	<u>44.17</u>

			<u>36.75</u>	<u>38.75</u>	<u>40.87</u>	<u>43.07</u>	<u>45.50</u>	<u>47.95</u>	<u>49.92</u>	<u>52.27</u>
AC		Annually	<del>67620</del>	<del>71323</del>	<del>75212</del>	<del>79268</del>	<del>83740</del>	<del>88254</del>	<del>91873</del>	<del>96200</del>
			<u>76440</u>	<u>80600</u>	<u>85010</u>	<u>89586</u>	<u>94640</u>	<u>99736</u>	<u>103834</u>	<u>108722</u>
AD	14	Hourly	<del>35.74</del>	<del>37.78</del>	<del>39.81</del>	<del>41.97</del>	<del>44.34</del>	<del>46.81</del>	<del>48.75</del>	<del>51.03</del>
			<u>40.40</u>	<u>42.70</u>	<u>44.99</u>	<u>47.43</u>	<u>50.12</u>	<u>52.90</u>	<u>55.09</u>	<u>57.67</u>
AE		Annually	<del>74339</del>	<del>78582</del>	<del>82804</del>	<del>87297</del>	<del>92227</del>	<del>97364</del>	<del>101400</del>	<del>106142</del>
			<u>84032</u>	<u>88816</u>	<u>93579</u>	<u>98654</u>	<u>104250</u>	<u>110032</u>	<u>114587</u>	<u>119954</u>
AF	15	Hourly	<del>39.27</del>	<del>41.48</del>	<del>43.82</del>	<del>46.23</del>	<del>48.79</del>	<del>51.47</del>	<del>53.58</del>	<del>56.10</del>
			<u>44.38</u>	<u>46.88</u>	<u>49.52</u>	<u>52.24</u>	<u>55.15</u>	<u>58.16</u>	<u>60.55</u>	<u>63.41</u>
AG		Annually	<del>81681</del>	<del>86278</del>	<del>91145</del>	<del>96158</del>	<del>101483</del>	<del>107057</del>	<del>111446</del>	<del>116688</del>
			<u>92310</u>	<u>97510</u>	<u>103002</u>	<u>108659</u>	<u>114712</u>	<u>120973</u>	<u>125944</u>	<u>131893</u>
AH	16	Hourly	<del>43.29</del>	<del>45.70</del>	<del>48.21</del>	<del>50.92</del>	<del>53.71</del>	<del>56.79</del>	<del>59.12</del>	<del>61.89</del>
			<u>48.93</u>	<u>51.65</u>	<u>54.49</u>	<u>57.56</u>	<u>60.71</u>	<u>64.18</u>	<u>66.82</u>	<u>69.94</u>
AI		Annually	<del>90043</del>	<del>95056</del>	<del>100276</del>	<del>105913</del>	<del>111716</del>	<del>118123</del>	<del>122969</del>	<del>128731</del>
			<u>101774</u>	<u>107432</u>	<u>113339</u>	<u>119725</u>	<u>126277</u>	<u>133494</u>	<u>138986</u>	<u>145475</u>
AJ	17	Hourly	<del>47.70</del>	<del>50.33</del>	<del>53.15</del>	<del>56.08</del>	<del>59.23</del>	<del>62.53</del>	<del>65.97</del>	
			<u>53.91</u>	<u>56.89</u>	<u>60.07</u>	<u>63.38</u>	<u>66.94</u>	<u>70.67</u>	<u>74.56</u>	
AK		Annually	<del>99216</del>	<del>104686</del>	<del>110552</del>	<del>116646</del>	<del>123198</del>	<del>130062</del>	<del>137217</del>	
			<u>112133</u>	<u>118331</u>	<u>124946</u>	<u>131830</u>	<u>139235</u>	<u>146994</u>	<u>155085</u>	
AL	18	Hourly	<del>52.57</del>	<del>55.48</del>	<del>58.61</del>	<del>61.83</del>	<del>65.25</del>	<del>68.90</del>		



			<u>59.41</u>	<u>62.70</u>	<u>66.24</u>	<u>69.88</u>	<u>73.74</u>	<u>77.88</u>
AM	Annually	<del>109345</del>	<del>115398</del>	<del>121908</del>	<del>128606</del>	<del>135720</del>	<del>143312</del>	
		<u>123573</u>	<u>130416</u>	<u>137779</u>	<u>145350</u>	<u>153379</u>	<u>161990</u>	
AN	19 Hourly	<del>57.83</del>	<del>61.03</del>	<del>64.47</del>	<del>68.01</del>	<del>71.78</del>	<del>75.79</del>	
		<u>65.35</u>	<u>69.29</u>	<u>72.86</u>	<u>76.86</u>	<u>81.12</u>	<u>85.65</u>	
AO	Annually	<del>120286</del>	<del>126942</del>	<del>134097</del>	<del>141460</del>	<del>149302</del>	<del>157643</del>	
		<u>135928</u>	<u>144123</u>	<u>151549</u>	<u>159869</u>	<u>168730</u>	<u>178152</u>	

Schedule E-2

8166

8167

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	<del>51.97</del> <u>58.74</u>
C		Annually	33758	<del>108097</del> <u>122179</u>
D	42	Hourly	17.89	<del>57.38</del> <u>64.85</u>
E		Annually	37211	<del>119350</del> <u>134888</u>
F	43	Hourly	19.70	<del>63.19</del> <u>71.42</u>
G		Annually	40976	<del>131435</del> <u>148554</u>
H	44	Hourly	21.73	<del>69.04</del> <u>78.02</u>
I		Annually	45198	<del>143603</del> <u>162282</u>

J	45	Hourly	24.01	<del>75.38</del> <u>85.19</u>
K		Annually	49941	<del>156790</del> <u>177195</u>
L	46	Hourly	26.43	<del>82.38</del> <u>93.10</u>
M		Annually	54974	<del>171350</del> <u>193648</u>
N	47	Hourly	29.14	<del>89.91</del> <u>101.62</u>
O		Annually	60611	<del>187012</del> <u>211370</u>
P	48	Hourly	32.14	<del>98.08</del> <u>110.84</u>
Q		Annually	66851	<del>204006</del> <u>230547</u>
R	49	Hourly	35.44	<del>105.90</del> <u>119.69</u>
S		Annually	73715	<del>220272</del> <u>248955</u>

(C) As used in this section: 8168

(1) "Exempt employee" means a permanent full-time or 8169  
 permanent part-time employee paid directly by warrant of the 8170  
 director of budget and management whose position is included in 8171  
 the job classification plan established under division (A) of 8172  
 section 124.14 of the Revised Code but who is not considered a 8173  
 public employee for the purposes of Chapter 4117. of the Revised 8174  
 Code. "Exempt employee" also includes a permanent full-time or 8175  
 permanent part-time employee of the secretary of state, auditor 8176  
 of state, treasurer of state, or attorney general who has not 8177  
 been placed in an appropriate bargaining unit by the state 8178  
 employment relations board. 8179

(2) "Base rate of pay" means the rate of pay established 8180

under schedule E-1 of this section, plus the supplement provided 8181  
under division (E) of section 124.181 of the Revised Code, plus 8182  
any supplements enacted into law that are added to schedule E-1 8183  
of this section. 8184

~~(D) Notwithstanding any division of this section to the 8185  
contrary, or division (E) or (G) of section 124.15 of the 8186  
Revised Code with respect to requirements for step placement and 8187  
advancement, no exempt employee other than a captain or 8188  
equivalent officer in the state highway patrol shall be placed 8189  
in step value 7 in range 17 of schedule E-1 of division (B) (3) 8190  
of this section. 8191~~

**Sec. 124.184.** (A) As used in this section: 8192

(1) "State agency" means every organized body, office, or 8193  
agency established by the laws of the state for the exercise of 8194  
any function of state government and includes the public 8195  
employees retirement system, Ohio police and fire pension fund, 8196  
state teachers retirement system, school employees retirement 8197  
system, and state highway patrol retirement system. "State 8198  
agency" does not include a state institution of higher education 8199  
as defined in section 3345.011 of the Revised Code or the 8200  
nonprofit corporation formed under section 187.01 of the Revised 8201  
Code. 8202

(2) Notwithstanding the definition of "employee" in 8203  
section 124.01 of the Revised Code, "state employee" means an 8204  
individual holding a position subject to appointment, removal, 8205  
promotion, or reduction by a state agency. 8206

(B) (1) Not later than October 15, 2025, each state agency 8207  
shall develop a plan for the agency's state employees to report 8208  
to the agency's worksite or another location designated by the 8209

agency during the time the employees are performing their duties 8210  
for the agency. 8211

(2) Beginning January 1, 2026, a state agency shall 8212  
require the agency's state employees to report to the agency's 8213  
worksite or another location in accordance with the plan 8214  
developed by the agency under division (B)(1) of this section. 8215  
Except as provided in divisions (C) and (D) of this section, no 8216  
state employee shall work from the employee's place of 8217  
residence. 8218

(C) Nothing in this section precludes a state agency from 8219  
permitting a state employee employed by the agency to work from 8220  
the employee's place of residence as a reasonable accommodation 8221  
under Title I of the "Americans with Disabilities Act of 1990," 8222  
42 U.S.C. 12111, et seq. or Chapter 4112. of the Revised Code. 8223

(D) A state agency may adopt a policy allowing a 8224  
supervisor designated by the agency to approve a state employee 8225  
to work from the employee's place of residence or other off-site 8226  
location under any of the following circumstances: 8227

(1) During an occasional or emergent situation as required 8228  
to complete a necessary or time-sensitive business function of 8229  
the agency; 8230

(2) Rare occasions where a health order or weather 8231  
emergency requires an individual to remain at the individual's 8232  
place of residence or to shelter in place; 8233

(3) Occasions where the agency's worksite is or may be 8234  
closed on a temporary or ongoing basis, including remodeling an 8235  
existing building, natural disaster, utility outage, security 8236  
threat, or other occurrence that has or will result in such a 8237  
closure; 8238

(4) Except as provided in division (D) (5) of this section, 8239  
the supervisor determines that an employee, due to the 8240  
employee's job classification or position, primarily performs 8241  
the employee's duties for the agency in the field or another 8242  
location designated by the agency that is not the employee's 8243  
place of residence; 8244

(5) Where the supervisor determines that an employee is in 8245  
a computer-related occupation as provided in sections 13(a) (1) 8246  
and (17) of the "Fair Labor Standards Act of 1938," 29 U.S.C. 8247  
213, as defined in 29 C.F.R. 541.400; 8248

(6) Where the supervisor grants an employee an 8249  
accommodation for a temporary medical condition not covered 8250  
under division (C) of this section. 8251

(E) (1) A state employee shall attest in the documentation 8252  
submitted to a state agency of the employee's hours worked for 8253  
the agency during a pay period that the employee is in 8254  
compliance with the plan developed by the agency under division 8255  
(B) of this section or is approved to work from the employee's 8256  
place of residence or other off-site location under division (D) 8257  
of this section. 8258

(2) A state agency shall not require a state employee 8259  
granted a reasonable accommodation under division (C) of this 8260  
section to complete an attestation described in division (E) (1) 8261  
of this section. 8262

(F) Each state agency shall submit an annual 8263  
implementation report to the director of administrative services 8264  
during the period established by the director that describes the 8265  
agency's compliance with division (B) of this section, including 8266  
the number of the agency's state employees who report to the 8267

agency's worksite or another location and the wages and job 8268  
classification of the agency's state employees. 8269

(G) Beginning on the first day of March immediately 8270  
following the effective date of this section, and every March 8271  
first thereafter, the director shall submit a written report 8272  
that compiles the information the director receives under 8273  
division (F) of this section to the speaker of the house of 8274  
representatives, the president of the senate, and the 8275  
chairpersons of the standing committees of the house of 8276  
representatives and the senate that are principally responsible 8277  
for workforce development policy. 8278

**Sec. 124.385.** (A) An employee is eligible for disability 8279  
leave benefits under this section if the employee has completed 8280  
one year of continuous state service immediately prior to the 8281  
date of the disability and if any of the following applies: 8282

(1) The employee is a full-time permanent employee and is 8283  
eligible for sick leave credit pursuant to division (B) of 8284  
section 124.382 of the Revised Code or is entitled to disability 8285  
benefits under a collective bargaining agreement. 8286

(2) The employee is a part-time permanent employee who has 8287  
worked at least fifteen hundred hours within the twelve-month 8288  
period immediately preceding the date of disability and is 8289  
eligible for sick leave credit under division (B) of section 8290  
124.382 of the Revised Code. 8291

(3) The employee is a full-time permanent or part-time 8292  
permanent employee, is on disability leave or leave of absence 8293  
for medical reasons, and would be eligible for sick leave credit 8294  
pursuant to division (B) of section 124.382 of the Revised Code 8295  
except that the employee is in no pay status due to the 8296

employee's medical condition. 8297

(B) The director of administrative services, ~~by rule~~ 8298  
~~adopted in accordance with Chapter 119. of the Revised Code,~~ 8299  
shall adopt a rule to establish a disability leave program. The 8300  
rule shall include, but shall not be limited to, the following: 8301

(1) Procedures to be followed for determining disability; 8302

(2) Provisions for the allowance of disability leave due 8303  
to illness, condition, or injury; 8304

(3) Provisions for the continuation of service credit for 8305  
employees granted disability leave, including service credit 8306  
towards retirement, as provided by the applicable statute; 8307

(4) The establishment of a minimum level of benefit and of 8308  
a waiting period before benefits begin; 8309

(5) Provisions setting a maximum length of benefit and 8310  
requiring that employees eligible to apply for disability 8311  
retirement shall do so prior to completing the first six months 8312  
of their period of disability. The director's rules shall 8313  
indicate those employees required to apply for disability 8314  
retirement. If an employee is approved to receive disability 8315  
retirement, the employee shall receive the retirement benefit 8316  
and a supplement payment that equals a percentage of the 8317  
employee's base rate of pay and that, when added to the 8318  
retirement benefit, equals no more than the percentage of pay 8319  
received by employees after the first six months of disability. 8320  
This supplemental payment shall not be considered earnable 8321  
salary, compensation, or salary, and is not subject to 8322  
contributions, under Chapter 145., 742., 3307., 3309., or 5505. 8323  
of the Revised Code. 8324

(6) Provisions that allow employees to utilize available 8325

sick leave, personal leave, compensatory time, or vacation leave 8326  
balances to supplement the benefits payable under this section. 8327  
The balances used to supplement the benefits, plus any amount 8328  
contributed by the state ~~as provided in division (D) of this~~ 8329  
~~section,~~ shall be paid at the employee's base rate of pay in an 8330  
amount sufficient to give employees up to one hundred per cent 8331  
of pay for time on disability. 8332

(7) Procedures for appealing denial of payment of a claim, 8333  
~~including the following:~~ 8334

~~(a) A maximum of thirty days to file an appeal by the~~ 8335  
~~employee;~~ 8336

~~(b) A maximum of fifteen days for the parties to select a~~ 8337  
~~third-party opinion pursuant to division (F) of this section,~~ 8338  
~~unless an extension is agreed to by the parties;~~ 8339

~~(c) A maximum of thirty days for the third party to render~~ 8340  
~~an opinion.~~ 8341

~~(8) Provisions for approving leave of absence for medical~~ 8342  
~~reasons where an employee is in no pay status because the~~ 8343  
~~employee has used all the employee's sick leave, personal leave,~~ 8344  
~~vacation leave, and compensatory time;~~ 8345

~~(9)~~ (8) Provisions for precluding the payment of benefits 8346  
if the injury for which the benefits are sought is covered by a 8347  
workers' compensation plan, 8348

~~(10) Provisions for precluding the payment of benefits in~~ 8349  
~~order to ensure that benefits are provided in a consistent~~ 8350  
~~manner.~~ 8351

(C) ~~Except as provided in division (B) (6) of this section,~~ 8352  
~~time off for an employee granted disability leave is not~~ 8353



~~chargeable to any other leave granted by other sections. The~~ 8354  
~~adjudication hearing requirements prescribed in Chapter 119. of~~ 8355  
~~the Revised Code do not apply to the procedures for appealing~~ 8356  
~~denial of payment of a claim that the director adopts by rule~~ 8357  
~~under division (B) (7) of this section.~~ 8358

(D) While an employee is on an approved disability leave, 8359  
the employee shall be responsible for paying the employee's 8360  
share of retirement contributions and the employer's share shall 8361  
be paid by the state. 8362

~~(E) The approval for disability leave shall be made by the~~ 8363  
~~director, upon recommendation by the appointing authority. The~~ 8364  
~~director may delegate to any appointing authority the authority~~ 8365  
~~to approve disability benefits for a standard recovery period.~~ 8366

~~(F)~~ If a request for disability leave is denied based on a 8367  
medical determination, the director shall obtain a medical 8368  
opinion from a third party. The decision of the third party is 8369  
binding. 8370

~~(G)~~ (F) The rule adopted by the director under division (B) 8371  
of this section shall not deny disability leave benefits for an 8372  
illness or injury to an employee who is a veteran of the United 8373  
States armed forces because the employee contracted the illness 8374  
or received the injury in the course of or as a result of 8375  
military service and the illness or injury is or may be covered 8376  
by a compensation plan administered by the United States 8377  
department of veterans affairs. 8378

**Sec. 125.01.** As used in this chapter: 8379

(A) "Advertising" includes advertising in print or 8380  
electronic newspapers, journals, or magazines and advertising 8381  
broadcast over radio or television or placed on the internet. 8382

(B) "Buy Ohio products" means products that are mined, 8383  
excavated, produced, manufactured, raised, or grown in this 8384  
state or a state bordering Ohio where the input of Buy Ohio 8385  
products, labor, skill, or other services constitutes not less 8386  
than twenty-five per cent of the manufactured cost. With respect 8387  
to mined products, such products shall be mined or excavated in 8388  
this state or a state bordering Ohio. "Buy Ohio products" 8389  
includes any product that includes semiconductors produced by a 8390  
company with a significant Ohio economic presence. 8391

(C) "Chartered nonpublic school" has the same meaning as 8392  
in section 3310.01 of the Revised Code. 8393

(D) "Community rehabilitation program" means an agency 8394  
meeting all of the following requirements: 8395

(1) Organized under the laws of the United States or this 8396  
state such that no part of its net income inures to the benefit 8397  
of any shareholder or other individual; 8398

(2) Certified as a sheltered workshop, if applicable, by 8399  
the wage and hour division of the United States department of 8400  
labor; 8401

(3) Registered and in good standing with the secretary of 8402  
state as a domestic nonprofit corporation; 8403

(4) Complies with applicable occupational health and 8404  
safety standards required by the laws of the United States or of 8405  
this state; 8406

(5) Operates in the interest of persons with work-limiting 8407  
disabilities, provides vocational or other employment-related 8408  
training to persons with work-limiting disabilities, and employs 8409  
persons with work-limiting disabilities in the manufacture of 8410  
products or the provision of services; 8411

<u>(6) Is a nonprofit corporation for federal tax purposes.</u>	8412
<u>(E) "Competitive selection" means any of the following</u>	8413
<u>procedures for making purchases:</u>	8414
<u>(1) Competitive sealed bidding under section 125.07 of the</u>	8415
<u>Revised Code;</u>	8416
<u>(2) Competitive sealed proposals under section 125.071 of</u>	8417
<u>the Revised Code;</u>	8418
<u>(3) Reverse auctions under section 125.072 of the Revised</u>	8419
<u>Code;</u>	8420
<u>(4) Electronic procurement under section 125.073 of the</u>	8421
<u>Revised Code.</u>	8422
<u>(F) "Direct purchasing authority" means the authority of a</u>	8423
<u>state agency to make a purchase without competitive selection</u>	8424
<u>pursuant to sections 125.05 and 127.16 of the Revised Code.</u>	8425
<u>(G) "Emergency" has the same meaning as in section 5502.21</u>	8426
<u>of the Revised Code.</u>	8427
<u>(H) "Emergency medical service organization" has the same</u>	8428
<u>meaning as in section 4765.01 of the Revised Code.</u>	8429
<u>(I) "Goods" means anything that can be purchased that is</u>	8430
<u>not a service or real property.</u>	8431
<u>(J) "Governmental agency" means a political subdivision or</u>	8432
<u>special district in this state or any other state established by</u>	8433
<u>or under law, or any combination of these entities; the United</u>	8434
<u>States or any department, division, or agency of the United</u>	8435
<u>States; one or more other states or groups of states; other</u>	8436
<u>purchasing consortia; and any agency, commission, or authority</u>	8437
<u>established under an interstate compact or agreement.</u>	8438

(K) "Government ordering office" means any state agency, 8439  
excluding those listed in division (A) of section 125.02 of the 8440  
Revised Code, or any political subdivision described in division 8441  
(B) of section 125.04 of the Revised Code. 8442

(L) "Invoice" means an itemized listing showing delivery 8443  
of the goods or performance of the services described in the 8444  
order including all of the following: 8445

(1) The date of the purchase or rendering of the service; 8446

(2) An itemization of the things done, material supplied, 8447  
or labor furnished; 8448

(3) The sum due pursuant to the contract or obligation. 8449

(M) "Military goods or services" means goods or services 8450  
provided through the supply chain of any branch of the United 8451  
States military that are necessary for executing an assigned 8452  
mission, including arms, ordnance, equipment, and all other 8453  
military property issued to the state by the federal government. 8454  
"Military goods or services" does not include any of the 8455  
following: 8456

(1) Real property; 8457

(2) Construction of, or improvements or alterations to, 8458  
public works as required by Chapter 153. of the Revised Code; 8459

(3) Goods or services that state agencies can purchase 8460  
from requisite procurement programs as prescribed by section 8461  
125.035 of the Revised Code, through competitive selection as 8462  
prescribed by sections 125.05 and 127.16 of the Revised Code, or 8463  
through direct purchasing authority. 8464

(N) "Ohio-based personal protective equipment 8465  
manufacturer" means a manufacturer, at least two-thirds of the 8466

beneficial ownership of which is vested in residents of this 8467  
state, that produces personal protective equipment in this 8468  
state. 8469

~~(A)~~ (O) "Order" means a copy of a contract or a statement 8470  
of the nature of a contemplated expenditure, a description of 8471  
the ~~property or supplies goods~~ to be purchased or ~~service~~ 8472  
~~services~~ to be performed, other than a ~~service services~~ 8473  
performed by officers and regular employees of the state, and 8474  
per diem of the national guard, and the total sum of the 8475  
expenditure to be made therefor, if the sum is fixed and 8476  
ascertained, otherwise the estimated sum thereof, and an 8477  
authorization to pay for the contemplated expenditure, signed by 8478  
the person instructed and authorized to pay upon receipt of a 8479  
proper invoice. 8480

~~(B)~~ "Invoice" means ~~an itemized listing showing delivery~~ 8481  
~~of the supplies or performance of the service described in the~~ 8482  
~~order including all of the following:~~ 8483

~~(1) The date of the purchase or rendering of the service;~~ 8484

~~(2) An itemization of the things done, material supplied,~~ 8485  
~~or labor furnished;~~ 8486

~~(3) The sum due pursuant to the contract or obligation.~~ 8487

~~(C)~~ "Products" means ~~materials, supplies, merchandise,~~ 8488  
~~goods, wares, and foodstuffs.~~ 8489

~~(D)~~ (P) "Personal information" has the same meaning as in 8490  
section 149.45 of the Revised Code. 8491

(Q) "Personal protective equipment" means equipment worn 8492  
to minimize exposure to hazards that cause workplace injuries 8493  
and illnesses. 8494

(R) "Political subdivision" means any county, township, municipal corporation, school district, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority. "Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department of administrative services to participate in the department's contracts. 8495  
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(S) "Private fire company" has the same meaning as in section 9.60 of the Revised Code. 8504  
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(T) "Produced" means the manufacturing, processing, mining, developing, and making of a thing into a new article with a distinct character in use through the application of input, within the state or a state bordering Ohio, of Buy Ohio products, labor, skill, or other services. "Produced" does not include the mere assembling or putting together of products or materials from outside of Ohio or a state bordering Ohio. 8506  
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~~(E) "Buy Ohio products" means products that are mined, excavated, produced, manufactured, raised, or grown in the state or a state bordering Ohio where the input of Buy Ohio products, labor, skill, or other services constitutes no less than twenty-five per cent of the manufactured cost. With respect to mined products, such products shall be mined or excavated in this state or a state bordering Ohio.~~ 8513  
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~~(F)~~ (U) "Products" means materials, supplies, merchandise, goods, wares, and foodstuffs. 8520  
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(V) "Purchase" means to buy, rent, lease, lease purchase, or otherwise acquire ~~supplies~~ goods or services. "Purchase" also 8522  
8523

includes all functions that pertain to ~~the obtaining of supplies~~ 8524  
goods or services, including description of requirements, 8525  
selection and solicitation of sources, preparation and award of 8526  
contracts, all phases of contract administration, ~~and receipt~~ 8527  
and acceptance of the ~~supplies goods~~ and services and ~~payment~~ 8528  
~~for them~~ financial consideration for the goods and services by 8529  
either a state agency or a third-party. 8530

(W) "Real property" means land or anything that is erected 8531  
on or affixed to land, or below the surface, excluding 8532  
infrastructure. Major classifications of real property are land, 8533  
land improvements, and buildings. 8534

~~(G)~~ (X) "Services" means the furnishing of labor, time, or 8535  
effort by a person, not involving the delivery of a specific end 8536  
product other than a report which, if provided, is merely 8537  
incidental to the required performance. "Services" does not 8538  
include services furnished pursuant to employment agreements or 8539  
collective bargaining agreements. 8540

~~(H) "Supplies" means all property, including, but not~~ 8541  
~~limited to, equipment, materials, and other tangible assets, but~~ 8542  
~~excluding real property or an interest in real property.~~ 8543

~~(I) "Competitive selection" means any of the following~~ 8544  
~~procedures for making purchases:~~ 8545

~~(1) Competitive sealed bidding under section 125.07 of the~~ 8546  
~~Revised Code;~~ 8547

~~(2) Competitive sealed proposals under section 125.071 of~~ 8548  
~~the Revised Code;~~ 8549

~~(3) Reverse auctions under section 125.072 of the Revised~~ 8550  
~~Code;~~ 8551

~~(4) Electronic procurement under section 125.073 of the Revised Code.~~ 8552  
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~~(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code~~ 8554  
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(Y) "State award" means a contract awarded by the state costing over twenty-five thousand dollars. "State award" does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices. 8557  
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(Z) "State contract" means a contract for the purchase of goods or services awarded by the department of administrative services. 8565  
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(AA) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 8568  
8569

(BB) "State official" means an official elected to a statewide office or a member of the general assembly. 8570  
8571

(CC) "State procurement emergency" means a situation in which the normal functioning of one or more state government agencies is threatened, creating any of the following: 8572  
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8574

(1) An immediate and serious need for goods or services that cannot be met through purchasing methods required by Chapter 125. of the Revised Code; 8575  
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(2) A threat to public health, safety, or welfare; 8578

(3) Threats to the preservation or protection of property. 8579



**Sec. 125.02.** (A) The department of administrative services 8580  
shall establish state contracts for supplies and to purchase 8581  
goods or services, including telephone, other 8582  
telecommunications, and computer services, for the use of by the 8583  
department and state agencies, and may establish such contracts 8584  
for ~~the use of by any political subdivision as entity~~ described 8585  
in division (B) of section 125.04 of the Revised Code, except 8586  
for the following: 8587

(1) The adjutant general for military ~~supplies and goods~~ 8588  
or services; 8589

(2) The general assembly; 8590

(3) The judicial branch; 8591

(4) State institutions of higher education; 8592

(5) State elected officials as set forth in section 8593  
125.041 of the Revised Code; 8594

(6) The capitol square review and advisory board. 8595

The entities set forth in divisions (A) (1) to (6) of this 8596  
section may request the ~~department of administrative services'~~ 8597  
department's assistance in the procurement of supplies and 8598  
purchasing goods or services for their respective offices and, 8599  
upon the department's approval, may participate in contracts 8600  
awarded by the department. 8601

(B) For purchases under division ~~(C)~~(D) of section 125.05 8602  
of the Revised Code, the department shall grant a state agency a 8603  
release and permit to make the purchase if the department 8604  
determines that it is not possible or advantageous for the 8605  
department to make a purchase. 8606

(C) Upon request, the department may grant a blanket 8607

release and permit to a state agency for specific purchases. The 8608  
department may grant the blanket release and permit for a fiscal 8609  
year or for a biennium as determined by the director of 8610  
administrative services. 8611

(D) The director of administrative services shall adopt 8612  
rules under Chapter 119. of the Revised Code regarding 8613  
circumstances and criteria for obtaining a release and permit 8614  
under this section. The rules adopted by the director ~~of~~ 8615  
~~administrative services also~~ shall prescribe uniform ~~rules~~ 8616  
~~governing~~ forms of specifications, advertisements for bids and 8617  
proposals, the opening of bids and proposals, the making of 8618  
awards and contracts, ~~and the purchase of supplies goods or~~ 8619  
services, and the performance of work. 8620

(E) The director may participate in cooperative purchasing 8621  
with the following: 8622

(1) The entities set forth in divisions (A) (1) to (6) of 8623  
this section; 8624

(2) One or more other states; 8625

(3) Groups of states; 8626

(4) The United States or any department, division, or 8627  
agency of the United States; 8628

(5) Other purchasing consortia; 8629

(6) The department of transportation; or 8630

(7) Any ~~political subdivision entity~~ of this state 8631  
described in division (B) of section 125.04 of the Revised Code. 8632

(F) The United States or any department, division, or 8633  
agency of the United States, one or more other states, groups of 8634

states, other purchasing consortia, or any agency, commission, 8635  
or authority established under an interstate compact or 8636  
agreement may purchase ~~supplies and goods~~ or services from 8637  
contracts established by the department ~~of administrative~~ 8638  
~~services.~~ 8639

(G) Except as provided in section 125.04 of the Revised 8640  
Code, the department ~~of administrative services~~ shall purchase 8641  
any policy of insurance, including a surety or fidelity bond, 8642  
covering officers or employees of a state agency, for which the 8643  
annual premium is more than one thousand dollars and which the 8644  
state may procure. The department shall purchase the insurance 8645  
in conformity with sections 125.04 to 125.15 of the Revised 8646  
Code. As used in this division, "annual premium" means the total 8647  
premium for one year for one type of insurance regardless of the 8648  
number of policies. 8649

(H) At its discretion, the department may amend, renew, 8650  
cancel, or terminate any state contract when it is in the best 8651  
interest of the state. 8652

**Sec. 125.035.** (A) Except as otherwise provided in the 8653  
Revised Code, ~~a state agency wanting to purchase supplies or~~ 8654  
~~services shall make the purchase subject to the requirements of~~ 8655  
~~an applicable first or second requisite procurement program~~ 8656  
~~described in this section, or obtain a determination from the~~ 8657  
~~department of administrative services that the purchase is not~~ 8658  
~~subject to before making a purchase, a state agency shall~~ 8659  
determine if the needed goods or services can be acquired from a 8660  
first requisite or a second requisite procurement program. ~~State~~ 8661  
~~agencies shall submit a purchase request to the department of~~ 8662  
~~administrative services unless the department has determined the~~ 8663  
~~request does not require a review. The director of~~ 8664

~~administrative services shall adopt rules under Chapter 119. of  
the Revised Code to provide for the manner of carrying out the  
function and the power and duties imposed upon and vested in the  
director by this section.~~ 8665  
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~~(B) The following programs are first~~ (1) First requisite 8669  
~~procurement programs that shall be given preference in the~~ 8670  
~~following order in fulfilling a purchase request~~ are the 8671  
following: 8672

~~(1)~~ (a) Ohio penal industries ~~within~~ administered by the 8673  
department of rehabilitation and correction; 8674

~~(2)~~ (b) Community rehabilitation programs ~~program~~ 8675  
~~administered by the department of administrative services under~~ 8676  
~~sections~~ section 125.601 to 125.6012 ~~of the Revised Code;~~ 8677

~~(3)~~ (c) Ohio-based personal protective equipment 8678  
~~manufacturers program established by the director of~~ 8679  
~~administrative services~~ administered under section 125.036 8680  
Chapter 125. of the Revised Code. 8681

~~(C) The following programs are second requisite~~ 8682  
~~procurement programs that may be able to fulfill the purchase~~ 8683  
~~request if the first requisite procurement programs are unable~~ 8684  
~~to do so~~ (2) If the needed goods or services are available from 8685  
more than one first requisite procurement program, preference 8686  
shall be given in the following order: 8687

(a) Ohio penal industries; 8688

(b) Community rehabilitation programs; 8689

(c) Ohio-based personal protective equipment manufacturers 8690  
program. 8691

(3) If the needed goods or services cannot be provided by 8692

a first requisite procurement program, a state agency shall 8693  
determine if the goods or services are available from any of the 8694  
second requisite procurement programs, which are the following: 8695

~~(1)~~(a) Business enterprise program at the opportunities 8696  
for Ohioans with disabilities agency as prescribed in sections 8697  
3304.28 to 3304.33 of the Revised Code; 8698

~~(2) Office~~(b) The department of administrative services 8699  
office of information technology at the department of 8700  
~~administrative services as established~~prescribed in section 8701  
125.18 of the Revised Code; 8702

~~(3) Office~~(c) The department of administrative services 8703  
office of state printing and mail services at the department of 8704  
~~administrative services~~ as prescribed in Chapter 125. of the 8705  
Revised Code; 8706

~~(4)~~(d) Ohio pharmacy services at the department of mental 8707  
health and addiction services as prescribed in section 5119.44 8708  
of the Revised Code; 8709

~~(5)~~(e) The Ohio facilities construction commission 8710  
established in section 123.20 of the Revised Code;~~and~~ 8711

~~(6)~~(f) Any other program within, or administered by, a 8712  
state agency that, by law, requires purchases to be made by, or 8713  
with the approval of, the state agency. 8714

~~(D) Upon receipt of a purchase request, the department of~~ 8715  
~~administrative services shall provide the requesting agency a~~ 8716  
~~notification of receipt of the purchase request. The department~~ 8717  
~~then shall determine whether the request can be fulfilled~~ 8718  
~~through a first requisite procurement program. In making the~~ 8719  
~~determination, the department may consult with each of the first~~ 8720  
~~requisite procurement programs. When the department has made its~~ 8721

determination, it shall: 8722

~~(1) Direct the requesting agency to obtain the desired  
supplies or services through the proper first requisite  
procurement program;~~ 8723  
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~~(2) Provide the agency with a waiver from the use of the  
applicable first requisite procurement programs under sections  
125.609 or 5147.07 of the Revised Code; or~~ 8726  
8727  
8728

~~(3) Determine whether the purchase can be fulfilled  
through a second requisite procurement program under division  
(E) of this section.~~ 8729  
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~~(E) In making the determination that a purchase is subject  
to a second requisite procurement program, the department shall  
identify potentially applicable programs and notify each program  
of the requested purchase. The notified second requisite  
procurement program shall respond to the department within two  
business days with regard to its ability to provide the  
requested purchase. If the second requisite procurement program  
can provide the requested purchase, the department shall direct  
the requesting agency to make the requested purchase from the  
appropriate second requisite procurement program. If the  
department has not received notification from a second requisite  
procurement program within two business days and the department  
has made the determination that the purchase is not subject to a  
second requisite procurement program, the department shall  
provide a waiver to the requesting agency.~~ 8732  
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~~(F) Within five business days after receipt of a request,  
the department shall notify the requesting agency of its  
determination and provide any waiver under divisions (D) or (E)  
of this section. If the department fails to respond within five~~ 8747  
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~~business days or fails to provide an explanation for any further~~ 8751  
~~delay within that time~~ (B) When requisite procurement programs 8752  
receive a purchase request, the requesting agency may use direct 8753  
purchasing authority to make the requested purchase, subject to 8754  
the requirements of division (C) of this section, division (F) 8755  
of section 125.05, and section 127.16 of the Revised Code. 8756  
requisite procurement programs shall determine if the requisite 8757  
procurement programs can provide the requested goods or 8758  
services. In making this determination, the requisite 8759  
procurement programs shall do one of the following: 8760

(1) Direct the requesting state agency to obtain the 8761  
requested goods or services through the proper requisite 8762  
procurement program; 8763

(2) Provide the requesting state agency with a waiver from 8764  
the use of the applicable requisite procurement program within 8765  
five business days, or allow the time to lapse, whereupon the 8766  
department of administrative services shall issue a waiver to 8767  
the requesting state agency. 8768

~~(G) As~~ (C) Upon receiving a waiver, the requesting state 8769  
agency may use direct purchasing authority to make the requested 8770  
purchase, subject to the requirements of division (D) of this 8771  
section, division (G) of section 125.05, and section 127.16 of 8772  
the Revised Code. 8773

(D) As provided in sections 125.02 and 125.05 of the 8774  
Revised Code and subject to such rules as the director of 8775  
administrative services may adopt, the department may issue a 8776  
release and permit to ~~the agency~~ a state agency to ~~secure~~ 8777  
supplies purchase goods or services. A release and permit shall 8778  
specify the ~~supplies~~ goods or services to which it applies, the 8779  
time during which it is operative, and the reason for its 8780

issuance. A release and permit for telephone, other 8781  
telecommunications, and computer services shall be provided in 8782  
accordance with section 125.18 of the Revised Code and shall 8783  
specify the type of services to be rendered, the number and type 8784  
of hardware to be used, and may specify the amount of such 8785  
services to be performed. The ~~director~~department may issue a 8786  
release and permit for the purchase of personal protective 8787  
equipment from a foreign personal protective equipment 8788  
manufacturer, if purchasing from an Ohio-based personal 8789  
protective equipment manufacturer would result in the state 8790  
agency paying a price that is one hundred twenty per cent or 8791  
higher than the price that is available from the foreign 8792  
supplier. No requesting agency shall proceed with such purchase 8793  
until it has received an approved release and permit ~~from the~~ 8794  
~~director of administrative services or the director's designee.~~ 8795

**Sec. 125.036.** ~~(A) As used in this section:~~ 8796

~~"Ohio-based personal protective equipment manufacturer"~~ 8797  
~~means a manufacturer, at least two-thirds of the beneficial~~ 8798  
~~ownership of which is vested in residents of this state, that~~ 8799  
~~produces personal protective equipment in this state.~~ 8800

~~"Personal protective equipment" has the meaning defined in~~ 8801  
~~division (E) of section 125.05 of the Revised Code.~~ 8802

~~(B)~~The director of administrative services shall 8803  
establish and maintain an Ohio-based personal protective 8804  
equipment manufacturers program. Under the program, the director 8805  
shall establish and maintain a list of Ohio-based personal 8806  
protective equipment manufacturers qualified to fulfill a 8807  
purchase request under division ~~(B) (3)~~(A) (1) (c) of section 8808  
125.035 of the Revised Code. 8809



**Sec. 125.04.** (A) Except for the requirements of division 8810  
(B) of this section, ~~section 125.092,~~ and division (B) of 8811  
section 125.11 of the Revised Code, sections 125.04 to 125.08 8812  
and 125.09 to 125.15 of the Revised Code do not apply to or 8813  
affect state institutions of higher education. 8814

~~(B) (1) As used in this division: 8815~~

~~(a) "Chartered nonpublic school" has the same meaning as 8816  
in section 3310.01 of the Revised Code. 8817~~

~~(b) "Emergency medical service organization" has the same 8818  
meaning as in section 4765.01 of the Revised Code. 8819~~

~~(c) "Governmental agency" means a political subdivision or 8820  
special district in this state or any other state established by 8821  
or under law, or any combination of these entities; the United 8822  
States or any department, division, or agency of the United 8823  
States; one or more other states or groups of states; other 8824  
purchasing consortia; and any agency, commission, or authority 8825  
established under an interstate compact or agreement. 8826~~

~~(d) "Political subdivision" means any county, township, 8827  
municipal corporation, school district, conservancy district, 8828  
township park district, park district created under Chapter 8829  
1545. of the Revised Code, regional transit authority, regional 8830  
airport authority, regional water and sewer district, or port 8831  
authority. "Political subdivision" also includes any other 8832  
political subdivision described in the Revised Code that has 8833  
been approved by the department of administrative services to 8834  
participate in the department's contracts under this division. 8835~~

~~(e) "Private fire company" has the same meaning as in 8836  
section 9.60 of the Revised Code. 8837~~

~~(f) "State institution of higher education" has the 8838~~

~~meaning defined in section 3345.011 of the Revised Code.~~ 8839

~~(2) (B)~~ Subject to division ~~(C)~~ (F) of this section, the 8840  
department of administrative services may permit a state 8841  
institution of higher education, governmental agency, political 8842  
subdivision, private fire company, private, nonprofit emergency 8843  
medical service organization, or chartered nonpublic school to 8844  
participate in state contracts ~~into which the department has~~ 8845  
~~entered for the purchase of supplies and services.~~ With respect 8846  
to such participation, all of the following apply: 8847

(1) The department may charge the entity a reasonable fee 8848  
to cover the administrative costs the department incurs as a 8849  
result of participation by the entity in ~~such a purchase state~~ 8850  
contract. 8851

(2) A political subdivision desiring to participate in 8852  
~~such purchase state~~ contracts shall file with the department a 8853  
certified copy of an ordinance or resolution of the legislative 8854  
authority or governing board of the political subdivision. The 8855  
resolution or ordinance shall request that the political 8856  
subdivision be authorized to participate in ~~such state~~ contracts 8857  
and shall agree that the political subdivision will be bound by 8858  
~~such the~~ terms and conditions of the contract as prescribed by 8859  
the department ~~prescribes,~~ and that it will directly pay the 8860  
~~vendor under each purchase contracts~~ supplier providing goods or 8861  
services under the contract. 8862

(3) A private fire company, private, nonprofit emergency 8863  
medical service organization, or chartered nonpublic school 8864  
desiring to participate in ~~such purchase state~~ contracts shall 8865  
file with the department a written request for inclusion in the 8866  
program signed by the chief officer of the company, 8867  
organization, or chartered nonpublic school. 8868

(4) A governmental agency desiring to participate in ~~such-~~ 8869  
~~purchase-state~~ contracts shall file with the department a 8870  
written request for inclusion in the program. A state 8871  
institution of higher education desiring to participate in ~~such-~~ 8872  
~~purchase-state~~ contracts shall file with the department a 8873  
certified copy of resolution of the board of trustees or similar 8874  
authorizing body. The resolution shall request that the state 8875  
institution of higher education be authorized to participate in 8876  
~~such-state~~ contracts. 8877

(5) A request for inclusion shall include an agreement to 8878  
be bound by such terms and conditions as the department 8879  
prescribes and to make direct payments to the vendor under each 8880  
~~purchase-state~~ contract. 8881

~~(3)~~ (C) The board of elections of a county that is 8882  
authorized to participate in state contracts under division ~~(B)~~ 8883  
~~(2)~~ (B) of this section may participate in contracts under that 8884  
division under the same terms and conditions that apply to the 8885  
county. 8886

~~(4)~~ (D) The department shall include in its annual report, an 8887  
estimate of the purchases made by state institutions of higher 8888  
education, governmental agencies, political subdivisions, boards 8889  
of elections, private fire companies, private, nonprofit 8890  
emergency medical service organizations, and chartered nonpublic 8891  
schools from contracts pursuant to this division. (D) The 8892  
department may require ~~such entities-state~~ institutions of 8893  
higher education, governmental agencies, political subdivisions, 8894  
boards of elections, private fire companies, private, nonprofit 8895  
emergency medical service organizations, and chartered nonpublic 8896  
schools to file a report with the department, as often as it 8897  
finds necessary, stating how many ~~such-state~~ contracts the 8898

entities participated in within a specified period of time, and 8899  
any other information the department requires. 8900

~~(5)~~ (E) Purchases made by a political subdivision or a 8901  
board of elections under this division are exempt from any 8902  
competitive selection procedures otherwise required by law. No 8903  
political subdivision shall make any purchase under this 8904  
division when bids have been received for such purchase by the 8905  
subdivision, unless such purchase can be made upon the same 8906  
terms, conditions, and specifications at a lower price under 8907  
division ~~(B)~~ ~~(2)~~ (B) of this section. 8908

~~(C)~~ (F) A political subdivision as ~~defined in division (B)~~ 8909  
~~of this section~~ or a board of elections may purchase ~~supplies~~ 8910  
goods or services from another party, including a political 8911  
subdivision, instead of through participation in ~~contracts~~ 8912  
~~described in division (B) of this section~~ a state contract if 8913  
the political subdivision or board of elections can purchase 8914  
those ~~supplies~~ goods or services from the other party upon 8915  
equivalent terms, conditions, and specifications but at a lower 8916  
price ~~than it can through those contracts.~~ and both of the 8917  
following apply: 8918

(1) Purchases that a political subdivision or board of 8919  
elections makes under this division are exempt from any 8920  
competitive selection procedures otherwise required by law. 8921

(2) A political subdivision or board of elections that 8922  
makes any purchase under this division shall maintain sufficient 8923  
information regarding the purchase to verify that the political 8924  
subdivision or board of elections satisfied the conditions for 8925  
making a purchase under this division. 8926

Nothing in this division restricts any action taken by a 8927

county or township as authorized by division (B) (1) of section 8928  
9.48 of the Revised Code. 8929

~~(D)~~(G) This section does not apply to ~~supplies~~ goods or 8930  
services purchased by a state agency directly as provided in 8931  
section 125.05 of the Revised Code, or to purchases of ~~supplies~~ 8932  
goods or services for the emergency management agency or other 8933  
state agencies as provided in section 125.061 of the Revised 8934  
Code. 8935

**Sec. 125.041.** (A) Nothing in sections 125.02, 125.04 to 8936  
125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~125.71, or 8937  
125.831 of the Revised Code shall be construed as limiting the 8938  
attorney general, auditor of state, secretary of state, or 8939  
treasurer of state in any of the following: 8940

(1) Purchases for less than the dollar amounts for the 8941  
purchase of ~~supplies~~ goods or services determined under section 8942  
125.05 of the Revised Code; 8943

(2) Purchases that equal or exceed the dollar amounts for 8944  
the purchase of ~~supplies~~ goods or services determined under 8945  
section 125.05 of the Revised Code with the approval of the 8946  
controlling board, if that approval is required by section 8947  
127.16 of the Revised Code; 8948

(3) The final determination of the nature or quantity of 8949  
any purchase of ~~supplies~~ goods or services under division (B) of 8950  
section 125.02 or under division ~~(G)~~(C) of section 125.035 of 8951  
the Revised Code; 8952

(4) The final determination and disposal of excess and 8953  
surplus ~~supplies~~ property; 8954

(5) The inventory of state property; 8955

(6) The purchase of printing; 8956

(7) Activities related to information technology 8957  
development and use; 8958

(8) The fleet management program. 8959

(B) Nothing in this section shall be construed as 8960  
preventing the attorney general, auditor of state, secretary of 8961  
state, or treasurer of state from complying with or 8962  
participating in any aspect of Chapter 125. of the Revised Code 8963  
through the department of administrative services. 8964

**Sec. 125.05.** (A) No state agency shall purchase ~~any~~ 8965  
~~supplies goods~~ or services except as provided in this section 8966  
and section 127.16 of the Revised Code. When exercising direct 8967  
purchasing authority the agency shall utilize a competitive 8968  
selection process that complies with all applicable laws, rules, 8969  
~~or regulations and policies~~ of the department of administrative 8970  
services. 8971

~~(A)~~(B) A state agency may, without competitive selection, 8972  
make any purchase of ~~supplies goods~~ or services that cost less 8973  
than fifty thousand dollars after complying with divisions (A) 8974  
to ~~(E)~~(D) of section 125.035 of the Revised Code. The agency may 8975  
make the purchase directly or may make the purchase from or 8976  
through the department ~~of administrative services~~, whichever the 8977  
agency determines. The agency shall adopt written purchasing 8978  
procedures that are consistent with the department's ~~purchasing~~ 8979  
~~procedures and~~ laws, rules, and policies. The agency shall use 8980  
those procedures when making purchases under this division. 8981

Section 127.16 of the Revised Code does not apply to 8982  
purchases made under this division. 8983

~~(B)~~(C) A state agency shall make purchases of ~~supplies~~ 8984

goods and services that cost fifty thousand dollars or more 8985  
through the department ~~of administrative services~~ and the 8986  
process provided in section 125.035 of the Revised Code, unless 8987  
the department grants the state agency a waiver ~~and or~~ a release 8988  
and permit under that section. 8989

~~(C) An~~ (D) A state agency that has been granted a release 8990  
and permit under section 125.035 of the Revised Code to make a 8991  
purchase may make the purchase without competitive selection if 8992  
after making the purchase the cumulative purchase threshold as 8993  
computed under division (E) of section 127.16 of the Revised 8994  
Code would: 8995

(1) Be exceeded and the controlling board approves the 8996  
purchase; 8997

(2) Not be exceeded and the department ~~of administrative~~ 8998  
~~services~~ approves the purchase. 8999

~~(D) An~~ (E) A state agency that has been granted a release 9000  
and permit under section 125.035 of the Revised Code to make a 9001  
purchase ~~may~~ shall make the purchase by utilizing the electronic 9002  
procurement system established by the department ~~of~~ 9003  
~~administrative services~~ under section 125.073 of the Revised 9004  
Code. 9005

~~(E) (F)~~ If the department of education and workforce or the 9006  
Ohio education computer network determines that it can purchase 9007  
software goods or ~~services or supplies~~ for specified school 9008  
districts at a price less than the price for which the districts 9009  
could purchase the same software goods or ~~services or supplies~~ 9010  
for themselves, the department or network shall certify that 9011  
fact to the department of administrative services and, acting as 9012  
an agent for the specified school districts, shall make that 9013

purchase without following the provisions in divisions ~~(A)~~(B) to 9014  
~~(D)~~(E) of this section. 9015

~~(F)~~(G) When the purchase cost of personal protective 9016  
equipment is less than fifty thousand dollars, a state agency 9017  
shall comply with section 125.035 of the Revised Code. If the 9018  
purchase is not subject to the requirements of an applicable 9019  
first or second requisite procurement program, the agency shall 9020  
apply the same preferences in section 125.09 of the Revised Code 9021  
when making the purchase. ~~As used in this division, "personal-~~ 9022  
~~protective equipment" means equipment worn to minimize exposure-~~ 9023  
~~to hazards that cause workplace injuries and illnesses.~~ 9024

**Sec. 125.051.** ~~(A) As used in this section:~~ 9025

~~(1) "Advertising" includes advertising in print or~~ 9026  
~~electronic newspapers, journals, or magazines and advertising~~ 9027  
~~broadcast over radio or television or placed on the internet.~~ 9028

~~(2) "State official" means an official elected to a~~ 9029  
~~statewide office or a member of the general assembly.~~ 9030

~~(B)~~ Any advertising purchased with public money by a state 9031  
official for the same purpose that, in the aggregate, exceeds 9032  
fifty thousand dollars during the fiscal year, shall be subject 9033  
to controlling board approval. 9034

**Sec. 125.052.** (A) As used in this section: 9035

(1) "Online subscription" means an offering through an 9036  
internet online service or platform to access digital content or 9037  
services on a recurring basis in exchange for a subscription 9038  
fee. 9039

(2) "State agency" has the same meaning as in section 1.60 9040  
of the Revised Code, except that it does not include the general 9041



assembly or any legislative agency. 9042

(B) Any online subscription purchased by a state agency, 9043  
which in the aggregate exceeds five hundred dollars during the 9044  
fiscal year, is subject to controlling board approval. 9045

**Sec. 125.061.** (A) ~~As used in this section:~~ 9046

~~(1) "Emergency" has the same meaning as defined in section~~ 9047  
~~5502.21 of the Revised Code.~~ 9048

~~(2) "State procurement emergency" means a situation that~~ 9049  
~~creates all of the following:~~ 9050

~~(a) A threat to public health, safety, or welfare;~~ 9051

~~(b) An immediate and serious need for supplies or services~~ 9052  
~~that cannot be met through normal procurement methods required~~ 9053  
~~by state law; and~~ 9054

~~(c) A serious threat of harm to the functioning of state~~ 9055  
~~government, the preservation or protection of property, or the~~ 9056  
~~health or safety of any person.~~ 9057

~~(B) During the period of an emergency, the department of~~ 9058  
~~administrative services may suspend, for the emergency~~ 9059  
~~management agency established in section 5502.22 of the Revised~~ 9060  
~~Code or any other state agency participating in response and~~ 9061  
~~recovery activities as defined in section 5502.21 of the Revised~~ 9062  
~~Code, the purchasing and contracting requirements contained in~~ 9063  
~~Chapter 125. and any requirement of Chapter 153. of the Revised~~ 9064  
~~Code that otherwise would apply to the agency. The director of~~ 9065  
~~public safety or the executive director of the emergency~~ 9066  
~~management agency shall make the request for the suspension of~~ 9067  
~~these requirements to the department of administrative services~~ 9068  
~~concurrently with the request to the governor or the president~~ 9069

of the United States for the declaration of an emergency. The 9070  
governor also shall include in any proclamation the governor 9071  
issues declaring an emergency language requesting the suspension 9072  
of those requirements during the period of the emergency. 9073

~~(C)~~ (B) During the period of a state procurement emergency, 9074  
the department of administrative services may suspend, for any 9075  
state agency, the purchasing and contracting requirements 9076  
contained in Chapter 125. of the Revised Code that would 9077  
otherwise be required of the agency. 9078

(1) The director or administrative head of the state 9079  
agency where the state procurement emergency exists shall 9080  
request the department ~~of administrative services~~ to suspend the 9081  
purchasing and contracting requirements in Chapter 125. of the 9082  
Revised Code. 9083

(2) The request shall include information detailing the 9084  
immediacy of the state procurement emergency and a description 9085  
of the necessary ~~supplies~~ goods or services that cannot be 9086  
timely purchased through normal procurement methods otherwise 9087  
required by state law. 9088

(3) Whenever practical, the agency shall obtain a release 9089  
and permit from the department of administrative services under 9090  
section 125.035 of the Revised Code before making purchases 9091  
under this division. 9092

~~(D)~~ (C) Before any purchase may be made under a suspension 9093  
authorized by this section, the director of administrative 9094  
services shall send notice of the suspension as approved by the 9095  
director to the director of budget and management and to the 9096  
members of the controlling board. The notice shall provide 9097  
details of the request for suspension and shall include a copy 9098

of the director's approval. 9099

~~(E)~~(D) Purchases made by state agencies under this section 9100  
are exempt from the requirements of section 127.16 of the 9101  
Revised Code, except that state agencies making purchases under 9102  
this section shall file a report with the president of the 9103  
controlling board describing all such purchases made by the 9104  
agency during the period covered by the emergency declaration or 9105  
state procurement emergency. The report shall be filed within 9106  
ninety days after the declaration or state procurement emergency 9107  
condition expires. 9108

**Sec. 125.07.** (A) In accordance with rules the director of 9109  
administrative services shall adopt under Chapter 119. of the 9110  
Revised Code, ~~the director of administrative services a state~~ 9111  
agency may make purchases for goods or services by competitive 9112  
sealed bid. The competitive sealed bid, at, and both of the 9113  
following apply: 9114

(1) At a minimum, a solicitation for a competitive sealed 9115  
bid shall contain a detailed description of the ~~supplies goods~~ 9116  
or services to be purchased, the terms and conditions of the 9117  
~~sale purchase, instructions concerning submissions of bid~~ 9118  
responses, and any other information the ~~director department~~ 9119  
considers to be necessary for the intended purchase. 9120

(2) Competitive sealed bids shall be awarded as provided 9121  
in section 125.11 of the Revised Code. 9122

(B) The department of administrative services, in making a 9123  
purchase by competitive sealed bid, shall give notice in the 9124  
following manner: 9125

(1) The department shall advertise the intended purchases 9126  
by notice posted for the benefit of competing persons producing 9127

or dealing in the ~~supplies goods~~ or services to be purchased. 9128  
The notice may be in any electronic form the director ~~of~~ 9129  
~~administrative services~~ considers appropriate to sufficiently 9130  
notify competing persons of the intended purchases. 9131

(2) The notice required under this division shall include 9132  
the time and place where bids will be accepted and opened, or, 9133  
when bids are made in a reverse auction, the time when bids will 9134  
be accepted; the conditions under which bids will be received; 9135  
the terms of the proposed purchases; and an itemized list of the 9136  
~~supplies goods~~ or services to be purchased and the estimated 9137  
quantities or amounts of them. 9138

~~(3) The notice required under this division shall be~~ 9139  
~~posted the number of days preceding the day when the bids will~~ 9140  
~~be opened or accepted that the director determines sufficient to~~ 9141  
~~enable interested bidders to prepare their bids~~ (C) A state 9142  
agency purchasing goods or services by competitive sealed 9143  
bidding shall do so in the manner prescribed by this section and 9144  
in compliance with all applicable laws, rules, and policies of 9145  
the department. 9146

**Sec. 125.071.** (A) In accordance with rules the director of 9147  
administrative services shall adopt under Chapter 119. of the 9148  
Revised Code, the director a state agency may make purchases by 9149  
competitive sealed proposal ~~whenever the director determines~~ 9150  
~~that when~~ the use of competitive sealed bidding is not possible 9151  
or not advantageous to the state-, and both of the following 9152  
apply: 9153

(1) At a minimum, solicitations for competitive sealed 9154  
proposals shall contain a detailed description of the goods or 9155  
services to be purchased, the terms and conditions of the 9156  
purchase, instructions concerning submission of proposals, and 9157

any other information prescribed by rules adopted pursuant to 9158  
this section or that the department of administrative services 9159  
considers necessary. 9160

(2) Competitive sealed solicitations shall be awarded as 9161  
provided in section 125.11 of the Revised Code. 9162

(B) Proposals shall be solicited through a request for 9163  
proposals. The request for proposals shall state the relative 9164  
importance of price and other evaluation factors. Notice of the 9165  
request for proposals shall be given in accordance with rules 9166  
the director shall adopt. 9167

(C) Proposals shall be opened so as to avoid disclosure of 9168  
contents to competing offerors. 9169

~~In order to ensure fair and impartial evaluation,~~ 9170  
~~proposals and related documents submitted in response to a~~ 9171  
~~request for proposals are not available for public inspection~~ 9172  
~~and copying under section 149.43 of the Revised Code until after~~ 9173  
~~the award of the contract.~~ 9174

(D) As provided in the request for proposals, and under 9175  
rules the director shall adopt, discussions may be conducted 9176  
with responsible offerors who submit proposals determined to be 9177  
reasonably susceptible of being selected for award for the 9178  
purpose of ensuring full understanding of, and responsiveness 9179  
to, solicitation requirements. Offerors shall be accorded fair 9180  
and equal treatment with respect to any opportunity for 9181  
discussion regarding any clarification, correction, or revision 9182  
of proposals. No disclosure of any information derived from 9183  
proposals submitted by competing offerors shall occur when 9184  
discussions are conducted. 9185

(E) ~~Award~~ Awards may be made to the offerors whose 9186

proposals are determined to be the most advantageous to this 9187  
state, taking into consideration factors such as price and the 9188  
evaluation criteria set forth in the request for proposals. The 9189  
contract file shall contain the basis on which the award is 9190  
made. 9191

(F) All proposals shall be submitted through and opened in 9192  
the electronic procurement system established by the department 9193  
under section 125.073 of the Revised Code. Proposals received 9194  
after the due date and time specified in the solicitation shall 9195  
be considered nonresponsive. 9196

(G) A state agency purchasing goods and services by 9197  
competitive sealed proposal shall do so in the manner prescribed 9198  
by this section and in compliance with all applicable laws, 9199  
rules, and policies of the department. 9200

**Sec. 125.072.** (A) As used in this section, "reverse 9201  
auction" means a purchasing process in which ~~offerers~~ 9202  
prequalified bidders submit bids in competing to sell goods or 9203  
services or supplies in an open environment via the internet with 9204  
an award being made to the lowest responsive and responsible 9205  
bidder. 9206

(B) ~~Whenever the~~ The director of administrative services\_ 9207  
may purchase goods or services by reverse auction, in accordance 9208  
with rules the director shall adopt under Chapter 119. of the 9209  
Revised Code, whenever the director determines that the use of a 9210  
reverse auction is advantageous to the state, the director, in 9211  
accordance with rules the director shall adopt, may purchase 9212  
services or supplies by reverse auction. 9213

(C) The director, by rule, may authorize a state agency 9214  
that ~~is~~ has been authorized by the department to purchase goods 9215

~~or services or supplies~~ directly to purchase them by reverse 9216  
auction in the same manner as this section and the rules adopted 9217  
under this section authorize the director to do ~~so~~. 9218

**Sec. 125.073.** (A) The department of administrative 9219  
services shall actively promote and accelerate the use of 9220  
electronic procurement, including reverse auctions as defined by 9221  
section 125.072 of the Revised Code, when exercising its 9222  
statutory powers. 9223

~~Beginning July 1, 2004, the department shall annually~~ (B) 9224  
Annually, on or before the first day of July, the department 9225  
shall provide a report to the committees in each house of the 9226  
general assembly dealing with finance indicating the 9227  
effectiveness of electronic procurement. 9228

(C) The department shall establish and maintain a single 9229  
searchable web site, accessible by the public at no cost, that 9230  
includes all of the following information for goods or services 9231  
purchased by the state: 9232

(1) The name of the entity receiving the award; 9233

(2) The anticipated amount of the award; 9234

(3) Information on the award, the agency or other 9235  
instrumentality of the state that is providing the award, and 9236  
the commodity code; 9237

(4) Any other relevant information determined by the 9238  
department. 9239

(D) The department's electronic procurement system may be 9240  
used to meet the requirements of division (C) of this section. 9241  
State awards shall be publicly posted within thirty days after 9242  
being made. 9243

(E) Nothing in this section shall be construed as 9244  
requiring the disclosure of information that is not a public 9245  
record under section 149.43 of the Revised Code. 9246

**Sec. 125.09.** (A) Pursuant to sections 125.07, 125.071, and 9247  
125.072 of the Revised Code, the department of administrative 9248  
services may prescribe such conditions under which competitive 9249  
sealed bids, competitive sealed proposals, and bids in reverse 9250  
auctions will be received and terms of the proposed purchase as 9251  
it considers necessary; provided, that all such conditions and 9252  
terms shall be reasonable and shall not unreasonably restrict 9253  
competition, and bidders may bid and offerors may propose upon 9254  
all or any item of the ~~products~~goods or services listed in such 9255  
notice. Those bidders and offerors claiming the preference 9256  
outlined in this chapter shall designate in their bid or offer 9257  
whether the product is mined, excavated, produced, manufactured, 9258  
raised, or grown in the United States and is either a Buy Ohio 9259  
product or that the product or service is provided by a bidder 9260  
or offeror that qualifies as having a significant economic 9261  
presence in the state or a state bordering Ohio, under the rules 9262  
established by the director of administrative services, and 9263  
whether the bidder or offeror is a certified veteran-friendly 9264  
business enterprise under section 122.925 of the Revised Code. 9265

(B) The director of administrative services shall, by rule 9266  
adopted pursuant to Chapter 119. of the Revised Code, prescribe 9267  
criteria and procedures for use by all state agencies in giving 9268  
preference under this section as required by division (B) of 9269  
section 125.11 of the Revised Code. The rules shall extend to: 9270

(1) Criteria for determining that a product is mined, 9271  
excavated, produced, manufactured, raised, or grown in the 9272  
United States rather than in another country or territory; 9273



(2) Criteria for determining that a product is a Buy Ohio product;	9274
	9275
(3) Information to be submitted by bidders or offerors as to the nature of a product and the location where it is mined, excavated, produced, manufactured, raised, or grown;	9276
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(4) Criteria and procedures to be used by the director to qualify bidders or offerors located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons located in Ohio selling <del>products</del> <u>goods</u> or services to agencies of that state. The criteria and procedures shall also provide that a non-Ohio business shall not bid on a contract for state printing in this state if the business is located in a state that excludes Ohio businesses from bidding on state printing contracts in that state.	9279
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(5) Criteria and procedures to be used to qualify bidders and offerors whose manufactured <del>products</del> <u>goods</u> , except for mined products, are produced in other states or in North America, but the bidders or offerors have a significant Ohio economic presence in terms of the number of employees or capital investment a bidder or offeror has in this state. Bidders and offerors with a significant Ohio economic presence shall qualify for award of a contract on the same basis as if their <del>products</del> <u>goods</u> were produced in this state or as if the bidder or offeror	9295
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was domiciled in this state. 9304

(6) Criteria and procedures for the director to grant 9305  
waivers of the requirements of division (B) of section 125.11 of 9306  
the Revised Code on a contract-by-contract basis where 9307  
compliance with those requirements would not be in the best 9308  
interest of the state or is otherwise prohibited; 9309

(7) Criteria for applying a preference to bids and offers 9310  
received from a certified veteran-friendly business enterprise; 9311

(8) Such other requirements or procedures reasonably 9312  
necessary to implement the system of preferences established 9313  
pursuant to division (B) of section 125.11 of the Revised Code. 9314

In adopting the rules required under this division, the 9315  
director shall, to the maximum extent possible, conform to the 9316  
requirements of the federal "Buy American Act," 41 U.S.C. 8301- 9317  
8305, as amended, and to the regulations adopted thereunder. 9318

**Sec. 125.091.** (A) As used in this section ~~and sections~~ 9319  
~~125.092 and 125.093 of the Revised Code:~~ 9320

~~(A)(1)~~ "Agricultural materials" means agricultural-based 9321  
materials or residues, including plant, animal, and marine 9322  
materials or residues, used in the manufacture of commercial or 9323  
industrial nonfood products. 9324

~~(B)(2)~~ "Biobased product" means a product, other than food 9325  
or feed, determined by the secretary of the United States 9326  
secretary department of agriculture (USDA) to be ~~a commercial or~~ 9327  
~~industrial product, other than food or feed, that is composed,~~ 9328  
~~in whole or significant part,~~ of the minimum biobased content as 9329  
defined by the USDA biopreferred program of biological products, 9330  
forestry materials, or renewable domestic agricultural 9331  
~~materials, or forestry material, or is an intermediate~~ 9332

~~ingredient or feedstock~~including plant, animal, or marine  
materials. 9333  
9334

~~(C)~~(3) "Biological products" means products derived from 9335  
living materials other than agricultural or forestry materials. 9336

~~(D)~~(4) "Designated item" means a ~~generic grouping category~~ 9337  
of biobased products ~~identified in subpart B, 7 C.F.R. 2902.10-~~ 9338  
~~to 2902.42~~designated by the USDA biopreferred program. 9339

~~(E)~~(5) "Forest thinnings" means woody materials removed 9340  
from a dense forest to improve growth, enhance forest health, or 9341  
remove trees to recover potential mortality. 9342

~~(F)~~(6) "Forestry materials" means materials derived from 9343  
the practice of planting and caring for forests and the 9344  
management of growing timber where such materials come from 9345  
short-rotation woody crops that are less than ten years old, 9346  
sustainably managed forests, wood residues, or forest thinnings. 9347

~~(G)~~(7) "Intermediate ingredient or feedstock" means a 9348  
material or compound made, in whole or in significant part, from 9349  
biological products, renewable agricultural materials, or 9350  
forestry materials that are subsequently used to make a more 9351  
complex compound or product. 9352

~~(H)~~(8) "Sustainably managed forests" means the practice of 9353  
land stewardship that integrates the reforestation, management, 9354  
growing, nurturing, and harvesting of trees for useful products 9355  
while conserving soil and improving air and water quality, 9356  
wildlife, fish habitat, and aesthetics. 9357

(B) The department of administrative services, state 9358  
agencies, and state institutions of higher education shall 9359  
purchase biobased products in accordance with this section, 9360  
sections 125.01 to 125.11 of the Revised Code, and rules 9361

established by the director of administrative services in 9362  
accordance with Chapter 119. of the Revised Code. 9363

(C) Excluding motor vehicle fuel, heating oil, and 9364  
electricity, to qualify as a biobased product, a product shall 9365  
be an item designated by the United States department of 9366  
agriculture as either qualifying for mandatory federal 9367  
purchasing or being certified through the federal voluntary 9368  
labeling initiative. 9369

(1) For any biobased product being offered to a state 9370  
agency or state institution of higher education, a supplier 9371  
shall provide information to the state agency or state 9372  
institution of higher education certifying that the product 9373  
meets one or both requirements of this division. 9374

(2) When purchasing biobased products, a state institution 9375  
of higher education shall purchase United States department of 9376  
agriculture designated items in accordance with procedures 9377  
established by the institution. 9378

(D) By not later than December 30, 2025, the department of 9379  
administrative services shall prepare and submit to the 9380  
governor, the president of the senate, and the speaker of the 9381  
house of representatives an annual report on the effectiveness 9382  
of the biobased products preference program. 9383

**Sec. 125.11.** (A) Subject to division (B) of this section, 9384  
contracts awarded pursuant to a reverse auction under section 9385  
125.072 of the Revised Code or pursuant to competitive sealed 9386  
bidding, including contracts awarded under section 125.081 of 9387  
the Revised Code, shall be awarded to the lowest responsive and 9388  
responsible bidder in accordance with section 9.312 of the 9389  
Revised Code, and contracts awarded pursuant to a competitive 9390

sealed proposal shall be awarded to the offeror determined to be 9391  
the most advantageous to this state. 9392

(B) Prior to awarding a contract under division (A) of 9393  
this section, the department of administrative services or the 9394  
state agency responsible for evaluating a contract for the 9395  
purchase of ~~products~~goods or services shall evaluate the bids 9396  
and offers received according to the criteria and procedures 9397  
established pursuant to division (B) of section 125.09 of the 9398  
Revised Code for determining if a product is mined, excavated, 9399  
produced, manufactured, raised, or grown in the United States, 9400  
in this state, or in a state bordering Ohio, whether the bid or 9401  
offer was received from a Buy Ohio supplier, and whether the bid 9402  
or offer was received from a certified veteran-friendly business 9403  
enterprise. These requirements shall be applied where sufficient 9404  
competition can be generated to ensure that compliance with 9405  
these requirements will be in the best interest of the state 9406  
unless otherwise prohibited. 9407

(C) In order to ensure fair and impartial evaluation, 9408  
materials relating to a solicitation through competitive 9409  
selection shall not be considered public records under section 9410  
149.43 of the Revised Code until after the award of the contract 9411  
based on the competitive selection. If all bids or proposals 9412  
received in response to a solicitation through competitive 9413  
selection are rejected, and notice is provided of an intent to 9414  
reissue the solicitation through competitive selection, the 9415  
materials relating to the original solicitation and the 9416  
materials relating to the reissued solicitation shall not be 9417  
considered public records under section 149.43 of the Revised 9418  
Code until after the award of the contract based on the reissued 9419  
solicitation through competitive selection. 9420

(D) Division (B) of this section applies to contracts for 9421  
which competitive selection is waived by the controlling board. 9422

~~(D)~~(E) Division (B) of this section does not apply to the 9423  
purchase by the division of liquor control of spirituous liquor. 9424

**Sec. 125.111.** ~~(A)~~ Every contract for or on behalf of the 9425  
state or any of its political subdivisions for any purchase 9426  
shall contain provisions similar to those required by section 9427  
153.59 of the Revised Code in the case of construction contracts 9428  
by which the contractor agrees to both of the following: 9429

~~(1)~~(A) That, in the hiring of employees for the 9430  
performance of work under the contract or any subcontract, no 9431  
contractor or subcontractor, by reason of race, color, religion, 9432  
sex, age, disability or military status as defined in section 9433  
4112.01 of the Revised Code, national origin, or ancestry, shall 9434  
discriminate against any citizen of this state in the employment 9435  
of a person qualified and available to perform the work to which 9436  
the contract relates; 9437

~~(2)~~(B) That no contractor, subcontractor, or person acting 9438  
on behalf of any contractor or subcontractor, in any manner, 9439  
shall discriminate against, intimidate, or retaliate against any 9440  
employee hired for the performance of work under the contract on 9441  
account of race, color, religion, sex, age, disability or 9442  
military status as defined in section 4112.01 of the Revised 9443  
Code, national origin, or ancestry. 9444

~~(B) All contractors from whom the state or any of its~~ 9445  
~~political subdivisions make purchases shall have a written~~ 9446  
~~affirmative action program for the employment and effective~~ 9447  
~~utilization of economically disadvantaged persons, as referred~~ 9448  
~~to in division (E)(1) of section 122.71 of the Revised Code.~~ 9449

~~Annually, each such contractor shall file a description of the~~ 9450  
~~affirmative action program and a progress report on its~~ 9451  
~~implementation with the department of development.~~ 9452

**Sec. 125.13.** (A) As used in this section: 9453

(1) "Emergency medical service organization" has the same 9454  
meaning as in section 4765.01 of the Revised Code. 9455

(2) "Private fire company" has the same meaning as in 9456  
section 9.60 of the Revised Code. 9457

(B) Whenever a state agency has excess or surplus 9458  
supplies, it shall notify the director of administrative 9459  
services. On forms provided by the director, the state agency 9460  
shall furnish to the director a list of its excess and surplus 9461  
supplies, including the location of the supplies and whether the 9462  
supplies are currently in the agency's control. 9463

(C) Upon receipt of notification and at no cost to the 9464  
state agency, the director of administrative services shall make 9465  
arrangements for their disposition and shall take immediate 9466  
control of a state agency's excess and surplus supplies, except 9467  
for the following excess and surplus supplies: 9468

(1) Excess or surplus supplies that have a value below the 9469  
minimum value that the director establishes for excess and 9470  
surplus supplies under division (F) of this section; 9471

(2) Excess or surplus supplies that the director has 9472  
authorized an agency to donate to a governmental agency, 9473  
including, but not limited to, public schools and surplus 9474  
computers and computer equipment transferred to a public school 9475  
under division (G) of this section; 9476

(3) Excess or surplus supplies that an agency trades in as 9477

full or partial payment when purchasing a replacement item;	9478
(4) Hazardous property;	9479
(5) Excess or surplus supplies that the director has authorized to be part of an interagency transfer;	9480 9481
(6) Excess or surplus supplies that are donated under division (H) of this section.	9482 9483
(D) The director shall inventory excess and surplus supplies in the director's control and post on a public web site a list of the supplies available for acquisition. The director may have the supplies repaired. The director shall not charge a fee for the collection or transportation of excess and surplus supplies.	9484 9485 9486 9487 9488 9489
(E) The director may do any of the following:	9490
(1) Dispose of declared surplus or excess supplies in the director's control by sale, lease, donation, or transfer. If the director does so, the director shall dispose of those supplies in any of the following manners:	9491 9492 9493 9494
(a) To state agencies or by interagency trade;	9495
(b) To state-supported or state-assisted institutions of higher education;	9496 9497
(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations;	9498 9499 9500 9501
(d) To nonpublic elementary and secondary schools chartered by the department of education and workforce under section 3301.16 of the Revised Code;	9502 9503 9504



(e) To a nonprofit organization that is both exempt from 9505  
federal income taxation under 26 U.S.C. 501(a) and (c) (3) and 9506  
that ~~receives funds from the state or has a contract~~ is 9507  
registered and in good standing with the secretary of state as a 9508  
domestic nonprofit or not-for-profit corporation; 9509

(f) To the general public by auction, sealed bid, sale, or 9510  
negotiation. 9511

(2) If the director has attempted to dispose of any 9512  
declared surplus or excess motor vehicle that does not exceed 9513  
four thousand five hundred dollars in value pursuant to 9514  
divisions (E) (1) (a) to (c) of this section, donate the motor 9515  
vehicle to a nonprofit organization exempt from federal income 9516  
taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose 9517  
of meeting the transportation needs of participants in the Ohio 9518  
works first program established under Chapter 5107. of the 9519  
Revised Code and participants in the prevention, retention, and 9520  
contingency program established under Chapter 5108. of the 9521  
Revised Code. The director may not donate a motor vehicle 9522  
furnished to the state highway patrol to a nonprofit 9523  
organization pursuant to this division. 9524

(F) The director may adopt rules governing the sale, 9525  
lease, or transfer of surplus and excess supplies in the 9526  
director's control by public auction, sealed bid, sale, or 9527  
negotiation, except that no employee of the disposing agency 9528  
shall be allowed to purchase, lease, or receive any such 9529  
supplies. The director may dispose of declared surplus or excess 9530  
supplies, including motor vehicles, in the director's control as 9531  
the director determines proper if such supplies cannot be 9532  
disposed of pursuant to division (E) of this section. The 9533  
director shall by rule establish a minimum value for excess and 9534

surplus supplies and prescribe procedures for a state agency to 9535  
follow in disposing of excess and surplus supplies in its 9536  
control that have a value below the minimum value established by 9537  
the director. 9538

(G) The director of administrative services may authorize 9539  
any state agency to transfer surplus computers and computer 9540  
equipment that are not needed by other state agencies directly 9541  
to an accredited public school within the state. The computers 9542  
and computer equipment may be repaired or refurbished prior to 9543  
transfer. The state agency may charge a service fee to the 9544  
public schools for the property not to exceed the direct cost of 9545  
repairing or refurbishing it. The state agency shall deposit 9546  
such funds into the account used for repair or refurbishment. 9547

(H) Excess and surplus supplies of food shall be exempt 9548  
from this section and may be donated directly to nonprofit food 9549  
pantries and institutions without notification to the director 9550  
of administrative services. 9551

**Sec. 125.18.** (A) There is hereby established the office of 9552  
information technology within the department of administrative 9553  
services. The office shall be under the supervision of a state 9554  
chief information officer to be appointed by the director of 9555  
administrative services and subject to removal at the pleasure 9556  
of the director. The chief information officer is an assistant 9557  
director of administrative services. 9558

(B) Under the direction of the director of administrative 9559  
services, the state chief information officer shall lead, 9560  
oversee, and direct state agency activities related to 9561  
information technology development and use. In that regard, the 9562  
state chief information officer shall do all of the following: 9563

(1) Coordinate and superintend statewide efforts to 9564  
promote common use and development of technology by state 9565  
agencies. The office of information technology shall establish 9566  
policies and standards that govern and direct state agency 9567  
participation in statewide programs and initiatives. 9568

(2) Coordinate with the office of procurement services to 9569  
establish policies and standards for state agency acquisition of 9570  
information technology ~~supplies~~ goods and services; 9571

(3) Establish policies and standards for the use of common 9572  
information technology by state agencies, including, but not 9573  
limited to, hardware, software, technology services, and 9574  
security, and the extension of the service life of information 9575  
technology systems, with which state agencies shall comply; 9576

(4) Establish criteria and review processes to identify 9577  
state agency information technology projects or purchases that 9578  
require alignment or oversight. As appropriate, the department 9579  
of administrative services shall provide the governor and the 9580  
director of budget and management with notice and advice 9581  
regarding the appropriate allocation of resources for those 9582  
projects. The state chief information officer may require state 9583  
agencies to provide, and may prescribe the form and manner by 9584  
which they must provide, information to fulfill the state chief 9585  
information officer's alignment and oversight role; 9586

(5) Establish policies and procedures for the security of 9587  
personal information that is maintained and destroyed by state 9588  
agencies; 9589

(6) Employ a chief information security officer who is 9590  
responsible for the implementation of the policies and 9591  
procedures described in division (B)(5) of this section and for 9592

coordinating the implementation of those policies and procedures 9593  
in all of the state agencies; 9594

(7) Employ a chief privacy officer who is responsible for 9595  
advising state agencies when establishing policies and 9596  
procedures for the security of personal information and 9597  
developing education and training programs regarding the state's 9598  
security procedures; 9599

(8) Establish policies on the purchasing, use, and 9600  
reimbursement for use of handheld computing and 9601  
telecommunications devices by state agency employees; 9602

(9) Establish policies for the reduction of printing and 9603  
for the increased use of electronic records by state agencies; 9604

(10) Establish policies for the reduction of energy 9605  
consumption by state agencies; 9606

(11) Compute the amount of revenue attributable to the 9607  
amortization of all equipment purchases and capitalized systems 9608  
from information technology service delivery and major 9609  
information technology purchases, MARCS administration, and 9610  
enterprise applications operating appropriation items and major 9611  
computer purchases capital appropriation items that is recovered 9612  
as part of the information technology services rates the 9613  
department of administrative services charges and deposits into 9614  
the information technology fund created in section 125.15 of the 9615  
Revised Code, and the user fees the department of administrative 9616  
services charges and deposits in the MARCS administration fund 9617  
created in section 4501.29 of the Revised Code, the rates the 9618  
department of administrative services charges to benefiting 9619  
agencies for the operation and management of information 9620  
technology applications and deposits in the enterprise 9621

applications fund. The enterprise applications fund is hereby 9622  
created in the state treasury. 9623

(12) Regularly review and make recommendations regarding 9624  
improving the infrastructure of the state's cybersecurity 9625  
operations with existing resources and through partnerships 9626  
between government, business, and institutions of higher 9627  
education; 9628

(13) Assist, as needed, with general state efforts to grow 9629  
the cybersecurity industry in this state. 9630

(C) (1) The chief information security officer shall assist 9631  
each state agency with the development of an information 9632  
technology security strategic plan and review that plan, and 9633  
each state agency shall submit that plan to the state chief 9634  
information officer. The chief information security officer may 9635  
require that each state agency update its information technology 9636  
security strategic plan annually as determined by the state 9637  
chief information officer. 9638

(2) Prior to the implementation of any information 9639  
technology data system, a state agency shall prepare or have 9640  
prepared a privacy impact statement for that system. 9641

(D) When a state agency requests a purchase of information 9642  
technology ~~supplies~~ goods or services under Chapter 125. of the 9643  
Revised Code, the state chief information officer may review and 9644  
reject the requested purchase for noncompliance with information 9645  
technology direction, plans, policies, standards, or project- 9646  
alignment criteria. 9647

(E) The office of information technology may operate 9648  
technology services for state agencies in accordance with this 9649  
chapter. 9650

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee on each license or registration issued as part of an electronic licensing system operated by the office in an amount determined by the office not to exceed three dollars and fifty cents. The transaction fee shall apply to all transactions, regardless of form, that immediately precede the issuance, renewal, reinstatement, reactivation of, or other activity that results in, a license or registration to operate as a regulated professional or entity. Each license or registration is a separate transaction to which a fee under this division applies. Notwithstanding any provision of the Revised Code to the contrary, if a fee is assessed under this section, no agency, board, or commission shall issue a license or registration unless a fee required by this division has been received. The director of administrative services may collect the fee or require a state agency, board, or commission for which the system is being operated to collect the fee. Amounts received under this division shall be deposited in or transferred to the occupational licensing and regulatory fund created in section 4743.05 or the Revised Code.

(F) With the approval of the director of administrative services, the office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects.

(G) The office of information technology may operate a program to make information technology purchases. The director of administrative services may recover the cost of operating the program from all participating government entities by issuing

intrastate transfer voucher billings for the procured technology 9682  
or through any pass-through billing method agreed to by the 9683  
director of administrative services, the director of budget and 9684  
management, and the participating government entities that will 9685  
receive the procured technology. 9686

If the director of administrative services chooses to 9687  
recover the program costs through intrastate transfer voucher 9688  
billings, the participating government entities shall process 9689  
the intrastate transfer vouchers to pay for the cost. Amounts 9690  
received under this section for the information technology 9691  
purchase program shall be deposited to the credit of the 9692  
information technology governance fund created in section 125.15 9693  
of the Revised Code. 9694

(H) Upon request from the director of administrative 9695  
services, the director of budget and management may transfer 9696  
cash from the information technology fund created in section 9697  
125.15 of the Revised Code, the MARCS administration fund 9698  
created in section 4501.29 of the Revised Code, or the 9699  
enterprise applications fund created in division (B)(11) of this 9700  
section to the major information technology purchases fund in an 9701  
amount not to exceed the amount computed under division (B)(11) 9702  
of this section. The major information technology purchases fund 9703  
is hereby created in the state treasury. 9704

(I) As used in this section: 9705

~~(1) "Personal information" has the same meaning as in 9706  
section 149.45 of the Revised Code. 9707~~

~~(2) "State, "state agency" means every organized body, 9708  
office, or agency established by the laws of the state for the 9709  
exercise of any function of state government, other than any 9710~~

state-supported institution of higher education, the office of 9711  
the auditor of state, treasurer of state, secretary of state, or 9712  
attorney general, the adjutant general's department, the bureau 9713  
of workers' compensation, the industrial commission, the public 9714  
employees retirement system, the Ohio police and fire pension 9715  
fund, the state teachers retirement system, the school employees 9716  
retirement system, the state highway patrol retirement system, 9717  
the general assembly or any legislative agency, the capitol 9718  
square review advisory board, or the courts or any judicial 9719  
agency. 9720

**Sec. 125.183.** (A) As used in this section: 9721

(1) ~~"Covered application" means all of the following:~~ 9722

~~(a) The TikTok application and service or any successor 9723  
application or service developed or provided by ByteDance 9724  
limited or an entity owned by ByteDance limited;~~ 9725

~~(b) The WeChat application and service or any successor 9726  
application or service developed or provided by Tencent holdings 9727  
limited or an entity owned by Tencent holdings limited;~~ 9728

~~(c) Any application or service owned by an entity located 9729  
in China, including QQ International (QQi), Qzone, Weibo, Xiao- 9730  
HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian- 9731  
Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little- 9732  
Red Book, and Zhihu any application owned or controlled, directly 9733  
or indirectly, by an entity identified as a foreign adversary as 9734  
defined in 15 C.F.R. 791.2. 9735~~

(2) "State agency" means every organized body, office, or 9736  
agency established by the laws of this state for the exercise of 9737  
any function of state government, other than any state-supported 9738  
institution of higher education, the courts, or any judicial 9739



agency. "State agency" includes the general assembly, any 9740  
legislative agency, and the capitol square review and advisory 9741  
board. 9742

(B) Subject to division (C) of this section, the state 9743  
chief information officer shall do all of the following: 9744

(1) Require state agencies immediately to remove any 9745  
covered application from all equipment they own or lease; 9746

(2) Prohibit all of the following on equipment owned or 9747  
leased by a state agency: 9748

(a) The downloading, installation, or use of a covered 9749  
application; 9750

(b) The downloading, installation, or use of a covered 9751  
application using an internet connection provided by a state 9752  
agency; 9753

(c) The downloading, installation, or use of a covered 9754  
application by any officer, employee, or contractor of a state 9755  
agency. 9756

(3) Require state agencies to take measures to prevent the 9757  
downloading, installation, or use of a covered application as 9758  
described in division (B) (2) of this section. 9759

(C) Division (B) of this section shall include exceptions 9760  
to allow a qualified person to download, install, or use a 9761  
covered application for law enforcement or security purposes, so 9762  
long as the person takes appropriate measures to mitigate the 9763  
security risks involved in doing so. 9764

**Sec. 125.31.** (A) The department of administrative services 9765  
shall have supervision of all public printing except as follows: 9766

(1) Printing for the general assembly shall be the sole responsibility of the clerk of the senate and the clerk of the house of representatives unless the clerk of the senate or the clerk of the house of representatives chooses either of the options specified in section 101.523 or 101.524 of the Revised Code.

(2) Printing for the Ohio arts council shall be under the supervision of the council.

(3) Printing for the capitol square review and advisory board shall be under the supervision of the board.

(4) Printing for state-supported institutions of higher education shall be under the supervision of the department of purchasing of each such institution or the department or officer within each institution that performs the functions of a department of purchasing.

(B) The department of administrative services shall determine, except as otherwise specifically provided by law, the number of copies to be printed of each publication or document, the source of reproduction, the manner of binding, quality of paper, the general kind, size, and spacing of type to be used in all reports, publications, bulletins, documents, or pamphlets printed at public expense.

The department shall not use its authority to curtail the release of public information by any elected state official.

~~(C) For the purposes of sections 125.31 to 125.76 of the Revised Code, all functions, powers, and duties assigned to the department of administrative services are considered to be assigned to the division of state printing within the department of administrative services~~ Division (B) of this section does not

apply to printing contracts requiring special security paper, of 9796  
a unique nature, if compliance will result in acquiring a 9797  
disproportionately inferior product or a price that exceeds by 9798  
more than five per cent the lowest price submitted on a non-Ohio 9799  
bid. 9800

**Sec. 125.42.** (A) No agency, officer, board, or commission, 9801  
except the clerk of the senate and the clerk of the house of 9802  
representatives, shall print or cause to be printed at the 9803  
public expense, any report, bulletin, document, or pamphlet, 9804  
unless such report, bulletin, document, or pamphlet is first 9805  
submitted to, and the printing thereof approved by, the 9806  
department of administrative services. If the department 9807  
approves the printing, it shall determine the form of such 9808  
printing and the number of copies. 9809

If such approval is given, the department shall cause the 9810  
same to be printed and bound ~~as provided by sections 125.49,~~ 9811  
~~125.51, and 125.56 of the Revised Code, except as otherwise~~ 9812  
~~provided by section 125.45 of the Revised Code;~~ and when 9813  
printed, such publications or forms shall be delivered to the 9814  
ordering officer, board, commission, or department, or sold at a 9815  
price not to exceed the total cost. 9816

(B) The department of administrative services annually 9817  
shall set a maximum cost per page and a maximum total cost for 9818  
the printing by any board, commission, council, or other public 9819  
body of the state of any annual report or any other report that 9820  
it is required by law to produce. No board, commission, council, 9821  
or other public body of the state shall expend or incur the 9822  
expenditure of any amount in excess of these maximum amounts 9823  
without the prior approval of the department. This division does 9824  
not apply to the general assembly or any court. 9825

**Sec. 125.58.** ~~The department of administrative services~~ 9826  
~~shall promptly notify each successful offeror of the acceptance~~ 9827  
~~of the offeror's bid or proposal for state printing. If such~~ 9828  
~~offeror fails to execute the contract because of death or other~~ 9829  
~~cause, or if the offeror fails to execute the work required by~~ 9830  
~~the contract in a proper manner and with reasonable promptness,~~ 9831  
~~or the contract is abandoned, or its execution is temporarily~~ 9832  
~~suspended, the department may enter into a contract with another~~ 9833  
~~person for the prompt execution of the work for the lowest price~~ 9834  
~~which may be obtained. Before any work is relet in consequence~~ 9835  
~~of the misconduct or default of the contractor, the department~~ 9836  
~~shall give the contractor written notice thereof. The department~~ 9837  
of administrative services may set a daily penalty charge for 9838  
late orders, provided the penalty schedule and amount are stated 9839  
in the invitation to bid or request for proposals for the 9840  
printing. 9841

**Sec. 125.601.** (A) The director of administrative services 9842  
shall establish the ~~office of procurement from~~ community 9843  
~~rehabilitation programs program~~ within the procurement office of 9844  
~~the department of administrative services.~~ The director shall 9845  
designate an employee of the department to serve as 9846  
administrator of the ~~office~~program and shall adopt rules in 9847  
accordance with Chapter 119. of the Revised Code for the 9848  
effective and efficient administration of the program. 9849

(B) The community rehabilitation program shall do all of 9850  
the following: 9851

(1) Establish procedures by which a nonprofit agency may 9852  
apply for certification as a community rehabilitation program; 9853

(2) Establish criteria and procedures for the department 9854  
to use to determine if a nonprofit agency qualifies for the 9855

<u>community rehabilitation program;</u>	9856
<u>(3) Negotiate and enter into contractual agreements with</u>	9857
<u>qualified nonprofit agencies;</u>	9858
<u>(4) Establish, maintain, and periodically update a list of</u>	9859
<u>approved goods and services available from contracted qualified</u>	9860
<u>nonprofit agencies, and attempt to establish fair market pricing</u>	9861
<u>for each of the items on this list;</u>	9862
<u>(5) Monitor the procurement practices of state agencies to</u>	9863
<u>ensure compliance with this section and section 125.035 of the</u>	9864
<u>Revised Code;</u>	9865
<u>(6) Waive purchasing requirements for state agencies</u>	9866
<u>pursuant to section 125.035 of the Revised Code;</u>	9867
<u>(7) Structure or regulate competition among qualified</u>	9868
<u>nonprofit agencies for the overall benefit of the program.</u>	9869
<u>(C) Contracts established by the department and purchases</u>	9870
<u>made under this section are not subject to the competitive</u>	9871
<u>selection requirements of sections 125.05, 125.07, 125.071, and</u>	9872
<u>125.072 of the Revised Code.</u>	9873
<u>(D) Purchases made by state agencies under this section</u>	9874
<u>shall be made pursuant to section 125.035 of the Revised Code.</u>	9875
<u>(E) Goods and services available from qualified nonprofit</u>	9876
<u>agencies shall be purchased at the fair market value established</u>	9877
<u>by the department.</u>	9878
<u>(1) If a fair market value has not been established,</u>	9879
<u>government ordering offices may negotiate purchase pricing with</u>	9880
<u>the qualified nonprofit agencies offering the needed goods or</u>	9881
<u>services.</u>	9882

(2) The department may accept a purchase price negotiated 9883  
between a government ordering office and a qualified nonprofit 9884  
agency as the fair market price for goods or services. 9885

(F) The department may assess an administrative fee to all 9886  
government ordering offices purchasing goods and services from 9887  
qualified nonprofit agency contracts. At the department's 9888  
discretion, this fee may either be billed directly to the 9889  
government ordering offices or collected by qualified nonprofit 9890  
agencies that will remit them to the department. 9891

(1) Any administrative fees collected and remitted by 9892  
qualified nonprofit agencies shall be considered allowable 9893  
expenses in addition to the product fair market price. 9894

(2) Fees collected shall be deposited in the state 9895  
treasury to the credit of the general services fund created 9896  
under section 125.15 of the Revised Code. 9897

(G) Nothing in this section shall be construed to prohibit 9898  
the purchase of goods or services from a qualified nonprofit 9899  
agency by a political subdivision that is not a government 9900  
ordering office. 9901

(1) Purchases made under this section by a political 9902  
subdivision, as defined in section 125.04 of the Revised Code, 9903  
are exempt from any competitive selection procedures otherwise 9904  
required by law. Purchases under this section shall be made from 9905  
qualified nonprofit agencies or their approved agents. 9906

(2) A political subdivision may not purchase under 9907  
division (C) of section 125.04 of the Revised Code, goods or 9908  
services included on the list established by the department 9909  
pursuant to division (B) (4) of this section. 9910

(H) The department of administrative services, on its own 9911

or pursuant to a request from a government ordering office, may 9912  
release a government ordering office from compliance with this 9913  
section if either of the following apply: 9914

(1) The department determines that compliance is not 9915  
possible or not advantageous to the government ordering office; 9916

(2) Conditions prescribed in rules adopted under this 9917  
section for granting a release are met. 9918

(I) Releases granted under division (H) of this section 9919  
shall be in writing and shall specify the goods or services to 9920  
which it applies, the period of time during which it is 9921  
effective, and the reason for which it is granted. 9922

(J) Government ordering offices and qualified nonprofit 9923  
agencies shall provide the necessary information and 9924  
documentation requested by the department to enable the 9925  
effective administration of the community rehabilitation 9926  
program. 9927

(K) Not later than the thirtieth day of December, the 9928  
department shall prepare and submit to the governor, the 9929  
president of the senate, and the speaker of the house of 9930  
representatives, an annual report that identifies the number, 9931  
types, and costs of purchases made by government ordering 9932  
offices from qualified nonprofit agencies during the prior 9933  
fiscal year. 9934

**Sec. 126.024.** Beginning with the state budget that is 9935  
introduced following the effective date of this section, and 9936  
subsequent state budgets thereafter, the director of budget and 9937  
management, in consultation with the medicaid director, shall 9938  
request and propose multiple medicaid health care services 9939  
general revenue fund appropriation items. At a minimum, the 9940

directors shall propose a separate general revenue fund 9941  
appropriation item for the different health care services 9942  
included in the medicaid program, including all of the 9943  
following: 9944

(A) Services provided under the care management system; 9945

(B) Nursing facility services; 9946

(C) Hospital services; 9947

(D) Behavioral health services; 9948

(E) Services provided under medicaid waiver components 9949  
administered by the department of aging; 9950

(F) Prescription drug services; 9951

(G) Physician services; 9952

(H) Services provided under the Ohio home care waiver 9953  
program; 9954

(I) Any other medicaid health care services that the 9955  
directors determine should have a separate general revenue fund 9956  
appropriation item. 9957

**Sec. 126.10.** (A) For the purposes of this section: 9958

(1) "Agency" has the same meaning as in section 111.15 of 9959  
the Revised Code. 9960

(2) "State program" means any program, initiative, or 9961  
service administered or overseen by an agency. 9962

(B) Notwithstanding any provision of law to the contrary 9963  
or any rules adopted under it, if the federal government 9964  
reduces, discontinues, pauses, or otherwise suspends any federal 9965  
program that provides federal funds for any corresponding state 9966



program, such program may be reduced, discontinued, paused, or 9967  
suspended. This shall include any contract, agreement, 9968  
memorandum of understanding, or any other covenant entered into 9969  
by the state that is dependent on federal funding. 9970

**Sec. 126.42.** (A) Notwithstanding any provision of law to 9971  
the contrary, the office of budget and management shall perform 9972  
routine support for the following boards and commissions: 9973

(1) Architects board; 9974

(2) State chiropractic board; 9975

(3) State cosmetology and barber board; 9976

(4) Accountancy board; 9977

(5) State dental board; 9978

(6) Ohio occupational therapy, physical therapy, and 9979  
athletic trainers board; 9980

(7) State board of registration for professional engineers 9981  
and surveyors; 9982

(8) Board of embalmers and funeral directors; 9983

(9) State board of psychology; 9984

(10) Counselor, social worker, and marriage and family 9985  
therapist board; 9986

(11) State veterinary medical licensing board; 9987

(12) Commission on Hispanic-Latino affairs; 9988

(13) Commission on African-Americans; 9989

(14) Chemical dependency professionals board; 9990

(15) State vision professionals board; 9991

(16) State speech and hearing professionals board;	9992
<u>(17) New African immigrants commission.</u>	9993
(B) (1) For purposes of this section, the office of budget and management shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the office of budget and management:	9994 9995 9996 9997 9998 9999
(a) Preparing and processing payroll and other personnel documents;	10000 10001
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	10002 10003
(c) Maintaining ledgers of accounts and balances;	10004
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	10005 10006
(e) Routine human resources and personnel services;	10007
(f) Other routine support services that the director of budget and management considers appropriate to achieve efficiency.	10008 10009 10010
(2) In addition to the routine support services listed in division (B) (1) of this section, the office of budget and management may perform other services which a board or commission named in division (A) of this section delegates to the office and the office accepts.	10011 10012 10013 10014 10015
(3) The office of budget and management may perform routine support services for any <del>professional or occupational licensing</del> board or commission not named in division (A) of this	10016 10017 10018

section at the request of the board or commission. 10019

(C) The office of budget and management shall determine 10020  
the fees to be charged to the boards and commissions, which 10021  
shall be in proportion to the services performed for each board 10022  
or commission. 10023

**Sec. 126.60.** (A) As used in this section: 10024

(1) "Agricultural water project" means a project that will 10025  
improve water quality by reducing or aiding in the reduction of 10026  
levels of phosphorus, nitrogen, or sediment, that result from 10027  
agricultural practices, in the waters of the state. 10028  
"Agricultural water project" includes a project involving 10029  
research, technology, design, construction, best management 10030  
practices, conservation, testing, or education. 10031

(2) "Community water project" means a project involving a 10032  
public water system operated by a political subdivision that 10033  
will improve water quality by reducing or aiding in the 10034  
reduction of levels of phosphorus, nitrogen, or sediment in the 10035  
waters of the state. "Community water project" includes a 10036  
project involving research, technology, design, construction, 10037  
best management practices, conservation, testing, or 10038  
maintenance. 10039

(3) "Nature water project" means a project involving a 10040  
natural water system that will improve water quality by reducing 10041  
or aiding in the reduction of levels of phosphorus, nitrogen, or 10042  
sediment in the waters of the state. "Nature water project" 10043  
includes a project involving research, technology, design, 10044  
construction, best management practices, conservation, or 10045  
maintenance. "Nature water project" also includes the creation, 10046  
maintenance, or restoration of wetlands, flood plains, flood 10047

control systems, and buffers throughout the state, including the western basin of Lake Erie.

(B) (1) There is hereby created in the state treasury the H2Ohio fund consisting of money credited to it and any donations, gifts, bequests, and other money received for deposit in the fund. All investment earnings of the fund shall be credited to the fund. All money credited or deposited in the fund shall be used for any of the following purposes:

~~(1)~~ (a) Agriculture water projects;

~~(2)~~ (b) Community water projects;

~~(3)~~ (c) Nature water projects;

~~(4)~~ (d) Awarding or allocating grants or money, issuing loans, or making purchases for the development and implementation of projects and programs, including remediation projects, that are designed to address water quality priorities;

~~(5)~~ (e) Funding cooperative research, data gathering and monitoring, and demonstration projects related to water quality priorities;

~~(6)~~ (f) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, institutions of higher education, and water conservation districts;

~~(7)~~ (g) Other purposes, policies, programs, and priorities identified by the Ohio Lake Erie commission in coordination with state agencies or boards responsible for water protection and water management, provided that the purposes, policies, programs, and priorities align with a statewide strategic vision

and comprehensive periodic water protection and restoration 10076  
strategy. 10077

(2) Money credited or deposited in the fund shall not be 10078  
used for the purchase of land or for the purchase of a 10079  
conservation easement. 10080

(C) Not later than August 31, 2020, and annually 10081  
thereafter, the Ohio Lake Erie commission, in coordination with 10082  
state agencies or boards responsible for water protection and 10083  
water management, shall do both of the following: 10084

(1) Prepare a report of the activities that were 10085  
undertaken with respect to the fund during the immediately 10086  
preceding fiscal year, including the revenues and expenses of 10087  
the fund for the preceding fiscal year; 10088

(2) Submit the report to the general assembly and to the 10089  
governor. 10090

(D) Within forty-five days after the report is submitted 10091  
under division (C) of this section, the directors of the state 10092  
agencies that contributed to the report and the executive 10093  
director of the Lake Erie commission shall appear before both 10094  
the house of representatives and senate committees that oversee 10095  
state finance to testify on the report. 10096

Sec. 126.67. The targeted addiction assistance fund is 10097  
created in the state treasury. The fund shall consist of all 10098  
money awarded to the state by court order that is intended to 10099  
address the effects of the opioid crisis, unless such money is 10100  
specifically directed elsewhere by the court. 10101

Sec. ~~5747.48~~ 126.68. (A) As used in this section, 10102  
"population" means whichever of the following has most recently 10103  
been issued: 10104

(1) The most recent federal decennial census; 10105

(2) The most current issue of "Current Population Reports: Local Population Estimates" issued by the United States bureau of the census that contains population estimates for each county in the state and the state. 10106  
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(B) By the tenth day of each month, the director of budget and management shall transfer, from the general revenue fund to each county public library fund, one-twelfth of the amount appropriated by the general assembly for that purpose for the fiscal year. Distributions to each county public library fund shall equal the allocation for that month multiplied by a fraction, the numerator of which is the population of the county and the denominator of which is the population of the state. 10110  
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(B) On the fifteenth day of each month, the county treasurer shall distribute the balance in the county public library fund among the county, boards of public library trustees, municipal corporations, and boards of township park commissioners for which the county budget commission has fixed an allocation from the fund in that year in accordance with section 5705.32 of the Revised Code in the same proportions that each such entity's allocation as fixed by the commission is of the total of all such allocations in that year. 10118  
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All money received into the treasury of a municipal corporation or county shall be credited to the general fund therein, provided that in a municipal corporation there shall be credited to the funds established under division (D) of section 5705.09 of the Revised Code a portion of the total amount to be credited to funds of the municipal corporation, which portion shall be determined by multiplying the total amount to be credited by the percentage that the funds credited under 10127  
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division (D) of said section in 1938 bore to all the funds 10135  
credited under said section in 1938. If a municipal corporation 10136  
is in default with respect to the principal or interest of any 10137  
outstanding notes or bonds, the moneys distributed under this 10138  
section shall be credited to the funds established under 10139  
divisions (A), (B), (C), and (D) of section 5705.09 of the 10140  
Revised Code, in the same proportion in which the funds derived 10141  
from the levy for the previous year on the general tax list and 10142  
duplicate are divided. 10143

(C) No county auditor or county treasurer, nor the 10144  
director of budget and management shall fail to perform any duty 10145  
imposed on such officer by this section on or before the date 10146  
specified by law for the performance of that duty. Whoever 10147  
violates this division shall be fined not more than five dollars 10148  
for each day that elapses between the date specified by law for 10149  
performance and the date when the duty is actually performed. 10150

**Sec. 127.12.** There is hereby created a controlling board 10151  
consisting of all of the following: 10152

(A) The director of budget and management or an employee 10153  
of the office of budget and management designated by the 10154  
director; 10155

(B) The chairperson or vice-chairperson of the finance- 10156  
appropriations committee of the house of representatives, as 10157  
designated by the speaker; 10158

(C) The chairperson or vice-chairperson of the finance 10159  
committee of the senate, as designated by the president; 10160

(D) Two members of the house of representatives appointed 10161  
by the speaker, one from the majority party and one from the 10162  
minority party; 10163

(E) Two members of the senate appointed by the president, 10164  
one from the majority party and one from the minority party. 10165

Notwithstanding section 101.26 of the Revised Code, the 10166  
legislative members, when engaged in their duties as members of 10167  
the controlling board, shall be paid at the per diem rate of one 10168  
hundred fifty dollars, and their necessary traveling expenses, 10169  
which shall be paid from the funds appropriated for the payment 10170  
of expenses of legislative committees. 10171

(F) In the event of the absence, illness, disability, 10172  
death, or resignation of a legislative member, the following 10173  
persons may serve in the member's absence: for the chairperson 10174  
or vice-chairperson of the finance-appropriations committee of 10175  
the house of representatives, the speaker or a member of the 10176  
house of representatives designated by the speaker; for the 10177  
chairperson or vice-chairperson of the senate finance committee, 10178  
the president or a member of the senate designated by the 10179  
president; for a member of the board appointed by the speaker of 10180  
the house of representatives, or the president of the senate, 10181  
the speaker or the president, as the case may be, or a member of 10182  
the house of representatives or of the senate of the same party 10183  
as such controlling board member, designated by such speaker or 10184  
president. 10185

As used in any statute, "controlling board," unless the 10186  
context otherwise requires, means the controlling board created 10187  
by this section. 10188

**Sec. 127.14.** The controlling board may, at the request of 10189  
any state agency or the director of budget and management, 10190  
authorize, with respect to the provisions of any appropriation 10191  
act: 10192



(A) Transfers of all or part of an appropriation within 10193  
but not between state agencies, except such transfers as the 10194  
director of budget and management is authorized by law to make, 10195  
provided that no transfer shall be made by the director for the 10196  
purpose of effecting new or changed levels of program service 10197  
not authorized by the general assembly; 10198

(B) Transfers of all or part of an appropriation from one 10199  
fiscal year to another; 10200

(C) Transfers of all or part of an appropriation within or 10201  
between state agencies made necessary by administrative 10202  
reorganization or by the abolition of an agency or part of an 10203  
agency; 10204

(D) Transfers of all or part of cash balances in excess of 10205  
needs from any fund of the state to the general revenue fund or 10206  
to such other fund of the state to which the money would have 10207  
been credited in the absence of the fund from which the 10208  
transfers are authorized to be made, except that the controlling 10209  
board may not authorize such transfers from the accrued leave 10210  
liability fund, auto registration distribution fund, local motor 10211  
vehicle license tax fund, budget stabilization fund, building 10212  
improvement fund, development bond retirement fund, facilities 10213  
establishment fund, gasoline excise tax fund, general revenue 10214  
fund, higher education improvement fund, highway improvement 10215  
bond retirement fund, highway capital improvement fund, highway 10216  
operating fund, horse racing tax fund, improvements bond 10217  
retirement fund, ~~public library fund,~~ liquor control fund, local 10218  
government fund, local transportation improvement program fund, 10219  
medicaid reserve fund, mental health facilities improvement 10220  
fund, Ohio fairs fund, parks and recreation improvement fund, 10221  
school district income tax fund, state agency facilities 10222

improvement fund, public safety - highway purposes fund, state 10223  
lottery fund, undivided liquor permit fund, Vietnam conflict 10224  
compensation bond retirement fund, volunteer fire fighters' 10225  
dependents fund, waterways safety fund, wildlife fund, workers' 10226  
compensation fund, or any fund not specified in this division 10227  
that the director of budget and management determines to be a 10228  
bond fund or bond retirement fund; 10229

(E) Transfers of all or part of those appropriations 10230  
included in the emergency purposes account of the controlling 10231  
board; 10232

(F) Temporary transfers of all or part of an appropriation 10233  
or other moneys into and between existing funds, or new funds, 10234  
as may be established by law when needed for capital outlays for 10235  
which notes or bonds will be issued; 10236

(G) Transfer or release of all or part of an appropriation 10237  
to a state agency requiring controlling board approval of such 10238  
transfer or release as provided by law; 10239

(H) Temporary transfer of funds included in the emergency 10240  
purposes appropriation of the controlling board. Such temporary 10241  
transfers may be made subject to conditions specified by the 10242  
controlling board at the time temporary transfers are 10243  
authorized. No transfers shall be made under this division for 10244  
the purpose of effecting new or changed levels of program 10245  
service not authorized by the general assembly. 10246

As used in this section, "request" means an application by 10247  
a state agency or the director of budget and management seeking 10248  
some action by the controlling board. 10249

When authorizing the transfer of all or part of an 10250  
appropriation under this section, the controlling board may 10251

authorize the transfer to an existing appropriation item and the 10252  
creation of and transfer to a new appropriation item. 10253

Whenever there is a transfer of all or part of funds 10254  
included in the emergency purposes appropriation by the 10255  
controlling board, pursuant to division (E) of this section, the 10256  
state agency or the director of budget and management receiving 10257  
such transfer shall keep a detailed record of the use of the 10258  
transferred funds. At the earliest scheduled meeting of the 10259  
controlling board following the accomplishment of the purposes 10260  
specified in the request originally seeking the transfer, or 10261  
following the total expenditure of the transferred funds for the 10262  
specified purposes, the state agency or the director of budget 10263  
and management shall submit a report on the expenditure of such 10264  
funds to the board. The portion of any appropriation so 10265  
transferred which is not required to accomplish the purposes 10266  
designated in the original request to the controlling board 10267  
shall be returned to the proper appropriation of the controlling 10268  
board at this time. 10269

Notwithstanding any provisions of law providing for the 10270  
deposit of revenues received by a state agency to the credit of 10271  
a particular fund in the state treasury, whenever there is a 10272  
temporary transfer of funds included in the emergency purposes 10273  
appropriation of the controlling board pursuant to division (H) 10274  
of this section, revenues received by any state agency receiving 10275  
such a temporary transfer of funds shall, as directed by the 10276  
controlling board, be transferred back to the emergency purposes 10277  
appropriation. 10278

The board may delegate to the director of budget and 10279  
management authority to approve transfers among items of 10280  
appropriation under division (A) of this section. 10281

**Sec. 127.16.** (A) Upon the request of either a state agency 10282  
or the director of budget and management and after the 10283  
controlling board determines that an emergency or a sufficient 10284  
economic reason exists, the controlling board may approve the 10285  
making of a purchase without competitive selection as provided 10286  
in division (B) of this section. 10287

(B) Except as otherwise provided in this section, no state 10288  
agency, using money that has been appropriated to it directly, 10289  
shall: 10290

(1) Make any purchase from a particular supplier, that 10291  
would amount to fifty thousand dollars or more when combined 10292  
with both the amount of all disbursements to the supplier during 10293  
the fiscal year for purchases made by the agency and the amount 10294  
of all outstanding encumbrances for purchases made by the agency 10295  
from the supplier, unless the purchase is made by competitive 10296  
selection or with the approval of the controlling board; 10297

(2) Lease real estate from a particular supplier, if the 10298  
lease would amount to seventy-five thousand dollars or more when 10299  
combined with both the amount of all disbursements to the 10300  
supplier during the fiscal year for real estate leases made by 10301  
the agency and the amount of all outstanding encumbrances for 10302  
real estate leases made by the agency from the supplier, unless 10303  
the lease is made by competitive selection or with the approval 10304  
of the controlling board. 10305

(C) Any person who authorizes a purchase in violation of 10306  
division (B) of this section shall be liable to the state for 10307  
any state funds spent on the purchase, and the attorney general 10308  
shall collect the amount from the person. 10309

(D) Nothing in division (B) of this section shall be 10310

construed as:	10311
(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;	10312 10313 10314
(2) Applying to medicaid provider agreements under the medicaid program;	10315 10316
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	10317 10318 10319
(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;	10320 10321 10322 10323 10324 10325 10326 10327 10328 10329
(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;	10330 10331 10332 10333
(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be	10334 10335 10336 10337 10338 10339

undertaken on behalf of the agency. The filing shall be in a 10340  
form and at such times as the board considers appropriate. 10341

(7) Applying to purchases made with money for the per cent 10342  
for arts program established by section 3379.10 of the Revised 10343  
Code; 10344

(8) Applying to purchases made by the opportunities for 10345  
Ohioans with disabilities agency of goods or services, ~~or~~ 10346  
~~supplies~~, that are provided to persons with disabilities, or to 10347  
purchases made by the agency in connection with the eligibility 10348  
determinations it makes for applicants of programs administered 10349  
by the social security administration; 10350

(9) Applying to payments by the department of medicaid 10351  
under section 5164.85 of the Revised Code for group health plan 10352  
premiums, deductibles, coinsurance, and other cost-sharing 10353  
expenses; 10354

(10) Applying to any agency of the legislative branch of 10355  
the state government; 10356

(11) Applying to agreements or contracts entered into 10357  
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 10358  
of the Revised Code; 10359

(12) Applying to purchases of services by the adult parole 10360  
authority under section 2967.14 of the Revised Code or by the 10361  
department of youth services under section 5139.08 of the 10362  
Revised Code; 10363

(13) Applying to dues or fees paid for membership in an 10364  
organization or association; 10365

(14) Applying to purchases of utility services pursuant to 10366  
section 9.30 of the Revised Code; 10367

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	10368 10369 10370 10371
(16) Applying to purchases of tickets for passenger air transportation;	10372 10373
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	10374 10375 10376
(18) Applying to the judicial branch of state government;	10377
(19) Applying to purchases of liquor for resale by the division of liquor control;	10378 10379
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	10380 10381 10382
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	10383 10384 10385 10386
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	10387 10388 10389
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio history connection;	10390 10391 10392
(24) Applying to purchases from a qualified nonprofit agency pursuant to <del>sections 125.60 to 125.6012</del> <u>section 125.601</u> or 4115.31 to 4115.35 of the Revised Code;	10393 10394 10395

(25) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	10396 10397 10398 10399 10400
(26) Applying to contracts entered into by the department of developmental disabilities under section 5123.18 of the Revised Code;	10401 10402 10403
(27) Applying to payments made by the department of mental health and addiction services under a physician recruitment program authorized by section 5119.185 of the Revised Code;	10404 10405 10406
(28) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (G) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	10407 10408 10409 10410 10411 10412
(29) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	10413 10414 10415 10416 10417
(30) Applying to the department of medicaid's purchases of health assistance services under the children's health insurance program;	10418 10419 10420
(31) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised	10421 10422 10423 10424



Code;	10425
(32) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	10426 10427 10428
(33) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	10429 10430 10431 10432
(34) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;	10433 10434 10435 10436
(35) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;	10437 10438
(36) Applying to contracts entered into under section 5160.12 of the Revised Code;	10439 10440
(37) Applying to payments to the Ohio history connection from other state agencies.	10441 10442
(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B) (1) and (2) of this section, the following purchases by such agency shall not be considered:	10443 10444 10445 10446
(1) Purchases made through competitive selection or with controlling board approval;	10447 10448
(2) Purchases listed in division (D) of this section;	10449
(3) For the purposes of the threshold of division (B) (1) of this section only, leases of real estate.	10450 10451

(F) A state agency, when exercising direct purchasing authority under this section, shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.

(G) As used in this section, "competitive selection," "direct purchasing authority," "goods," "purchase," "~~supplies~~," and "services" have the same meanings as in section 125.01 of the Revised Code.

**Sec. 128.021.** (A) Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive disbursements under section 128.55 of the Revised Code. The rules shall incorporate industry standards and best practices for 9-1-1 services. Public safety answering points shall comply with the standards not later than two years after the effective date of the rules adopting the standards. A public safety answering point may be deemed compliant with rules for minimum staffing standards, if it can demonstrate compliance with all other rules for operational standards.

(B) Not later than one year after September 29, 2015, and in accordance with Chapter 119. of the Revised Code, the steering committee shall conduct an assessment of the operational standards for public safety answering points developed under division (A) of this section and revise the standards as necessary to ensure that the operational standards contain the following:

(1) Policies to ensure that public safety answering point personnel prioritize life-saving questions in responding to each call to a 9-1-1 system established under this chapter;

(2) A requirement that all public safety answering point personnel complete proper training or provide proof of prior training to give instructions regarding emergency situations.

(C) Upon the effective date of the amendments to this section by ~~this act~~ H.B. 33 of the 135th general assembly, October 3, 2023, all public safety answering points that answer 9-1-1 calls for service ~~from wireless services~~ shall be subject to the public safety answering point operations rules. Public safety answering points not originally required to be compliant shall comply with the standards not later than two years after the effective date of the amendments to this section by ~~this act~~ H.B. 33 of the 135th general assembly, October 3, 2023.

**Sec. 128.41.** (A) As used in this section, "communications service" means any wireless service, multiline telephone system, and voice over internet protocol system to which both of the following apply:

(1) The service or system is registered to the subscriber's address within this state or the subscriber's primary place of using the service or system is in this state.

(2) The service or system is capable of initiating a direct connection to 9-1-1.

(B) After the expiration of the charge described in division (A)(1) of section 128.40 of the Revised Code and except as provided in sections 128.413 and 128.42 of the Revised Code, there is imposed a next generation 9-1-1 access fee of ~~forty~~ sixty cents per month on each communications service, which shall be imposed as follows:

(1) In the case of wireless telephone service, a subscriber shall pay a separate next generation 9-1-1 access fee

for each wireless telephone number assigned to the subscriber. 10511

(2) In the case of a voice over internet protocol system, 10512  
a subscriber shall pay a separate fee for each voice channel 10513  
provided to the subscriber through the system. The number of 10514  
voice channels shall be equal to the number of outbound calls 10515  
the subscriber can maintain at the same time using the system, 10516  
but excludes a direct inward dialing number that merely routes 10517  
an inbound call. The maximum number of separate fees imposed on 10518  
a subscriber's system shall not exceed one hundred voice 10519  
channels per network. 10520

(3) In the case of a multiline telephone system, the 10521  
subscriber shall pay a separate fee for each line. The maximum 10522  
number of separate fees imposed on a single subscriber with a 10523  
multiline telephone system shall not exceed one hundred per 10524  
building with a unique street address or physically identifiable 10525  
location. 10526

(C) If more than one communications service shares the 10527  
same telephone number, then the next generation 9-1-1 access fee 10528  
imposed shall not exceed ~~forty-sixty~~ cents per month. 10529

**Sec. 128.46.** (A) (1) An entity required to collect a 10530  
wireless 9-1-1 charge under section 128.40 of the Revised Code 10531  
or the next generation 9-1-1 access fee under section 128.414 or 10532  
128.421 of the Revised Code shall, on or before the twenty-third 10533  
day of each month, except as provided in divisions (A) (2) and 10534  
(3) of this section, do both of the following: 10535

(a) Make and file a return for the preceding month, in the 10536  
form prescribed by the tax commissioner, showing the amount of 10537  
the charges or fees due for that month; 10538

(b) Remit the full amount due, as shown on the return, 10539

with the exception of charges or fees equivalent to the amount 10540  
authorized as a collection fee under division (B) of this 10541  
section. 10542

(2) The commissioner may grant one or more thirty-day 10543  
extensions for making and filing returns and remitting amounts 10544  
due. 10545

(3) If a seller is required to collect prepaid wireless 9- 10546  
1-1 charges under section 128.40 of the Revised Code or next 10547  
generation 9-1-1 access fees under section 128.421 of the 10548  
Revised Code in amounts that do not merit monthly returns, the 10549  
commissioner may authorize the seller to make and file returns 10550  
less frequently. The commissioner shall ascertain whether this 10551  
authorization is warranted upon the basis of administrative 10552  
costs to the state. 10553

(B) A wireless service provider, reseller, and seller may 10554  
each retain as a collection fee three per cent of the total 10555  
wireless 9-1-1 charges required to be collected under sections 10556  
128.40, 128.41, and 128.42 of the Revised Code, and shall 10557  
account to the tax commissioner for the amount retained. 10558

(C) The return required under division (A)(1)(a) of this 10559  
section shall be filed electronically using the Ohio business 10560  
gateway, as defined in section 718.01 of the Revised Code, or 10561  
any other electronic means prescribed by the tax commissioner. 10562  
Remittance of the amount due shall be made electronically in a 10563  
manner approved by the commissioner. An entity required to file 10564  
the return may apply to the commissioner on a form prescribed by 10565  
the commissioner to be excused from either electronic 10566  
requirement of this division. For good cause shown, the 10567  
commissioner may excuse the entity from either or both of the 10568  
requirements and may permit the entity to file returns or make 10569

remittances by nonelectronic means. 10570

(D) (1) Each subscriber or consumer on which a wireless 9-10571  
1-1 charge is imposed under section 128.40 of the Revised Code 10572  
or on which a next generation 9-1-1 access fee is imposed under 10573  
section 128.41 or 128.42 of the Revised Code is liable to the 10574  
state for the amount of the charge. 10575

(2) An entity required to collect the wireless 9-1-1 10576  
charge under section 128.40 of the Revised Code or the next 10577  
generation 9-1-1 access fee under section 128.414 or 128.421 of 10578  
the Revised Code is liable to the state for any amount that was 10579  
required to be collected but that was not remitted, regardless 10580  
of whether the amount was collected. 10581

(3) No provider of a prepaid wireless calling service 10582  
shall be liable to the state for any wireless 9-1-1 charge 10583  
imposed under section 128.40 of the Revised Code or any next 10584  
generation 9-1-1 access fee imposed under section 128.42 of the 10585  
Revised Code that was not collected or remitted. 10586

(E) (1) If the tax commissioner has reason to believe that 10587  
an entity required to collect a wireless 9-1-1 charge under 10588  
section 128.40 of the Revised Code or the next generation 9-1-1 10589  
access fee under section 128.414 or 128.421 of the Revised Code 10590  
has failed to bill, collect, or remit the charge or fee as 10591  
required by this section and sections 128.40 to 128.422 of the 10592  
Revised Code or has retained more than the amount authorized 10593  
under division (B) of this section, and after written notice to 10594  
the entity, the tax commissioner may audit the entity for the 10595  
sole purpose of making such a determination. The audit may 10596  
include, but is not limited to, a sample of the entity's 10597  
billings, collections, remittances, or retentions for a 10598  
representative period, and the tax commissioner shall make a 10599

good faith effort to reach agreement with the entity in 10600  
selecting that sample. 10601

(2) Upon written notice to the entity, the tax 10602  
commissioner, after completion of the audit, may make an 10603  
assessment against the entity if, pursuant to the audit, the tax 10604  
commissioner determines that the entity has failed to bill, 10605  
collect, or remit the charge or fee as required by sections 10606  
128.40 to 128.422 of the Revised Code or has retained more than 10607  
the amount authorized under division (B) of this section. The 10608  
assessment shall be in the amount of any remittance that was due 10609  
and unpaid on the date notice of the audit was sent by the tax 10610  
commissioner to the entity or, as applicable, in the amount of 10611  
the excess amount under division (B) of this section retained by 10612  
the entity as of that date. 10613

(3) The portion of any assessment consisting of charges or 10614  
fees due and not paid within sixty days after the date that the 10615  
assessment was made under division (E) (2) of this section shall 10616  
bear interest from that date until paid at the rate per annum 10617  
prescribed by section 5703.47 of the Revised Code. That interest 10618  
may be collected by making an assessment under division (E) (2) 10619  
of this section. 10620

(4) Unless the entity assessed files with the tax 10621  
commissioner within sixty days after service of the notice of 10622  
assessment, ~~either personally or by certified mail,~~ a written 10623  
petition for reassessment, signed by the entity assessed or that 10624  
entity's authorized agent having knowledge of the facts, the 10625  
assessment shall become final and the amount of the assessment 10626  
shall be due and payable from the entity assessed to the 10627  
treasurer of state, for deposit to the next generation 9-1-1 10628  
fund, which is created under section 128.54 of the Revised Code. 10629

The petition shall indicate the objections of the entity 10630  
assessed, but additional objections may be raised in writing if 10631  
received by the commissioner prior to the date shown on the 10632  
final determination. If the petition has been properly filed, 10633  
the commissioner shall proceed under section 5703.60 of the 10634  
Revised Code. 10635

(5) After an assessment becomes final, if any portion of 10636  
the assessment remains unpaid, including accrued interest, a 10637  
certified copy of the final assessment may be filed in the 10638  
office of the clerk of the court of common pleas in the county 10639  
in which the business of the assessed entity is conducted. If 10640  
the entity assessed maintains no place of business in this 10641  
state, the certified copy of the final assessment may be filed 10642  
in the office of the clerk of the court of common pleas of 10643  
Franklin county. Immediately upon the filing, the clerk shall 10644  
enter a judgment for the state against the assessed entity in 10645  
the amount shown on the final assessment. The judgment may be 10646  
filed by the clerk in a loose-leaf book entitled "special 10647  
judgments for 9-1-1 charges and fees" and shall have the same 10648  
effect as other judgments. The judgment shall be executed upon 10649  
the request of the tax commissioner. 10650

(6) If the commissioner determines that the commissioner 10651  
erroneously has refunded a 9-1-1 charge or fee to any person, 10652  
the commissioner may make an assessment against that person for 10653  
recovery of the erroneously refunded charge. 10654

(7) An assessment under division (E) of this section does 10655  
not discharge a subscriber's or consumer's liability to 10656  
reimburse the entity for a 9-1-1 charge or fee. If, after the 10657  
date of service of the audit notice under division (E) (1) of 10658  
this section, a subscriber or consumer pays a 9-1-1 charge or 10659



fee for the period covered by the assessment, the payment shall 10660  
be credited against the assessment. 10661

**Sec. 128.99.** (A) Whoever violates division (F) of section 10662  
128.96 of the Revised Code is guilty of a misdemeanor of the 10663  
fourth degree. 10664

(B) Whoever violates division (G) or (H) of section 128.96 10665  
or division (B) (2) of section 128.60 of the Revised Code is 10666  
guilty of a misdemeanor of the fourth degree on a first offense 10667  
and a felony of the fifth degree on each subsequent offense. 10668

(C) If a wireless service provider, reseller, or seller 10669  
violates division (A) (1) (a) of section 128.46 of the Revised 10670  
Code, and does not comply with any extensions granted under 10671  
division (A) (2) of that section, the tax commissioner may impose 10672  
a late-filing penalty of not more than the greater of fifty 10673  
dollars or five per cent of the amount required to be remitted 10674  
as described in division (B) (1) (b) of that section. 10675

(D) If a wireless service provider, reseller, or seller 10676  
fails to comply with division (A) (1) (b) of section 128.46 of the 10677  
Revised Code, the tax commissioner may impose a late-payment 10678  
penalty of not more than the greater of fifty dollars or five 10679  
per cent of the wireless 9-1-1 charge required to be remitted 10680  
for the reporting period minus any partial remittance made on or 10681  
before the due date, including any extensions granted under 10682  
division (A) (2) of section 128.46 of the Revised Code. 10683

(E) The tax commissioner may impose an assessment penalty 10684  
of not more than the greater of one hundred dollars or thirty- 10685  
five per cent of the wireless 9-1-1 charges due after the tax 10686  
commissioner notifies the person of an audit, an examination, a 10687  
delinquency, assessment, or other notice that additional 10688

wireless 9-1-1 charges are due. 10689

(F) If a wireless service provider, reseller, or seller 10690  
fails to comply with either electronic requirement of division 10691  
(C) of section 128.46 of the Revised Code, the tax commissioner 10692  
may impose an electronic penalty, for either or both failures to 10693  
comply, of not more than the lesser of the following: 10694

(1) The greater of one hundred dollars or ten per cent of 10695  
the amount required to be, but not, remitted electronically; 10696

(2) Five thousand dollars. 10697

(G) Each penalty described in divisions (C) to (F) of this 10698  
section is in addition to any other penalty described in those 10699  
divisions. ~~The tax commissioner may abate all or any portion of~~ 10700  
~~any penalty described in those divisions.~~ 10701

(H) An operator in violation of section 128.24 of the 10702  
Revised Code may be assessed a fine of up to five thousand 10703  
dollars per offense. 10704

(I) (1) If a business service user fails to comply with 10705  
section 128.241 of the Revised Code without being exempt under 10706  
section 128.242 of the Revised Code, the 9-1-1 steering 10707  
committee shall request the attorney general to bring an action 10708  
to recover one of the following amounts from the user: 10709

(a) One thousand dollars for an initial failure; 10710

(b) Up to five thousand dollars for each subsequent 10711  
failure within each continuing six-month period in which the 10712  
user remains noncompliant. 10713

(2) Any funds recovered under division (I) (1) of this 10714  
section shall be deposited into the next generation 9-1-1 fund 10715  
created under section 128.54 of the Revised Code. 10716

(3) Divisions (I)(1) and (2) of this section shall not  
apply if they are preempted by or in conflict with federal law.

**Sec. 131.01.** As used in Chapters 113., 117., 123., 124.,  
125., 126., 127., and 131. of the Revised Code, and any statute  
that uses the terms in connection with state accounting or  
budgeting:

(A) "Account" means any record, element, or summary in  
which financial transactions are identified and recorded as  
debit or credit transactions in order to summarize items of a  
similar nature or classification.

(B) "Accounting procedure" means the arrangement of all  
processes which discover, record, and summarize financial  
information to produce financial statements and reports and to  
provide internal control.

(C) "Accounting system" means the total structure of  
records and procedures which discover, record, classify, and  
report information on the financial position and operations of a  
governmental unit or any of its funds and organizational  
components.

(D) "Allocation" means a portion of an appropriation which  
is designated for expenditure by specific organizational units  
or for special purposes, activities, or objects that do not  
relate to a period of time.

(E) "Allotment" means all or part of an appropriation  
which may be encumbered or expended within a specific period of  
time.

(F) "Appropriation" means an authorization granted by the  
general assembly to make expenditures and to incur obligations  
for specific purposes.

(G) "Assets" means resources owned, controlled, or otherwise used or held by the state which have monetary value. 10746  
10747

(H) "Budget" means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them. 10748  
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(I) "Check" means a negotiable financial instrument, payable upon demand, directing a financial institution to transfer money from the payer's account to the payee. 10751  
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(J) "Direct deposit" is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution. 10754  
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~~(J)~~ (K) "Disbursement" means a payment made for any purpose. 10757  
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~~(K)~~ (L) "Electronic benefit transfer" means the electronic delivery of benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code. 10759  
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~~(L)~~ (M) "Electronic funds transfer" means the electronic movement of funds via automated clearing house or wire transfer. 10763  
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~~(M)~~ (N) "Encumbrancing document" means a document reserving all or part of an appropriation. 10765  
10766

~~(N)~~ (O) "Expenditure" means a reduction of the balance of an appropriation after legal requirements have been met. 10767  
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~~(O)~~ (P) "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash or other resources, together with all related liabilities, obligations, reserves, and fund balances which are segregated for the purpose of carrying on specific activities or attaining 10769  
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certain objectives in accordance with special rules, 10774  
restrictions, or limitations. 10775

~~(P)~~(Q) "Lapse" means the automatic termination of an 10776  
appropriation at the end of the fiscal period for which it was 10777  
appropriated. 10778

~~(Q)~~(R) "Reappropriation" means an appropriation of a 10779  
previous appropriation that is continued in force in a 10780  
succeeding appropriation period. "Reappropriation" shall be 10781  
equated with and incorporated in the term "appropriation." 10782

~~(R)~~(S) "Stored value card" means a payment card that may 10783  
have money loaded and stored on the card and accessed through 10784  
automated teller machines, point of sale terminals, or other 10785  
electronic media. "Stored value card" does not include any 10786  
payment card linked to, and that can access money in, an 10787  
external account maintained by a financial institution. 10788

~~(S)~~(T) "Voucher" means the document used to transmit a 10789  
claim for payment and evidentiary matter related to the claim. 10790

~~(T)~~(U) "Warrant" means an order drawn upon the treasurer 10791  
of state by the director of budget and management, or an 10792  
authorized person at a state entity that has a custodial account 10793  
in the custody of the treasurer of state, directing the 10794  
treasurer of state to pay a specified amount to one or more 10795  
specified payees. A variety of payment instruments may be used, 10796  
including but not limited to paper warrants or checks, stored 10797  
value cards, direct deposit to the payee's bank account, or the 10798  
drawdown of funds by electronic benefit transfer, and the 10799  
resulting electronic transfer to or by the ultimate payees. 10800

The terms defined in this section shall be used, on all 10801  
accounting forms, reports, formal rules, and budget requests 10802

produced by a state agency, only as defined in this section. 10803

**Sec. 131.44.** (A) As used in this section: 10804

(1) "Surplus revenue" means the excess, if any, of the 10805  
total fund balance over the required year-end balance. 10806

(2) "Total fund balance" means the sum of the unencumbered 10807  
balance in the general revenue fund on the last day of the 10808  
preceding fiscal year plus the balance in the budget 10809  
stabilization fund. 10810

(3) "Required year-end balance" means the sum of the 10811  
following: 10812

(a) Ten per cent of the general revenue fund revenues for 10813  
the preceding fiscal year; 10814

(b) "Ending fund balance," which means one-half of one per 10815  
cent of general revenue fund revenues for the preceding fiscal 10816  
year; 10817

(c) "Carryover balance," which means, with respect to a 10818  
fiscal biennium, the excess, if any, of the estimated general 10819  
revenue fund appropriation and transfer requirement for the 10820  
second fiscal year of the biennium over the estimated general 10821  
revenue fund revenue for that fiscal year; 10822

(d) "Capital appropriation reserve," which means the 10823  
amount, if any, of general revenue fund capital appropriations 10824  
made for the current biennium that the director of budget and 10825  
management has determined will be encumbered or disbursed. 10826

(4) "Estimated general revenue fund appropriation and 10827  
transfer requirement" means the most recent adjusted 10828  
appropriations made by the general assembly from the general 10829  
revenue fund and includes both of the following: 10830

(a) Appropriations made and transfers of appropriations 10831  
from the first fiscal year to the second fiscal year of the 10832  
biennium in provisions of acts of the general assembly signed by 10833  
the governor but not yet effective; 10834

(b) Transfers of appropriations from the first fiscal year 10835  
to the second fiscal year of the biennium approved by the 10836  
controlling board. 10837

(5) "Estimated general revenue fund revenue" means the 10838  
most recent such estimate available to the director of budget 10839  
and management. 10840

(6) "Sales tax holiday" has the same meaning as in section 10841  
5739.01 of the Revised Code. 10842

(B) (1) Not later than the thirty-first day of July each 10843  
year, the director of budget and management shall determine the 10844  
surplus revenue that existed on the preceding thirtieth day of 10845  
June and transfer from the general revenue fund, to the extent 10846  
of the unobligated, unencumbered balance on the preceding 10847  
thirtieth day of June in excess of one-half of one per cent of 10848  
the general revenue fund revenues in the preceding fiscal year, 10849  
the following: 10850

(a) First, to the budget stabilization fund, any amount 10851  
necessary for the balance of the budget stabilization fund to 10852  
equal ten per cent of the general revenue fund revenues of the 10853  
preceding fiscal year; 10854

(b) Then, to the expanded sales tax holiday fund, which is 10855  
hereby created in the state treasury, an amount equal to the 10856  
surplus revenue. 10857

(2) Not later than the thirty-first day of July of 2024 10858  
and each year thereafter, if the balance in the expanded sales 10859

tax holiday fund is sixty million dollars or more, the director 10860  
shall certify to the tax commissioner that a sales tax holiday 10861  
shall be held in August of the following fiscal year. The 10862  
commissioner, in consultation with the director and county 10863  
commissioners association of Ohio, shall determine the number of 10864  
days for which the sales tax holiday will be held, which shall 10865  
be at least three days, and which may include additional days if 10866  
the commissioner and director determine that the balance in the 10867  
expanded sales tax holiday fund is sufficient to reimburse the 10868  
general revenue fund, local government fund, ~~public library~~ 10869  
~~fund,~~ and permissive tax distribution fund for the revenue that 10870  
would be forgone on four or more of the dates during the period 10871  
specified in section 5739.41 of the Revised Code. In making the 10872  
determination, the commissioner and director shall take into 10873  
account estimated changes in consumer behavior during the time 10874  
of and immediately preceding and following the sales tax 10875  
holiday. 10876

(C) The director of budget and management shall transfer 10877  
money in the expanded sales tax holiday fund to the general 10878  
revenue fund, local government fund, ~~public library fund,~~ and 10879  
permissive tax distribution fund as necessary to offset revenue 10880  
reductions resulting from a sales tax holiday held under section 10881  
5739.41 of the Revised Code. The amount transferred to each such 10882  
fund, and the amounts distributed to counties and transit 10883  
authorities from the permissive tax distribution fund, shall be 10884  
in the same proportions as the transfer and distribution of 10885  
taxes actually collected under sections 5739.02, 5739.021, 10886  
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 10887  
the Revised Code in August of the fiscal year in which the sales 10888  
tax holiday is held. If no sales tax holiday is held under 10889  
section 5739.41 of the Revised Code in the current fiscal year, 10890



the director shall not transfer money from the sales tax holiday 10891  
fund to the general revenue fund, local government fund, ~~public-~~ 10892  
~~library fund,~~ or permissive tax distribution fund. 10893

**Sec. 131.50.** (A) As used in this section, "state agency" 10894  
has the same meaning as in section 155.30 of the Revised Code. 10895

(B) There is hereby created in the state treasury the 10896  
state land royalty fund consisting of money credited to it under 10897  
section 155.33 of the Revised Code. Any investment proceeds 10898  
earned on money in the fund shall be credited to the fund. 10899

~~(B) (1)~~ (C) (1) A state agency is entitled to receive from 10900  
the fund the amount that the state agency contributed and a 10901  
share of the investment earnings of the fund in an amount that 10902  
is equivalent to the proportionate share of contributions made 10903  
by the state agency to the fund. Regarding the department of 10904  
natural resources, each division within the department is 10905  
entitled to receive from the department's proportionate share 10906  
all amounts received by the department that are attributable to 10907  
the state-owned land controlled by that division. 10908

(2) The treasurer of state, in consultation with Upon 10909  
request from a state agency entitled to receive revenue in 10910  
accordance with this section, the director of budget and 10911  
management, shall disburse money transfer cash from the state 10912  
land royalty fund to the natural resources land royalty fund, 10913  
the wildlife land royalty fund, the transportation land royalty 10914  
fund, or the appropriate fund designated by the any other state 10915  
agency, as applicable, not later than thirty days after the 10916  
deposit of any money into the state land royalty fund. If the 10917  
state agency is the department of natural resources, the 10918  
~~treasurer of state~~ director of budget and management, in 10919  
consultation with ~~the director of budget and management and the~~ 10920

director of natural resources, shall ~~disburse the money transfer~~ 10921  
cash from the natural resources land royalty fund to the 10922  
appropriate fund designated by the applicable division within 10923  
the department, other than the division of wildlife for which 10924  
cash is transferred under this division to the wildlife land 10925  
royalty fund.- 10926

(3) A state agency or, as applicable, a division of the 10927  
department of natural resources, may use the money for any costs 10928  
and expenses the agency determines are necessary. 10929

~~(C) As used in this section, "state agency" has the same~~ 10930  
~~meaning as in section 155.30 of the Revised Code.~~ (D) (1) The 10931  
natural resources land royalty fund is created in the state 10932  
treasury. The fund shall consist of money credited to it under 10933  
division (C) of this section for leased mineral rights on land 10934  
owned or controlled by the department of natural resources, 10935  
other than the division of wildlife. All investment earnings of 10936  
the fund shall be credited to the fund. 10937

(2) The wildlife land royalty fund is created in the state 10938  
treasury. The fund shall consist of money credited to it under 10939  
division (C) of this section for leased mineral rights on land 10940  
owned or controlled by the division of wildlife in the 10941  
department of natural resources. All investment earnings of the 10942  
fund shall be credited to the fund. 10943

(3) The transportation land royalty fund is created in the 10944  
state treasury. The fund shall consist of money credited to it 10945  
under division (C) of this section for leased mineral rights on 10946  
land owned or controlled by the department of transportation. 10947  
All Investment earnings of the fund shall be credited to the 10948  
fund. 10949

**Sec. 131.51.** ~~(A)~~ On or before the seventh day of each month, the director of budget and management shall credit to the local government fund one and ~~seven-tenths~~ seventy-five one-hundredths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this ~~division and division (B) of this section.~~ Money shall be distributed from the local government fund as required under sections 5747.50 and 5747.503 of the Revised Code during the same month in which it is credited to the fund.

~~(B) On or before the seventh day of each month, the director of budget and management shall credit to the public library fund one and seven-tenths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (A) of this section. Money shall be distributed from the public library fund as required under section 5747.47 of the Revised Code during the same month in which it is credited to the fund.~~

~~(C)~~ The director of budget and management shall develop a schedule identifying the specific tax revenue sources to be used to make the monthly transfers required under ~~divisions (A) and (B) of this section.~~ The director may, from time to time, revise the schedule as the director considers necessary.

**Sec. 133.10.** (A) In anticipation of the collection of current property tax revenues in and for any fiscal year, the

taxing authority of any subdivision may issue securities, but 10980  
the aggregate principal amount of such securities shall not 10981  
exceed one-half of the amount that the budget commission 10982  
estimates the subdivision will receive from property taxes in 10983  
that fiscal year and prior to the last day of the sixth month 10984  
following the month in which the securities are issued, other 10985  
than taxes to be received for the payment of debt charges or 10986  
allocated to debt charges on securities issued pursuant to 10987  
division (C) of this section, and less all advances. When a 10988  
partial, semiannual, or final property tax settlement is 10989  
delayed, securities may also be issued in anticipation of the 10990  
receipt of property taxes levied or collected for debt charges 10991  
to the extent necessary to meet such debt charges but not in 10992  
excess of such estimated receipts, less all advances. The 10993  
securities issued pursuant to this division (A) shall mature not 10994  
later than the last day of the sixth month following the month 10995  
in which the securities are issued and in any case not later 10996  
than the last day of the fiscal year in which they are issued. 10997

(B) In anticipation of the collection of current revenues 10998  
in and for any fiscal year from any source or combination of 10999  
sources, including distributions of any federal or state moneys, 11000  
other than the proceeds of property taxes levied by the 11001  
subdivision, the taxing authority of any subdivision may issue 11002  
securities, but the aggregate principal amount of such 11003  
securities shall not exceed one-half of the amount estimated by 11004  
the fiscal officer to be received by the subdivision from such 11005  
sources during the remainder of such fiscal year, less advances 11006  
and prior collections. 11007

(C) In anticipation of the collection of current property 11008  
tax revenues in and for any fiscal year, the taxing authority of 11009  
a county, municipal corporation, township, or school district 11010

may issue securities, but the aggregate principal amount of 11011  
those securities and of any securities issued pursuant to 11012  
division (A) of this section outstanding at the time of issuance 11013  
shall not exceed one-half of the amount that the budget 11014  
commission estimates the subdivision will receive from all 11015  
property taxes that are to be distributed to the subdivision 11016  
from all settlements of taxes that are to be made in the 11017  
remainder of that fiscal year, other than taxes to be received 11018  
for the payment of debt charges, and less all advances. 11019

(D) When the tax settlement scheduled under division (B) 11020  
of section 321.24 of the Revised Code is delayed pursuant to 11021  
division (E) of that section, the taxing authority of a school 11022  
district may issue property tax anticipation securities against 11023  
the taxes to be included in that settlement, but the aggregate 11024  
principal amount of all securities outstanding against those 11025  
taxes shall not exceed ninety per cent of the amount estimated 11026  
to be received from that settlement by the budget commission, 11027  
other than taxes to be received for the payment of debt charges, 11028  
and less all advances. The securities issued pursuant to this 11029  
division (D) shall mature on or before the next ensuing thirty- 11030  
first day of August. 11031

(E) This division applies to all securities authorized by 11032  
this section. 11033

(1) The amounts from the sources anticipated needed to pay 11034  
debt charges and financing costs shall be considered 11035  
appropriated for that purpose, and other appropriations from 11036  
those sources by the taxing authority shall be limited to the 11037  
balance available after deducting the amount to pay those debt 11038  
charges and financing costs. The portions of those amounts as 11039  
received and to be applied to those debt charges shall be 11040

deposited and set aside in an account for the purpose in the 11041  
bond retirement fund in the amounts and at the times required to 11042  
pay those debt charges as provided for by the authorizing 11043  
legislation or otherwise provided by law. 11044

(2) Except as otherwise provided in division (H) of this 11045  
section, the securities shall not be issued prior to the first 11046  
day and, except as otherwise provided in divisions (A) and (D) 11047  
of this section, shall mature not later than the last day of the 11048  
fiscal year for which the revenues are anticipated. 11049

(3) The proceeds of the principal amount of the securities 11050  
shall be used only for the purposes for which the amounts 11051  
anticipated were levied, collected, distributed, and 11052  
appropriated, and for financing costs related to those 11053  
securities. 11054

(4) Property taxes include distributions from the state in 11055  
payment of credits against or partial exemptions from, or 11056  
reduction of, property taxes. 11057

(5) If for any reason debt charges on securities 11058  
authorized by this section are not paid by the subdivision in 11059  
the fiscal year when due, the taxing authority of the 11060  
subdivision shall include in its next annual appropriation 11061  
measure an amount sufficient to pay those debt charges, and the 11062  
county auditor and county treasurer shall withhold, in a 11063  
custodial account, amounts due the subdivision from the sources 11064  
anticipated until such amount is accumulated by those officers 11065  
and they directly pay or provide, through the paying agent or 11066  
otherwise, for the payment of those debt charges. 11067

(F) The authority to issue securities under divisions (A) 11068  
and (B) of this section may be exercised by any board of library 11069

trustees of a public library, or board of park commissioners of 11070  
a township, to which the budget commission has allotted a share 11071  
of the local government fund under section 5747.51 of the 11072  
Revised Code or of ~~the public library fund under section 5747.48~~ 11073  
funds under section 126.68 of the Revised Code. 11074

(G) The taxing authority of a school district issuing 11075  
securities under division (A), (C), or (D) of this section shall 11076  
in the legislation authorizing the securities affirm the levy 11077  
of, or covenant to levy, the anticipated property taxes to be 11078  
collected in the following year. 11079

(H) The taxing authority of a school district may issue 11080  
securities authorized by this section on or after the tenth day 11081  
preceding the first day of the fiscal year for which the 11082  
revenues are anticipated; provided, that if the taxing authority 11083  
of a school district issues securities authorized by this 11084  
section prior to the first day of the fiscal year for which the 11085  
revenues are anticipated: 11086

(1) None of the proceeds received by the school district 11087  
from the sale of the securities shall be considered available 11088  
for appropriation prior to the first day of the fiscal year for 11089  
which the revenues are anticipated; and 11090

(2) None of the proceeds received by the school district 11091  
from the sale of the securities shall be expended prior to the 11092  
first day of the fiscal year for which the revenues are 11093  
anticipated. 11094

**Sec. 135.01.** Except as otherwise provided in sections 11095  
135.14, 135.143, 135.181, and 135.182 of the Revised Code, as 11096  
used in sections 135.01 to 135.21 of the Revised Code: 11097

(A) "Active deposit" means a public deposit necessary to 11098

meet current demands on the treasury, or on a fund that is in 11099  
the custody of the treasurer of state but not part of the state 11100  
treasury, and that is deposited in any of the following: 11101

(1) A commercial account that is payable or withdrawable, 11102  
in whole or in part, on demand; 11103

(2) A negotiable order of withdrawal account as authorized 11104  
in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 11105  
146, 12 U.S.C.A. 1832(a); 11106

(3) A money market deposit account as authorized in the 11107  
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 11108  
1501, 12 U.S.C. 3503. 11109

(B) "Auditor" includes the auditor of state and the 11110  
auditor, or officer exercising the functions of an auditor, of 11111  
any subdivision. 11112

(C) "Capital funds" means the sum of the following: the 11113  
par value of the outstanding common capital stock, the par value 11114  
of the outstanding preferred capital stock, the aggregate par 11115  
value of all outstanding capital notes and debentures, and the 11116  
surplus. In the case of an institution having offices in more 11117  
than one county, the capital funds of such institution, for the 11118  
purposes of sections 135.01 to 135.21 of the Revised Code, 11119  
relative to the deposit of the public moneys of the subdivisions 11120  
in one such county, shall be considered to be that proportion of 11121  
the capital funds of the institution that is represented by the 11122  
ratio that the deposit liabilities of such institution 11123  
originating at the office located in the county bears to the 11124  
total deposit liabilities of the institution. 11125

(D) "Governing board" means, in the case of the state, the 11126  
state board of deposit; in the case of all school districts and 11127



educational service centers except as otherwise provided in this 11128  
section, the board of education or governing board of a service 11129  
center, and when the case so requires, the board of 11130  
commissioners of the sinking fund; in the case of a municipal 11131  
corporation, the legislative authority, and when the case so 11132  
requires, the board of trustees of the sinking fund; in the case 11133  
of a township, the board of township trustees; in the case of a 11134  
union or joint institution or enterprise of two or more 11135  
subdivisions not having a treasurer, the board of directors or 11136  
trustees thereof; and in the case of any other subdivision 11137  
electing or appointing a treasurer, the directors, trustees, or 11138  
other similar officers of such subdivision. The governing board 11139  
of a subdivision electing or appointing a treasurer shall be the 11140  
governing board of all other subdivisions for which such 11141  
treasurer is authorized by law to act. In the case of a county 11142  
school financing district that levies a tax pursuant to section 11143  
5705.215 of the Revised Code, the county board of education that 11144  
serves as its taxing authority shall operate as a governing 11145  
board. Any other county board of education shall operate as a 11146  
governing board unless it adopts a resolution designating the 11147  
board of county commissioners as the governing board for the 11148  
county school district. 11149

(E) "Inactive deposit" means a public deposit other than 11150  
an interim deposit or an active deposit. 11151

(F) "Interim deposit" means a deposit of interim moneys. 11152  
"Interim moneys" means public moneys in the treasury of any 11153  
subdivision after the award of inactive deposits has been made 11154  
in accordance with section 135.07 of the Revised Code, which 11155  
moneys are in excess of the aggregate amount of the inactive 11156  
deposits as estimated by the governing board prior to the period 11157  
of designation and which the governing board finds should not be 11158

deposited as active or inactive deposits for the reason that 11159  
such moneys will not be needed for immediate use but will be 11160  
needed before the end of the period of designation. In the case 11161  
of the state treasury, "interim moneys" means public moneys that 11162  
are not active deposits and may be invested in accordance with 11163  
section 135.143 of the Revised Code. 11164

(G) "Permissible rate of interest" means a rate of 11165  
interest that all eligible institutions mentioned in section 11166  
135.03 of the Revised Code are permitted to pay by law or valid 11167  
regulations. 11168

(H) "Warrant clearance account" means an account 11169  
established by the treasurer of state for either of the 11170  
following purposes: 11171

~~(a)~~ (1) The deposit of active state moneys for the purposes 11172  
of clearing state paper warrants or checks through the banking 11173  
system, funding electronic benefit transfer cards, issuing 11174  
stored value cards, or otherwise facilitating the settlement of 11175  
state obligations; 11176

~~(b)~~ (2) The deposit of custodial moneys from an account 11177  
held in the custody of the treasurer of state to facilitate 11178  
settlement of obligations of the custodial fund. 11179

(I) "Public deposit" means public moneys deposited in a 11180  
public depository pursuant to sections 135.01 to 135.21 of the 11181  
Revised Code. 11182

(J) "Public depository" means an institution which 11183  
receives or holds any public deposits. 11184

(K) "Public moneys" means all moneys in the treasury of 11185  
the state or any subdivision of the state, or moneys coming 11186  
lawfully into the possession or custody of the treasurer of 11187

state or of the treasurer of any subdivision. "Public moneys of 11188  
the state" includes all such moneys coming lawfully into the 11189  
possession of the treasurer of state; and "public moneys of a 11190  
subdivision" includes all such moneys coming lawfully into the 11191  
possession of the treasurer of the subdivision. 11192

(L) "Subdivision" means any municipal corporation, except 11193  
one which has adopted a charter under Article XVIII, Ohio 11194  
Constitution, and the charter or ordinances of the chartered 11195  
municipal corporation set forth special provisions respecting 11196  
the deposit or investment of its public moneys, or any school 11197  
district or educational service center, a county school 11198  
financing district, township, municipal or school district 11199  
sinking fund, special taxing or assessment district, or other 11200  
district or local authority electing or appointing a treasurer, 11201  
except a county. In the case of a school district or educational 11202  
service center, special taxing or assessment district, or other 11203  
local authority for which a treasurer, elected or appointed 11204  
primarily as the treasurer of a subdivision, is authorized or 11205  
required by law to act as ex officio treasurer, the subdivision 11206  
for which such a treasurer has been primarily elected or 11207  
appointed shall be considered to be the "subdivision." The term 11208  
also includes a union or joint institution or enterprise of two 11209  
or more subdivisions, that is not authorized to elect or appoint 11210  
a treasurer, and for which no ex officio treasurer is provided 11211  
by law. 11212

(M) "Treasurer" means, in the case of the state, the 11213  
treasurer of state and in the case of any subdivision, the 11214  
treasurer, or officer exercising the functions of a treasurer, 11215  
of such subdivision. In the case of a board of trustees of the 11216  
sinking fund of a municipal corporation, the board of 11217  
commissioners of the sinking fund of a school district, or a 11218

board of directors or trustees of any union or joint institution 11219  
or enterprise of two or more subdivisions not having a 11220  
treasurer, such term means such board of trustees of the sinking 11221  
fund, board of commissioners of the sinking fund, or board of 11222  
directors or trustees. 11223

(N) "Treasury investment board" of a municipal corporation 11224  
means the mayor or other chief executive officer, the village 11225  
solicitor or city director of law, and the auditor or other 11226  
chief fiscal officer. 11227

(O) "No-load money market mutual fund" means a no-load 11228  
money market mutual fund to which all of the following apply: 11229

(1) The fund is registered as an investment company under 11230  
the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 11231  
80a-1 to 80a-64; 11232

(2) The fund has the highest letter or numerical rating 11233  
provided by at least one nationally recognized statistical 11234  
rating organization; 11235

(3) The fund does not include any investment in a 11236  
derivative. As used in division (O)(3) of this section, 11237  
"derivative" means a financial instrument or contract or 11238  
obligation whose value or return is based upon or linked to 11239  
another asset or index, or both, separate from the financial 11240  
instrument, contract, or obligation itself. Any security, 11241  
obligation, trust account, or other instrument that is created 11242  
from an issue of the United States treasury or is created from 11243  
an obligation of a federal agency or instrumentality or is 11244  
created from both is considered a derivative instrument. An 11245  
eligible investment described in section 135.14 or 135.35 of the 11246  
Revised Code with a variable interest rate payment, based upon a 11247

single interest payment or single index comprised of other 11248  
investments provided for in division (B) (1) or (2) of section 11249  
135.14 of the Revised Code, is not a derivative, provided that 11250  
such variable rate investment has a maximum maturity of two 11251  
years. 11252

(P) "Public depositor" means the state or a subdivision, 11253  
as applicable, that deposits public moneys in a public 11254  
depository pursuant to sections 135.01 to 135.21 of the Revised 11255  
Code. 11256

(Q) "Uninsured public deposit" means the portion of a 11257  
public deposit that is not insured by the federal deposit 11258  
insurance corporation or by any other agency or instrumentality 11259  
of the federal government. 11260

**Sec. 135.03.** (A) As used in this section, "banking office" 11261  
has the same meaning as in section 1101.01 of the Revised Code. 11262

(B) Any national bank, any bank doing business under 11263  
authority granted by the superintendent of financial 11264  
institutions, or any bank doing business under authority granted 11265  
by the regulatory authority of another state of the United 11266  
States, and which has a banking office located in this state, is 11267  
eligible to become a public depository, subject to sections 11268  
135.01 to 135.21 of the Revised Code. No bank shall receive or 11269  
have on deposit at any one time public moneys, including public 11270  
moneys as defined in section 135.31 of the Revised Code, in an 11271  
aggregate amount in excess of thirty per cent of its total 11272  
assets, as shown in its latest report to the comptroller of the 11273  
currency, the superintendent of financial institutions, the 11274  
federal deposit insurance corporation, or the board of governors 11275  
of the federal reserve system. 11276

(C) Any federal savings association or any savings and loan association or savings bank doing business under authority granted by the regulatory authority of another state of the United States, and which has a banking office located in this state, and authorized to accept deposits is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No savings association, savings and loan association, or savings bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the former office of thrift supervision, the comptroller of the currency, the superintendent of financial institutions, the federal deposit insurance corporation, or the board of governors of the federal reserve system.

**Sec. 135.143.** (A) The treasurer of state may invest or execute transactions for any part or all of the interim funds of the state in the following classifications of obligations:

(1) United States treasury bills, notes, bonds, or any other obligations or securities issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States;

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality;

(3) (a) Bonds, notes, and other obligations of the state of Ohio, including, but not limited to, any obligations issued by the treasurer of state, the Ohio public facilities commission, the Ohio housing finance agency, the Ohio water development authority, the Ohio turnpike infrastructure commission, the Ohio

higher educational facility commission, and state institutions 11307  
of higher education as defined in section 3345.011 of the 11308  
Revised Code; 11309

(b) Bonds, notes, and other obligations of any state or 11310  
political subdivision thereof rated in the three highest 11311  
categories by at least one nationally recognized statistical 11312  
rating organization and purchased through a registered 11313  
securities broker or dealer, provided the treasurer of state is 11314  
not the sole purchaser of the bonds, notes, or other obligations 11315  
at original issuance. 11316

(4) (a) Written repurchase agreements with any eligible 11317  
Ohio financial institution that is a member of the federal 11318  
reserve system or federal home loan bank, any registered United 11319  
States government securities dealer, or any counterparty rated 11320  
in one of the three highest categories by at least one 11321  
nationally recognized statistical rating organization or 11322  
otherwise determined by the treasurer of state to have adequate 11323  
capital and liquidity, under the terms of which agreement the 11324  
treasurer of state purchases and the eligible financial 11325  
institution, dealer, or counterparty agrees unconditionally to 11326  
repurchase any of the securities that are listed in division (A) 11327  
(1), (2), (3), (6), or (11) of this section. The market value of 11328  
securities subject to these transactions must exceed the 11329  
principal value of the repurchase agreement by an amount 11330  
specified by the treasurer of state, and the securities must be 11331  
delivered into the custody of the treasurer of state or the 11332  
qualified trustee or agent designated by the treasurer of state. 11333  
The agreement shall contain the requirement that for each 11334  
transaction pursuant to the agreement, the participating 11335  
institution, dealer, or counterparty shall provide all of the 11336  
following information: 11337

(i) The par value of the securities; 11338

(ii) The type, rate, and maturity date of the securities; 11339

(iii) A numerical identifier generally accepted in the securities industry that designates the securities. 11340  
11341

(b) The treasurer of state also may sell any securities, 11342  
listed in division (A)(1), (2), (6), or (11) of this section, 11343  
regardless of maturity or time of redemption of the securities, 11344  
under the same terms and conditions for repurchase, provided 11345  
that the securities have been fully paid for and are owned by 11346  
the treasurer of state at the time of the sale. 11347

(c) For purposes of division (A)(4) of this section, the 11348  
treasurer of state shall only buy or sell securities listed in 11349  
division (A)(11) of this section issued by entities that are 11350  
organized under the laws of this state, any other state, or the 11351  
United States. 11352

(5) Securities lending agreements with any eligible 11353  
financial institution that is a member of the federal reserve 11354  
system or federal home loan bank or any recognized United States 11355  
government securities dealer, under the terms of which 11356  
agreements the treasurer of state lends securities and the 11357  
eligible financial institution or dealer agrees to 11358  
simultaneously exchange similar securities or cash, equal value 11359  
for equal value. 11360

Securities and cash received as collateral for a 11361  
securities lending agreement are not interim funds of the state. 11362  
The investment of cash collateral received pursuant to a 11363  
securities lending agreement may be invested only in such 11364  
instruments specified by the treasurer of state in accordance 11365  
with a written investment policy. 11366



(6) Various forms of commercial paper issued by any entity 11367  
that is organized under the laws of the United States or a 11368  
state, which notes are rated in the two highest categories by 11369  
two nationally recognized statistical rating organizations, 11370  
provided that the total amount invested under this section in 11371  
any commercial paper at any time shall not exceed forty per cent 11372  
of the state's total average portfolio, as determined and 11373  
calculated by the treasurer of state; 11374

(7) Bankers acceptances, maturing in two hundred seventy 11375  
days or less, provided that the total amount invested in bankers 11376  
acceptances at any time shall not exceed ten per cent of the 11377  
state's total average portfolio, as determined and calculated by 11378  
the treasurer of state; 11379

(8) Certificates of deposit, savings accounts, or deposit 11380  
accounts in eligible institutions applying for interim moneys as 11381  
provided in section 135.08 of the Revised Code, including linked 11382  
deposits as authorized under section 135.61 of the Revised Code; 11383

(9) Negotiable certificates of deposit denominated in 11384  
United States dollars issued by a nationally or state-chartered 11385  
bank, a savings association or a federal savings association, a 11386  
state or federal credit union, or a federally licensed or state- 11387  
licensed branch of a foreign bank, which are rated in the two 11388  
highest categories by two nationally recognized statistical 11389  
rating organizations, provided that the total amount invested 11390  
under this section in negotiable certificates of deposit at any 11391  
time shall not exceed twenty-five per cent of the state's total 11392  
average portfolio, as determined and calculated by the treasurer 11393  
of state. Interim funds invested in accordance with division (A) 11394  
(9) of this section are not limited to institutions applying for 11395  
interim moneys under section 135.08 of the Revised Code, nor are 11396

they subject to any pledging requirements described in sections 11397  
135.18, 135.181, or 135.182 of the Revised Code. 11398

(10) The state treasurer's investment pool authorized 11399  
under section 135.45 of the Revised Code; 11400

(11) Debt interests, other than commercial paper described 11401  
in division (A) (6) of this section, rated in the three highest 11402  
categories by two nationally recognized statistical rating 11403  
organizations and issued by entities that are organized under 11404  
the laws of the United States or a state, or issued by foreign 11405  
nations diplomatically recognized by the United States 11406  
government, or any instrument based on, derived from, or related 11407  
to such interests, provided that: 11408

(a) The investments in debt interests other than 11409  
commercial paper, when added to the investment in written 11410  
repurchase agreements for securities listed in division (A) (3) 11411  
or (11) of this section, shall not exceed in the aggregate 11412  
twenty-five per cent of the state's portfolio. 11413

(b) The investments in debt interests issued by foreign 11414  
nations shall not exceed in the aggregate two per cent of the 11415  
state's portfolio. 11416

The treasurer of state shall invest under division (A) (11) 11417  
of this section in a debt interest issued by a foreign nation 11418  
only if the debt interest is backed by the full faith and credit 11419  
of that foreign nation, and provided that all interest and 11420  
principal shall be denominated and payable in United States 11421  
funds. 11422

(c) When added to the investment in commercial paper and 11423  
negotiable certificates of deposit, the investments in the debt 11424  
interests of a single issuer shall not exceed in the aggregate 11425

five per cent of the state's portfolio. 11426

(d) For purposes of division (A)(11) of this section, a 11427  
debt interest is rated in the three highest categories by two 11428  
nationally recognized statistical rating organizations if either 11429  
the debt interest itself or the issuer of the debt interest is 11430  
rated, or is implicitly rated, in the three highest categories 11431  
by two nationally recognized statistical rating organizations. 11432

(e) For purposes of division (A)(11) of this section, the 11433  
"state's portfolio" means the state's total average portfolio, 11434  
as determined and calculated by the treasurer of state. 11435

(12) No-load money market mutual funds rated in the 11436  
highest category by one nationally recognized statistical rating 11437  
organization or consisting exclusively of obligations described 11438  
in division (A)(1), (2), or (6) of this section and repurchase 11439  
agreements secured by such obligations; 11440

(13) Obligations issued by, or on behalf of, an Ohio 11441  
political subdivision under Chapter 133. of the Revised Code or 11442  
Section 12 of Article XVIII, Ohio Constitution, and identified 11443  
in an agreement described in division (G) of this section; 11444

(14) Obligations issued by the state of Ohio, any 11445  
political subdivision thereof, or by or on behalf of any 11446  
nonprofit corporation or association doing business in this 11447  
state rated in the four highest categories by at least one 11448  
nationally recognized statistical rating organization and 11449  
identified in an agreement described in division (K) of this 11450  
section. 11451

~~(B)~~ (B)(1) On or before the tenth day of each month, the 11452  
treasurer of state shall notify the state board of deposit that 11453  
the following reports pertaining to the immediately preceding 11454

month have been posted to the web site maintained by the 11455  
treasurer of state: 11456

~~(1)~~(a) The daily ledger report of state funds prepared in 11457  
accordance with section 113.13 of the Revised Code; 11458

~~(2)~~(b) The monthly portfolio report detailing the current 11459  
inventory of all investments and deposits held within the 11460  
classification of interim moneys; 11461

~~(3)~~(c) The monthly activity report within the 11462  
classification of interim moneys summarized by type of 11463  
investment or deposit. 11464

(2) In the event the state board of deposit does not 11465  
concur in such classification or in the investments or deposits 11466  
made under this section, subject to division (B)(3) of this 11467  
section, the board may order the treasurer of state to sell or 11468  
liquidate any of the investments or deposits, and any such order 11469  
shall specifically describe the investments or deposits and fix 11470  
the date upon which they are to be sold or liquidated. 11471  
Investments or deposits so ordered to be sold or liquidated 11472  
shall be sold or liquidated for cash by the treasurer of state 11473  
on the date fixed in such order at the then current market 11474  
price. Neither the treasurer of state nor the members of the 11475  
state board of deposit shall be held accountable for any loss 11476  
occasioned by sales or liquidations of investments or deposits 11477  
at prices lower than their cost. Any loss or expense incurred in 11478  
making these sales or liquidations is payable as other expenses 11479  
of the treasurer's office. 11480

(3) Unless expressly authorized by the laws of this state, 11481  
the state board of deposit shall not order the treasurer of 11482  
state to sell or liquidate investments or deposits with the 11483

primary purpose of influencing any environmental, social, 11484  
personal, or ideological policy. 11485

(C) If any securities or obligations invested in by the 11486  
treasurer of state pursuant to this section are registrable 11487  
either as to principal or interest, or both, such securities or 11488  
obligations shall be registered in the name of the treasurer of 11489  
state. 11490

(D) The treasurer of state is responsible for the 11491  
safekeeping of all securities or obligations under this section. 11492  
Any such securities or obligations may be deposited for 11493  
safekeeping as provided in section 113.05 of the Revised Code. 11494

(E) Interest earned on any investments or deposits 11495  
authorized by this section shall be collected by the treasurer 11496  
of state and credited by the treasurer of state to the proper 11497  
fund of the state. 11498

(F) Whenever investments or deposits acquired under this 11499  
section mature and become due and payable, the treasurer of 11500  
state shall present them for payment according to their tenor, 11501  
and shall collect the moneys payable thereon. The moneys so 11502  
collected shall be treated as public moneys subject to sections 11503  
135.01 to 135.21 of the Revised Code. 11504

(G) The treasurer of state and any entity issuing 11505  
obligations referred to in division (A) (13) of this section, 11506  
which obligations mature within one year from the original date 11507  
of issuance, may enter into an agreement providing for: 11508

(1) The purchase of those obligations by the treasurer of 11509  
state on terms and subject to conditions set forth in the 11510  
agreement; 11511

(2) The payment to the treasurer of state of a reasonable 11512

fee as consideration for the agreement of the treasurer of state 11513  
to purchase those obligations; provided, however, that the 11514  
treasurer of state shall not be authorized to enter into any 11515  
such agreement with a board of education of a school district 11516  
that has an outstanding obligation with respect to a loan 11517  
received under authority of section 3313.483 of the Revised 11518  
Code. 11519

(H) For purposes of division (G) of this section, a fee 11520  
shall not be considered reasonable unless it is set to recover 11521  
only the direct costs, a reasonable estimate of the indirect 11522  
costs associated with the purchasing of obligations under 11523  
division (G) of this section and any reselling of the 11524  
obligations or any interest in the obligations, including 11525  
interests in a fund comprised of the obligations, and the 11526  
administration thereof. No money from the general revenue fund 11527  
shall be used to subsidize the purchase or resale of these 11528  
obligations. 11529

(I) All money collected by the treasurer of state from the 11530  
fee imposed by division (G) of this section shall be deposited 11531  
to the credit of the state political subdivision obligations 11532  
fund, which is hereby created in the state treasury. Money 11533  
credited to the fund shall be used solely to pay the treasurer 11534  
of state's direct and indirect costs associated with purchasing 11535  
and reselling obligations under division (G) of this section. 11536

(J) As used in this section, "political subdivision" means 11537  
a county, township, municipal corporation, school district, or 11538  
other body corporate and politic responsible for governmental 11539  
activities in a geographic area smaller than that of the state. 11540

(K) (1) The treasurer of state and any entity issuing 11541  
obligations referred to in division (A) (14) of this section, 11542

which obligations require a conditional liquidity requirement, 11543  
may enter into an agreement providing for the following: 11544

(a) The purchase of the obligations by the treasurer of 11545  
state on terms and subject to conditions set forth in the 11546  
agreement; 11547

(b) Payment to the treasurer of state of a fee as 11548  
consideration for the agreement of the treasurer of state to 11549  
purchase the obligations. 11550

(2) The treasurer of state shall not enter into agreements 11551  
under division (K) (1) of this section for obligations that, in 11552  
the aggregate, exceed ten per cent of the state's total average 11553  
portfolio, as determined and calculated by the treasurer of 11554  
state. 11555

(3) For purposes of division (A) (14) of this section, an 11556  
obligation is rated in the four highest categories by at least 11557  
one nationally recognized statistical rating organization if 11558  
either the debt interest itself or the obligor of the debt 11559  
interest is rated in the four highest categories by at least one 11560  
nationally recognized statistical rating organization. 11561

(4) All money collected by the treasurer of state from the 11562  
fee imposed by division (K) of this section shall be deposited 11563  
to the credit of the state securities tender program fund, which 11564  
is hereby created in the state treasury. The amount of income 11565  
from the state securities tender program credited to the state 11566  
securities tender program fund shall not exceed one per cent of 11567  
the average par value of obligations subject to agreements under 11568  
division (K) (1) of this section. All other such income shall be 11569  
credited to the general revenue fund. The treasurer of state may 11570  
use the state securities tender program fund solely for 11571

operations of the office of the treasurer of state. 11572

(L) (1) The treasurer of state and a state university or 11573  
college issuing obligations under section 3345.12 of the Revised 11574  
Code may enter into an agreement providing for the following: 11575

(a) The purchase of those obligations by the treasurer of 11576  
state pursuant to division (A) (3) (a) of this section on terms 11577  
and subject to conditions set forth in the agreement; 11578

(b) The department of higher education to withhold, in the 11579  
event the state university or college does not pay bond service 11580  
charges on the obligations when due, appropriated funds 11581  
allocated to the state university or college in an amount 11582  
sufficient to pay bond service charges on the obligations, less 11583  
any amounts deposited for that purpose under the bond 11584  
proceedings. Upon the request of the treasurer of state, the 11585  
department of higher education shall promptly pay to the 11586  
treasurer of state the amounts withheld. 11587

(2) For purposes of division (L) (1) of this section, 11588  
"obligations," "state university or college," "bond service 11589  
charges," and "bond proceedings" have the same meanings as in 11590  
section 3345.12 of the Revised Code. 11591

(M) Unless expressly authorized by the laws of this state, 11592  
the treasurer of state shall not do either of the following: 11593

(1) Make an investment decision with the primary purpose 11594  
of influencing any environmental, social, personal, or 11595  
ideological policy; 11596

(2) Permit any person or entity to which the treasurer of 11597  
state delegates the management of the investment of state money 11598  
to make investment decisions with state money with the primary 11599  
purpose of influencing any environmental, social, personal, or 11600



ideological policy. 11601

Sec. 135.1411. Unless expressly authorized by the laws of 11602  
this state, the treasurer or the governing board of a municipal 11603  
corporation shall not do either of the following: 11604

(A) Make an investment decision with the primary purpose 11605  
of influencing any environmental, social, personal, or 11606  
ideological policy; 11607

(B) Permit any person or entity to which the treasurer or 11608  
governing board delegates the management of the investment of 11609  
public money to make investment decisions with public money with 11610  
the primary purpose of influencing any environmental, social, 11611  
personal, or ideological policy. 11612

**Sec. 135.18.** (A) Each institution designated as a public 11613  
depository and awarded public deposits under sections 135.01 to 11614  
135.21 of the Revised Code, except as provided in section 11615  
~~135.144~~ or 135.145 of the Revised Code, shall provide security 11616  
for the repayment of all public deposits by selecting one of the 11617  
following methods: 11618

(1) Securing all uninsured public deposits of each public 11619  
depositor separately as set forth in divisions (B) to (J) of 11620  
this section; 11621

(2) Securing all uninsured public deposits of every public 11622  
depositor pursuant to section 135.181 or 135.182 of the Revised 11623  
Code, as applicable, by establishing and pledging to the 11624  
treasurer of state a single pool of collateral for the benefit 11625  
of every public depositor at the public depository. 11626

(B) If a public depository elects to provide security 11627  
pursuant to division (A) (1) of this section, the public 11628  
depository shall pledge to the public depositor, as security for 11629

the repayment of all public moneys deposited in the public 11630  
depository during the period of designation pursuant to an award 11631  
made under sections 135.01 to 135.21 of the Revised Code, 11632  
eligible securities of aggregate market value at all times equal 11633  
to at least one hundred five per cent of the total amount of the 11634  
public depositor's uninsured public deposits. 11635

(C) In order for a public depository to receive public 11636  
moneys under this section, the public depository and the public 11637  
depositor shall first execute an agreement that sets forth the 11638  
entire arrangement among the parties and that meets the 11639  
requirements described in 12 U.S.C. 1823(e). In addition, the 11640  
agreement shall authorize the public depositor to obtain control 11641  
of the collateral pursuant to division (D) of section 1308.24 of 11642  
the Revised Code. 11643

(D) The following securities or other obligations shall be 11644  
eligible for the purposes of this section: 11645

(1) Bonds, notes, or other obligations of the United 11646  
States; or bonds, notes, or other obligations guaranteed as to 11647  
principal and interest by the United States or those for which 11648  
the faith of the United States is pledged for the payment of 11649  
principal and interest thereon, by language appearing in the 11650  
instrument specifically providing such guarantee or pledge and 11651  
not merely by interpretation or otherwise; 11652

(2) Bonds, notes, debentures, letters of credit, or other 11653  
obligations or securities issued by any federal government 11654  
agency or instrumentality, or the export-import bank of 11655  
Washington; bonds, notes, or other obligations guaranteed as to 11656  
principal and interest by the United States or those for which 11657  
the faith of the United States is pledged for the payment of 11658  
principal and interest thereon, by interpretation or otherwise 11659

and not by language appearing in the instrument specifically 11660  
providing such guarantee or pledge; 11661

(3) Obligations of or fully insured or fully guaranteed by 11662  
the United States or any federal government agency or 11663  
instrumentality; 11664

(4) Obligations partially insured or partially guaranteed 11665  
by any federal agency or instrumentality; 11666

(5) Obligations of or fully guaranteed by the federal 11667  
national mortgage association, federal home loan mortgage 11668  
corporation, federal farm credit bank, or student loan marketing 11669  
association; 11670

(6) Bonds and other obligations of this state; 11671

(7) Bonds and other obligations of any county, township, 11672  
school district, municipal corporation, or other legally 11673  
constituted taxing subdivision of this state, which is not at 11674  
the time of such deposit, in default in the payment of principal 11675  
or interest on any of its bonds or other obligations, for which 11676  
the full faith and credit of the issuing subdivision is pledged; 11677

(8) Bonds of other states of the United States which have 11678  
not during the ten years immediately preceding the time of such 11679  
deposit defaulted in payments of either interest or principal on 11680  
any of their bonds; 11681

(9) Shares of no-load money market mutual funds consisting 11682  
exclusively of obligations described in division (D) (1) or (2) 11683  
of this section and repurchase agreements secured by such 11684  
obligations; 11685

(10) A surety bond issued by a corporate surety licensed 11686  
by the state and authorized to issue surety bonds in this state 11687

pursuant to Chapter 3929. of the Revised Code, and qualified to 11688  
provide surety bonds to the federal government pursuant to 96 11689  
Stat. 1047 (1982), 31 U.S.C.A. 9304; 11690

(11) Bonds or other obligations of any county, municipal 11691  
corporation, or other legally constituted taxing subdivision of 11692  
another state of the United States, or of any instrumentality of 11693  
such county, municipal corporation, or other taxing subdivision, 11694  
for which the full faith and credit of the issuer is pledged 11695  
and, at the time of purchase of the bonds or other obligations, 11696  
rated in one of the two highest categories by at least one 11697  
nationally recognized statistical rating organization. 11698

(E) An institution designated as a public depository shall 11699  
designate a qualified trustee and place the eligible securities 11700  
required by division (D) of this section with the trustee for 11701  
safekeeping. The trustee shall hold the eligible securities in 11702  
an account indicating the public depositor's security interest 11703  
in the securities. The trustee shall report to the public 11704  
depositor information relating to the securities pledged to 11705  
secure the public deposits in the manner and frequency required 11706  
by the public depositor. 11707

(F) The qualified trustee shall enter into a custodial 11708  
agreement with the public depositor and public depository in 11709  
which the trustee agrees to comply with entitlement orders 11710  
originated by the public depositor without further consent by 11711  
the public depository or, in the case of collateral held by the 11712  
public depository in an account at a federal reserve bank, the 11713  
public depositor shall have the public depositor's security 11714  
interest marked on the books of the federal reserve bank where 11715  
the account for the collateral is maintained. If the public 11716  
depository fails to pay over any part of the public deposits 11717

made by the public depositor therein as provided by law, the 11718  
public depositor shall give written notice of this failure to 11719  
the qualified trustee holding the securities pledged against its 11720  
public deposits and, at the same time, shall send a copy of this 11721  
notice to the public depository. Upon receipt of this notice, 11722  
the trustee shall transfer to the public depositor for sale, the 11723  
securities that are necessary to produce an amount equal to the 11724  
public deposits made by the public depositor and not paid over, 11725  
less the portion of the deposits covered by any federal deposit 11726  
insurance, plus any accrued interest due on the deposits. The 11727  
public depositor shall sell any of the bonds or other securities 11728  
so transferred. When a sale of bonds or other securities has 11729  
been so made and upon payment to the public depositor of the 11730  
purchase money, the public depositor shall transfer such bonds 11731  
or securities whereupon the absolute ownership of such bonds or 11732  
securities shall pass to the purchasers. Any surplus after 11733  
deducting the amount due the public depositor and expenses of 11734  
sale shall be paid to the public depository. 11735

(G) When the public depository has placed eligible 11736  
securities described in division (D) (1) of this section with a 11737  
trustee for safekeeping, the public depository may at any time 11738  
substitute or exchange eligible securities described in division 11739  
(D) (1) of this section having a current market value equal to or 11740  
greater than the current market value of the securities then on 11741  
deposit and for which they are to be substituted or exchanged, 11742  
without specific authorization from any public depositor's 11743  
governing board, boards, or treasurer of any such substitution 11744  
or exchange. 11745

(H) When the public depository has placed eligible 11746  
securities described in divisions (D) (2) to (9) of this section 11747  
with a trustee for safekeeping, the public depository may at any 11748

time substitute or exchange eligible securities having a current 11749  
market value equal to or greater than the current market value 11750  
of the securities then on deposit and for which they are to be 11751  
substituted or exchanged without specific authorization of any 11752  
public depositor's governing board, boards, or treasurer of any 11753  
such substitution or exchange only if one of the following 11754  
applies: 11755

(1) The public depositor has authorized the public 11756  
depository to make such substitution or exchange on a continuing 11757  
basis during a specified period without prior approval of each 11758  
substitution or exchange. The authorization may be effected by 11759  
the public depositor sending to the trustee a written notice 11760  
stating that substitution may be effected on a continuing basis 11761  
during a specified period which shall not extend beyond the end 11762  
of the period of designation during which the notice is given. 11763  
The trustee may rely upon this notice and upon the period of 11764  
authorization stated therein and upon the period of designation 11765  
stated therein. 11766

(2) The public depository notifies the public depositor 11767  
and the trustee of an intended substitution or exchange, and the 11768  
public depositor does not object to the trustee as to the 11769  
eligibility or market value of the securities being substituted 11770  
within three business days after the date appearing on the 11771  
notice of proposed substitution. The notice to the public 11772  
depositor and to the trustee shall be given in writing and 11773  
delivered electronically. The trustee may assume in any case 11774  
that the notice has been delivered to the public depositor. In 11775  
order for objections of the public depositor to be effective, 11776  
receipt of the objections must be acknowledged in writing by the 11777  
trustee. 11778

(3) The public depositor gives written authorization for a substitution or exchange of specific securities. 11779  
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(I) The public depository shall notify any public depositor of any substitution or exchange under division (H) (1) or (2) of this section. 11781  
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(J) Any federal reserve bank or branch thereof located in this state or federal home loan bank, without compliance with Chapter 1111. of the Revised Code and without becoming subject to any other law of this state relative to the exercise by corporations of trust powers generally, is qualified to act as trustee for the safekeeping of securities, under this section. Any institution mentioned in section 135.03 or 135.32 of the Revised Code that holds a certificate of qualification issued by the superintendent of financial institutions or any institution complying with sections 1111.04, 1111.05, and 1111.06 of the Revised Code, is qualified to act as trustee for the safekeeping of securities under this section, other than those belonging to itself or to an affiliate as defined in section 1101.01 of the Revised Code. 11784  
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Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure deposits of public moneys, a trustee has no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, without limitation, a substitution or exchange of securities. 11798  
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Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the state or the subdivision or to any officer of the state or subdivision. 11805  
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The charges or compensation shall not be a lien or charge upon 11809  
the securities deposited for safekeeping prior or superior to 11810  
the rights to and interests in the securities of the public 11811  
depositor. The treasurer and the treasurer's bonders or surety 11812  
shall be relieved from any liability to the public depositor or 11813  
to the public depository for the loss or destruction of any 11814  
securities deposited with a qualified trustee pursuant to this 11815  
section. 11816

**Sec. 135.35.** (A) The investing authority shall deposit or 11817  
invest any part or all of the county's inactive moneys and shall 11818  
invest all of the money in the county public library fund when 11819  
required by section 135.352 of the Revised Code. The following 11820  
classifications of securities and obligations are eligible for 11821  
such deposit or investment: 11822

(1) United States treasury bills, notes, bonds, or any 11823  
other obligation or security issued by the United States 11824  
treasury, any other obligation guaranteed as to principal or 11825  
interest by the United States, or any book entry, zero-coupon 11826  
United States treasury security that is a direct obligation of 11827  
the United States. 11828

Nothing in the classification of eligible securities and 11829  
obligations set forth in divisions (A) (2) to (10) of this 11830  
section shall be construed to authorize any investment in 11831  
stripped principal or interest obligations of such eligible 11832  
securities and obligations. 11833

(2) Bonds, notes, debentures, or any other obligations or 11834  
securities issued by any federal government agency or 11835  
instrumentality, including, but not limited to, the federal 11836  
national mortgage association, federal home loan bank, federal 11837  
farm credit bank, federal home loan mortgage corporation, and 11838



government national mortgage association. All federal agency 11839  
securities shall be direct issuances of federal government 11840  
agencies or instrumentalities. 11841

(3) Time certificates of deposit or savings or deposit 11842  
accounts, including, but not limited to, passbook accounts, in 11843  
any eligible institution mentioned in section 135.32 of the 11844  
Revised Code; 11845

(4) Bonds and other obligations of this state or the 11846  
political subdivisions of this state, provided the bonds or 11847  
other obligations of political subdivisions mature within ten 11848  
years from the date of settlement; 11849

(5) No-load money market mutual funds rated in the highest 11850  
category at the time of purchase by at least one nationally 11851  
recognized statistical rating organization or consisting 11852  
exclusively of obligations described in division (A)(1), (2), or 11853  
(6) of section 135.143 of the Revised Code and repurchase 11854  
agreements secured by such obligations, provided that 11855  
investments in securities described in this division are made 11856  
only through eligible institutions mentioned in section 135.32 11857  
of the Revised Code; 11858

(6) The Ohio subdivision's fund as provided in section 11859  
135.45 of the Revised Code; 11860

(7) Securities lending agreements with any eligible 11861  
institution mentioned in section 135.32 of the Revised Code that 11862  
is a member of the federal reserve system or federal home loan 11863  
bank or with any recognized United States government securities 11864  
dealer meeting the description in division (J)(1) of this 11865  
section, under the terms of which agreements the investing 11866  
authority lends securities and the eligible institution or 11867

dealer agrees to simultaneously exchange similar securities or 11868  
cash, equal value for equal value. 11869

Securities and cash received as collateral for a 11870  
securities lending agreement are not inactive moneys of the 11871  
county or moneys of a county public library fund. The investment 11872  
of cash collateral received pursuant to a securities lending 11873  
agreement may be invested only in instruments specified by the 11874  
investing authority in the written investment policy described 11875  
in division (K) of this section. 11876

(8) Up to forty per cent of the county's total average 11877  
portfolio in either of the following investments: 11878

(a) Commercial paper notes issued by an entity that is 11879  
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 11880  
of section 1706.01 of the Revised Code and that has assets 11881  
exceeding five hundred million dollars, to which notes all of 11882  
the following apply: 11883

(i) The notes are rated at the time of purchase in the 11884  
highest classification established by at least two nationally 11885  
recognized statistical rating organizations. 11886

(ii) The aggregate value of the notes does not exceed ten 11887  
per cent of the aggregate value of the outstanding commercial 11888  
paper of the issuing corporation. 11889

(iii) The notes mature not later than two hundred seventy 11890  
days after purchase. 11891

(iv) The investment in commercial paper notes of a single 11892  
issuer shall not exceed in the aggregate five per cent of 11893  
interim moneys available for investment at the time of purchase. 11894

(b) Bankers acceptances of banks that are insured by the 11895

federal deposit insurance corporation and that mature not later 11896  
than one hundred eighty days after purchase. 11897

No investment shall be made pursuant to division (A)(8) of 11898  
this section unless the investing authority has completed 11899  
additional training for making the investments authorized by 11900  
division (A)(8) of this section. The type and amount of 11901  
additional training shall be approved by the treasurer of state 11902  
and may be conducted by or provided under the supervision of the 11903  
treasurer of state. 11904

(9) Up to fifteen per cent of the county's total average 11905  
portfolio in notes issued by corporations that are incorporated 11906  
under the laws of the United States and that are operating 11907  
within the United States, or by depository institutions that are 11908  
doing business under authority granted by the United States or 11909  
any state and that are operating within the United States, 11910  
provided both of the following apply: 11911

(a) The notes are rated in the three highest categories by 11912  
at least two nationally recognized statistical rating 11913  
organizations at the time of purchase. 11914

(b) The notes mature not later than three years after 11915  
purchase. 11916

(10) Debt interests rated at the time of purchase in the 11917  
three highest categories by two nationally recognized 11918  
statistical rating organizations and issued by foreign nations 11919  
diplomatically recognized by the United States government. All 11920  
interest and principal shall be denominated and payable in 11921  
United States funds. The investments made under division (A)(10) 11922  
of this section shall not exceed in the aggregate two per cent 11923  
of a county's total average portfolio. 11924

The investing authority shall invest under division (A) 11925  
(10) of this section in a debt interest issued by a foreign 11926  
nation only if the debt interest is backed by the full faith and 11927  
credit of that foreign nation, there is no prior history of 11928  
default, and the debt interest matures not later than five years 11929  
after purchase. For purposes of division (A) (10) of this 11930  
section, a debt interest is rated in the three highest 11931  
categories by two nationally recognized statistical rating 11932  
organizations if either the debt interest itself or the issuer 11933  
of the debt interest is rated, or is implicitly rated, at the 11934  
time of purchase in the three highest categories by two 11935  
nationally recognized statistical rating organizations. 11936

(11) A current unpaid or delinquent tax line of credit 11937  
authorized under division (G) of section 135.341 of the Revised 11938  
Code, provided that all of the conditions for entering into such 11939  
a line of credit under that division are satisfied, or bonds and 11940  
other obligations of a county land reutilization corporation 11941  
organized under Chapter 1724. of the Revised Code, if the county 11942  
land reutilization corporation is located wholly or partly 11943  
within the same county as the investing authority. 11944

(B) Nothing in the classifications of eligible obligations 11945  
and securities set forth in divisions (A) (1) to (10) of this 11946  
section shall be construed to authorize investment in a 11947  
derivative, and no investing authority shall invest any county 11948  
inactive moneys or any moneys in a county public library fund in 11949  
a derivative. For purposes of this division, "derivative" means 11950  
a financial instrument or contract or obligation whose value or 11951  
return is based upon or linked to another asset or index, or 11952  
both, separate from the financial instrument, contract, or 11953  
obligation itself. Any security, obligation, trust account, or 11954  
other instrument that is created from an issue of the United 11955

States treasury or is created from an obligation of a federal 11956  
agency or instrumentality or is created from both is considered 11957  
a derivative instrument. An eligible investment described in 11958  
this section with a variable interest rate payment, based upon a 11959  
single interest payment or single index comprised of other 11960  
eligible investments provided for in division (A)(1) or (2) of 11961  
this section, is not a derivative, provided that such variable 11962  
rate investment has a maximum maturity of two years. A treasury 11963  
inflation-protected security shall not be considered a 11964  
derivative, provided the security matures not later than five 11965  
years after purchase. 11966

(C) Except as provided in division (A)(4) or (D) of this 11967  
section, any investment made pursuant to this section must 11968  
mature within five years from the date of settlement, unless the 11969  
investment is matched to a specific obligation or debt of the 11970  
county or to a specific obligation or debt of a political 11971  
subdivision of this state, and the investment is specifically 11972  
approved by the investment advisory committee. 11973

(D) The investing authority may also enter into a written 11974  
repurchase agreement with any eligible institution mentioned in 11975  
section 135.32 of the Revised Code or any eligible securities 11976  
dealer pursuant to division (J) of this section, under the terms 11977  
of which agreement the investing authority purchases and the 11978  
eligible institution or dealer agrees unconditionally to 11979  
repurchase any of the securities listed in divisions (D)(1) to 11980  
(5), except letters of credit described in division (D)(2), of 11981  
section 135.18 of the Revised Code. The market value of 11982  
securities subject to an overnight written repurchase agreement 11983  
must exceed the principal value of the overnight written 11984  
repurchase agreement by at least two per cent. A written 11985  
repurchase agreement must exceed the principal value of the 11986

overnight written repurchase agreement, by at least two per cent. A written repurchase agreement shall not exceed thirty days, and the market value of securities subject to a written repurchase agreement must exceed the principal value of the written repurchase agreement by at least two per cent and be marked to market daily. All securities purchased pursuant to this division shall be delivered into the custody of the investing authority or the qualified custodian of the investing authority or an agent designated by the investing authority. A written repurchase agreement with an eligible securities dealer shall be transacted on a delivery versus payment basis. The agreement shall contain the requirement that for each transaction pursuant to the agreement the participating institution shall provide all of the following information:

- (1) The par value of the securities;
- (2) The type, rate, and maturity date of the securities;
- (3) A numerical identifier generally accepted in the securities industry that designates the securities.

No investing authority shall enter into a written repurchase agreement under the terms of which the investing authority agrees to sell securities owned by the county to a purchaser and agrees with that purchaser to unconditionally repurchase those securities.

(E) No investing authority shall make an investment under this section, unless the investing authority, at the time of making the investment, reasonably expects that the investment can be held until its maturity. The investing authority's written investment policy shall specify the conditions under which an investment may be redeemed or sold prior to maturity.

(F) No investing authority shall pay a county's inactive 12016  
moneys or moneys of a county public library fund into a fund 12017  
established by another subdivision, treasurer, governing board, 12018  
or investing authority, if that fund was established by the 12019  
subdivision, treasurer, governing board, or investing authority 12020  
for the purpose of investing or depositing the public moneys of 12021  
other subdivisions. This division does not apply to the payment 12022  
of public moneys into either of the following: 12023

(1) The Ohio subdivision's fund pursuant to division (A) 12024  
(6) of this section; 12025

(2) A fund created solely for the purpose of acquiring, 12026  
constructing, owning, leasing, or operating municipal utilities 12027  
pursuant to the authority provided under section 715.02 of the 12028  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 12029

For purposes of division (F) of this section, 12030  
"subdivision" includes a county. 12031

(G) The use of leverage, in which the county uses its 12032  
current investment assets as collateral for the purpose of 12033  
purchasing other assets, is prohibited. The issuance of taxable 12034  
notes for the purpose of arbitrage is prohibited. Contracting to 12035  
sell securities not owned by the county, for the purpose of 12036  
purchasing such securities on the speculation that bond prices 12037  
will decline, is prohibited. 12038

(H) Any securities, certificates of deposit, deposit 12039  
accounts, or any other documents evidencing deposits or 12040  
investments made under authority of this section shall be issued 12041  
in the name of the county with the county treasurer or investing 12042  
authority as the designated payee. If any such deposits or 12043  
investments are registrable either as to principal or interest, 12044

or both, they shall be registered in the name of the treasurer. 12045

(I) The investing authority shall be responsible for the 12046  
safekeeping of all documents evidencing a deposit or investment 12047  
acquired under this section, including, but not limited to, 12048  
safekeeping receipts evidencing securities deposited with a 12049  
qualified trustee, as provided in section 135.37 of the Revised 12050  
Code, and documents confirming the purchase of securities under 12051  
any repurchase agreement under this section shall be deposited 12052  
with a qualified trustee, provided, however, that the qualified 12053  
trustee shall be required to report to the investing authority, 12054  
auditor of state, or an authorized outside auditor at any time 12055  
upon request as to the identity, market value, and location of 12056  
the document evidencing each security, and that if the 12057  
participating institution is a designated depository of the 12058  
county for the current period of designation, the securities 12059  
that are the subject of the repurchase agreement may be 12060  
delivered to the treasurer or held in trust by the participating 12061  
institution on behalf of the investing authority. 12062

Upon the expiration of the term of office of an investing 12063  
authority or in the event of a vacancy in the office for any 12064  
reason, the officer or the officer's legal representative shall 12065  
transfer and deliver to the officer's successor all documents 12066  
mentioned in this division for which the officer has been 12067  
responsible for safekeeping. For all such documents transferred 12068  
and delivered, the officer shall be credited with, and the 12069  
officer's successor shall be charged with, the amount of moneys 12070  
evidenced by such documents. 12071

(J) (1) All investments, except for investments in 12072  
securities described in divisions (A) (5), (6), and (11) of this 12073  
section, shall be made only through a member of the financial 12074



industry regulatory authority (FINRA), through a bank, savings 12075  
bank, or savings and loan association regulated by the 12076  
superintendent of financial institutions, or through an 12077  
institution regulated by the comptroller of the currency, 12078  
federal deposit insurance corporation, or board of governors of 12079  
the federal reserve system. 12080

(2) Payment for investments shall be made only upon the 12081  
delivery of securities representing such investments to the 12082  
treasurer, investing authority, or qualified trustee. If the 12083  
securities transferred are not represented by a certificate, 12084  
payment shall be made only upon receipt of confirmation of 12085  
transfer from the custodian by the treasurer, governing board, 12086  
or qualified trustee. 12087

(K) (1) Except as otherwise provided in division (K) (2) of 12088  
this section, no investing authority shall make an investment or 12089  
deposit under this section, unless there is on file with the 12090  
auditor of state a written investment policy approved by the 12091  
investing authority. The policy shall require that all entities 12092  
conducting investment business with the investing authority 12093  
shall sign the investment policy of that investing authority. 12094  
All brokers, dealers, and financial institutions, described in 12095  
division (J) (1) of this section, initiating transactions with 12096  
the investing authority by giving advice or making investment 12097  
recommendations shall sign the investing authority's investment 12098  
policy thereby acknowledging their agreement to abide by the 12099  
policy's contents. All brokers, dealers, and financial 12100  
institutions, described in division (J) (1) of this section, 12101  
executing transactions initiated by the investing authority, 12102  
having read the policy's contents, shall sign the investment 12103  
policy thereby acknowledging their comprehension and receipt. 12104

(2) If a written investment policy described in division 121105  
(K) (1) of this section is not filed on behalf of the county with 121106  
the auditor of state, the investing authority of that county 121107  
shall invest the county's inactive moneys and moneys of the 121108  
county public library fund only in time certificates of deposits 121109  
or savings or deposit accounts pursuant to division (A) (3) of 121110  
this section, no-load money market mutual funds pursuant to 121111  
division (A) (5) of this section, or the Ohio subdivision's fund 121112  
pursuant to division (A) (6) of this section. 121113

(L) (1) The investing authority shall establish and 121114  
maintain an inventory of all obligations and securities acquired 121115  
by the investing authority pursuant to this section. The 121116  
inventory shall include a description of each obligation or 121117  
security, including type, cost, par value, maturity date, 121118  
settlement date, and any coupon rate. 121119

(2) The investing authority shall also keep a complete 12120  
record of all purchases and sales of the obligations and 12121  
securities made pursuant to this section. 12122

(3) The investing authority shall maintain a monthly 12123  
portfolio report and issue a copy of the monthly portfolio 12124  
report describing such investments to the county investment 12125  
advisory committee, detailing the current inventory of all 12126  
obligations and securities, all transactions during the month 12127  
that affected the inventory, any income received from the 12128  
obligations and securities, and any investment expenses paid, 12129  
and stating the names of any persons effecting transactions on 12130  
behalf of the investing authority. 12131

(4) The monthly portfolio report shall be a public record 12132  
and available for inspection under section 149.43 of the Revised 12133  
Code. 12134

(5) The inventory and the monthly portfolio report shall 12135  
be filed with the board of county commissioners. The monthly 12136  
portfolio report also shall be filed with the treasurer of 12137  
state. 12138

(M) An investing authority may enter into a written 12139  
investment or deposit agreement that includes a provision under 12140  
which the parties agree to submit to nonbinding arbitration to 12141  
settle any controversy that may arise out of the agreement, 12142  
including any controversy pertaining to losses of public moneys 12143  
resulting from investment or deposit. The arbitration provision 12144  
shall be set forth entirely in the agreement, and the agreement 12145  
shall include a conspicuous notice to the parties that any party 12146  
to the arbitration may apply to the court of common pleas of the 12147  
county in which the arbitration was held for an order to vacate, 12148  
modify, or correct the award. Any such party may also apply to 12149  
the court for an order to change venue to a court of common 12150  
pleas located more than one hundred miles from the county in 12151  
which the investing authority is located. 12152

For purposes of this division, "investment or deposit 12153  
agreement" means any agreement between an investing authority 12154  
and a person, under which agreement the person agrees to invest, 12155  
deposit, or otherwise manage, on behalf of the investing 12156  
authority, a county's inactive moneys or moneys in a county 12157  
public library fund, or agrees to provide investment advice to 12158  
the investing authority. 12159

(N) (1) An investment held in the county portfolio on 12160  
September 27, 1996, that was a legal investment under the law as 12161  
it existed before September 27, 1996, may be held until 12162  
maturity. 12163

(2) An investment held in the county portfolio on 12164

September 10, 2012, that was a legal investment under the law as 12165  
it existed before September 10, 2012, may be held until 12166  
maturity. 12167

(O) Unless expressly authorized by the laws of this state, 12168  
an investing authority shall not do either of the following: 12169

(1) Make an investment decision with the primary purpose 12170  
of influencing any environmental, social, personal, or 12171  
ideological policy; 12172

(2) Permit any person or entity to which the investing 12173  
authority delegates the management of the investment of public 12174  
money to make investment decisions with public money with the 12175  
primary purpose of influencing any environmental, social, 12176  
personal, or ideological policy. 12177

**Sec. 135.352.** The investment authority shall invest all 12178  
moneys in the county public library fund that are not 12179  
distributed due to an appeal of the budget commission's 12180  
allocation of such fund. Interest earned on such investments 12181  
shall be credited to the fund and distributed in accordance with 12182  
section ~~5747.48~~ 126.68 of the Revised Code. 12183

**Sec. 135.71.** (A) The general assembly finds that making 12184  
homeownership more attainable is an important part of fostering 12185  
a robust and lasting population across the state. However, 12186  
individuals often struggle to accumulate the financial resources 12187  
needed to purchase a home. Accordingly, it is declared to be the 12188  
public policy of the state through the homeownership savings 12189  
linked deposit program to make available premium rate savings 12190  
accounts for the down payment and closing costs associated with 12191  
the purchase of a home. 12192

(B) An eligible participant for the homeownership savings 12193

linked deposit program is an individual who is a resident of 12194  
this state, or a member of the uniformed services, on active 12195  
duty assignment, who is a resident of this state via a residency 12196  
or domicile election in accordance with 50 U.S.C. 4001, and has 12197  
applied for a homeownership savings account at an eligible 12198  
savings institution. A member of the uniformed services, who is 12199  
an eligible participant, may apply for a homeownership savings 12200  
account at an eligible savings institution on or after the date 12201  
affixed to the permanent change of station orders. As used in 12202  
this division, "active duty" and "uniformed services" have the 12203  
meanings defined in 10 U.S.C. 101. 12204

(C) An eligible participant shall certify on the 12205  
application that the funds in the homeownership savings account 12206  
shall be used exclusively for eligible home costs. 12207

(D) A homeownership savings account shall be owned by not 12208  
more than one eligible participant and an eligible participant 12209  
shall hold not more than one homeownership savings account per 12210  
program period at any eligible savings institution. 12211

(E) The treasurer of state shall report to the tax 12212  
commissioner any information in the treasurer of state's 12213  
possession deemed necessary by the tax commissioner to properly 12214  
administer section 5747.85 of the Revised Code. 12215

(F) Not later than January 31, 2027, the treasurer of 12216  
state and the tax commissioner shall issue a report regarding 12217  
the efficacy of the homeownership savings linked deposit 12218  
program. The report shall include all of the following: 12219

(1) The number of homeownership savings accounts created; 12220

(2) The number of participating eligible savings 12221  
institutions; 12222

- (3) The total amount contributed into the accounts; 12223
- (4) The average ~~yield~~ premium savings rate paid on the 12224  
accounts; 12225
- (5) Any other information the treasurer of state or tax 12226  
commissioner deems relevant. 12227
- The report shall be delivered to the governor, the speaker 12228  
of the house of representatives, and the president of the 12229  
senate. 12230
- Sec. 145.012.** (A) "Public employee," as defined in 12231  
division (A) of section 145.01 of the Revised Code, does not 12232  
include any person: 12233
- (1) Who is employed by a private, temporary-help service 12234  
and performs services under the direction of a public employer 12235  
or is employed on a contractual basis as an independent 12236  
contractor under a personal service contract with a public 12237  
employer; 12238
- (2) Who is an emergency employee serving on a temporary 12239  
basis in case of fire, snow, earthquake, flood, or other similar 12240  
emergency; 12241
- (3) Who is employed in a program established pursuant to 12242  
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 12243  
U.S.C.A. 1501; 12244
- (4) Who is an appointed member of either the motor vehicle 12245  
salvage dealers board or the motor vehicle dealer's board whose 12246  
rate and method of payment are determined pursuant to division 12247  
(J) of section 124.15 of the Revised Code; 12248
- (5) ~~Who~~ Whose only service as a public employee during a 12249  
calendar year is employed as an precinct election worker 12250

~~official under section 3501.22 of the Revised Code and paid less than six hundred dollars per calendar year the person received compensation for that service, except for a under section 3501.28 of the Revised Code during the calendar year in which more than one primary election and one general election are held, the person is paid six hundred dollars plus an amount not to exceed four hundred dollars for that service;~~

(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:

(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;

(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;

(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.

(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;

(8) Who participates in an alternative retirement plan

established under Chapter 3305. of the Revised Code;	12280
(9) Who is a member of the board of directors of a	12281
sanitary district established under Chapter 6115. of the Revised	12282
Code;	12283
(10) Who is an employee, officer, or governor-appointed	12284
member of the board of directors of the nonprofit corporation	12285
formed under section 187.01 of the Revised Code;	12286
(11) Who is employed by the nonprofit entity established	12287
to provide advocacy services and a client assistance program for	12288
people with disabilities under Section 319.20 of Am. Sub. H.B.	12289
153 of the 129th general assembly and whose employment begins on	12290
or after October 1, 2012.	12291
(B) No inmate of a correctional institution operated by	12292
the department of rehabilitation and correction, no patient in a	12293
hospital for persons with mental illnesses operated by the	12294
department of mental health and addiction services, no resident	12295
in an institution for persons with intellectual disabilities	12296
operated by the department of developmental disabilities, no	12297
resident admitted as a patient of a veterans' home operated	12298
under Chapter 5907. of the Revised Code, and no resident of a	12299
county home shall be considered as a public employee for the	12300
purpose of establishing membership or calculating service credit	12301
or benefits under this chapter. Nothing in this division shall	12302
be construed to affect any service credit attained by any person	12303
who was a public employee before becoming an inmate, patient, or	12304
resident at any institution listed in this division, or the	12305
payment of any benefit for which such a person or such a	12306
person's beneficiaries otherwise would be eligible.	12307
<b>Sec. 149.3010.</b> The Ohio history connection, in addition to	12308



its other functions, may use any land owned by the Ohio history connection, any land owned by the state and in the Ohio history connection's custody and control, any land leased by the Ohio history connection, or any land that the Ohio history connection has agreed to lease to another entity or organization, for the purpose of repatriation of American Indian human remains.

The Ohio history connection shall work with and cooperate with federally recognized Indian tribal governments in the selection, management, and use of burial sites under this section. The Ohio history connection shall implement reasonable standards for the use and maintenance of the burial sites. In the event the Ohio history connection shall deaccession, otherwise dispose of, or no longer have custody and control of a burial site, the Ohio history connection shall retain access and authority to maintain the site or the Ohio history connection shall assign its right of access and maintenance to the person acquiring the site. For each burial site established on or after the effective date of this section, and for each burial site established before the effective date of this section and for which it is legally feasible, the Ohio history connection shall establish a perpetual easement, enforceable by the Ohio history connection or a person assigned by the Ohio history connection, to preserve the burial sites.

Chapters 517., 759., 1721., and 4767. of the Revised Code do not apply to burial sites under this section.

**Sec. 149.311.** (A) As used in this section:

(1) "Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the national register of historic places under 16 U.S.C. 470a, located in a registered historic

district, and certified by the state historic preservation 12339  
officer as being of historic significance to the district, or is 12340  
individually listed as an historic landmark designated by a 12341  
local government certified under 16 U.S.C. 470a(c). 12342

(2) "Qualified rehabilitation expenditures" means 12343  
expenditures paid or incurred during the rehabilitation period, 12344  
and before and after that period as determined under 26 U.S.C. 12345  
47, by an owner or qualified lessee of an historic building to 12346  
rehabilitate the building. "Qualified rehabilitation 12347  
expenditures" includes architectural or engineering fees paid or 12348  
incurred in connection with the rehabilitation, and expenses 12349  
incurred in the preparation of nomination forms for listing on 12350  
the national register of historic places. "Qualified 12351  
rehabilitation expenditures" does not include any of the 12352  
following: 12353

(a) The cost of acquiring, expanding, or enlarging an 12354  
historic building; 12355

(b) Expenditures attributable to work done to facilities 12356  
related to the building, such as parking lots, sidewalks, and 12357  
landscaping; 12358

(c) New building construction costs. 12359

(3) "Owner" of an historic building means a person holding 12360  
the fee simple interest in the building. "Owner" does not 12361  
include the state or a state agency, or any political 12362  
subdivision as defined in section 9.23 of the Revised Code. 12363

(4) "Qualified lessee" means a person subject to a lease 12364  
agreement for an historic building and eligible for the federal 12365  
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 12366  
does not include the state or a state agency or political 12367

subdivision as defined in section 9.23 of the Revised Code. 12368

(5) "Certificate owner" means the owner or qualified 12369  
lessee of an historic building to which a rehabilitation tax 12370  
credit certificate was issued under this section. 12371

(6) "Registered historic district" means an historic 12372  
district listed in the national register of historic places 12373  
under 16 U.S.C. 470a, an historic district designated by a local 12374  
government certified under 16 U.S.C. 470a(c), or a local 12375  
historic district certified under 36 C.F.R. 67.8 and 67.9. 12376

(7) "Rehabilitation" means the process of repairing or 12377  
altering an historic building or buildings, making possible an 12378  
efficient use while preserving those portions and features of 12379  
the building and its site and environment that are significant 12380  
to its historic, architectural, and cultural values. 12381

(8) "Rehabilitation period" means one of the following: 12382

(a) If the rehabilitation initially was not planned to be 12383  
completed in stages, a period chosen by the owner or qualified 12384  
lessee not to exceed twenty-four months during which 12385  
rehabilitation occurs; 12386

(b) If the rehabilitation initially was planned to be 12387  
completed in stages, a period chosen by the owner or qualified 12388  
lessee not to exceed sixty months during which rehabilitation 12389  
occurs. Each stage shall be reviewed as a phase of a 12390  
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 12391  
successor to that section. 12392

(9) "State historic preservation officer" or "officer" 12393  
means the state historic preservation officer appointed by the 12394  
governor under 16 U.S.C. 470a. 12395

(10) "Catalytic project" means the rehabilitation of an historic building, the rehabilitation of which will foster economic development within two thousand five hundred feet of the historic building.

(B) The owner or qualified lessee of an historic building may apply to the director of development for a rehabilitation tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner or qualified lessee after April 4, 2007, for rehabilitation of an historic building. If the owner of an historic building enters a pass-through agreement with a qualified lessee for the purposes of the federal rehabilitation tax credit under 26 U.S.C. 47, the qualified rehabilitation expenditures paid or incurred by the owner after April 4, 2007, may be attributed to the qualified lessee.

The form and manner of filing such applications shall be prescribed by rule of the director. Each application shall state the amount of qualified rehabilitation expenditures the applicant estimates will be paid or incurred and shall indicate whether the historic building was used as a theater before, and is intended to be used as a theater after, the rehabilitation. The director may require applicants to furnish documentation of such estimates.

The director, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;

(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under

division (D) of this section, criteria for assuring that the 12425  
certificates issued encompass a mixture of high and low 12426  
qualified rehabilitation expenditures, and criteria for issuing 12427  
certificates under division (C) (3) (b) of this section; 12428

(3) Eligibility requirements for obtaining a certificate 12429  
under this section; 12430

(4) The form of rehabilitation tax credit certificates; 12431

(5) Reporting requirements and monitoring procedures; 12432

(6) Procedures and criteria for conducting cost-benefit 12433  
analyses of historic buildings that are the subjects of 12434  
applications filed under this section. The purpose of a cost- 12435  
benefit analysis shall be to determine whether rehabilitation of 12436  
the historic building will result in a net revenue gain in state 12437  
and local taxes once the building is used. 12438

(7) Any other rules necessary to implement and administer 12439  
this section. 12440

(C) The director shall review the applications with the 12441  
assistance of the state historic preservation officer and 12442  
determine whether all of the following criteria are met: 12443

(1) That the building that is the subject of the 12444  
application is an historic building and the applicant is the 12445  
owner or qualified lessee of the building; 12446

(2) That the rehabilitation will satisfy standards 12447  
prescribed by the United States secretary of the interior under 12448  
16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a 12449  
successor to that section; 12450

(3) That receiving a rehabilitation tax credit certificate 12451  
under this section is a major factor in: 12452

(a) The applicant's decision to rehabilitate the historic building; or 12453  
12454

(b) To increase the level of investment in such rehabilitation. 12455  
12456

(4) The historic building that is the subject of the application is not, and will not upon completion of the rehabilitation project be, part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code. 12457  
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An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director that the rehabilitation will satisfy the standards described in division (C) (2) of this section before the applicant begins the physical rehabilitation of the historic building. 12462  
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(D) (1) If the director determines that an application meets the criteria in division (C) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of the credits throughout the state. The director shall not consider whether the historic building is located in or will benefit an economically distressed area, including by weighting preference based on the poverty rate in the jurisdiction or census tract in which the building is located, nor shall the director consider or give weighted preference based on vacancy or underutilization of the 12467  
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building. The director may approve an application only after 12483  
completion of the cost-benefit analysis. 12484

(2) A rehabilitation tax credit certificate shall not be 12485  
issued for an amount greater than the estimated amount furnished 12486  
by the applicant on the application for such certificate and 12487  
approved by the director. The director shall not approve more 12488  
than a total of ~~one hundred twenty ninety~~ million dollars of 12489  
rehabilitation tax credits ~~for each of fiscal years 2023 and~~ 12490  
~~2024, and sixty million dollars of rehabilitation tax credits~~ 12491  
~~for each per~~ fiscal year ~~thereafter~~, but the director may 12492  
reallocate unused tax credits from a prior fiscal year for new 12493  
applicants and such reallocated credits shall not apply toward 12494  
the dollar limit of this division. 12495

(3) For rehabilitations with a rehabilitation period not 12496  
exceeding twenty-four months as provided in division (A) (8) (a) 12497  
of this section, a rehabilitation tax credit certificate shall 12498  
not be issued before the rehabilitation of the historic building 12499  
is completed. 12500

(4) For rehabilitations with a rehabilitation period not 12501  
exceeding sixty months as provided in division (A) (8) (b) of this 12502  
section, a rehabilitation tax credit certificate shall not be 12503  
issued before a stage of rehabilitation is completed. After all 12504  
stages of rehabilitation are completed, if the director cannot 12505  
determine that the criteria in division (C) of this section are 12506  
satisfied for all stages of rehabilitations, the director shall 12507  
certify this finding to the tax commissioner, and any 12508  
rehabilitation tax credits received by the applicant shall be 12509  
repaid by the applicant and may be collected by assessment as 12510  
unpaid tax by the commissioner. 12511

(5) The director shall require the applicant to provide a 12512

third-party cost certification by a certified public accountant 12513  
of the actual costs attributed to the rehabilitation of the 12514  
historic building when qualified rehabilitation expenditures 12515  
exceed two hundred thousand dollars. 12516

If an applicant whose application is approved for receipt 12517  
of a rehabilitation tax credit certificate fails to provide to 12518  
the director sufficient evidence of reviewable progress, 12519  
including a viable financial plan, copies of final construction 12520  
drawings, and evidence that the applicant has obtained all 12521  
historic approvals within twelve months after the date the 12522  
applicant received notification of approval, and if the 12523  
applicant fails to provide evidence to the director that the 12524  
applicant has secured and closed on financing for the 12525  
rehabilitation within eighteen months after receiving 12526  
notification of approval, the director may rescind the approval 12527  
of the application. The director shall notify the applicant if 12528  
the approval has been rescinded. Credits that would have been 12529  
available to an applicant whose approval was rescinded shall be 12530  
available for other qualified applicants. Nothing in this 12531  
division prohibits an applicant whose approval has been 12532  
rescinded from submitting a new application for a rehabilitation 12533  
tax credit certificate. 12534

(6) The director may approve the application of, and issue 12535  
a rehabilitation tax credit certificate to, the owner of a 12536  
catalytic project, provided the application otherwise meets the 12537  
criteria described in divisions (C) and (D) of this section. The 12538  
director may not approve more than one application for a 12539  
rehabilitation tax credit certificate under division (D) (6) of 12540  
this section during each state fiscal biennium. The director 12541  
shall not approve an application for a rehabilitation tax credit 12542  
certificate under division (D) (6) of this section during the 12543



state fiscal biennium beginning July 1, 2017, or during any 12544  
state fiscal biennium thereafter. The director shall consider 12545  
the following criteria in determining whether to approve an 12546  
application for a certificate under division (D)(6) of this 12547  
section: 12548

(a) Whether the historic building is a catalytic project; 12549

(b) The effect issuance of the certificate would have on 12550  
the availability of credits for other applicants that qualify 12551  
for a credit certificate within the credit dollar limit 12552  
described in division (D)(2) of this section; 12553

(c) The number of jobs, if any, the catalytic project will 12554  
create. 12555

(7)(a) The owner or qualified lessee of a historic 12556  
building may apply for a rehabilitation tax credit certificate 12557  
under both divisions (B) and (D)(6) of this section. In such a 12558  
case, the director shall consider each application at the time 12559  
the application is submitted. 12560

(b) The director shall not issue more than one certificate 12561  
under this section with respect to the same qualified 12562  
rehabilitation expenditures. 12563

(8) The director shall give consideration for tax credits 12564  
awarded under this section to rehabilitations of historic 12565  
buildings used as a theater before, and intended to be used as a 12566  
theater after, the rehabilitation. In determining whether to 12567  
approve an application for such a rehabilitation, the director 12568  
shall consider the extent to which the rehabilitation will 12569  
increase attendance at the theater and increase the theater's 12570  
gross revenue. 12571

(9) The director shall rescind the approval of any 12572

application if the building that is the subject of the 12573  
application is part of a qualified low-income housing project 12574  
allocated a tax credit pursuant to section 42 of the Internal 12575  
Revenue Code at any time before the building's rehabilitation is 12576  
complete. 12577

(E) Issuance of a certificate represents a finding by the 12578  
director of the matters described in divisions (C) (1), (2), and 12579  
(3) of this section only; issuance of a certificate does not 12580  
represent a verification or certification by the director of the 12581  
amount of qualified rehabilitation expenditures for which a tax 12582  
credit may be claimed under section 5725.151, 5725.34, 5726.52, 12583  
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 12584  
qualified rehabilitation expenditures for which a tax credit may 12585  
be claimed is subject to inspection and examination by the tax 12586  
commissioner or employees of the commissioner under section 12587  
5703.19 of the Revised Code and any other applicable law. Upon 12588  
the issuance of a certificate, the director shall certify to the 12589  
tax commissioner, in the form and manner requested by the tax 12590  
commissioner, the name of the applicant, the amount of qualified 12591  
rehabilitation expenditures shown on the certificate, and any 12592  
other information required by the rules adopted under this 12593  
section. 12594

(F) (1) On or before the first day of August each year, the 12595  
director and tax commissioner jointly shall submit to the 12596  
president of the senate and the speaker of the house of 12597  
representatives a report on the tax credit program established 12598  
under this section and sections 5725.151, 5725.34, 5726.52, 12599  
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 12600  
shall present an overview of the program and shall include 12601  
information on the number of rehabilitation tax credit 12602  
certificates issued under this section during the preceding 12603

fiscal year, an update on the status of each historic building 12604  
for which an application was approved under this section, the 12605  
dollar amount of the tax credits granted under sections 12606  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 12607  
Revised Code, and any other information the director and 12608  
commissioner consider relevant to the topics addressed in the 12609  
report. 12610

(2) On or before December 1, 2015, the director and tax 12611  
commissioner jointly shall submit to the president of the senate 12612  
and the speaker of the house of representatives a comprehensive 12613  
report that includes the information required by division (F) (1) 12614  
of this section and a detailed analysis of the effectiveness of 12615  
issuing tax credits for rehabilitating historic buildings. The 12616  
report shall be prepared with the assistance of an economic 12617  
research organization jointly chosen by the director and 12618  
commissioner. 12619

(G) There is hereby created in the state treasury the 12620  
historic rehabilitation tax credit operating fund. The director 12621  
is authorized to charge reasonable application and other fees in 12622  
connection with the administration of tax credits authorized by 12623  
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 12624  
5733.47, and 5747.76 of the Revised Code. Any such fees 12625  
collected shall be credited to the fund and used to pay 12626  
reasonable costs incurred by the department of development in 12627  
administering this section and sections 5725.151, 5725.34, 12628  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 12629

The Ohio historic preservation office is authorized to 12630  
charge reasonable fees in connection with its review and 12631  
approval of applications under this section. Any such fees 12632  
collected shall be credited to the fund and used to pay 12633

administrative costs incurred by the Ohio historic preservation office pursuant to this section. 12634  
12635

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 12636  
5729.17, 5733.47, and 5747.76 of the Revised Code, the 12637  
certificate owner of a tax credit certificate issued under 12638  
division (D)(6) of this section may claim a tax credit equal to 12639  
twenty-five per cent of the dollar amount indicated on the 12640  
certificate for a total credit of not more than twenty-five 12641  
million dollars. The credit claimed by such a certificate owner 12642  
for any calendar year, tax year, or taxable year under section 12643  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 12644  
Revised Code shall not exceed five million dollars. If the 12645  
certificate owner is eligible for more than five million dollars 12646  
in total credits, the certificate owner may carry forward the 12647  
balance of the credit in excess of the amount claimed for that 12648  
year for not more than five ensuing calendar years, tax years, 12649  
or taxable years. If the credit claimed in any calendar year, 12650  
tax year, or taxable year exceeds the tax otherwise due, the 12651  
excess shall be refunded to the taxpayer. 12652

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 12653  
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 12654  
apply to a tax credit approved under this section after 12655  
September 13, 2022, and before July 1, 2024: 12656

(1) The certificate holder may claim a tax credit equal to 12657  
thirty-five per cent of the dollar amount indicated on the tax 12658  
credit certificate if any county, township, or municipal 12659  
corporation within which the project is located has a population 12660  
of less than three hundred thousand according to the 2020 12661  
decennial census. The tax credit equals twenty-five per cent of 12662  
the dollar amount indicated on the certificate if the project is 12663

not located within such a county, township, or municipal corporation. 12664  
12665

(2) The total tax credit claimed under section 5725.151, 12666  
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 12667  
Code for any one project shall not exceed ten million dollars 12668  
for any calendar year, tax year, or taxable year. 12669

(3) If the credit claimed in any calendar year, tax year, 12670  
or taxable year exceeds the tax otherwise due, the excess shall 12671  
be refunded to the taxpayer, subject to division (I) (2) of this 12672  
section. 12673

(J) Notwithstanding sections 5725.151, 5725.34, 5726.52, 12674  
5729.17, 5733.47, and 5747.76 of the Revised Code, the 12675  
certificate owner of a tax credit certificate may claim a tax 12676  
credit equal to thirty-five per cent of the dollar amount of 12677  
qualified rehabilitation expenditures indicated on the 12678  
certificate if the project for which the certificate was issued 12679  
is located in a municipal corporation with a population of less 12680  
than three hundred thousand or in the unincorporated area of a 12681  
township. 12682

(K) The director of development, in consultation with the 12683  
director of budget and management, shall develop and adopt a 12684  
system of tracking any information necessary to anticipate the 12685  
impact of credits issued under this section on tax revenues for 12686  
current and future fiscal years. Such information may include 12687  
the number of applications approved, the estimated 12688  
rehabilitation expenditures and rehabilitation period associated 12689  
with such applications, the number and amount of tax credit 12690  
certificates issued, and any other information the director of 12691  
budget and management requires for the purposes of this 12692  
division. 12693

~~(K)~~(L) For purposes of this section and Chapter 122:19-1 12694  
of the Ohio Administrative Code, a tax credit certificate issued 12695  
under this section is effective on the date that all historic 12696  
buildings rehabilitated by the project are "placed in service," 12697  
as that term is used in section 47 of the Internal Revenue Code. 12698

**Sec. 149.38.** (A) Except as otherwise provided in section 12699  
307.847 of the Revised Code, there is hereby created in each 12700  
county a county records commission, composed of a member of the 12701  
board of county commissioners as chairperson, the prosecuting 12702  
attorney, the auditor, the recorder, and the clerk of the court 12703  
of common pleas. The commission shall appoint a secretary, who 12704  
may or may not be a member of the commission and who shall serve 12705  
at the pleasure of the commission. The commission may employ an 12706  
archivist or records manager to serve under its direction. The 12707  
commission shall meet upon the call of the chairperson. 12708

(B) (1) The functions of the county records commission 12709  
shall be to provide rules for retention and disposal of records 12710  
of the county, and to review applications for one-time disposal 12711  
of obsolete records and schedules of records retention and 12712  
disposition submitted by county offices. The commission may 12713  
dispose of records pursuant to the procedure outlined in this 12714  
section. The commission, at any time, may review any schedule it 12715  
has previously approved and, for good cause shown, may revise 12716  
that schedule, subject to division (D) of this section. 12717

(2) (a) As used in division (B) (2) of this section, "paper 12718  
case records" means written reports of child abuse or neglect, 12719  
written records of investigations, or other written records 12720  
required to be prepared under section 2151.421, ~~5101.13,~~ 12721  
5153.166, ~~or 5153.17,~~ or 5180.40 of the Revised Code. 12722

(b) A county public children services agency may submit to 12723

the county records commission applications for one-time 12724  
disposal, or schedules of records retention and disposition, of 12725  
paper case records that have been entered into permanently 12726  
maintained and retrievable fields in the state automated child 12727  
welfare information system established under section ~~5101.13~~ 12728  
5180.40 of the Revised Code or entered into other permanently 12729  
maintained and retrievable electronic files. The county records 12730  
commission may dispose of the paper case records pursuant to the 12731  
procedure outlined in this section. 12732

(C) (1) When the county records commission has approved any 12733  
county application for one-time disposal of obsolete records or 12734  
any schedule of records retention and disposition, the 12735  
commission shall send that application or schedule to the Ohio 12736  
history connection for its review. The Ohio history connection 12737  
shall review the application or schedule within a period of not 12738  
more than sixty days after its receipt of it. During the sixty- 12739  
day review period, the Ohio history connection may select for 12740  
its custody from the application for one-time disposal of 12741  
obsolete records any records it considers to be of continuing 12742  
historical value, and shall denote upon any schedule of records 12743  
retention and disposition any records for which the Ohio history 12744  
connection will require a certificate of records disposal prior 12745  
to their disposal. 12746

(2) Upon completion of its review, the Ohio history 12747  
connection shall forward the application for one-time disposal 12748  
of obsolete records or the schedule of records retention and 12749  
disposition to the auditor of state for the auditor's approval 12750  
or disapproval. The auditor of state shall approve or disapprove 12751  
the application or schedule within a period of not more than 12752  
sixty days after receipt of it. 12753

(3) Before public records are to be disposed of pursuant 12754  
to an approved schedule of records retention and disposition, 12755  
the county records commission shall inform the Ohio history 12756  
connection of the disposal through the submission of a 12757  
certificate of records disposal for only the records required by 12758  
the schedule to be disposed of and shall give the Ohio history 12759  
connection the opportunity for a period of fifteen business days 12760  
to select for its custody those records, from the certificate 12761  
submitted, that it considers to be of continuing historical 12762  
value. Upon the expiration of the fifteen-business-day period, 12763  
the county records commission also shall notify the public 12764  
libraries, county historical society, state universities, and 12765  
other public or quasi-public institutions, agencies, or 12766  
corporations in the county that have provided the commission 12767  
with their name and address for these notification purposes, 12768  
that the commission has informed the Ohio history connection of 12769  
the records disposal and that the notified entities, upon 12770  
written agreement with the Ohio history connection pursuant to 12771  
section 149.31 of the Revised Code, may select records of 12772  
continuing historical value, including records that may be 12773  
distributed to any of the notified entities under section 149.31 12774  
of the Revised Code. Any notified entity that notifies the 12775  
county records commission of its intent to review and select 12776  
records of continuing historical value from certificates of 12777  
records disposal is responsible for the cost of any notice given 12778  
and for the transportation of those records. 12779

(D) The rules of the county records commission shall 12780  
include a rule that requires any receipts, checks, vouchers, or 12781  
other similar records pertaining to expenditures from the 12782  
delinquent tax and assessment collection fund created in section 12783  
321.261 of the Revised Code, from the real estate assessment 12784



fund created in section 325.31 of the Revised Code, or from 12785  
amounts allocated for the furtherance of justice to the county 12786  
sheriff under section 325.071 of the Revised Code or to the 12787  
prosecuting attorney under section 325.12 of the Revised Code to 12788  
be retained for at least four years. 12789

(E) No person shall knowingly violate the rule adopted 12790  
under division (D) of this section. Whoever violates that rule 12791  
is guilty of a misdemeanor of the first degree. 12792

**Sec. 149.43.** (A) As used in this section: 12793

(1) "Public record" means records kept by any public 12794  
office, including, but not limited to, state, county, city, 12795  
village, township, and school district units, and records 12796  
pertaining to the delivery of educational services by an 12797  
alternative school in this state kept by the nonprofit or for- 12798  
profit entity operating the alternative school pursuant to 12799  
section 3313.533 of the Revised Code. "Public record" does not 12800  
mean any of the following: 12801

(a) Medical records; 12802

(b) Records pertaining to probation and parole 12803  
proceedings, to proceedings related to the imposition of 12804  
community control sanctions and post-release control sanctions, 12805  
or to proceedings related to determinations under section 12806  
2967.271 of the Revised Code regarding the release or maintained 12807  
incarceration of an offender to whom that section applies; 12808

(c) Records pertaining to actions under section 2151.85 12809  
and division (C) of section 2919.121 of the Revised Code and to 12810  
appeals of actions arising under those sections; 12811

(d) Records pertaining to adoption proceedings, including 12812  
the contents of an adoption file maintained by the department of 12813

health under sections 3705.12 to 3705.124 of the Revised Code; 12814

(e) Information in a record contained in the putative 12815  
father registry established by section 3107.062 of the Revised 12816  
Code, regardless of whether the information is held by the 12817  
department of ~~job and family services~~ children and youth or, 12818  
pursuant to section 3111.69 of the Revised Code, the office of 12819  
child support in the department of job and family services or a 12820  
child support enforcement agency; 12821

(f) Records specified in division (A) of section 3107.52 12822  
of the Revised Code; 12823

(g) Trial preparation records, prior to the conclusion of 12824  
all direct appeals or, if no appeal is filed, at the expiration 12825  
of the time during which an appeal may be filed; 12826

(h) Confidential law enforcement investigatory records; 12827

(i) Records containing information that is confidential 12828  
under section 2710.03 or 4112.05 of the Revised Code; 12829

(j) DNA records stored in the DNA database pursuant to 12830  
section 109.573 of the Revised Code; 12831

(k) Inmate records ~~released by the department of~~ 12832  
~~rehabilitation and correction to the department of youth~~ 12833  
~~services or a court of record pursuant to division (E) of~~ under 12834  
section 5120.21 of the Revised Code, except for permitted 12835  
disclosure of the information listed in division (E) (1) of that 12836  
section; 12837

(l) Records maintained by the department of youth services 12838  
pertaining to children in its custody released by the department 12839  
of youth services to the department of rehabilitation and 12840  
correction pursuant to section 5139.05 of the Revised Code; 12841

(m) Intellectual property records;	12842
(n) Donor profile records;	12843
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	12844 12845
(p) Designated public service worker residential and familial information;	12846 12847
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	12848 12849 12850 12851 12852
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	12853 12854
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	12855 12856 12857 12858 12859 12860 12861 12862 12863 12864 12865 12866
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that	12867 12868 12869 12870

section;	12871
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	12872 12873 12874 12875 12876 12877
(v) Records the release of which is prohibited by state or federal law;	12878 12879
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	12880 12881 12882
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	12883 12884 12885 12886 12887 12888
(y) Records listed in section 5101.29 of the Revised Code;	12889
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	12890 12891 12892
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	12893 12894 12895
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	12896 12897 12898

(cc) Information and records that are made confidential, 12899  
privileged, and not subject to disclosure under divisions (B) 12900  
and (C) of section 2949.221 of the Revised Code; 12901

(dd) Personal information, as defined in section 149.45 of 12902  
the Revised Code; 12903

(ee) The confidential name, address, and other personally 12904  
identifiable information of a program participant in the address 12905  
confidentiality program established under sections 111.41 to 12906  
111.47 of the Revised Code, including the contents of any 12907  
application for absent voter's ballots, absent voter's ballot 12908  
identification envelope statement of voter, or provisional 12909  
ballot affirmation completed by a program participant who has a 12910  
confidential voter registration record; records or portions of 12911  
records pertaining to that program that identify the number of 12912  
program participants that reside within a precinct, ward, 12913  
township, municipal corporation, county, or any other geographic 12914  
area smaller than the state; and any real property 12915  
confidentiality notice filed under section 111.431 of the 12916  
Revised Code and the information described in division (C) of 12917  
that section. As used in this division, "confidential address" 12918  
and "program participant" have the meaning defined in section 12919  
111.41 of the Revised Code. 12920

(ff) Orders for active military service of an individual 12921  
serving or with previous service in the armed forces of the 12922  
United States, including a reserve component, or the Ohio 12923  
organized militia, except that, such order becomes a public 12924  
record on the day that is fifteen years after the published date 12925  
or effective date of the call to order; 12926

(gg) The name, address, contact information, or other 12927  
personal information of an individual who is less than eighteen 12928

years of age that is included in any record related to a traffic 12929  
accident involving a school vehicle in which the individual was 12930  
an occupant at the time of the accident; 12931

(hh) Protected health information, as defined in 45 C.F.R. 12932  
160.103, that is in a claim for payment for a health care 12933  
product, service, or procedure, as well as any other health 12934  
claims data in another document that reveals the identity of an 12935  
individual who is the subject of the data or could be used to 12936  
reveal that individual's identity; 12937

(ii) Any depiction by photograph, film, videotape, or 12938  
printed or digital image under either of the following 12939  
circumstances: 12940

(i) The depiction is that of a victim of an offense the 12941  
release of which would be, to a reasonable person of ordinary 12942  
sensibilities, an offensive and objectionable intrusion into the 12943  
victim's expectation of bodily privacy and integrity. 12944

(ii) The depiction captures or depicts the victim of a 12945  
sexually oriented offense, as defined in section 2950.01 of the 12946  
Revised Code, at the actual occurrence of that offense. 12947

(jj) Restricted portions of a body-worn camera or 12948  
dashboard camera recording; 12949

(kk) In the case of a fetal-infant mortality review board 12950  
acting under sections 3707.70 to 3707.77 of the Revised Code, 12951  
records, documents, reports, or other information presented to 12952  
the board or a person abstracting such materials on the board's 12953  
behalf, statements made by review board members during board 12954  
meetings, all work products of the board, and data submitted by 12955  
the board to the department of health or a national infant death 12956  
review database, other than the report prepared pursuant to 12957

section 3707.77 of the Revised Code. 12958

(ll) Records, documents, reports, or other information 12959  
presented to the pregnancy-associated mortality review board 12960  
established under section ~~3738.01~~5180.27 of the Revised Code, 12961  
statements made by board members during board meetings, all work 12962  
products of the board, and data submitted by the board to the 12963  
department of health, other than the biennial reports prepared 12964  
under section ~~3738.08~~5180.277 of the Revised Code; 12965

(mm) Except as otherwise provided in division (A) (1) (oo) 12966  
of this section, telephone numbers for a victim, as defined in 12967  
section 2930.01 of the Revised Code or a witness to a crime that 12968  
are listed on any law enforcement record or report. 12969

(nn) A preneed funeral contract, as defined in section 12970  
4717.01 of the Revised Code, and contract terms and personally 12971  
identifying information of a preneed funeral contract, that is 12972  
contained in a report submitted by or for a funeral home to the 12973  
board of embalmers and funeral directors under division (C) of 12974  
section 4717.13, division (J) of section 4717.31, or section 12975  
4717.41 of the Revised Code. 12976

(oo) Telephone numbers for a party to a motor vehicle 12977  
accident subject to the requirements of section 5502.11 of the 12978  
Revised Code that are listed on any law enforcement record or 12979  
report, except that the telephone numbers described in this 12980  
division are not excluded from the definition of "public record" 12981  
under this division on and after the thirtieth day after the 12982  
occurrence of the motor vehicle accident. 12983

(pp) Records pertaining to individuals who complete 12984  
training under section 5502.703 of the Revised Code to be 12985  
permitted by a school district board of education or governing 12986

body of a community school established under Chapter 3314. of 12987  
the Revised Code, a STEM school established under Chapter 3326. 12988  
of the Revised Code, or a chartered nonpublic school to convey 12989  
deadly weapons or dangerous ordnance into a school safety zone; 12990

(qq) Records, documents, reports, or other information 12991  
presented to a domestic violence fatality review board 12992  
established under section 307.651 of the Revised Code, 12993  
statements made by board members during board meetings, all work 12994  
products of the board, and data submitted by the board to the 12995  
department of health, other than a report prepared pursuant to 12996  
section 307.656 of the Revised Code; 12997

(rr) Records, documents, and information the release of 12998  
which is prohibited under sections 2930.04 and 2930.07 of the 12999  
Revised Code; 13000

(ss) Records of an existing qualified nonprofit 13001  
corporation that creates a special improvement district under 13002  
Chapter 1710. of the Revised Code that do not pertain to a 13003  
purpose for which the district is created; 13004

(tt) Educational support services data, as defined in 13005  
section 3319.325 of the Revised Code; 13006

(uu) Records of the past, current, and future work 13007  
schedule of a designated public service worker. As used in 13008  
division (A)(1)(uu) of this section, "work schedule" does not 13009  
include the docket of cases of a court, judge, or magistrate; 13010

(vv) A request form or confirmation letter submitted to a 13011  
public office under section 149.45 of the Revised Code; 13012

(ww) An affidavit or confirmation letter submitted under 13013  
section 319.28 of the Revised Code; 13014



(xx) License or certificate application or renewal 13015  
responses and supporting documentation submitted to the state 13016  
medical board regarding an applicant's, or a license or 13017  
certificate holder's, inability to practice according to 13018  
acceptable and prevailing standards of care by reason of a 13019  
medical condition; 13020

(yy) Images and data captured by an automated license 13021  
plate recognition system that are maintained in a law 13022  
enforcement database; 13023

(zz) Records pertaining to burial sites under section 13024  
149.3010 of the Revised Code; 13025

(aaa) All written and oral statements provided by a victim 13026  
or victim's representative to the department of rehabilitation 13027  
and correction in connection with the pendency of any pardon, 13028  
commutation, or parole; 13029

(bbb) Attorney work product record; 13030

(ccc) Personal notes of a public official or a public 13031  
employee, or of an attorney when acting in an official capacity 13032  
on behalf of the public official or public employee in that 13033  
public official's or public employee's official capacity, which 13034  
were created for reference and convenience, and are used, 13035  
maintained, and accessible only to the individual creating the 13036  
record or causing the record to be created; 13037

(ddd) A record created using an assistive device or 13038  
application, when the record is used, maintained, and accessible 13039  
only to the individual creating the record or causing the record 13040  
to be created. 13041

A record that is not a public record under division (A) (1) 13042  
of this section and that, under law, is permanently retained 13043

becomes a public record on the day that is seventy-five years 13044  
after the day on which the record was created, or in the case of 13045  
a record that is not a public record under division (A) (1) (uu) 13046  
of this section that is retained, three years after the day on 13047  
which the record was created, except for any record protected by 13048  
the attorney-client privilege, a trial preparation record as 13049  
defined in this section, a statement prohibiting the release of 13050  
identifying information signed under section 3107.083 of the 13051  
Revised Code, a denial of release form filed pursuant to section 13052  
3107.46 of the Revised Code, records pertaining to burial sites 13053  
under section 149.3010 of the Revised Code, or any record that 13054  
is exempt from release or disclosure under section 149.433 of 13055  
the Revised Code. If the record is a birth certificate and a 13056  
biological parent's name redaction request form has been 13057  
accepted under section 3107.391 of the Revised Code, the name of 13058  
that parent shall be redacted from the birth certificate before 13059  
it is released under this paragraph. If any other section of the 13060  
Revised Code establishes a time period for disclosure of a 13061  
record that conflicts with the time period specified in this 13062  
section, the time period in the other section prevails. 13063

~~(2)~~(2) (a) "Confidential law enforcement investigatory 13064  
record" means any record that pertains to a law enforcement 13065  
matter of a criminal, quasi-criminal, civil, or administrative 13066  
nature, but only to the extent that the release of the record 13067  
would create a high probability of disclosure of any of the 13068  
following: 13069

~~(a)~~(i) The identity of a suspect who has not been charged 13070  
with the offense to which the record pertains, or of an 13071  
information source or witness to whom confidentiality has been 13072  
reasonably promised; 13073

~~(b)~~ (ii) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

~~(e)~~ (iii) Specific confidential investigatory techniques or procedures or specific investigatory work product;

~~(d)~~ (iv) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(b) As used in division (A) (2) of this section, "specific investigatory work product" means information assembled by law enforcement officials in connection with a probable or pending criminal proceeding.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that is not a confidential law enforcement investigatory record or attorney work product record and that contains factual information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, by or for another party or by or for that other party's representative.

~~including the independent thought processes and personal trial preparation of an attorney.~~

(5) "Intellectual property record" means a record, other

than a financial or administrative record, that is produced or 13103  
collected by or for faculty or staff of a state institution of 13104  
higher learning in the conduct of or as a result of study or 13105  
research on an educational, commercial, scientific, artistic, 13106  
technical, or scholarly issue, regardless of whether the study 13107  
or research was sponsored by the institution alone or in 13108  
conjunction with a governmental body or private concern, and 13109  
that has not been publicly released, published, or patented. 13110

(6) "Donor profile record" means all records about donors 13111  
or potential donors to a public institution of higher education 13112  
except the names and reported addresses of the actual donors and 13113  
the date, amount, and conditions of the actual donation. 13114

(7) "Designated public service worker" means a peace 13115  
officer, parole officer, probation officer, bailiff, prosecuting 13116  
attorney, assistant prosecuting attorney, correctional employee, 13117  
county or multicounty corrections officer, community-based 13118  
correctional facility employee, designated Ohio national guard 13119  
member, protective services worker, youth services employee, 13120  
firefighter, EMT, medical director or member of a cooperating 13121  
physician advisory board of an emergency medical service 13122  
organization, state board of pharmacy employee, investigator of 13123  
the bureau of criminal identification and investigation, 13124  
emergency service telecommunicator, forensic mental health 13125  
provider, mental health evaluation provider, regional 13126  
psychiatric hospital employee, judge, magistrate, or federal law 13127  
enforcement officer. 13128

(8) "Designated public service worker residential and 13129  
familial information" means any information that discloses any 13130  
of the following about a designated public service worker: 13131

(a) The address of the actual personal residence of a 13132

designated public service worker, except for the following 13133  
information: 13134

(i) The address of the actual personal residence of a 13135  
prosecuting attorney or judge; and 13136

(ii) The state or political subdivision in which a 13137  
designated public service worker resides. 13138

(b) Information compiled from referral to or participation 13139  
in an employee assistance program; 13140

(c) The social security number, the residential telephone 13141  
number, any bank account, debit card, charge card, or credit 13142  
card number, or the emergency telephone number of, or any 13143  
medical information pertaining to, a designated public service 13144  
worker; 13145

(d) The name of any beneficiary of employment benefits, 13146  
including, but not limited to, life insurance benefits, provided 13147  
to a designated public service worker by the designated public 13148  
service worker's employer; 13149

(e) The identity and amount of any charitable or 13150  
employment benefit deduction made by the designated public 13151  
service worker's employer from the designated public service 13152  
worker's compensation, unless the amount of the deduction is 13153  
required by state or federal law; 13154

(f) The name, the residential address, the name of the 13155  
employer, the address of the employer, the social security 13156  
number, the residential telephone number, any bank account, 13157  
debit card, charge card, or credit card number, or the emergency 13158  
telephone number of the spouse, a former spouse, or any child of 13159  
a designated public service worker; 13160

(g) A photograph of a peace officer who holds a position 13161  
or has an assignment that may include undercover or plain 13162  
clothes positions or assignments as determined by the peace 13163  
officer's appointing authority. 13164

(9) As used in divisions (A) (7) and (15) to (17) of this 13165  
section: 13166

"Peace officer" has the meaning defined in section 109.71 13167  
of the Revised Code and also includes the superintendent and 13168  
troopers of the state highway patrol; it does not include the 13169  
sheriff of a county or a supervisory employee who, in the 13170  
absence of the sheriff, is authorized to stand in for, exercise 13171  
the authority of, and perform the duties of the sheriff. 13172

"Correctional employee" means any employee of the 13173  
department of rehabilitation and correction who in the course of 13174  
performing the employee's job duties has or has had contact with 13175  
inmates and persons under supervision. 13176

"County or multicounty corrections officer" means any 13177  
corrections officer employed by any county or multicounty 13178  
correctional facility. 13179

"Designated Ohio national guard member" means a member of 13180  
the Ohio national guard who is participating in duties related 13181  
to remotely piloted aircraft, including, but not limited to, 13182  
pilots, sensor operators, and mission intelligence personnel, 13183  
duties related to special forces operations, or duties related 13184  
to cybersecurity, and is designated by the adjutant general as a 13185  
designated public service worker for those purposes. 13186

"Protective services worker" means any employee of a 13187  
county agency who is responsible for child protective services, 13188  
child support services, or adult protective services. 13189

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Emergency service telecommunicator" means an individual employed by an emergency service provider as defined under section 128.01 of the Revised Code, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Mental health evaluation provider" means an individual

who, under Chapter 5122. of the Revised Code, examines a 13219  
respondent who is alleged to be a mentally ill person subject to 13220  
court order, as defined in section 5122.01 of the Revised Code, 13221  
and reports to the probate court the respondent's mental 13222  
condition. 13223

"Regional psychiatric hospital employee" means any 13224  
employee of the department of mental health and addiction 13225  
services who, in the course of performing the employee's duties, 13226  
has contact with patients committed to the department of mental 13227  
health and addiction services by a court order pursuant to 13228  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 13229  
Code. 13230

"Federal law enforcement officer" has the meaning defined 13231  
in section 9.88 of the Revised Code. 13232

(10) "Information pertaining to the recreational 13233  
activities of a person under the age of eighteen" means 13234  
information that is kept in the ordinary course of business by a 13235  
public office, that pertains to the recreational activities of a 13236  
person under the age of eighteen years, and that discloses any 13237  
of the following: 13238

(a) The address or telephone number of a person under the 13239  
age of eighteen or the address or telephone number of that 13240  
person's parent, guardian, custodian, or emergency contact 13241  
person; 13242

(b) The social security number, birth date, or 13243  
photographic image of a person under the age of eighteen; 13244

(c) Any medical record, history, or information pertaining 13245  
to a person under the age of eighteen; 13246

(d) Any additional information sought or required about a 13247



person under the age of eighteen for the purpose of allowing 13248  
that person to participate in any recreational activity 13249  
conducted or sponsored by a public office or to use or obtain 13250  
admission privileges to any recreational facility owned or 13251  
operated by a public office. 13252

(11) "Community control sanction" has the meaning defined 13253  
in section 2929.01 of the Revised Code. 13254

(12) "Post-release control sanction" has the meaning 13255  
defined in section 2967.01 of the Revised Code. 13256

(13) "Redaction" means obscuring or deleting any 13257  
information that is exempt from the duty to permit public 13258  
inspection or copying from an item that otherwise meets the 13259  
definition of a "record" in section 149.011 of the Revised Code. 13260

(14) "Designee," "elected official," and "future official" 13261  
have the meanings defined in section 109.43 of the Revised Code. 13262

(15) "Body-worn camera" means a visual and audio recording 13263  
device worn on the person of a correctional employee, youth 13264  
services employee, or peace officer while the correctional 13265  
employee, youth services employee, or peace officer is engaged 13266  
in the performance of official duties. 13267

(16) "Dashboard camera" means a visual and audio recording 13268  
device mounted on a peace officer's vehicle or vessel that is 13269  
used while the peace officer is engaged in the performance of 13270  
the peace officer's duties. 13271

(17) "Restricted portions of a body-worn camera or 13272  
dashboard camera recording" means any visual or audio portion of 13273  
a body-worn camera or dashboard camera recording that shows, 13274  
communicates, or discloses any of the following: 13275

(a) The image or identity of a child or information that 13276  
could lead to the identification of a child who is a primary 13277  
subject of the recording when the department of rehabilitation 13278  
and correction, department of youth services, or the law 13279  
enforcement agency knows or has reason to know the person is a 13280  
child based on the department's or law enforcement agency's 13281  
records or the content of the recording; 13282

(b) The death of a person or a deceased person's body, 13283  
unless the death was caused by a correctional employee, youth 13284  
services employee, or peace officer or, subject to division (H) 13285  
(1) of this section, the consent of the decedent's executor or 13286  
administrator has been obtained; 13287

(c) The death of a correctional employee, youth services 13288  
employee, peace officer, firefighter, paramedic, or other first 13289  
responder, occurring while the decedent was engaged in the 13290  
performance of official duties, unless, subject to division (H) 13291  
(1) of this section, the consent of the decedent's executor or 13292  
administrator has been obtained; 13293

(d) Grievous bodily harm, unless the injury was effected 13294  
by a correctional employee, youth services employee, or peace 13295  
officer or, subject to division (H) (1) of this section, the 13296  
consent of the injured person or the injured person's guardian 13297  
has been obtained; 13298

(e) An act of severe violence against a person that 13299  
results in serious physical harm to the person, unless the act 13300  
and injury was effected by a correctional employee, youth 13301  
services employee, or peace officer or, subject to division (H) 13302  
(1) of this section, the consent of the injured person or the 13303  
injured person's guardian has been obtained; 13304

(f) Grievous bodily harm to a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained;

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter;

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could

reasonably be expected to threaten or endanger the safety or  
property of the person or another person; 13334  
13335

(l) Personal information of a person who is not arrested,  
cited, charged, or issued a written warning by a peace officer; 13336  
13337

(m) Proprietary correctional, youth services, or police  
contingency plans or tactics that are intended to prevent crime  
and maintain public order and safety; 13338  
13339  
13340

(n) A personal conversation unrelated to work between  
correctional employees, youth services employees, or peace  
officers or between a correctional employee, youth services  
employee, or peace officer and an employee of a law enforcement  
agency; 13341  
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(o) A conversation between a correctional employee, youth  
services employee, or peace officer and a member of the public  
that does not concern correctional, youth services, or law  
enforcement activities; 13346  
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13348  
13349

(p) The interior of a residence, unless the interior of a  
residence is the location of an adversarial encounter with, or a  
use of force by, a correctional employee, youth services  
employee, or peace officer; 13350  
13351  
13352  
13353

(q) Any portion of the interior of a private business that  
is not open to the public, unless an adversarial encounter with,  
or a use of force by, a correctional employee, youth services  
employee, or peace officer occurs in that location. 13354  
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13357

As used in division (A) (17) of this section: 13358

"Grievous bodily harm" has the same meaning as in section  
5924.120 of the Revised Code. 13359  
13360

"Health care facility" has the same meaning as in section 13361

1337.11 of the Revised Code. 13362

"Protected health information" has the same meaning as in 13363  
45 C.F.R. 160.103. 13364

"Law enforcement agency" means a government entity that 13365  
employs peace officers to perform law enforcement duties. 13366

"Personal information" means any government-issued 13367  
identification number, date of birth, address, financial 13368  
information, or criminal justice information from the law 13369  
enforcement automated data system or similar databases. 13370

"Sex offense" has the same meaning as in section 2907.10 13371  
of the Revised Code. 13372

"Firefighter," "paramedic," and "first responder" have the 13373  
same meanings as in section 4765.01 of the Revised Code. 13374

(18) "Attorney work product record" means a record created 13375  
by or for an attorney in anticipation of or for litigation, 13376  
trial, or administrative proceedings, when acting in an official 13377  
capacity on behalf of the state, a political subdivision of the 13378  
state, a state agency, a public official, or a public employee. 13379  
"Attorney work product record" includes any record that 13380  
documents the independent thought processes, mental impressions, 13381  
legal theories, strategies, analysis, or reasoning of or for an 13382  
attorney. 13383

(B) (1) Upon request by any person and subject to division 13384  
(B) (8) of this section, all public records responsive to the 13385  
request shall be promptly prepared and made available for 13386  
inspection to the requester at all reasonable times during 13387  
regular business hours. Subject to division (B) (8) of this 13388  
section, upon request by any person, a public office or person 13389  
responsible for public records shall make copies of the 13390

requested public record available to the requester at cost and 13391  
within a reasonable period of time. 13392

When considering whether a state or local law enforcement 13393  
agency or a prosecuting attorney's office promptly prepared a 13394  
video record for inspection or ~~provided~~ produced a copy of a 13395  
video record ~~for production~~ within a reasonable period of time, 13396  
in addition to any other factors, a court shall consider the 13397  
time required for a state or local law enforcement agency or a 13398  
prosecuting attorney's office to retrieve, download, review, 13399  
redact, seek legal advice regarding, and produce the video 13400  
record. ~~Notwithstanding~~ Except as specified in division (B) (11) 13401  
of this section, notwithstanding any other requirement set forth 13402  
in Chapter 149. of the Revised Code, a state or local law 13403  
enforcement agency or a prosecuting attorney's office may charge 13404  
a requester the actual cost associated with preparing a video 13405  
record for inspection or production, not to exceed seventy-five 13406  
dollars per hour of video produced, nor seven hundred fifty 13407  
dollars total. As used in this division, "actual cost," with 13408  
respect to video records only, means all costs incurred by the 13409  
state or local law enforcement agency or a prosecuting 13410  
attorney's office in reviewing, blurring or otherwise obscuring, 13411  
redacting, uploading, or producing the video records, including 13412  
but not limited to the storage medium on which the record is 13413  
produced, staff time, and any other relevant overhead necessary 13414  
to comply with the request. A state or local law enforcement 13415  
agency or a prosecuting attorney's office may include in its 13416  
public records policy the requirement that a requester pay the 13417  
estimated actual cost before beginning the process of preparing 13418  
a video record for inspection or production. Where a state or 13419  
local law enforcement agency or a prosecuting attorney's office 13420  
imposes such a requirement, its obligation to produce a video or 13421

make it available for inspection begins once the estimated 13422  
actual cost is paid in full by the requester. A state or local 13423  
law enforcement agency or a prosecuting attorney's office shall 13424  
provide the requester with the estimated actual cost within five 13425  
business days of receipt of the public records request. If the 13426  
actual cost exceeds the estimated actual cost, a state or local 13427  
law enforcement agency or a prosecuting attorney's office may 13428  
charge a requester for the difference upon fulfilling a request 13429  
for video records if the requester is notified in advance that 13430  
the actual cost may be up to twenty per cent higher than the 13431  
estimated actual cost. A state or local law enforcement agency 13432  
or a prosecuting attorney's office shall not charge a requester 13433  
a difference that exceeds twenty per cent of the estimated 13434  
actual cost. 13435

If a public record contains information that is exempt 13436  
from the duty to permit public inspection or to copy the public 13437  
record, the public office or the person responsible for the 13438  
public record shall make available all of the information within 13439  
the public record that is not exempt. When making that public 13440  
record available for public inspection or copying that public 13441  
record, the public office or the person responsible for the 13442  
public record shall notify the requester of any redaction or 13443  
make the redaction plainly visible. A redaction shall be deemed 13444  
a denial of a request to inspect or copy the redacted 13445  
information, except if federal or state law authorizes or 13446  
requires a public office to make the redaction. When the auditor 13447  
of state receives a request to inspect or to make a copy of a 13448  
record that was provided to the auditor of state for purposes of 13449  
an audit, but the original public office has asserted to the 13450  
auditor of state that the record is not a public record, the 13451  
auditor of state may handle the requests by directing the 13452

requestor to the original public office that provided the record 13453  
to the auditor of state. 13454

(2) To facilitate broader access to public records, a 13455  
public office or the person responsible for public records shall 13456  
organize and maintain public records in a manner that they can 13457  
be made available for inspection or copying in accordance with 13458  
division (B) of this section. A public office also shall have 13459  
available a copy of its current records retention schedule at a 13460  
location readily available to the public. If a requester makes 13461  
an ambiguous or overly broad request or has difficulty in making 13462  
a request for copies or inspection of public records under this 13463  
section such that the public office or the person responsible 13464  
for the requested public record cannot reasonably identify what 13465  
public records are being requested, the public office or the 13466  
person responsible for the requested public record may deny the 13467  
request but shall provide the requester with an opportunity to 13468  
revise the request by informing the requester of the manner in 13469  
which records are maintained by the public office and accessed 13470  
in the ordinary course of the public office's or person's 13471  
duties. 13472

(3) If a request is ultimately denied, in part or in 13473  
whole, the public office or the person responsible for the 13474  
requested public record shall provide the requester with an 13475  
explanation, including legal authority, setting forth why the 13476  
request was denied. If the initial request was provided in 13477  
writing, the explanation also shall be provided to the requester 13478  
in writing. The explanation shall not preclude the public office 13479  
or the person responsible for the requested public record from 13480  
relying upon additional reasons or legal authority in defending 13481  
an action commenced under division (C) of this section. 13482



(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible

for the public record determines that it reasonably can be 13514  
duplicated as an integral part of the normal operations of the 13515  
public office or person responsible for the public record. When 13516  
the requester makes a choice under this division, the public 13517  
office or person responsible for the public record shall provide 13518  
a copy of it in accordance with the choice made by the 13519  
requester. Nothing in this section requires a public office or 13520  
person responsible for the public record to allow the requester 13521  
of a copy of the public record to make the copies of the public 13522  
record. 13523

(7) (a) Upon a request made in accordance with division (B) 13524  
of this section and subject to division (B) (6) of this section, 13525  
a public office or person responsible for public records shall 13526  
transmit a copy of a public record to any person by United 13527  
States mail or by any other means of delivery or transmission 13528  
within a reasonable period of time after receiving the request 13529  
for the copy. The public office or person responsible for the 13530  
public record may require the person making the request to pay 13531  
in advance the cost of postage if the copy is transmitted by 13532  
United States mail or the cost of delivery if the copy is 13533  
transmitted other than by United States mail, and to pay in 13534  
advance the costs incurred for other supplies used in the 13535  
mailing, delivery, or transmission. 13536

(b) Any public office may adopt a policy and procedures 13537  
that it will follow in transmitting, within a reasonable period 13538  
of time after receiving a request, copies of public records by 13539  
United States mail or by any other means of delivery or 13540  
transmission pursuant to division (B) (7) of this section. A 13541  
public office that adopts a policy and procedures under division 13542  
(B) (7) of this section shall comply with them in performing its 13543  
duties under that division. 13544

(c) In any policy and procedures adopted under division 13545  
(B) (7) of this section: 13546

(i) A public office may limit the number of records 13547  
requested by a person that the office will physically deliver by 13548  
United States mail or by another delivery service to ten per 13549  
month, unless the person certifies to the office in writing that 13550  
the person does not intend to use or forward the requested 13551  
records, or the information contained in them, for commercial 13552  
purposes; 13553

(ii) A public office that chooses to provide some or all 13554  
of its public records on a web site that is fully accessible to 13555  
and searchable by members of the public at all times, other than 13556  
during acts of God outside the public office's control or 13557  
maintenance, and that charges no fee to search, access, 13558  
download, or otherwise receive records provided on the web site, 13559  
may limit to ten per month the number of records requested by a 13560  
person that the office will deliver in a digital format, unless 13561  
the requested records are not provided on the web site and 13562  
unless the person certifies to the office in writing that the 13563  
person does not intend to use or forward the requested records, 13564  
or the information contained in them, for commercial purposes. 13565

(iii) For purposes of division (B) (7) of this section, 13566  
"commercial" shall be narrowly construed and does not include 13567  
reporting or gathering news, reporting or gathering information 13568  
to assist citizen oversight or understanding of the operation or 13569  
activities of government, or nonprofit educational research. 13570

(8) A public office or person responsible for public 13571  
records is not required to permit a person who is incarcerated 13572  
pursuant to a criminal conviction or a juvenile adjudication to 13573  
inspect or to obtain a copy of any public record concerning a 13574

criminal investigation or prosecution or concerning what would 13575  
be a criminal investigation or prosecution if the subject of the 13576  
investigation or prosecution were an adult, unless the request 13577  
to inspect or to obtain a copy of the record is for the purpose 13578  
of acquiring information that is subject to release as a public 13579  
record under this section and the judge who imposed the sentence 13580  
or made the adjudication with respect to the person, or the 13581  
judge's successor in office, finds that the information sought 13582  
in the public record is necessary to support what appears to be 13583  
a justiciable claim of the person. As used in this division, 13584  
"public record concerning a criminal investigation or 13585  
prosecution or concerning what would be a criminal investigation 13586  
or prosecution if the subject of the investigation were an 13587  
adult" includes, but is not limited to, personnel files and 13588  
payroll and attendance records of designated public service 13589  
workers. 13590

(9) (a) Upon written request made and signed by a 13591  
journalist, a public office, or person responsible for public 13592  
records, having custody of the records of the agency employing a 13593  
specified designated public service worker shall disclose to the 13594  
journalist the address of the actual personal residence of the 13595  
designated public service worker and, if the designated public 13596  
service worker's spouse, former spouse, or child is employed by 13597  
a public office, the name and address of the employer of the 13598  
designated public service worker's spouse, former spouse, or 13599  
child, and any past, current, and future work schedules of the 13600  
designated public service worker. The request shall include the 13601  
journalist's name and title and the name and address of the 13602  
journalist's employer and shall state that disclosure of the 13603  
information sought would be in the public interest. 13604

(b) Division (B) (9) (a) of this section also applies to 13605

journalist requests for: 13606

(i) Customer information maintained by a municipally owned 13607  
or operated public utility, other than social security numbers 13608  
and any private financial information such as credit reports, 13609  
payment methods, credit card numbers, and bank account 13610  
information; 13611

(ii) Information about minors involved in a school vehicle 13612  
accident as provided in division (A) (1) (gg) of this section, 13613  
other than personal information as defined in section 149.45 of 13614  
the Revised Code; 13615

(iii) A request form submitted to a public office under 13616  
section 149.45 of the Revised Code; 13617

(iv) An affidavit submitted under section 319.28 of the 13618  
Revised Code. 13619

(c) As used in division (B) (9) of this section, 13620  
"journalist" means a person engaged in, connected with, or 13621  
employed by any news medium, including a newspaper, magazine, 13622  
press association, news agency, or wire service, a radio or 13623  
television station, or a similar medium, for the purpose of 13624  
gathering, processing, transmitting, compiling, editing, or 13625  
disseminating information for the general public. 13626

(10) Upon a request made by a victim, victim's attorney, 13627  
or victim's representative, as that term is used in section 13628  
2930.02 of the Revised Code, a public office or person 13629  
responsible for public records shall transmit a copy of a 13630  
depiction of the victim as described in division (A) (1) (ii) of 13631  
this section to the victim, victim's attorney, or victim's 13632  
representative. 13633

(11) A state or local law enforcement agency or a 13634

prosecuting attorney's office shall not charge a fee for 13635  
preparing a video record for inspection, or producing a copy of 13636  
a video record, when the requester of the video record is a 13637  
victim, as defined in Ohio Constitution, Article I, Section 10a, 13638  
who reasonably asserts that the video recording relates to the 13639  
act or omission that caused the victim's harm or loss, or who is 13640  
the legal counsel or insurer of the victim. 13641

(C) (1) If a person allegedly is aggrieved by the failure 13642  
of a public office or the person responsible for public records 13643  
to promptly prepare a public record and to make it available to 13644  
the person for inspection in accordance with division (B) of 13645  
this section or by any other failure of a public office or the 13646  
person responsible for public records to comply with an 13647  
obligation in accordance with division (B) of this section, the 13648  
person allegedly aggrieved may serve pursuant to Rule 4 of the 13649  
Ohio Rules of Civil Procedure a complaint, on a form prescribed 13650  
by the clerk of the court of claims, to the public office or 13651  
person responsible for public records allegedly responsible for 13652  
the alleged failure. Upon receipt of the complaint of the person 13653  
allegedly aggrieved, the public office or person responsible for 13654  
public records has three business days to cure or otherwise 13655  
address the failure alleged in the complaint. The person 13656  
allegedly aggrieved shall not file a complaint with a court or 13657  
commence a mandamus action under this section within the three- 13658  
day period. Upon the expiration of the three-day period, the 13659  
person allegedly aggrieved may, subject to the requirements of 13660  
division (C) (2) of this section, do only one of the following, 13661  
and not both: 13662

(a) File a complaint with the clerk of the court of claims 13663  
or the clerk of the court of common pleas under section 2743.75 13664  
of the Revised Code; 13665

(b) Commence a mandamus action to obtain a judgment that 13666  
orders the public office or the person responsible for the 13667  
public record to comply with division (B) of this section, that 13668  
awards court costs and reasonable attorney's fees to the person 13669  
that instituted the mandamus action, and, if applicable, that 13670  
includes an order fixing statutory damages under division (C) (3) 13671  
of this section. The mandamus action may be commenced in the 13672  
court of common pleas of the county in which division (B) of 13673  
this section allegedly was not complied with, in the supreme 13674  
court pursuant to its original jurisdiction under Section 2 of 13675  
Article IV, Ohio Constitution, or in the court of appeals for 13676  
the appellate district in which division (B) of this section 13677  
allegedly was not complied with pursuant to its original 13678  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 13679

(2) Upon filing a complaint or mandamus action with a 13680  
court under divisions (C) (1) (a) or (b) of this section, a person 13681  
allegedly aggrieved shall file with the court, in conjunction 13682  
with the person's complaint or petition, a written affirmation 13683  
stating that the person properly transmitted a complaint to the 13684  
public office or person responsible for public records, the 13685  
failure alleged in the complaint has not been cured or otherwise 13686  
resolved to the person's satisfaction, and that the complaint 13687  
was transmitted to the public office or person responsible for 13688  
public records at least three business days before the filing of 13689  
the suit. If the person fails to file an affirmation pursuant to 13690  
this division, the suit shall be dismissed. 13691

(3) If a requester transmits a written request by hand 13692  
delivery, electronic submission, or certified mail to inspect or 13693  
receive copies of any public record in a manner that fairly 13694  
describes the public record or class of public records to the 13695  
public office or person responsible for the requested public 13696

records, except as otherwise provided in this section, the 13697  
requester shall be entitled to recover the amount of statutory 13698  
damages set forth in this division if a court determines that 13699  
the public office or the person responsible for public records 13700  
failed to comply with an obligation in accordance with division 13701  
(B) of this section. Statutory damages are not available 13702  
pursuant to this section to a person committed to the custody of 13703  
the department of rehabilitation and correction or the United 13704  
States bureau of prisons, or a child committed to the department 13705  
of youth services as permitted in Chapter 2152. of the Revised 13706  
Code. 13707

The amount of statutory damages shall be fixed at one 13708  
hundred dollars for each business day during which the public 13709  
office or person responsible for the requested public records 13710  
failed to comply with an obligation in accordance with division 13711  
(B) of this section, beginning with the day on which the 13712  
requester files a mandamus action to recover statutory damages, 13713  
up to a maximum of one thousand dollars. The award of statutory 13714  
damages shall not be construed as a penalty, but as compensation 13715  
for injury arising from lost use of the requested information. 13716  
The existence of this injury shall be conclusively presumed. The 13717  
award of statutory damages shall be in addition to all other 13718  
remedies authorized by this section. 13719

The court may reduce an award of statutory damages or not 13720  
award statutory damages if the court determines both of the 13721  
following: 13722

(a) That, based on the ordinary application of statutory 13723  
law and case law as it existed at the time of the conduct or 13724  
threatened conduct of the public office or person responsible 13725  
for the requested public records that allegedly constitutes a 13726



failure to comply with an obligation in accordance with division 13727  
(B) of this section and that was the basis of the mandamus 13728  
action, a well-informed public office or person responsible for 13729  
the requested public records reasonably would believe that the 13730  
conduct or threatened conduct of the public office or person 13731  
responsible for the requested public records did not constitute 13732  
a failure to comply with an obligation in accordance with 13733  
division (B) of this section; 13734

(b) That a well-informed public office or person 13735  
responsible for the requested public records reasonably would 13736  
believe that the conduct or threatened conduct of the public 13737  
office or person responsible for the requested public records 13738  
would serve the public policy that underlies the authority that 13739  
is asserted as permitting that conduct or threatened conduct. 13740

(4) In a mandamus action filed under division (C)(1) of 13741  
this section, the following apply: 13742

(a) (i) If the court orders the public office or the person 13743  
responsible for the public record to comply with division (B) of 13744  
this section, the court shall determine and award to the relator 13745  
all court costs, which shall be construed as remedial and not 13746  
punitive. 13747

(ii) If the court makes a determination described in 13748  
division (C)(4)(b)(iii) of this section, the court shall 13749  
determine and award to the relator all court costs, which shall 13750  
be construed as remedial and not punitive. 13751

(b) If the court renders a judgment that orders the public 13752  
office or the person responsible for the public record to comply 13753  
with division (B) of this section or if the court determines any 13754  
of the following, the court may award reasonable attorney's fees 13755

to the relator, subject to division (C) (5) of this section: 13756

(i) The public office or the person responsible for the 13757  
public records failed to respond affirmatively or negatively to 13758  
the public records request in accordance with the time allowed 13759  
under division (B) of this section. 13760

(ii) The public office or the person responsible for the 13761  
public records promised to permit the relator to inspect or 13762  
receive copies of the public records requested within a 13763  
specified period of time but failed to fulfill that promise 13764  
within that specified period of time. 13765

(iii) The public office or the person responsible for the 13766  
public records acted in bad faith when the office or person 13767  
voluntarily made the public records available to the relator for 13768  
the first time after the relator commenced the mandamus action, 13769  
but before the court issued any order concluding whether or not 13770  
the public office or person was required to comply with division 13771  
(B) of this section. No discovery may be conducted on the issue 13772  
of the alleged bad faith of the public office or person 13773  
responsible for the public records. This division shall not be 13774  
construed as creating a presumption that the public office or 13775  
the person responsible for the public records acted in bad faith 13776  
when the office or person voluntarily made the public records 13777  
available to the relator for the first time after the relator 13778  
commenced the mandamus action, but before the court issued any 13779  
order described in this division. 13780

(c) The court shall not award attorney's fees to the 13781  
relator if the court determines both of the following: 13782

(i) That, based on the ordinary application of statutory 13783  
law and case law as it existed at the time of the conduct or 13784

threatened conduct of the public office or person responsible 13785  
for the requested public records that allegedly constitutes a 13786  
failure to comply with an obligation in accordance with division 13787  
(B) of this section and that was the basis of the mandamus 13788  
action, a well-informed public office or person responsible for 13789  
the requested public records reasonably would believe that the 13790  
conduct or threatened conduct of the public office or person 13791  
responsible for the requested public records did not constitute 13792  
a failure to comply with an obligation in accordance with 13793  
division (B) of this section; 13794

(ii) That a well-informed public office or person 13795  
responsible for the requested public records reasonably would 13796  
believe that the conduct or threatened conduct of the public 13797  
office or person responsible for the requested public records 13798  
would serve the public policy that underlies the authority that 13799  
is asserted as permitting that conduct or threatened conduct. 13800

(5) All of the following apply to any award of reasonable 13801  
attorney's fees awarded under division (C) (4) (b) of this 13802  
section: 13803

(a) The fees shall be construed as remedial and not 13804  
punitive. 13805

(b) The fees awarded shall not exceed the total of the 13806  
reasonable attorney's fees incurred before the public record was 13807  
made available to the relator and the fees described in division 13808  
(C) (5) (c) of this section. 13809

(c) Reasonable attorney's fees shall include reasonable 13810  
fees incurred to produce proof of the reasonableness and amount 13811  
of the fees and to otherwise litigate entitlement to the fees. 13812

(d) The court may reduce the amount of fees awarded if the 13813

court determines that, given the factual circumstances involved 13814  
with the specific public records request, an alternative means 13815  
should have been pursued to more effectively and efficiently 13816  
resolve the dispute that was subject to the mandamus action 13817  
filed under division (C)(1) of this section. 13818

(6) If the court does not issue a writ of mandamus under 13819  
division (C) of this section and the court determines at that 13820  
time that the bringing of the mandamus action was frivolous 13821  
conduct as defined in division (A) of section 2323.51 of the 13822  
Revised Code, the court may award to the public office all court 13823  
costs, expenses, and reasonable attorney's fees, as determined 13824  
by the court. 13825

(D) Chapter 1347. of the Revised Code does not limit the 13826  
provisions of this section. 13827

(E)(1) To ensure that all employees of public offices are 13828  
appropriately educated about a public office's obligations under 13829  
division (B) of this section, all elected officials or their 13830  
appropriate designees shall attend training approved by the 13831  
attorney general as provided in section 109.43 of the Revised 13832  
Code. A future official may satisfy the requirements of this 13833  
division by attending the training before taking office, 13834  
provided that the future official may not send a designee in the 13835  
future official's place. 13836

(2) All public offices shall adopt a public records policy 13837  
in compliance with this section for responding to public records 13838  
requests. In adopting a public records policy under this 13839  
division, a public office may obtain guidance from the model 13840  
public records policy developed and provided to the public 13841  
office by the attorney general under section 109.43 of the 13842  
Revised Code. Except as otherwise provided in this section, the 13843

policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F) (1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting

information, the release of which is prohibited by law. 13875

(2) As used in division (F)(1) of this section: 13876

(a) "Actual cost" means the cost of depleted supplies, 13877  
records storage media costs, actual mailing and alternative 13878  
delivery costs, or other transmitting costs, and any direct 13879  
equipment operating and maintenance costs, including actual 13880  
costs paid to private contractors for copying services. 13881

(b) "Bulk commercial special extraction request" means a 13882  
request for copies of a record for information in a format other 13883  
than the format already available, or information that cannot be 13884  
extracted without examination of all items in a records series, 13885  
class of records, or database by a person who intends to use or 13886  
forward the copies for surveys, marketing, solicitation, or 13887  
resale for commercial purposes. "Bulk commercial special 13888  
extraction request" does not include a request by a person who 13889  
gives assurance to the bureau that the person making the request 13890  
does not intend to use or forward the requested copies for 13891  
surveys, marketing, solicitation, or resale for commercial 13892  
purposes. 13893

(c) "Commercial" means profit-seeking production, buying, 13894  
or selling of any good, service, or other product. 13895

(d) "Special extraction costs" means the cost of the time 13896  
spent by the lowest paid employee competent to perform the task, 13897  
the actual amount paid to outside private contractors employed 13898  
by the bureau, or the actual cost incurred to create computer 13899  
programs to make the special extraction. "Special extraction 13900  
costs" include any charges paid to a public agency for computer 13901  
or records services. 13902

(3) For purposes of divisions (F)(1) and (2) of this 13903

section, "surveys, marketing, solicitation, or resale for 13904  
commercial purposes" shall be narrowly construed and does not 13905  
include reporting or gathering news, reporting or gathering 13906  
information to assist citizen oversight or understanding of the 13907  
operation or activities of government, or nonprofit educational 13908  
research. 13909

(G) A request by a defendant, counsel of a defendant, or 13910  
any agent of a defendant in a criminal action that public 13911  
records related to that action be made available under this 13912  
section shall be considered a demand for discovery pursuant to 13913  
the Criminal Rules, except to the extent that the Criminal Rules 13914  
plainly indicate a contrary intent. The defendant, counsel of 13915  
the defendant, or agent of the defendant making a request under 13916  
this division shall serve a copy of the request on the 13917  
prosecuting attorney, director of law, or other chief legal 13918  
officer responsible for prosecuting the action. 13919

(H) (1) Any portion of a body-worn camera or dashboard 13920  
camera recording described in divisions (A) (17) (b) to (h) of 13921  
this section may be released by consent of the subject of the 13922  
recording or a representative of that person, as specified in 13923  
those divisions, only if either of the following applies: 13924

(a) The recording will not be used in connection with any 13925  
probable or pending criminal proceedings; 13926

(b) The recording has been used in connection with a 13927  
criminal proceeding that was dismissed or for which a judgment 13928  
has been entered pursuant to Rule 32 of the Rules of Criminal 13929  
Procedure, and will not be used again in connection with any 13930  
probable or pending criminal proceedings. 13931

(2) If a public office denies a request to release a 13932

restricted portion of a body-worn camera or dashboard camera 13933  
recording, as defined in division (A)(17) of this section, any 13934  
person may file a mandamus action pursuant to this section or a 13935  
complaint with the clerk of the court of claims pursuant to 13936  
section 2743.75 of the Revised Code, requesting the court to 13937  
order the release of all or portions of the recording. If the 13938  
court considering the request determines that the filing 13939  
articulates by clear and convincing evidence that the public 13940  
interest in the recording substantially outweighs privacy 13941  
interests and other interests asserted to deny release, the 13942  
court shall order the public office to release the recording. 13943

**Sec. 153.01.** (A) Whenever any building or structure for 13944  
the use of the state or any institution supported in whole or in 13945  
part by the state or in or upon the public works of the state 13946  
that is administered by the Ohio facilities construction 13947  
commission or by any other state officer or state agency 13948  
authorized by law to administer a project, including an 13949  
educational institution listed in section 3345.50 of the Revised 13950  
Code, is to be erected or constructed, whenever additions, 13951  
alterations, or structural or other improvements are to be made, 13952  
or whenever heating, cooling, or ventilating plants or other 13953  
equipment is to be installed or material supplied therefor, the 13954  
estimated cost of which amounts to two hundred thousand dollars 13955  
or more, or the amount determined pursuant to section 153.53 of 13956  
the Revised Code or more, each officer, board, or other 13957  
authority upon which devolves the duty of constructing, 13958  
erecting, altering, or installing the same, referred to in 13959  
sections 153.01 to 153.60 of the Revised Code as the public 13960  
authority, shall cause to be made, by an architect or engineer 13961  
whose contract of employment shall be prepared and approved by 13962  
the attorney general, the following: 13963



(1) Full and accurate plans, suitable for the use of mechanics and other builders in the construction, improvement, addition, alteration, or installation;

(2) Details to scale and full-sized, so drawn and represented as to be easily understood;

(3) Definite and complete specifications of the work to be performed, together with directions that will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;

(4) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;

(5) A life-cycle cost analysis;

(6) Further data as may be required by the Ohio facilities construction commission.

In preparing these plans, details, specifications, estimates, analyses, or other data, the public authority may require the architect or engineer to use a building information model system, as long as the system is based on a nationally recognized standard for building information models. As used in this division, "building information model" means a digital representation of physical and functional characteristics of a facility, and electronic files used to design and coordinate the project, whether it is a single model or multiple models used in the aggregate.

(B) (1) Division (A) of this section shall not be required with respect to a construction management contract entered into with a construction manager at risk as described in section 9.334 of the Revised Code, an integrated project delivery contract entered into with an integrated project contractor as

described in section 153.65 of the Revised Code, or a design- 13993  
build contract entered into with a design-build firm as 13994  
described in section 153.693 of the Revised Code. 13995

(2) Nothing in this chapter shall interfere with the power 13996  
of the director of transportation to prepare plans for, acquire 13997  
rights-of-way for, construct, or maintain roads, highways, or 13998  
bridges, or to let contracts for those purposes. 13999

**Sec. 153.07.** The notice provided for in section 153.06 of 14000  
the Revised Code shall be published by electronic means~~once each~~ 14001  
~~week for three consecutive weeks in a newspaper of general~~ 14002  
~~circulation, or as provided in section 7.16 of the Revised Code,~~ 14003  
and may be published in other news media in the county where the 14004  
activity for which bids are submitted is to occur ~~and in such~~ 14005  
~~other newspapers as ordered by the Ohio facilities construction~~ 14006  
~~commission, the last publication to~~. The notice shall invite 14007  
interested parties to submit proposals for consideration and 14008  
shall be published at least eight~~fourteen~~ days preceding the 14009  
day for opening the bids, ~~and in such form and with such~~ 14010  
~~phraseology a manner as prescribed by the commission orders.~~ 14011  
Copies of the plans, details, estimates of cost, and 14012  
specifications shall be available electronically or open to 14013  
public inspection at all business hours between the day of the 14014  
first publication and the day for opening the bids, at the 14015  
office of the commission where the bids are received, and such 14016  
other place as may be designated in such notice. 14017

**Sec. 153.08.** On the day and at the place named in the 14018  
notice provided for in section 153.06 of the Revised Code, the 14019  
owner referred to in section 153.01 of the Revised Code shall 14020  
open the bids and shall publicly, with the assistance of the 14021  
architect or engineer, immediately proceed to tabulate the bids. 14022

For a bid filed electronically, the public bid opening may be 14023  
broadcast by electronic means pursuant to rules established by 14024  
the Ohio facilities construction commission. A bid shall be 14025  
invalid and not considered unless a bid guaranty meeting the 14026  
requirements of section 153.54 of the Revised Code and in the 14027  
form approved by the commission is filed with such bid. For a 14028  
bid that is not filed electronically, the bid and bid guaranty 14029  
shall be filed in one sealed envelope. If the bid and bid 14030  
guaranty are filed electronically, they must be received 14031  
electronically before the deadline published pursuant to section 14032  
153.06 of the Revised Code. For all bids filed electronically, 14033  
the original, unaltered bid guaranty shall be made available to 14034  
the public authority after the public bid opening, which may be 14035  
achieved by means of an electronic verification and security 14036  
system established under rules adopted by the Ohio facilities 14037  
construction commission under Chapter 119. of the Revised Code. 14038  
After investigation, which shall be completed within thirty 14039  
days, the contract shall be awarded by such owner to the lowest 14040  
responsive and responsible bidder in accordance with section 14041  
9.312 of the Revised Code. 14042

No contract shall be entered into until the industrial 14043  
commission has certified that the person so awarded the contract 14044  
has complied with sections 4123.01 to 4123.94 of the Revised 14045  
Code, until, if the bidder so awarded the contract is a foreign 14046  
corporation, the secretary of state has certified that such 14047  
corporation is authorized to do business in this state, until, 14048  
if the bidder so awarded the contract is a person nonresident of 14049  
this state, such person has filed with the secretary of state a 14050  
power of attorney designating the secretary of state as its 14051  
agent for the purpose of accepting service of summons in any 14052  
action brought under section 153.05 of the Revised Code or under 14053

sections 4123.01 to 4123.94 of the Revised Code, and until the 14054  
contract and bond, if any, are submitted to the attorney general 14055  
and the attorney general's approval certified thereon. 14056

~~No contract shall be entered into unless the bidder 14057  
possesses a valid certificate of compliance with affirmative- 14058  
action programs issued pursuant to section 9.47 of the Revised- 14059  
Code and dated no earlier than one hundred eighty days prior to- 14060  
the date fixed for the opening of bids for a particular project. 14061~~

**Sec. 153.09.** If in the opinion of the owner referred to in 14062  
section 153.01 of the Revised Code, the award of a contract to 14063  
the lowest responsive and responsible bidder is not in the best 14064  
interests of the state, the owner may accept another bid so 14065  
opened or reject all bids, and advertise for other bids. Such 14066  
advertisement shall be for such time, in such form, and ~~in~~by 14067  
such ~~newspaper~~electronic media as the Ohio facilities 14068  
construction commission directs. All contracts shall provide 14069  
that such owner may make any change in work or materials on the 14070  
conditions and in the manner provided in sections 153.10 and 14071  
153.11 of the Revised Code. 14072

**Sec. 153.12.** (A) With respect to award of any contract for 14073  
the construction, reconstruction, improvement, enlargement, 14074  
alteration, repair, painting, or decoration of a public 14075  
improvement made by the state, or any county, township, 14076  
municipal corporation, school district, or other political 14077  
subdivision, or any public board, commission, authority, 14078  
instrumentality, or special purpose district of or in the state 14079  
or a political subdivision or that is authorized by state law, 14080  
the award, and execution of the contract, shall be made within 14081  
sixty days after the date on which the bids are opened. The 14082  
failure to award and execute the contract within sixty days 14083

invalidates the entire bid proceedings and all bids submitted, 14084  
unless the time for awarding and executing the contract is 14085  
extended by mutual consent of the owner or its representatives 14086  
and the bidder whose bid the owner accepts and with respect to 14087  
whom the owner subsequently awards and executes a contract. The 14088  
public owners referred to in this section shall include, in the 14089  
plans and specifications for the project for which bids are 14090  
solicited, the estimate of cost. The bid for which the award is 14091  
to be made shall be opened at the time and place named in the 14092  
advertisement for bids, unless extended by the owner or its 14093  
representative or unless, within seventy-two hours prior to the 14094  
published time for the opening of bids, excluding Saturdays, 14095  
Sundays, and legal holidays, any modification of the plans or 14096  
specifications and estimates of cost for the project for which 14097  
bids are solicited is issued and mailed or otherwise furnished 14098  
to persons who have obtained plans or specifications for the 14099  
project, for which the time for opening of bids shall be 14100  
extended one week, with no further advertising of bids required. 14101  
The contractor, upon request, is entitled to a notice to proceed 14102  
with the work by the owner or its representative upon execution 14103  
of the contract. No contract to which this section applies shall 14104  
be entered into if the price of the contract, or, if the project 14105  
involves multiple contracts where the total price of all 14106  
contracts for the project, is in excess of ten per cent, in the 14107  
case of a contract made by the state or a public board, 14108  
commission, authority, or instrumentality of the state, or 14109  
twenty per cent, in the case of a contract made by a county, 14110  
township, municipal corporation, school district, special 14111  
purpose district, or other political subdivision or a public 14112  
board, commission, authority, or instrumentality of the 14113  
political subdivision, above the entire estimate thereof, nor 14114  
shall the entire cost of the construction, reconstruction, 14115

repair, painting, decorating, improvement, alteration, addition, 14116  
or installation, including changes and estimates of expenses for 14117  
architects or engineers, exceed in the aggregate the amount 14118  
authorized by law. 14119

The unit or lump sum price stated in the contract shall be 14120  
used in determining the amount to be paid and shall constitute 14121  
full and final compensation for all the work. 14122

Partial payment to the contractor for work performed under 14123  
the lump sum price shall be based on a schedule prepared by the 14124  
contractor and approved by the architect or engineer who shall 14125  
apportion the lump sum price to the major components entering 14126  
into or forming a part of the work under the lump sum price. 14127

Partial payments to the contractor for labor performed 14128  
under either a unit or lump sum price contract shall be made at 14129  
~~the a rate of ninety-two not less than ninety-six~~ per cent of 14130  
the estimates prepared by the contractor and approved by the 14131  
architect or engineer. ~~All labor performed after the job is-~~ 14132  
~~fifty per cent completed shall be paid for at the rate of one-~~ 14133  
~~hundred per cent of the estimates submitted by the contractor-~~ 14134  
~~and approved by the architect or engineer. No subcontract shall~~ 14135  
be paid at a rate lower than the rate being paid to the 14136  
contractor by the public authority. 14137

The amounts and time of payments of any public 14138  
improvements contract made by the state or any county, township, 14139  
municipal corporation, school district, or other political 14140  
subdivision, or any public board, commission, authority, 14141  
instrumentality, or special purpose district of or in the state 14142  
or a political subdivision or that is authorized by state law, 14143  
except as provided in section 5525.19 of the Revised Code, shall 14144  
be governed by this section and sections 153.13 and 153.14 of 14145

the Revised Code. If the time for awarding the contract is 14146  
extended by mutual consent, or if the owner or its 14147  
representative fails to issue a timely notice to proceed as 14148  
required by this section, the owner or its representative shall 14149  
issue a change order authorizing delay costs to the contractor, 14150  
which does not invalidate the contract. The amount of such a 14151  
change order to the owner shall be determined in accordance with 14152  
the provisions of the contract for change orders or force 14153  
accounts or, if no such provision is set forth in the contract, 14154  
the cost to the owner shall be the contractor's actual costs 14155  
including wages, labor costs other than wages, wage taxes, 14156  
materials, equipment costs and rentals, insurance, and 14157  
subcontracts attributable to the delay, plus a reasonable sum 14158  
for overhead. In the event of a dispute between the owner and 14159  
the contractor concerning such change order, procedures shall be 14160  
commenced under the applicable terms of the contract, or, if the 14161  
contract contains no provision for resolving the dispute, it 14162  
shall be resolved pursuant to the procedures for arbitration in 14163  
Chapter 2711. of the Revised Code, except as provided in 14164  
division (B) of this section. Nothing in this division shall be 14165  
construed as a limitation upon the authority of the director of 14166  
transportation granted in Chapter 5525. of the Revised Code. 14167

(B) If a dispute arises between the state and a contractor 14168  
concerning the terms of a public improvement contract let by the 14169  
state or concerning a breach of the contract, and after 14170  
administrative remedies provided for in such contract and any 14171  
alternative dispute resolution procedures provided in accordance 14172  
with guidelines established by the executive director of the 14173  
Ohio facilities construction commission are exhausted, the 14174  
contractor may bring an action to the court of claims in 14175  
accordance with Chapter 2743. of the Revised Code. The state or 14176

the contractor may request the chief justice of the supreme 14177  
court to appoint a referee or panel of referees in accordance 14178  
with division (C) (3) of section 2743.03 of the Revised Code. As 14179  
used in this division, "dispute" means a disagreement between 14180  
the state and the contractor concerning a public improvement 14181  
contract let by the state. 14182

**Sec. 153.13.** At the time named in the contract for payment 14183  
to the person with whom it is made, the owner referred to in 14184  
section 153.01 or 153.12 of the Revised Code shall approve a 14185  
full, accurate, and detailed estimate of the various kinds of 14186  
labor performed and material furnished under the contract, with 14187  
the amount due for each kind of labor and material and the 14188  
materials and amount due in the aggregate, which estimate shall 14189  
be based upon actual measurement of such labor and materials, 14190  
and shall give the amounts of the preceding estimate, and the 14191  
amount of labor performed and materials furnished since the last 14192  
estimate. ~~From the date the contract is fifty per cent complete,~~ 14193  
~~as evidenced by payments in the amount of at least fifty per-~~ 14194  
~~cent of the contract to the person with whom the owner has~~ 14195  
~~contracted, except in the case of contracts the total cost of~~ 14196  
~~which is less than fifteen thousand dollars, all funds retained~~ 14197  
~~pursuant to sections 153.12 and 153.14 of the Revised Code for~~ 14198  
~~the faithful performance of work shall be deposited in the~~ 14199  
~~escrow account designated in section 153.63 of the Revised Code.~~ 14200  
~~After the contract is fifty per cent complete, no further funds~~ 14201  
~~shall be retained.~~ When the major portion of the project is 14202  
substantially completed and occupied, or in use, or otherwise 14203  
accepted, and there exists no other reason to withhold 14204  
retainage, the retained percentages held in connection with such 14205  
portion shall be ~~released from escrow and~~ paid to the 14206  
contractor, withholding only that amount necessary to assure 14207



completion. ~~Funds in the escrow account not heretofore paid,~~ 14208  
~~with accumulated interest, shall be paid to the person with whom~~ 14209  
~~the owner has contracted thirty days from the date of completion~~ 14210  
~~or either acceptance or occupancy by the owner. Such payments~~ 14211  
~~shall be in accordance with division (A) (2) of section 153.63 of~~ 14212  
~~the Revised Code. Any retained funds and interest thereon~~ 14213  
~~accrued during the project shall be considered property of the~~ 14214  
~~contractor. Any retained funds and interest thereon accrued~~ 14215  
~~during the project shall be paid to the primary contractor not~~ 14216  
~~later than thirty days after the date of substantial completion~~ 14217  
~~of the work. Nothing in this section shall be construed as a~~ 14218  
~~limitation upon the authority of the director of transportation~~ 14219  
~~granted in Chapter 5525. of the Revised Code.~~ 14220

**Sec. 153.14.** For the construction of those projects, 14221  
improvements, and public buildings over which the Ohio 14222  
facilities construction commission has general supervision 14223  
pursuant to section 123.21 of the Revised Code, the estimates 14224  
referred to in section 153.13 of the Revised Code shall be filed 14225  
with the executive director by the owner referred to in section 14226  
153.01 or 153.12 of the Revised Code. Upon completion of a 14227  
project referred to in section 153.13 of the Revised Code or any 14228  
divisible part thereof, the maintenance and repair of such 14229  
project or divisible part shall be assumed by the owner referred 14230  
to in section 153.01 or 153.12 of the Revised Code. 14231

In addition to all other payments on account of work 14232  
performed, there shall be allowed by the owner referred to in 14233  
section 153.01 or 153.12 of the Revised Code and paid to the 14234  
contractor a sum at the rate of ninety-two per cent of the 14235  
invoice costs, not to exceed the bid price in a unit price 14236  
contract, of material delivered on the site of the work, or a 14237  
railroad station, siding, or other point in the vicinity of the 14238

work, or other approved storage site, provided such materials 14239  
have been inspected and found to meet the specifications. The 14240  
balance of such invoiced value shall be paid when such material 14241  
is incorporated into and becomes a part of such building, 14242  
construction, addition, improvement, alteration, or 14243  
installation. When an estimate is allowed on account of material 14244  
delivered on the site of the work or in the vicinity thereof or 14245  
under the possession and control of the contractor but not yet 14246  
incorporated therein, such material shall become the property of 14247  
the owner under the contract, but if such material is stolen, 14248  
destroyed, or damaged by casualty before being used, the 14249  
contractor shall be required to replace it at the contractor's 14250  
own expense. 14251

When the rate of work and amounts involved are so large 14252  
that it is considered advisable by the owner or contractor, 14253  
estimates and payments shall be made twice each month. 14254

Payment on approved estimates filed with the owner or its 14255  
representative shall be made within thirty days. Upon the 14256  
failure of the owner or its representative to make such payments 14257  
within thirty days, or upon an unauthorized withholding of 14258  
retainage, there shall be allowed to the contractor, in addition 14259  
to any other remedies allowed by law, interest on such moneys 14260  
not paid within thirty days. Interest on the unauthorized 14261  
withholding of retainage shall be in addition to any interest 14262  
earned ~~in the escrow account set forth as described~~ in section 14263  
153.13 of the Revised Code. The rate of such interest shall be 14264  
the average of the prime rate established at the commercial 14265  
banks in the city of over one hundred thousand population that 14266  
is nearest the construction project. Nothing in this section 14267  
shall be construed as a limitation upon the authority of the 14268  
director of transportation granted in Chapter 5525. of the 14269

Revised Code.	14270
<b>Sec. 153.50.</b> (A) As used in sections 153.50 to 153.52 of	14271
the Revised Code:	14272
(1) "Construction manager at risk" has the same meaning as	14273
in section 9.33 of the Revised Code.	14274
(2) "Design-assist services" means monitoring and	14275
assisting in the completion of the plans and specifications.	14276
(3) "Design-assist firm" means a person capable of	14277
providing design-assist services.	14278
(4) "Design-build firm" has the same meaning as in section	14279
153.65 of the Revised Code.	14280
(5) "General contracting" means constructing and managing	14281
an entire public improvement project, including the branches or	14282
classes of work specified in division (B) of this section, under	14283
the award of a single aggregate lump sum contract.	14284
(6) "General contracting firm" means a person capable of	14285
performing general contracting.	14286
(7) <u>"Integrated project delivery contract" and "integrated</u>	14287
<u>project contractor" have the same meanings as in section 153.65</u>	14288
<u>of the Revised Code.</u>	14289
(B) Except for contracts made with a construction manager	14290
at risk, with a design-build firm, <u>with an integrated project</u>	14291
<u>contractor,</u> or with a general contracting firm, an officer,	14292
board, or other authority of the state, a county, township,	14293
municipal corporation, or school district, or of any public	14294
institution belonging thereto, authorized to contract for the	14295
erection, repair, alteration, or rebuilding of a public	14296
building, institution, bridge, culvert, or improvement and	14297

required by law to advertise and receive bids for furnishing of 14298  
materials and doing the work necessary for the erection thereof, 14299  
shall require separate and distinct bids to be made for 14300  
furnishing such materials or doing such work, or both, in their 14301  
discretion, for each of the following branches or classes of 14302  
work to be performed, and all work kindred thereto, entering 14303  
into the improvement: 14304

(1) Plumbing and gas fitting; 14305

(2) Steam and hot-water heating, ventilating apparatus, 14306  
and steam-power plant; 14307

(3) Electrical equipment. 14308

**Sec. 153.501.** (A) A public authority may accept a 14309  
subcontract awarded by a construction manager at risk, an 14310  
integrated project contractor, a design-build firm, or a general 14311  
contracting firm, or may reject any such subcontract if the 14312  
public authority determines that the bidder is not responsible. 14313

(B) A public authority may authorize a construction 14314  
manager at risk or design-build firm to utilize a design-assist 14315  
firm on any public improvement project without transferring any 14316  
design liability to the design-assist firm. 14317

(C) If the construction manager at risk or design-build 14318  
firm intends and is permitted by the public authority to self- 14319  
perform a portion of the work to be performed, the construction 14320  
manager at risk or design-build firm shall submit a sealed bid 14321  
to the public authority for the portion of the work prior to 14322  
accepting and opening any bids for the same work, except when 14323  
the public authority requests a guaranteed maximum price 14324  
proposal due at the time of selection. 14325

**Sec. 153.502.** (A) Each construction manager at risk, 14326

integrated project contractor, and design-build firm shall 14327  
establish criteria by which it will prequalify prospective 14328  
bidders on subcontracts awarded for work to be performed under 14329  
the construction management, integrated project delivery, or 14330  
design-build contract. The criteria established by a 14331  
construction manager at risk, integrated project contractor, or 14332  
design-build firm shall be subject to the approval of the public 14333  
authority involved in the project and shall be consistent with 14334  
the rules adopted by the Ohio facilities construction commission 14335  
pursuant to section 153.503 of the Revised Code. 14336

(B) For each subcontract to be awarded, the construction 14337  
manager at risk, integrated project contractor, or design-build 14338  
firm shall identify at least three prospective bidders that are 14339  
prequalified to bid on that subcontract, except that the 14340  
construction manager at risk, integrated project contractor, or 14341  
design-build firm shall identify fewer than three if the 14342  
construction manager at risk, integrated project contractor, or 14343  
design-build firm establishes to the satisfaction of the public 14344  
authority that fewer than three prequalified bidders are 14345  
available. The public authority shall verify that each 14346  
prospective bidder meets the prequalification criteria and, 14347  
subject to division (E) of this section, may eliminate any 14348  
bidder it determines is not qualified. 14349

(C) Once the prospective bidders are prequalified and 14350  
found acceptable by the public authority, the construction 14351  
manager at risk, integrated project contractor, or design-build 14352  
firm shall solicit proposals from each of those bidders. The 14353  
solicitation and selection of a subcontractor shall be conducted 14354  
under an open book pricing method. As used in this division, 14355  
"open book pricing method" has the same meaning as in section 14356  
9.33 of the Revised Code, in the case of a construction manager 14357

at risk, and the same meaning as in section 153.65 of the Revised Code, in the case of a design-build firm or an integrated project contractor.

(D) A construction manager at risk, integrated project contractor, or design-build firm shall not be required to award a subcontract to a low bidder.

(E) Except as provided in section 307.921 of the Revised Code, no public authority shall eliminate a bidder as unqualified on the basis that the bidder has not complied with an affirmative action program or a diversity, equity, and inclusion program. This division shall not be construed to affect any set-aside programs for minority business enterprises or EDGE business enterprises, as defined in sections 122.921 and 122.922 of the Revised Code, respectively.

**Sec. 153.503.** The Ohio facilities construction commission, pursuant to Chapter 119. of the Revised Code, shall adopt rules to do all of the following:

(A) Prescribe the procedures and criteria for determining the best value selection of a construction manager at risk, integrated project contractor, or design-build firm;

(B) Set forth standards to be followed by construction managers at risk, integrated project contractors, and design-build firms when establishing prequalification criteria pursuant to section 153.502 of the Revised Code;

(C) Prescribe the form for the contract documents to be used by a construction manager at risk, integrated project contractor, design-build firm, or general contractor when entering into a subcontract;

(D) Prescribe the form for the contract documents to be

used by a public authority when entering into a contract with a construction manager at risk or design-build firm; 14387  
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(E) Prescribe the form for the contract documents to be used by a public authority when entering into a multi-party integrated project delivery contract with both a professional design firm and an integrated project contractor. 14389  
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**Sec. 153.54.** (A) Except with respect to a contract described in section 9.334 or 153.693 of the Revised Code, each person bidding for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for any public improvement shall file with the bid, a bid guaranty in the form of ~~either~~ any of the following: 14393  
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(1) A bond in accordance with division (B) of this section for the full amount of the bid; 14400  
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(2) A certified check, cashier's check, or letter of credit pursuant to Chapter 1305. of the Revised Code, in accordance with division (C) of this section. Any such letter of credit is revocable only at the option of the beneficiary state, political subdivision, district, institution, or agency. The amount of the certified check, cashier's check, or letter of credit shall be equal to ten per cent of the bid; 14402  
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(3) An electronic verification through an electronic verification and security system described in section 153.08 of the Revised Code, if the state or any political subdivision, district, institution, or other agency thereof accepts bids electronically pursuant to section 153.08 of the Revised Code. 14409  
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(B) A bid guaranty filed pursuant to division (A) (1) of this section shall be conditioned to: 14414  
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(1) Provide that, if the bid is accepted, the bidder, 14416  
after the awarding or the recommendation for the award of the 14417  
contract, whichever the contracting authority designates, will 14418  
enter into a proper contract in accordance with the bid, plans, 14419  
details, and specifications. If for any reason, other than as 14420  
authorized by section 9.31 of the Revised Code or division (G) 14421  
of this section, the bidder fails to enter into the contract, 14422  
and the contracting authority awards the contract to the next 14423  
lowest bidder, the bidder and the surety on the bidder's bond 14424  
are liable to the state, political subdivision, district, 14425  
institution, or agency for the difference between the bid and 14426  
that of the next lowest bidder, or for a penal sum not to exceed 14427  
ten per cent of the amount of the bond, whichever is less. If 14428  
the state, political subdivision, district, institution, or 14429  
agency does not award the contract to the next lowest bidder but 14430  
resubmits the project for bidding, the bidder failing to enter 14431  
into the contract and the surety on the bidder's bond, except as 14432  
provided in division (G) of this section, are liable to the 14433  
state, political subdivision, district, institution, or agency 14434  
for a penal sum not to exceed ten per cent of the amount of the 14435  
bid or the costs in connection with the resubmission of printing 14436  
new contract documents, required advertising, and printing and 14437  
mailing notices to prospective bidders, whichever is less. 14438

(2) Indemnify the state, political subdivision, district, 14439  
institution, or agency against all damage suffered by failure to 14440  
perform the contract according to its provisions and in 14441  
accordance with the plans, details, and specifications therefor 14442  
and to pay all lawful claims of subcontractors, material 14443  
suppliers, and laborers for labor performed or material 14444  
furnished in carrying forward, performing, or completing the 14445  
contract; and agree and assent that this undertaking is for the 14446



benefit of any subcontractor, material supplier, or laborer 14447  
having a just claim, as well as for the state, political 14448  
subdivision, district, institution, or agency. 14449

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 14450  
this section shall be conditioned to provide that if the bid is 14451  
accepted, the bidder, after the awarding or the recommendation 14452  
for the award of the contract, whichever the contracting 14453  
authority designates, will enter into a proper contract in 14454  
accordance with the bid, plans, details, specifications, and 14455  
bills of material. If for any reason, other than as authorized 14456  
by section 9.31 of the Revised Code or division (G) of this 14457  
section, the bidder fails to enter into the contract, and the 14458  
contracting authority awards the contract to the next lowest 14459  
bidder, the bidder is liable to the state, political 14460  
subdivision, district, institution, or agency for the difference 14461  
between the bidder's bid and that of the next lowest bidder, or 14462  
for a penal sum not to exceed ten per cent of the amount of the 14463  
bid, whichever is less. If the state, political subdivision, 14464  
district, institution, or agency does not award the contract to 14465  
the next lowest bidder but resubmits the project for bidding, 14466  
the bidder failing to enter into the contract, except as 14467  
provided in division (G) of this section, is liable to the 14468  
state, political subdivision, district, institution, or agency 14469  
for a penal sum not to exceed ten per cent of the amount of the 14470  
bid or the costs in connection with the resubmission, of 14471  
printing new contract documents, required advertising, and 14472  
printing and mailing notices to prospective bidders, whichever 14473  
is less. 14474

If the bidder enters into the contract, the bidder, at the 14475  
time the contract is entered to, shall file a bond for the 14476  
amount of the contract to indemnify the state, political 14477

subdivision, district, institution, or agency against all damage 14478  
suffered by failure to perform the contract according to its 14479  
provisions and in accordance with the plans, details, and 14480  
specifications and to pay all lawful claims of subcontractors, 14481  
material suppliers, and laborers for labor performed or material 14482  
furnished in carrying forward, performing, or completing the 14483  
contract; and agree and assent that this undertaking is for the 14484  
benefit of any subcontractor, material supplier, or laborer 14485  
having a just claim, as well as for the state, political 14486  
subdivision, district, institution, or agency. 14487

(2) A construction manager who enters into a contract 14488  
pursuant to sections 9.33 to 9.333 of the Revised Code, if 14489  
required by the public authority at the time the construction 14490  
manager enters into the contract, shall file a letter of credit 14491  
pursuant to Chapter 1305. of the Revised Code, bond, certified 14492  
check, or cashier's check, for the value of the construction 14493  
management contract to indemnify the state, political 14494  
subdivision, district, institution, or agency against all damage 14495  
suffered by the construction manager's failure to perform the 14496  
contract according to its provisions, and shall agree and assent 14497  
that this undertaking is for the benefit of the state, political 14498  
subdivision, district, institution, or agency. A letter of 14499  
credit provided by the construction manager is revocable only at 14500  
the option of the beneficiary state, political subdivision, 14501  
district, institution, or agency. 14502

(D) Where the state, political subdivision, district, 14503  
institution, or agency accepts a bid but the bidder fails or 14504  
refuses to enter into a proper contract in accordance with the 14505  
bid, plans, details, and specifications within ten days after 14506  
the awarding of the contract, the bidder and the surety on any 14507  
bond, except as provided in division (G) of this section, are 14508

liable for the amount of the difference between the bidder's bid 14509  
and that of the next lowest bidder, but not in excess of the 14510  
liability specified in division (B) (1) or (C) of this section. 14511  
Where the state, political subdivision, district, institution, 14512  
or agency then awards the bid to such next lowest bidder and 14513  
such next lowest bidder also fails or refuses to enter into a 14514  
proper contract in accordance with the bid, plans, details, and 14515  
specifications within ten days after the awarding of the 14516  
contract, the liability of such next lowest bidder, except as 14517  
provided in division (G) of this section, is the amount of the 14518  
difference between the bids of such next lowest bidder and the 14519  
third lowest bidder, but not in excess of the liability 14520  
specified in division (B) (1) or (C) of this section. Liability 14521  
on account of an award to any lowest bidder beyond the third 14522  
lowest bidder shall be determined in like manner. 14523

(E) Notwithstanding division (C) of this section, where 14524  
the state, political subdivision, district, institution, or 14525  
agency resubmits the project for bidding, each bidder whose bid 14526  
was accepted but who failed or refused to enter into a proper 14527  
contract, except as provided in division (G) of this section, is 14528  
liable for an equal share of a penal sum in connection with the 14529  
resubmission, of printing new contract documents, required 14530  
advertising, and printing and mailing notices to prospective 14531  
bidders, but no bidder's liability shall exceed the amount of 14532  
the bidder's bid guaranty. 14533

(F) All bid guaranties filed pursuant to this section 14534  
shall be payable to the state, political subdivision, district, 14535  
institution, or agency, be for the benefit of the state, 14536  
political subdivision, district, institution, or agency or any 14537  
person having a right of action thereon, and be deposited with, 14538  
and held by, the board, officer, or agent contracting on behalf 14539

of the state, political subdivision, district, institution, or 14540  
agency. All bonds filed pursuant to this section shall be issued 14541  
by a surety company authorized to do business in this state as 14542  
surety approved by the board, officer, or agent awarding the 14543  
contract on behalf of the state, political subdivision, 14544  
district, institution, or agency. 14545

(G) A bidder for a contract with the state or any 14546  
political subdivision, district, institution, or other agency 14547  
thereof, excluding therefrom the Ohio department of 14548  
transportation, for a public improvement costing less than one- 14549  
half million dollars may withdraw the bid from consideration if 14550  
the bidder's bid for some other contract with the state or any 14551  
political subdivision, district, institution, or other agency 14552  
thereof, excluding therefrom the department of transportation, 14553  
for the public improvement costing less than one-half million 14554  
dollars has already been accepted, if the bidder certifies in 14555  
good faith that the total amount of all the bidder's current 14556  
contracts is less than one-half million dollars, and if the 14557  
surety certifies in good faith that the bidder is unable to 14558  
perform the subsequent contract because to do so would exceed 14559  
the bidder's bonding capacity. If a bid is withdrawn under 14560  
authority of this division, the contracting authority may award 14561  
the contract to the next lowest bidder or reject all bids and 14562  
resubmit the project for bidding, and neither the bidder nor the 14563  
surety on the bidder's bond are liable for the difference 14564  
between the bidder's bid and that of the next lowest bidder, for 14565  
a penal sum, or for the costs of printing new contract 14566  
documents, required advertising, and printing and mailing 14567  
notices to prospective bidders. 14568

(H) Bid guaranties filed pursuant to division (A) of this 14569  
section shall be returned to all unsuccessful bidders 14570

immediately after the contract is executed. The bid guaranty 14571  
filed pursuant to division (A) (2) of this section shall be 14572  
returned to the successful bidder upon filing of the bond 14573  
required in division (C) of this section. 14574

(I) For the purposes of this section and sections 153.56, 14575  
153.57, and 153.571 of the Revised Code, "public improvement," 14576  
"subcontractor," "material supplier," "laborer," and "materials" 14577  
have the same meanings as in section 1311.25 of the Revised 14578  
Code. 14579

**Sec. 153.59.** Every contract for or on behalf of the state, 14580  
or any township, county, or municipal corporation of the state, 14581  
for the construction, alteration, or repair of any public 14582  
building or public work in the state shall contain provisions by 14583  
which the contractor agrees to both of the following: 14584

(A) That, in the hiring of employees for the performance 14585  
of work under the contract or any subcontract, no contractor, 14586  
subcontractor, or any person acting on a contractor's or 14587  
subcontractor's behalf, by reason of race, creed, sex, 14588  
disability or military status as defined in section 4112.01 of 14589  
the Revised Code, or color, shall discriminate against any 14590  
citizen of the state in the employment of labor or workers who 14591  
is qualified and available to perform the work to which the 14592  
employment relates; 14593

(B) That no contractor, subcontractor, or any person on a 14594  
contractor's or subcontractor's behalf, in any manner, shall 14595  
discriminate against or intimidate any employee hired for the 14596  
performance of work under the contract on account of race, 14597  
creed, sex, disability or military status as defined in section 14598  
4112.01 of the Revised Code, or color. 14599

~~The department of development shall ensure that no capital moneys appropriated by the general assembly for any purpose shall be expended unless the project for which those moneys are appropriated provides for an affirmative action program for the employment and effective utilization of disadvantaged persons whose disadvantage may arise from cultural, racial, or ethnic background, or other similar cause, including, but not limited to, race, religion, sex, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry.~~

In awarding contracts for capital improvement projects, the department shall ensure that equal consideration be given to contractors, subcontractors, or joint venturers who qualify as a minority business enterprise. As used in this section, "minority business enterprise" means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons who are residents of this state. "Socially or economically disadvantaged persons" means persons, regardless of marital status, who are members of groups whose disadvantage may arise from discrimination on the basis of race, religion, sex, disability or military status as defined in section 4112.01 of the Revised Code, national origin, ancestry, or other similar cause.

**Sec. 153.63.** (A) Any money which is due from the public owner referred to in section ~~153.12~~ 1311.28 of the Revised Code under a contract entered into under this chapter or entered into under other applicable sections of the Revised Code for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement shall, on the day it is due, be paid to the contractor or deposited in an escrow account, whichever is

applicable, with one or more banks or building and loan 14631  
associations in the state selected by mutual agreement between 14632  
the contractor and the public owner. The agreement shall contain 14633  
the following provisions: 14634

(1) The money shall be deposited in a savings account or 14635  
the escrow agent shall promptly invest all of the escrowed 14636  
principal in obligations selected by the escrow agent, as 14637  
stipulated in the agreement. 14638

(2) The escrow agent shall hold the escrowed principal and 14639  
income until receipt of notice from the public owner and the 14640  
contractor, or until receipt of an arbitration order or an order 14641  
of the court of claims specifying the amount of the escrowed 14642  
principal to be released and the person to whom it is to be 14643  
released. Upon receipt of the notice or order, the agent shall 14644  
promptly pay such amount of principal and a proportionate amount 14645  
of the escrowed income to the person indicated. 14646

(3) The escrow agent shall be compensated for its services 14647  
as agreed to by the public owner and the contractor from the 14648  
income from the escrow account. 14649

The agreement may include other provisions not 14650  
inconsistent with this section, including, but not limited to 14651  
granting authority for the escrow agent to commingle the 14652  
escrowed funds with funds held pursuant to other escrow 14653  
agreements and limiting the liability of the escrow agent. 14654

(B) When the public owner, as defined in division (B) of 14655  
section 2743.01 of the Revised Code, and the contractor disagree 14656  
as to the conditions under which money is to be paid under this 14657  
section, the parties shall apply for a decision by arbitration 14658  
under the procedures of Chapter 2711. of the Revised Code. When 14659

an application is made, neither party shall initiate, and no court shall permit the maintenance of, an action in court for decision of the same issues sought to be determined in the arbitration application. The award made by the arbitrator may include the costs of arbitration. The arbitration shall be binding on all parties.

(C) When the public owner, as defined in division (A) of section 2743.01 of the Revised Code, and the contractor disagree as to the conditions under which money is to be paid under this section the contractor shall file an action in the court of claims.

(D) If the money required to be paid or deposited under division (A) of this section is not paid or deposited, the governmental entity shall pay to the contractor an amount equal to eight per cent annual interest compounded daily.

**Sec. 153.65.** As used in sections 153.65 to 153.73 of the Revised Code:

(A) (1) "Public authority" means the state, a state institution of higher education as defined in section 3345.011 of the Revised Code, a county, township, municipal corporation, school district, or other political subdivision, or any public agency, authority, board, commission, instrumentality, or special purpose district of the state or of a political subdivision.

(2) "Public authority" does not include the director of transportation when exercising the director's authority to prepare plans for, acquire rights-of-way for, construct, or maintain roads, highways, or bridges.

(B) "Professional design firm" means any person legally



engaged in rendering professional design services. 14689

(C) "Professional design services" means services within 14690  
the scope of practice of an architect or landscape architect 14691  
registered under Chapter 4703. of the Revised Code or a 14692  
professional engineer or surveyor registered under Chapter 4733. 14693  
of the Revised Code. 14694

(D) "Qualifications" means all of the following: 14695

(1) (a) For a professional design firm, competence to 14696  
perform the required professional design services as indicated 14697  
by the technical training, education, and experience of the 14698  
firm's personnel, especially the technical training, education, 14699  
and experience of the employees within the firm who would be 14700  
assigned to perform the services; 14701

(b) For a design-build firm, competence to perform the 14702  
required design-build services as indicated by the technical 14703  
training, education, and experience of the design-build firm's 14704  
personnel and key consultants, especially the technical 14705  
training, education, and experience of the employees and 14706  
consultants of the design-build firm who would be assigned to 14707  
perform the services, including the proposed architect or 14708  
engineer of record. 14709

(2) Ability of the firm in terms of its workload and the 14710  
availability of qualified personnel, equipment, and facilities 14711  
to perform the required professional design services or design- 14712  
build services competently and expeditiously; 14713

(3) Past performance of the firm as reflected by the 14714  
evaluations of previous clients with respect to such factors as 14715  
control of costs, quality of work, and meeting of deadlines; 14716

(4) Any other relevant factors as determined by the public 14717

authority; 14718

(5) With respect to a design-build firm, compliance with 14719  
sections 4703.182, 4703.332, and 4733.16 of the Revised Code, 14720  
including the use of a licensed design professional for all 14721  
design services. 14722

(E) "Design-build contract" means a contract between a 14723  
public authority and another person that obligates the person to 14724  
provide design-build services. 14725

(F) "Design-build firm" means a person capable of 14726  
providing design-build services. 14727

(G) "Design-build services" means services that form an 14728  
integrated delivery system for which a person is responsible to 14729  
a public authority for both the design and construction, 14730  
demolition, alteration, repair, or reconstruction of a public 14731  
improvement. 14732

(H) "Architect or engineer of record" means the architect 14733  
or engineer that serves as the final signatory on the plans and 14734  
specifications for the design-build project. 14735

(I) "Criteria architect or engineer" means the architect 14736  
or engineer retained by a public authority to prepare conceptual 14737  
plans and specifications, to assist the public authority in 14738  
connection with the establishment of the design criteria for a 14739  
design-build project, and, if requested by the public authority, 14740  
to serve as the representative of the public authority and 14741  
provide, during the design-build project, other design and 14742  
construction administration services on behalf of the public 14743  
authority, including but not limited to, confirming that the 14744  
design prepared by the design-build firm reflects the original 14745  
design intent established in the design criteria package. 14746

(J) "Open book pricing method" means a method in which a design-build firm or integrated project contractor provides the public authority, at the public authority's request, all books, records, documents, contracts, subcontracts, purchase orders, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build or integrated project delivery services awarded to the design-build firm or integrated project contractor.

(K) "Integrated project delivery" means a method to deliver a capital project through a multi-party agreement, executed by at least three parties, among a team comprised of a public authority, a professional design firm as described in section 153.693 of the Revised Code, and an integrated project contractor, commencing at early design and continuing through to project completion.

(L) "Integrated project contractor" means a person with the ability to plan, coordinate, manage, direct, and execute all phases of a capital project through integrated project delivery, including the construction, demolition, alteration, repair, or reconstruction of any public building, structure, or other improvement.

**Sec. 153.693.** ~~(A)~~ (A) (1) For every design-build contract, the public authority planning to contract for design-build services, in consultation with the criteria architect or engineer, shall evaluate the statements of qualifications submitted by design-build firms specifically regarding the project, including the design-build firm's proposed architect or engineer of record.

(2) For projects valued at less than four million dollars, the public authority may require the design-build firm to submit

a statement along with a pricing proposal described in division 14777  
(B) (2) (h) of this section. The public authority shall provide 14778  
each design-build firm who desires to submit both a statement 14779  
and a proposal a pre-proposal meeting to explore the proposals 14780  
further, in which the public authority shall provide the design- 14781  
build firm with a description of the project, including the 14782  
scope and nature of the proposed services and potential 14783  
technical approaches. The Ohio facilities construction 14784  
commission shall biannually adjust for the rate of inflation, as 14785  
defined in section 107.032 of the Revised Code and as of the 14786  
effective date of this amendment, the maximum project value 14787  
amount indicated in this division and post this amount on the 14788  
commission's web site. 14789

(B) Following this evaluation, the public authority shall: 14790

(1) Select and rank not fewer than three firms which it 14791  
considers to be the most qualified to provide the required 14792  
design-build services, except that the public authority shall 14793  
select and rank fewer than three firms when the public authority 14794  
determines in writing that fewer than three qualified firms are 14795  
available; 14796

(2) Provide each selected design-build firm with all of 14797  
the following: 14798

(a) A description of the project and project delivery; 14799

(b) The design criteria produced by the criteria architect 14800  
or engineer under section 153.692 of the Revised Code; 14801

(c) A preliminary project schedule; 14802

(d) A description of any preconstruction services; 14803

(e) A description of the proposed design services; 14804

- (f) A description of a guaranteed maximum price, including 14805  
the estimated level of design on which such guaranteed maximum 14806  
price is based; 14807
- (g) The form of the design-build services contract; 14808
- (h) A—Except for projects under division (A) (2) of this 14809  
section, a request for a pricing proposal that shall be divided 14810  
into a design services fee and a preconstruction and design- 14811  
build services fee. The pricing proposal of each design-build 14812  
firm shall include at least all of the following: 14813
- (i) A list of key personnel and consultants for the 14814  
project; 14815
- (ii) Design concepts adhering to the design criteria 14816  
produced by the criteria architect or engineer under section 14817  
153.692 of the Revised Code; 14818
- (iii) The design-build firm's statement of general 14819  
conditions and estimated contingency requirements; 14820
- (iv) A preliminary project schedule. 14821
- (3) Evaluate the pricing proposal submitted by each 14822  
selected firm and, at its discretion, hold discussions with each 14823  
firm to further investigate its pricing proposal, including the 14824  
scope and nature of the firm's proposed services and potential 14825  
technical approaches; 14826
- (4) Rank the selected firms based on the public 14827  
authority's evaluation of the value of each firm's pricing 14828  
proposal, with such evaluation considering each firm's proposed 14829  
costs and qualifications; 14830
- (5) Enter into contract negotiations for design-build 14831  
services with the design-build firm whose pricing proposal the 14832

public authority determines to be the best value under this 14833  
section. 14834

~~(B)~~(C) In complying with division ~~(A)~~(5)~~(B)~~(5) of this 14835  
section, contract negotiations shall be directed toward: 14836

(1) Ensuring that the design-build firm and the public 14837  
authority mutually understand the essential requirements 14838  
involved in providing the required design-build services, the 14839  
provisions for the use of contingency funds, and the terms of 14840  
the contract, including terms related to the possible 14841  
distribution of savings in the final costs of the project; 14842

(2) Ensuring that the design-build firm shall be able to 14843  
provide the necessary personnel, equipment, and facilities to 14844  
perform the design-build services within the time required by 14845  
the design-build construction contract; 14846

(3) Agreeing upon a procedure and schedule for determining 14847  
a guaranteed maximum price using an open book pricing method 14848  
that shall represent the total maximum amount to be paid by the 14849  
public authority to the design-build firm for the project and 14850  
that shall include the costs of all work, the cost of its 14851  
general conditions, the contingency, and the fee payable to the 14852  
design-build firm. 14853

~~(C)~~(D) If the public authority fails to negotiate a 14854  
contract with the design-build firm whose pricing proposal the 14855  
public authority determines to be the best value as determined 14856  
under this section, the public authority shall inform the 14857  
design-build firm in writing of the termination of negotiations. 14858  
The public authority may then do the following: 14859

(1) Negotiate a contract with a design-build firm ranked 14860  
next highest under this section following the negotiation 14861

procedure described in this section; 14862

(2) If negotiations fail with the design-build firm under 14863  
division ~~(C)~~(1)(D) (1) of this section, negotiate a contract with 14864  
the design-build firm ranked next highest under this section 14865  
following the negotiation procedure described in this section 14866  
and continue negotiating with the design-build firms selected 14867  
under this section in the order of their ranking until a 14868  
contract is negotiated. 14869

~~(D)~~(E) If the public authority fails to negotiate a 14870  
contract with a design-build firm whose pricing proposal the 14871  
public authority determines to be the best value as determined 14872  
under this section, it may select additional design-build firms 14873  
to provide pricing proposals to the public authority pursuant to 14874  
this section or may select an alternative delivery method for 14875  
the project. 14876

~~(E)~~(F) The public authority may provide a stipend for 14877  
pricing proposals received from design-build firms. 14878

~~(F)~~(G) Nothing in this section affects a public 14879  
authority's right to accept or reject any or all proposals in 14880  
whole or in part. 14881

**Sec. 153.695.** (A) For every integrated project delivery 14882  
contract, the public authority planning to contract for 14883  
integrated project delivery services shall evaluate the 14884  
statements of qualifications submitted by integrated project 14885  
contractors specifically regarding the project. Following this 14886  
evaluation, the public authority shall do all of the following: 14887

(1) Select not fewer than three firms that it considers to 14888  
be the most qualified to provide the required integrated project 14889  
delivery construction services, except that the public authority 14890

may select fewer than three firms when the public authority 14891  
determines in writing that fewer than three qualified firms are 14892  
available; 14893

(2) Provide each selected integrated project contractor 14894  
with all of the following: 14895

(a) A description of the project and project delivery; 14896

(b) A preliminary project schedule; 14897

(c) A description of any preconstruction services; 14898

(d) A description of a target price, including the 14899  
estimated level of design on which such target price is based; 14900

(e) The form of the integrated project delivery contract, 14901  
which shall define target price, schedule, and quality of the 14902  
project, establish collaboration and decision-making processes, 14903  
and share risk by linking compensation and incentives to project 14904  
outcomes; 14905

(f) A request for a pricing proposal that shall be divided 14906  
into a preconstruction and integrated project delivery services 14907  
fee, which shall include at least both of the following: 14908

(i) A list of key personnel and consultants for the 14909  
project; 14910

(ii) A preliminary project schedule. 14911

(3) Evaluate the pricing proposal submitted by each 14912  
selected firm and, at its discretion, hold discussions with each 14913  
firm to further investigate its pricing proposal, including the 14914  
scope and nature of the firm's proposed services and potential 14915  
technical approaches; 14916

(4) Rank the selected firms based on the public 14917



authority's evaluation of the value of each firm's pricing 14918  
proposal, with such evaluation considering each firm's proposed 14919  
costs and qualifications; 14920

(5) Enter into contract negotiations for integrated 14921  
project delivery construction services with the integrated 14922  
project contractor whose pricing proposal the public authority 14923  
ranks the highest under this section. 14924

(B) In negotiating with integrated project contractors 14925  
under this section, the public authority shall do all of the 14926  
following: 14927

(1) Ensure that the integrated project contractor and the 14928  
public authority mutually understand the essential requirements 14929  
involved in providing the required integrated project delivery 14930  
construction services, the provisions for the use of contingency 14931  
funds, and the terms of the contract, including terms related to 14932  
the possible distribution of savings in the final costs of the 14933  
project; 14934

(2) Ensure that the integrated project contractor will be 14935  
able to provide the necessary personnel, equipment, and 14936  
facilities to perform the integrated project services within the 14937  
time required by the contract; 14938

(3) Use an open book pricing method to attempt to agree 14939  
upon a procedure and schedule for determining a target price 14940  
for the project, which shall include the cost of all work, the 14941  
cost of its general conditions, the contingency, and the fee 14942  
payable to the integrated project contractor. 14943

(C) If the public authority fails to negotiate a contract 14944  
with the integrated project contractor ranked highest under this 14945  
section, the public authority shall inform the integrated 14946

project contractor in writing of the termination of 14947  
negotiations. The public authority then may negotiate a contract 14948  
with the integrated project contractor ranked next highest under 14949  
this section, following the negotiation procedure described in 14950  
this section. If negotiations fail with the second integrated 14951  
project contractor, the public authority may negotiate a 14952  
contract with the integrated project contractor ranked next 14953  
highest, and may continue negotiating with the integrated 14954  
project contractors selected under this section in the order of 14955  
their ranking until a contract is negotiated. 14956

(D) If the public authority fails to negotiate a contract 14957  
with an integrated project contractor under this section, the 14958  
public authority may select additional integrated project 14959  
contractors to provide pricing proposals to the public authority 14960  
pursuant to this section, or may select an alternative delivery 14961  
method for the project. 14962

(E) Nothing in this section affects a public authority's 14963  
right to accept or reject any or all proposals in whole or in 14964  
part. 14965

(F) Before construction begins pursuant to an integrated 14966  
project delivery contract, the integrated project contractor 14967  
shall provide a surety bond to the public authority in 14968  
accordance with rules adopted by the executive director of the 14969  
Ohio facilities construction commission under Chapter 119. of 14970  
the Revised Code. 14971

**Sec. 155.33.** (A) (1) Beginning on the effective date of 14972  
this amendment April 7, 2023, and ending on the effective date 14973  
of the rules adopted under section 155.34 of the Revised Code, a 14974  
state agency shall lease, in good faith, a formation within a 14975  
parcel of land that is owned or controlled by the state agency 14976

for the exploration for and development and production of oil or 14977  
natural gas. The lease shall be on terms that are just and 14978  
reasonable, as determined by custom and practice in the oil and 14979  
gas industry, and shall include at least the terms required 14980  
under ~~divisions (A) (1) (a) to (d)~~ division (A) of section 155.34 14981  
of the Revised Code as that division existed prior to the 14982  
effective date of this amendment. The person seeking to lease 14983  
the formation shall submit to the state agency the proof 14984  
described in divisions (D) (5) (a) and (b) of this section before 14985  
entering into the lease. On and after the effective date of the 14986  
rules adopted under section 155.34 of the Revised Code, a 14987  
formation within a parcel of land that is owned or controlled by 14988  
a state agency may be leased for the exploration for and 14989  
development and production of oil or natural gas only in 14990  
accordance with divisions (A) (2) to (H) of this section and 14991  
those rules. 14992

(2) On and after the effective date of rules adopted under 14993  
section 155.34 of the Revised Code, any person or state agency 14994  
that is interested in leasing a formation within a parcel of 14995  
land that is owned or controlled by a state agency for the 14996  
exploration for and the development and production of oil or 14997  
natural gas may submit to the oil and gas land management 14998  
commission a nomination that shall include all of the following: 14999

(a) The name of the person making the nomination and the 15000  
person's address, telephone number, and email address; 15001

(b) An identification of the formation and parcel of land 15002  
proposed to be leased that specifies all of the following: 15003

(i) The percentage of the interest owned or controlled by 15004  
the state agency, and whether that interest is divided, 15005  
undivided, or partial; 15006

(ii) The source deed by book and page numbers, including 15007  
the description and acreage of the parcel and an identification 15008  
of the county, section, township, and range in which the parcel 15009  
is located; 15010

(iii) A plat map depicting the area in which the parcel is 15011  
located. 15012

(c) If the person making the nomination is not a state 15013  
agency, a nomination fee of one hundred fifty dollars; 15014

(d) The proposed lease bonus that applies to the 15015  
nomination and any additional proposed gross landowner royalty 15016  
that applies to the nomination that is in addition to the amount 15017  
required under division (A) (1) (b) of section 155.34 of the 15018  
Revised Code; 15019

(e) If the person making the nomination is not a state 15020  
agency, proof of both of the following: 15021

(i) That the person has obtained the insurance and 15022  
financial assurance required under section 1509.07 of the 15023  
Revised Code; 15024

(ii) That the person has registered with and obtained an 15025  
identification number from the division of oil and gas resources 15026  
management under section 1509.31 of the Revised Code. 15027

(3) In order to encourage the submission of nominations 15028  
and the responsible and reasonable development of the state's 15029  
natural resources, only the information submitted under division 15030  
(A) (2) (b) of this section may be disclosed to the public until a 15031  
person is selected under division (F) of this section. Until a 15032  
person is selected under division (F) of this section, all other 15033  
information submitted under division (A) (2) of this section is 15034  
confidential, shall not be disclosed by the commission, and is 15035

not a public record subject to inspection or copying under 15036  
section 149.43 of the Revised Code. 15037

(4) When a nomination is not submitted by a state agency, 15038  
the nomination is the opening bid for purposes of division (D) 15039  
of this section. However, the person submitting the nomination 15040  
may supplement or amend that bid by providing additional 15041  
information in accordance with that division. 15042

(B) (1) Not less than thirty days, but not more than one 15043  
hundred twenty days following the receipt of a nomination, the 15044  
commission shall conduct a meeting for the purpose of 15045  
determining whether to approve or disapprove the nomination for 15046  
the purpose of leasing a formation within the parcel of land 15047  
that is identified in the nomination. 15048

In making its decision to approve or disapprove the 15049  
nomination, the commission shall consider all of the following: 15050

(a) The economic benefits, including the potential income 15051  
from an oil or natural gas operation, that would result if the 15052  
lease of a formation that is the subject of the nomination were 15053  
approved; 15054

(b) Whether the proposed oil or gas operation is 15055  
compatible with the current uses of the parcel of land that is 15056  
the subject of the nomination; 15057

(c) The environmental impact that would result if the 15058  
lease of a formation that is the subject of the nomination were 15059  
approved; 15060

(d) Any potential adverse geological impact that would 15061  
result if the lease of a formation that is the subject of the 15062  
nomination were approved; 15063

(e) Any potential impact to visitors or users of a parcel of land that is the subject of the nomination; 15064  
15065

(f) Any potential impact to the operations or equipment of a state agency that is a state university or college if the lease of a formation within a parcel of land owned or controlled by the university or college that is the subject of the nomination were executed; 15066  
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(g) Any comments or objections to the nomination submitted to the commission by the state agency that owns or controls the parcel of land on which the proposed oil or natural gas operation would take place; 15071  
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(h) Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination; 15075  
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(i) Any special terms and conditions the state agency included in its comments or objections that the state agency believes are appropriate for the lease of the parcel of land because of specific conditions related to that parcel of land. 15078  
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(2) The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. The commission shall post notice of the commission's decision on the commission's web site and send notice of the decision by email and by certified mail to the person that submitted the nomination and to the state agency that owns or controls the formation within the parcel of land that is the subject of the nomination. 15082  
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(C) Each calendar quarter, the commission shall proceed to advertise for bids for a lease for a formation within a parcel of land that was the subject of a nomination approved during the 15090  
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previous calendar quarter. The commission shall publish the 15093  
advertisement on its web site for a period of time established 15094  
by the commission. The advertisement shall include all of the 15095  
following: 15096

(1) An identification of each formation and parcel of land 15097  
proposed to be leased that includes all of the information 15098  
specified in division (A) (2) (b) of this section; 15099

(2) The deadline for the submission of bids; 15100

(3) A statement that each bid must contain all of the 15101  
items required under division (D) of this section; 15102

(4) A statement that a standard lease form that is 15103  
consistent with the practices of the oil and natural gas 15104  
industries and adopted by rule by the commission will be used 15105  
for the lease of a formation within the parcel of land; 15106

(5) Any special terms and conditions that may apply to the 15107  
lease because of specific conditions related to the parcel of 15108  
land; 15109

(6) The amount of the bid fee that is required to be 15110  
submitted with a bid; 15111

(7) Any other information that the commission considers 15112  
pertinent to the advertisement for bids. 15113

(D) A person interested in leasing a formation within a 15114  
parcel of land owned or controlled by a state agency for the 15115  
exploration for and development and production of oil or natural 15116  
gas may submit a bid to the commission on a parcel by parcel 15117  
basis that contains all of the following: 15118

(1) A bid fee of twenty-five dollars; 15119

(2) The name of the person making the bid and the person's address, telephone number, and email address; 15120  
15121

(3) An identification of the formation and parcel of land for which the bid is being submitted, including all of the information specified in division (A) (2) (b) of this section; 15122  
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(4) The proposed lease bonus that applies to the bid and any additional proposed gross landowner royalty that applies to the bid that is in addition to the amount required under division (A) (1) (b) of section 155.34 of the Revised Code; 15125  
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(5) Proof of both of the following: 15129

(a) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code; 15130  
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(b) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code. 15133  
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(6) Any other information that the person believes is relevant to the bid. 15136  
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(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection and copying under section 149.43 of the Revised Code until a person is selected under division (F) of this section. 15138  
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The commission shall select the person who submits the highest and best bid, taking into account the financial 15146  
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responsibility of the prospective lessee and the ability of the 15148  
prospective lessee to perform its obligations under the lease. 15149  
After the commission selects a person, the commission shall 15150  
notify the applicable state agency and send the person's bid to 15151  
the agency. The state agency shall enter into a lease with the 15152  
person selected by the commission. The state agency shall fully 15153  
execute the lease not later than thirty days after the 15154  
commission selects the person with the highest and best bid. 15155

(G) (1) Except as otherwise provided in section 155.37 of 15156  
the Revised Code, all money received by a state agency from 15157  
signing fees, rentals, and royalty payments for leases entered 15158  
into under this section shall be paid by the state agency into 15159  
the state treasury to the credit of the state land royalty fund 15160  
created in section 131.50 of the Revised Code. 15161

(2) All money received from nomination fees and bid fees 15162  
shall be paid into the state treasury to the credit of the oil 15163  
and gas land management commission administration fund created 15164  
in section 155.35 of the Revised Code. 15165

(H) Notwithstanding any other provision of this section to 15166  
the contrary, a nature preserve as defined in section 1517.01 of 15167  
the Revised Code that is owned or controlled by a state agency 15168  
shall not be nominated or leased under this section for the 15169  
purpose of exploring for and developing and producing oil and 15170  
natural gas resources. 15171

(I) Except as otherwise provided in this chapter, the 15172  
commission and any state agency shall not require as part of a 15173  
bid or lease either of the following: 15174

(1) Any royalty payment in excess of the amount specified 15175  
in division (A) (1) (b) of section 155.34 of the Revised Code; 15176

(2) Any additional payment that the commission or agency is not specifically authorized or required to charge under this section. 15177  
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**Sec. 155.34.** (A) ~~Not later than one hundred twenty days after September 30, 2021, the~~ The oil and gas land management commission shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following: 15180  
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(1) A standard lease form that shall be used by a state agency for leases entered into under this chapter, is consistent with the practices of the oil and natural gas industries, and contains all of the following: 15184  
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(a) A prohibition against the use of the surface of the parcel of land for oil and gas development unless the state agency, in its sole discretion, chooses to negotiate and execute a written surface use agreement established under this section; 15188  
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(b) A one-eighth gross landowner royalty; 15192

(c) A primary term of five years; 15193

(d) An option for the lessee to extend the primary term of the lease for an additional ~~three~~ five years by tendering to the state agency the same bonus paid when first entering into the lease. ~~;~~ 15194  
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(e) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, Lessee is entitled to pay any advanced delay rentals/bonus amounts owed under this Lease within sixty (60) calendar days after Lessee receives a copy of this Lease executed by Lessor." 15198  
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(f) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that a 15203  
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parcel subject to this Lease was acquired or improved through, 15205  
or is otherwise encumbered by, a federal grant program, the 15206  
Primary Term of the Lease shall be tolled until the requirements 15207  
of the program, and any related grant documents, have been fully 15208  
satisfied by Lessor and Lessor notifies Lessee in writing of 15209  
same." 15210

(g) A provision that states: "Notwithstanding any other 15211  
provision of this Lease to the contrary, in the event that a 15212  
parcel subject to this Lease was acquired or improved through, 15213  
or is otherwise encumbered by, a federal grant program, Lessee 15214  
may defer payment of all sums otherwise due and owing under this 15215  
Lease until the requirements of the program, and any related 15216  
grant documents, have been fully satisfied by Lessor and Lessor 15217  
notifies Lessee in writing of same." 15218

(h) A provision that states: "Notwithstanding any other 15219  
provision of this Lease to the contrary, in the event that 15220  
litigation of any kind or character is filed by a third party 15221  
that may adversely impact Lessee's ability to conduct operations 15222  
under the Lease, including an appeal before a court or the oil 15223  
and gas commission, the Primary Term of the Lease shall be 15224  
tolled until such time as there is a final, nonappealable order 15225  
entered in such litigation." 15226

(i) A provision that states: "Notwithstanding any other 15227  
provision of this Lease to the contrary, in the event that 15228  
litigation of any kind or character is filed by a third party 15229  
that may adversely impact Lessee's ability to conduct operations 15230  
under the Lease, including an appeal before a court or the oil 15231  
and gas commission, Lessee may defer payment of all sums 15232  
otherwise due and owing under this Lease until a final, 15233  
nonappealable order is entered in such litigation." 15234

(2) Any other procedures necessary to implement sections 15235  
155.30 to 155.36 of the Revised Code, subject to division (I) of 15236  
section 155.33 of the Revised Code. 15237

~~(B) Not later than one hundred twenty days after September~~ 15238  
~~30, 2021, the~~ The commission shall establish a standard surface 15239  
use agreement that a state agency shall use to authorize the use 15240  
of the surface of a leased parcel of land. 15241

(C) Section 121.95 of the Revised Code does not apply to 15242  
rules adopted under this section and the commission is not 15243  
subject to any requirements of that section. 15244

**Sec. 156.04.** (A) In accordance with this section and 15245  
section 156.03 of the Revised Code, the executive director of 15246  
the Ohio facilities construction commission may, on the 15247  
executive director's own initiative or at the request of a state 15248  
agency, enter into an installment payment contract for the 15249  
implementation of one or more energy or water saving measures. 15250  
If the executive director wishes an installment payment contract 15251  
to be exempted from Chapter 153. of the Revised Code, the 15252  
executive director shall proceed pursuant to section 156.03 of 15253  
the Revised Code. 15254

(B) Any installment payment contract under this section 15255  
shall provide that all payments, except payments for repairs and 15256  
obligations on termination of the contract prior to its 15257  
expiration, are to be a stated percentage of calculated energy, 15258  
water, or wastewater cost savings, operating costs, and avoided 15259  
capital costs attributable to the one or more measures over a 15260  
defined period of time and are to be made only to the extent 15261  
that those calculated amounts actually occur. No such contract 15262  
shall contain either of the following: 15263

(1) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants; 15264  
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(2) In the case of a contract for a cogeneration system described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years. 15267  
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(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made. 15272  
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(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the ~~Ohio office of air quality development authority~~ under Chapter 3706. of the Revised Code. 15280  
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**Sec. 163.01.** As used in sections 163.01 to 163.22 of the Revised Code: 15284  
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(A) "Public agency" means any governmental corporation, unit, organization, instrumentality, or officer authorized by law to appropriate property in the courts of this state. 15286  
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(B) "Private agency" means any corporation, firm, partnership, voluntary association, joint-stock association, or company that is not a public agency and that is authorized by law to appropriate property in the courts of this state. 15289  
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(C) "Agency" means any public agency or private agency.	15293
(D) "Court" means the court of common pleas or the probate court of any county in which the property sought to be appropriated is located in whole or in part.	15294 15295 15296
(E) "Owner" means any individual, partnership, association, or corporation having any estate, title, or interest in any real property sought to be appropriated.	15297 15298 15299
(F) "Real property," "land," or "property" includes any estate, title, or interest in any real property that is authorized to be appropriated by the agency in question, unless the context otherwise requires.	15300 15301 15302 15303
(G) "Public utility" has the same meaning as in section 4905.02 of the Revised Code and also includes a public utility owned or operated by one or more municipal corporations, an electric cooperative, and an agency holding a certificate of public convenience and necessity granted by the federal energy regulatory commission.	15304 15305 15306 15307 15308 15309
(H) (1) "Public use" does not include any taking that is for conveyance to a private commercial enterprise, economic development, or solely for the purpose of increasing public revenue, unless the property is conveyed or leased to one of the following:	15310 15311 15312 15313 15314
(a) A public utility, municipal power agency, or common carrier;	15315 15316
(b) A private entity that occupies a port authority transportation facility or an incidental area within a publicly owned and occupied project;	15317 15318 15319
(c) A private entity when the agency that takes the	15320

property establishes by a preponderance of the evidence that the 15321  
property is a blighted parcel or is included in a blighted area. 15322

(2) "Public use" does not include any taking of property 15323  
for use as a trail for hiking, bicycling, horseback riding, ski 15324  
touring, canoeing, or other nonmotorized forms of recreational 15325  
travel. 15326

(3) All of the following are presumed to be public uses: 15327  
utility facilities, roads, sewers, water lines, public schools, 15328  
public institutions of higher education, private institutions of 15329  
higher education that are authorized to appropriate property 15330  
under section 3333.08 of the Revised Code, public parks, 15331  
government buildings, port authority transportation facilities, 15332  
projects by an agency that is a public utility, and similar 15333  
facilities and uses of land. 15334

(I) "Electric cooperative" has the same meaning as in 15335  
section 4928.01 of the Revised Code. 15336

(J) "Good faith offer" means the written offer that an 15337  
agency that is appropriating property must make to the owner of 15338  
the property pursuant to division (B) of section 163.04 of the 15339  
Revised Code before commencing an appropriation proceeding. 15340

(K) "Goodwill" means the calculable benefits that accrue 15341  
to a business as a result of its location, reputation for 15342  
dependability, skill or quality, and any other circumstances 15343  
that result in probable retention of old, or acquisition of new, 15344  
patronage. 15345

(L) "Municipal power agency" has the same meaning as in 15346  
section 3734.058 of the Revised Code. 15347

(M) "Port authority transportation facility" means any 15348  
facility developed, controlled, or operated by a port authority 15349

for the purpose of providing passenger, cargo, or freight 15350  
transportation services, such as airports, maritime ports, rail 15351  
facilities, transit facilities, and support facilities directly 15352  
related to any airport, maritime port, rail facility, or transit 15353  
facility. 15354

**Sec. 164.01.** As used in this chapter: 15355

(A) "Capital improvement" or "capital improvement project" 15356  
or "project" means the acquisition, construction, 15357  
reconstruction, improvement, planning, and equipping of roads 15358  
and bridges, appurtenances to roads and bridges to enhance the 15359  
safety of animal-drawn vehicles, pedestrians, and bicycles, 15360  
waste water treatment systems, water supply systems, solid waste 15361  
disposal facilities, and storm water and sanitary collection, 15362  
storage, and treatment facilities, including real property, 15363  
interests in real property, facilities, and equipment related or 15364  
incidental to those facilities. 15365

(B) "Local subdivision" means any county, municipal 15366  
corporation, township, sanitary district, or regional water and 15367  
sewer district. 15368

(C) "Bond proceedings" means the resolutions, orders, 15369  
trust agreements, indentures, and other agreements, credit 15370  
facilities and credit enhancement facilities, and amendments and 15371  
supplements to the foregoing, or any one or more or combination 15372  
thereof, authorizing, awarding, or providing for the terms and 15373  
conditions applicable to or providing for the security or 15374  
liquidity of obligations, and the provisions contained in those 15375  
obligations. 15376

(D) "Bond service charges" means principal, including any 15377  
mandatory sinking fund or redemption requirements for retirement 15378



of obligations, interest and other accreted amounts, and any 15379  
redemption premium payable on obligations. If not prohibited by 15380  
the applicable bond proceedings, bond service charges include 15381  
costs of credit enhancement facilities that are related to, and 15382  
represent or are intended to provide a source of payment of or 15383  
limitation on, other bond service charges. 15384

(E) "Bond service fund" means the fund, and any accounts 15385  
in that fund, created by section 164.10 of the Revised Code, 15386  
including all moneys and investments, and earnings from 15387  
investments, credited and to be credited to that fund and 15388  
accounts as provided in the bond proceedings. 15389

(F) "Cost of capital improvement projects" means the costs 15390  
of acquiring, constructing, reconstructing, expanding, 15391  
improving, and engineering capital improvement projects, and 15392  
related financing costs. 15393

(G) "Credit enhancement facilities" means letters of 15394  
credit, lines of credit, stand-by, contingent, or firm 15395  
securities purchase agreements, interest rate hedges including, 15396  
without limitation, interest rate swaps, insurance or surety 15397  
arrangements, reserve or guarantee funds, and guarantees, and 15398  
other arrangements that provide for contingent or direct payment 15399  
of bond service charges, for security or additional security in 15400  
the event of nonpayment or default in respect of obligations, or 15401  
for making or providing funds for making payment of bond service 15402  
charges to, and at the option and on demand of, holders of 15403  
obligations or at the option of the issuer under put or similar 15404  
arrangements, or for otherwise supporting the credit or 15405  
liquidity of obligations, and includes credit, reimbursement, 15406  
marketing, remarketing, indexing, carrying, purchase, and 15407  
subrogation agreements, and other agreements and arrangements 15408

for reimbursement of the person providing the credit enhancement 15409  
facility and the security for that reimbursement. As used in 15410  
this division, obligations include debt obligations of local 15411  
subdivisions. 15412

(H) "Financing costs" means all costs and expenses 15413  
relating to the authorization, issuance, sale, delivery, 15414  
authentication, deposit, custody, clearing, registration, 15415  
transfer, exchange, fractionalization, replacement, and 15416  
servicing of obligations, including, without limitation, costs 15417  
and expenses for or relating to, or payment obligations under, 15418  
publication and printing, postage and express delivery, official 15419  
statements, offering circulars, and informational statements, 15420  
travel and transportation, paying agents, bond registrars, 15421  
authenticating agents, remarketing agents, custodians, clearing 15422  
agencies or corporations, securities depositories, financial 15423  
advisory services, certifications, audits, federal or state 15424  
regulatory agencies, accounting services, legal services and 15425  
obtaining approving legal opinions and other legal opinions, 15426  
credit ratings, original issue discount, credit facilities, and 15427  
credit enhancement facilities. Financing costs may be paid from 15428  
any moneys lawfully available for the purpose, including, unless 15429  
otherwise provided in the bond proceedings, from the proceeds of 15430  
the obligations to which they relate and from the same sources 15431  
from which bond service charges on the obligations are paid and 15432  
as though bond service charges. 15433

(I) "Issuer" means the treasurer of state, or the officer 15434  
who by law performs the functions of that officer. 15435

(J) "Obligations" means bonds, notes, or other evidences 15436  
of obligation of the state, including any interest coupons 15437  
pertaining thereto, issued pursuant to sections 164.09 to 164.12 15438

of the Revised Code. 15439

(K) "Special funds" or "funds" means, except where the 15440  
context does not permit, the bond service fund, and any other 15441  
funds, including reserve funds, created under the bond 15442  
proceedings and stated to be special funds in those proceedings, 15443  
including all moneys and investments, and earnings from 15444  
investments, credited and to be credited to the ~~particular~~ fund. 15445  
Special funds do not include the state capital improvements fund 15446  
created by section 164.08 of the Revised Code or, if so provided 15447  
in the bond proceedings, a rebate fund or account established 15448  
for purposes of federal tax laws. 15449

(L) "Net proceeds" means amounts received from the sale of 15450  
obligations pursuant to this chapter, excluding amounts used to 15451  
refund or retire outstanding obligations, and does not include 15452  
amounts required to be deposited in special funds pursuant to 15453  
the applicable bond proceedings, or financing costs paid from 15454  
such amounts received. 15455

(M) "Local debt support" means ~~a full or partial pledge of~~ 15456  
~~support for any local bond issue, the payment of all or a part~~ 15457  
~~of the premium for bond insurance obtained from a private~~ 15458  
~~insurer,~~ the subsidization of the interest rate on a loan 15459  
obtained by ~~the a~~ subdivision, ~~or a source of revenue pledged in~~ 15460  
~~support of revenue bonds issued by a subdivision.~~ 15461

(N) "Principal amount" refers to the aggregate of the 15462  
amount as stated or provided for in the bond proceedings 15463  
authorizing the obligations as the amount on which interest or 15464  
interest equivalent is initially calculated. 15465

**Sec. 164.05.** (A) The director of the Ohio public works 15466  
commission shall do all of the following: 15467

(1) Approve requests for financial assistance from 15468  
district public works integrating committees and enter into 15469  
agreements with one or more local subdivisions to provide loans, 15470  
grants, and local debt support for a capital improvement project 15471  
if the director determines that: 15472

(a) The project is an eligible project pursuant to this 15473  
chapter; 15474

(b) The financial assistance for the project has been 15475  
properly approved and requested by the district committee of the 15476  
district which includes the recipient of the loan or grant; 15477

(c) The amount of the financial assistance, when added to 15478  
all other financial assistance provided during the fiscal year 15479  
for projects within the district, does not exceed that 15480  
district's allocation of money from the state capital 15481  
improvements fund for that fiscal year; 15482

(d) The district committee has provided such documentation 15483  
and other evidence as the director may require that the district 15484  
committee has satisfied the requirements of section 164.06 or 15485  
164.14 of the Revised Code; 15486

(e) The portion of a district's annual allocation which 15487  
the director approves in the form of loans and local debt 15488  
support for eligible projects is consistent with divisions (E) 15489  
and (F) of this section. 15490

(2) Authorize payments to local subdivisions or their 15491  
contractors for costs incurred for capital improvement projects 15492  
which have been approved pursuant to this chapter. All requests 15493  
for payments shall be submitted to the director on forms and in 15494  
accordance with procedures specified in rules adopted by the 15495  
director pursuant to division (A)(4) of this section. 15496

- (3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the director determines are necessary to carry out the director's duties under this chapter and fix the compensation for their services. From among these employees, the director shall appoint a deputy with the necessary qualifications to act as the director when the director is absent or temporarily unable to carry out the duties of office.
- (4) Adopt rules establishing the procedures for making applications, reviewing, approving, and rejecting projects for which assistance is authorized under this chapter, and any other rules needed to implement the provisions of this chapter. Such rules shall be adopted under Chapter 119. of the Revised Code.
- (5) Provide information and other assistance to local subdivisions and district public works integrating committees in developing their requests for financial assistance for capital improvements under this chapter and encourage cooperation and coordination of requests and the development of multisubdivision projects in order to maximize the benefits that may be derived by districts from each year's allocation;
- (6) Require local subdivisions, to the extent practicable, to use Ohio products, materials, services, and labor in connection with any capital improvement project financed in whole or in part under this chapter;
- (7) Notify the director of budget and management of all approved projects, and supply all information necessary to track approved projects through the state accounting system;
- (8) Appoint the administrator of the Ohio small government capital improvements commission;

(9) Do all other acts, enter into contracts, and execute 15526  
all instruments necessary or appropriate to carry out this 15527  
chapter; 15528

(10) Develop a standardized methodology for evaluating 15529  
local subdivision capital improvement needs that a district 15530  
public works integrating committee shall consider when 15531  
addressing a subdivision's project application; 15532

(11) Establish a program to provide local subdivisions 15533  
with technical assistance in preparing project applications. The 15534  
program shall be designed to assist local subdivisions that lack 15535  
the financial or technical resources to prepare project 15536  
applications on their own. 15537

(B) When the director of the Ohio public works commission 15538  
decides to conditionally approve or disapprove projects, the 15539  
director's decisions and the reasons for which they are made 15540  
shall be made in writing. These written decisions shall be 15541  
conclusive for the purposes of the validity and enforceability 15542  
of such determinations. 15543

(C) Fees, charges, rates of interest, times of payment of 15544  
interest and principal, and other terms, conditions, and 15545  
provisions of and security for financial assistance provided 15546  
pursuant to the provisions of this chapter shall be such as the 15547  
director determines to be appropriate. If any payments required 15548  
by a loan agreement entered into pursuant to this chapter are 15549  
not paid, the funds which would otherwise be apportioned to the 15550  
local subdivision from the county undivided local government 15551  
fund, pursuant to sections 5747.51 to 5747.53 of the Revised 15552  
Code, may, at the direction of the director of the Ohio public 15553  
works commission, be reduced by the amount payable. The county 15554  
treasurer shall, at the direction of the director, pay the 15555

amount of such reductions to the state capital improvements 15556  
revolving loan fund. The director may renegotiate a loan 15557  
repayment schedule with a local subdivision whose payments from 15558  
the county undivided local government fund could be reduced 15559  
pursuant to this division, but such a renegotiation may occur 15560  
only one time with respect to any particular loan agreement. 15561

(D) Grants approved for the repair and replacement of 15562  
existing infrastructure pursuant to this chapter shall not 15563  
exceed ninety per cent of the estimated total cost of the 15564  
capital improvement project. Grants approved for new or expanded 15565  
infrastructure shall not exceed fifty per cent of the estimated 15566  
cost of the new or expansion elements of the capital improvement 15567  
project. A local subdivision share of the estimated cost of a 15568  
capital improvement may consist of any of the following: 15569

(1) The reasonable value, as determined by the director or 15570  
the administrator, of labor, materials, and equipment that will 15571  
be contributed by the local subdivision in performing the 15572  
capital improvement project; 15573

(2) Moneys received by the local subdivision in any form 15574  
from an authority, commission, or agency of the United States 15575  
for use in performing the capital improvement project; 15576

(3) Loans made to the local subdivision under this 15577  
chapter; 15578

(4) Engineering costs incurred by the local subdivision in 15579  
performing engineering activities related to the project. 15580

A local subdivision share of the cost of a capital 15581  
improvement shall not include any amounts awarded to it from the 15582  
local transportation improvement program fund created in section 15583  
164.14 of the Revised Code. 15584

(E) ~~Not more than ten per cent of a~~ A district public works integrating ~~committee's~~ committee may determine how much of its annual allocation share pursuant to section 164.08 of the Revised Code may be is awarded to subdivisions ~~only~~ in the form of interest-free, low-interest, market rate of interest, or blended-rate loans and in the form of local debt support.

~~(F) Not more than ten per cent of a district public works integrating committee's annual allocation pursuant to section 164.08 of the Revised Code may be awarded to subdivisions in the form of local debt support.~~

~~(G)~~ For the period commencing July 1, 1993, and ending June 30, 1999, and for each five-year period thereafter, the total amount of financial assistance awarded under sections 164.01 to 164.08 of the Revised Code for capital improvement projects located wholly or partially within a county shall be equal to at least thirty per cent of the amount of what the county would have been allocated from the obligations authorized to be sold under this chapter during each period, if such amounts had been allocable to each county on a per capita basis.

~~(H)~~ (G) The amount of the annual allocations made pursuant to divisions (B) (1) and (4) of section 164.08 of the Revised Code which can be used for new or expanded infrastructure is limited to twenty per cent.

~~(I)~~ (H) No project shall be approved under this section unless the project is designed to have a useful life of at least seven years. In addition, the average useful life of all projects for which grants or loans are awarded in each district during a program year shall not be less than twenty years.

**Sec. 164.06.** (A) Each district public works integrating



committee shall evaluate materials submitted to it by the local 15614  
subdivisions located in the district concerning capital 15615  
improvements for which assistance is sought from the state 15616  
capital improvements fund and shall, pursuant to division (B) of 15617  
this section, select the requests for financial assistance that 15618  
will be formally submitted by the district to the director of 15619  
the Ohio public works commission. In order to provide for the 15620  
efficient use of the district's state capital improvements fund 15621  
allocation each year, a district committee shall assist its 15622  
subdivisions in the preparation and coordination of project 15623  
plans. 15624

(B) In selecting the requests for assistance for capital 15625  
improvement projects which will be submitted to the director, 15626  
and in determining the nature, amount, and terms of the 15627  
assistance that will be requested, a district public works 15628  
integrating committee shall give priority to capital improvement 15629  
projects for the repair or replacement of existing 15630  
infrastructure and which would be unlikely to be undertaken 15631  
without assistance under this chapter, and shall specifically 15632  
consider all of the following factors: 15633

(1) The infrastructure repair and replacement needs of the 15634  
district; 15635

(2) The age and condition of the system to be repaired or 15636  
replaced; 15637

(3) Whether the project would generate revenue in the form 15638  
of user fees or assessments; 15639

(4) The importance of the project to the health and safety 15640  
of the citizens of the district; 15641

(5) The cost of the project and whether it is consistent 15642

with division ~~(G)~~(F) of section 164.05 of the Revised Code and 15643  
the district's allocation for grants, loans, and local debt 15644  
support for that year; 15645

(6) The effort and ability of the benefited local 15646  
subdivisions to assist in financing the project; 15647

(7) The availability of federal or other funds for the 15648  
project; 15649

(8) The overall economic health of the particular local 15650  
subdivision; 15651

(9) The adequacy of the planning for the project and the 15652  
readiness of the applicant to proceed should the project be 15653  
approved; 15654

(10) Any other factors relevant to a particular project. 15655

(C) When applying the methodology under division (A) (10) 15656  
of section 164.05 of the Revised Code, a district public works 15657  
integrating committee may require a subdivision to submit 15658  
information on its capital infrastructure as part of an 15659  
application for assistance in financing a capital improvement 15660  
project under this section. 15661

(D) In addition to reviewing and selecting the projects 15662  
for which approval will be sought from the director of the Ohio 15663  
public works commission for financial assistance from the state 15664  
capital improvements fund, each district public works 15665  
integrating committee shall appoint a subcommittee of its 15666  
members that will represent the interests of villages and 15667  
townships and that will review and select the capital 15668  
improvement projects which will be submitted by the subcommittee 15669  
to the administrator of the Ohio small government capital 15670  
improvements commission for consideration of assistance from the 15671

portion of the net proceeds of obligations issued and sold by 15672  
the treasurer of state which is allocated pursuant to division 15673  
(B) (1) of section 164.08 of the Revised Code. In reviewing and 15674  
approving the projects selected by its subcommittee, the 15675  
administrator, and the Ohio small government capital 15676  
improvements commission shall be guided by the provisions of 15677  
division (B) of this section, and shall also take into account 15678  
the fact that villages and townships may have different public 15679  
infrastructure needs than larger subdivisions. 15680

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 15681  
151.08 or section 164.09 of the Revised Code, the net proceeds 15682  
of obligations issued and sold by the treasurer of state 15683  
pursuant to section 164.09 of the Revised Code before September 15684  
30, 2000, or pursuant to sections 151.01 and 151.08 of the 15685  
Revised Code, for the purpose of financing or assisting in the 15686  
financing of the cost of public infrastructure capital 15687  
improvement projects of local subdivisions, as provided for in 15688  
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 15689  
and this chapter, shall be paid into the state capital 15690  
improvements fund, which is hereby created in the state 15691  
treasury. Investment earnings on moneys in the fund shall be 15692  
credited to the fund. 15693

(B) Beginning July 1, 2016, each program year the amount 15694  
of obligations authorized by the general assembly in accordance 15695  
with sections 151.01 and 151.08 or section 164.09 of the Revised 15696  
Code, excluding the proceeds of refunding or renewal 15697  
obligations, shall be allocated by the director of the Ohio 15698  
public works commission as follows: 15699

(1) First, ten per cent of the amount of obligations 15700  
authorized shall be allocated to provide financial assistance to 15701

villages and to townships with populations in the unincorporated areas of the township of less than five thousand persons, for capital improvements in accordance with section 164.051 and division (D) of section 164.06 of the Revised Code. As used in division (B)(1) of this section, "capital improvements" includes resurfacing and improving roads.

(2) Following the allocation required by division (B)(1) of this section, the director may allocate two per cent of the authorized obligations to provide financial assistance to local subdivisions for capital improvement projects which in the judgment of the director of the Ohio public works commission are necessary for the immediate preservation of the health, safety, and welfare of the citizens of the local subdivision requesting assistance. Starting July 1, 2021, the director may allocate up to six per cent of authorized obligations as provided in this division.

(3) The director shall determine the amount of the remaining obligations authorized to be issued and sold that each county would receive if such amounts were allocated on a per capita basis each year. If a county's per capita share for the year would be less than three hundred thousand dollars, the director shall allocate to the district in which that county is located an amount equal to the difference between three hundred thousand dollars and the county's per capita share.

(4) After making the allocation required by division (B)(3) of this section, the director shall allocate the remaining amount to each district on a per capita basis.

(C)(1) There is hereby created in the state treasury the state capital improvements revolving loan fund, into which shall be deposited all repayments of loans made to local subdivisions

for capital improvements pursuant to this chapter. Investment 15732  
earnings on moneys in the fund shall be credited to the fund. 15733

(2) There may also be deposited in the state capital 15734  
improvements revolving loan fund moneys obtained from federal or 15735  
private grants, or from other sources, which are to be used for 15736  
any of the purposes authorized by this chapter. Such moneys 15737  
shall be allocated each year in accordance with division (B)(4) 15738  
of this section. 15739

(3) Moneys deposited into the state capital improvements 15740  
revolving loan fund shall be used to make loans for the purpose 15741  
of financing or assisting in the financing of the cost of 15742  
capital improvement projects of local subdivisions. 15743

(4) Investment earnings credited to the state capital 15744  
improvements revolving loan fund that exceed the amounts 15745  
required to meet estimated federal arbitrage rebate requirements 15746  
shall be used to pay costs incurred by the public works 15747  
commission in administering this section. Investment earnings 15748  
credited to the state capital improvements revolving loan fund 15749  
that exceed the amounts required to pay for the administrative 15750  
costs and estimated rebate requirements shall be allocated to 15751  
each district on a per capita basis. 15752

(5) Each program year, loan repayments received and on 15753  
deposit in the state capital improvements revolving loan fund 15754  
shall be allocated as follows: 15755

(a) Each district public works integrating committee shall 15756  
be allocated an amount equal to the sum of all loan repayments 15757  
made to the state capital improvements revolving loan fund by 15758  
local subdivisions that are part of the district. Moneys not 15759  
used in a program year may be used in the next program year in 15760

the same manner and for the same purpose as originally 15761  
allocated. 15762

(b) Loan repayments made pursuant to projects approved 15763  
under division (B)(1) of this section shall be used to make 15764  
loans in accordance with section 164.051 and division (D) of 15765  
section 164.06 of the Revised Code. Allocations for this purpose 15766  
made pursuant to division (C)(5) of this section shall be in 15767  
addition to the allocation provided in division (B)(1) of this 15768  
section. 15769

(c) Loan repayments made pursuant to projects approved 15770  
under division (B)(2) of this section shall be used to make 15771  
loans in accordance with division (B)(2) of this section. 15772  
Allocations for this purpose made pursuant to division (C)(5) of 15773  
this section shall be in addition to the allocation provided in 15774  
division (B)(2) of this section. 15775

(d) Loans made from the state capital improvements 15776  
revolving loan fund shall not be limited in their usage by 15777  
divisions (E), (F), and (G), ~~and~~ (H) of section 164.05 of the 15778  
Revised Code. 15779

(D) Investment earnings credited to the state capital 15780  
improvements fund that exceed the amounts required to meet 15781  
estimated federal arbitrage rebate requirements shall be used to 15782  
pay costs incurred by the public works commission in 15783  
administering sections 164.01 to 164.12 of the Revised Code. 15784

(E) The director of the Ohio public works commission shall 15785  
notify the director of budget and management of the amounts 15786  
allocated pursuant to this section and such information shall be 15787  
entered into the state accounting system. The director of budget 15788  
and management shall establish appropriation line items as 15789

needed to track these allocations. 15790

(F) If the amount of a district's allocation in a program 15791  
year exceeds the amount of financial assistance approved for the 15792  
district by the commission for that year, the remaining portion 15793  
of the district's allocation shall be added to the district's 15794  
allocation pursuant to division (B) of this section for the next 15795  
succeeding year for use in the same manner and for the same 15796  
purposes as it was originally allocated, except that any portion 15797  
of a district's allocation which was available for use on new or 15798  
expanded infrastructure pursuant to division ~~(H)~~(G) of section 15799  
164.05 of the Revised Code shall be available in succeeding 15800  
years only for the repair and replacement of existing 15801  
infrastructure. 15802

(G) When an allocation based on population is made by the 15803  
director pursuant to division (B) of this section, the director 15804  
shall use the most recent decennial census statistics, and shall 15805  
not make any reallocations based upon a change in a district's 15806  
population. 15807

**Sec. 164.14.** (A) The local transportation improvement 15808  
program fund is hereby created in the state treasury. The fund 15809  
shall consist of moneys credited to it pursuant to sections 15810  
117.16 and 5735.051 of the Revised Code, and, subject to the 15811  
limitations of section 5735.05 of the Revised Code, shall be 15812  
used to make grants to local subdivisions for projects that have 15813  
been approved by district public works integrating committees 15814  
and the Ohio public works commission in accordance with this 15815  
section. The fund shall be administered by the Ohio public works 15816  
commission, and shall be allocated each fiscal year on a per 15817  
capita basis to district public works integrating committees in 15818  
accordance with the most recent decennial census statistics. 15819

Money in the fund may be used to pay reasonable costs incurred 15820  
by the commission in administering this section. Investment 15821  
earnings on moneys credited to the fund shall be retained by the 15822  
fund. 15823

(B) Grants awarded under this section may provide up to 15824  
one hundred per cent of the estimated total cost of the project. 15825

(C) No grant shall be awarded for a project under this 15826  
section unless the project is designed to have a useful life of 15827  
at least seven years, except that the average useful life of all 15828  
such projects for which grants are awarded in each district 15829  
during a fiscal year shall be not less than twenty years. 15830

(D) For the period beginning on July 1, 1989, and ending 15831  
on June 30, 1994, and for each succeeding five-year period, at 15832  
least one-third of the total amount of money allocated to each 15833  
district from the local transportation improvement program fund 15834  
shall be awarded as follows: 15835

(1) Forty-two and eight-tenths per cent for projects of 15836  
municipal corporations; 15837

(2) Thirty-seven and two-tenths per cent for projects of 15838  
counties; 15839

(3) Twenty per cent for projects of townships, except that 15840  
the requirement of division (D) (3) of this section shall not 15841  
apply in districts where the combined population of the 15842  
townships in the district is less than five per cent of the 15843  
population of the district. 15844

(E) Each district public works integrating committee shall 15845  
review, and approve or disapprove requests submitted to it by 15846  
local subdivisions for assistance from the local transportation 15847  
improvement program fund. In reviewing projects submitted to it, 15848



a district public works integrating committee shall consider the 15849  
following factors: 15850

(1) Whether the project is of critical importance to the 15851  
safety of the residents of the local subdivision; 15852

(2) Whether the project would alleviate serious traffic 15853  
problems or hazards or would respond to needs caused by rapid 15854  
growth and development; 15855

(3) Whether the project would assist the local subdivision 15856  
in attaining the transportation infrastructure needed to pursue 15857  
significant and specific economic development opportunities; 15858

(4) The availability of other sources of funding for the 15859  
project; 15860

(5) The adequacy of the planning for the project and the 15861  
readiness of the local subdivision to proceed should the project 15862  
be approved; 15863

(6) The local subdivision's ability to pay for and history 15864  
of investing in bridge and highway improvements; 15865

(7) The impact of the project on the multijurisdictional 15866  
highway and bridge needs of the district; 15867

(8) The requirements of divisions (A), (B), (C), and (D) 15868  
of this section; 15869

(9) The condition of the infrastructure system proposed 15870  
for improvement; 15871

(10) Any other factors related to the safety, orderly 15872  
growth, or economic development of the district or local 15873  
subdivision that the district public works integrating committee 15874  
considers relevant. 15875

A district public works integrating committee or its executive committee may appoint a subcommittee to assist it in carrying out its responsibilities under this section.

(F) Every project approved by a district public works integrating committee shall be submitted to the Ohio public works commission for its review and approval or disapproval. The commission shall not approve any project that fails to meet the requirements of this section.

(G) Grants awarded from the local transportation improvement program fund shall not be limited in their usage by divisions (D), (E), (F), and (G), ~~and (H)~~ of section 164.05 of the Revised Code.

(H) As used in this section, "local subdivision" means a county, municipal corporation, or township.

(I) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section, and the allocation information shall be entered into the state accounting system. The director of budget and management shall establish appropriation line items as needed to track these allocations.

**Sec. 165.04.** The bond proceedings may contain provisions which shall be part of the contract with the bondholders as to:

(A) Pledging the rentals, revenues, and other income, charges, and moneys therein designated for the payment of the principal of and interest on the bonds and all other payments required to be made by the bond proceedings;

(B) Acquisition by gift or purchase, construction, reconstruction, enlargement, improvement, furnishing, equipment, operation, alteration, maintenance, insurance, and repair of the

pledged facilities and the duties of the issuing authority with respect thereto; 15905  
15906

(C) Provisions regarding the purposes to which the proceeds of the bonds may be applied; 15907  
15908

(D) Terms of the bonds; 15909

(E) Maintenance, collection, use and disposition of rentals, revenues, and other income, charges, and moneys received from the lease, sale, or other disposition of the pledged facilities; 15910  
15911  
15912  
15913

(F) Terms and conditions under which additional bonds may be issued secured by a pledge of rentals, revenues, and other income, charges, and moneys received from or a mortgage on the same pledged facilities; 15914  
15915  
15916  
15917

(G) Terms of any trust agreement or indenture of mortgage securing the bonds including authorization to enter into such agreement or indenture; 15918  
15919  
15920

(H) The deposit, application, safeguarding, and investment of funds of the issuer received or held under the bond proceedings, to which Chapters 131. and 135. and sections ~~122.57,~~ 122.571, 122.58, and 321.44 of the Revised Code are not applicable. 15921  
15922  
15923  
15924  
15925

(I) Any other appropriate agreements with the bondholders with respect to the pledged facilities and the rentals, revenues, and other income, charges, and moneys received therefrom. 15926  
15927  
15928  
15929

**Sec. 166.03.** (A) There is hereby created the facilities establishment fund within the state treasury, consisting of proceeds from the issuance of obligations as specified under 15930  
15931  
15932

section 166.08 of the Revised Code; the moneys received by the state from the sources specified in section 166.09 of the Revised Code; service charges imposed under sections 166.06 and 166.07 of the Revised Code; any grants, gifts, or contributions of moneys received by the director of development to be used for loans made under section 166.07 of the Revised Code or for the payment of the allowable costs of project facilities; and all other moneys appropriated or transferred to the fund. Moneys in the loan guarantee fund in excess of the loan guarantee reserve requirement, but subject to the provisions and requirements of any guarantee contracts, may be transferred to the facilities establishment fund by the treasurer of state upon the order of the director of development. Moneys received by the state under Chapter 122. of the Revised Code, to the extent allocable to the utilization of moneys derived from proceeds of the sale of obligations pursuant to section 166.08 of the Revised Code, shall be credited to the facilities establishment fund. All investment earnings on the cash balance in the fund shall be credited to the fund.

(B) All moneys appropriated or transferred to the facilities establishment fund may be released at the request of the director of development for payment of allowable costs or the making of loans under section 166.07 of the Revised Code, for transfer to the loan guarantee fund established in section 166.06 of the Revised Code, or for use for the purpose of or transfer to the funds established by sections 122.35, 122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ 122.601, and 122.80 of the Revised Code and, until July 1, 2003, the fund established by section 166.031 of the Revised Code, and, until July 1, 2007, the fund established by section 122.26 of the Revised Code, but only for such of those purposes as are within the authorization

of Section 13 of Article VIII, Ohio Constitution, in all cases 15964  
subject to the approval of the controlling board. 15965

(C) The department of development, in the administration 15966  
of the facilities establishment fund, is encouraged to utilize 15967  
and promote the utilization of, to the maximum practicable 15968  
extent, the other existing programs, business incentives, and 15969  
tax incentives that department is required or authorized to 15970  
administer or supervise. 15971

**Sec. 166.08.** (A) As used in this chapter: 15972

(1) "Bond proceedings" means the resolution, order, trust 15973  
agreement, indenture, lease, and other agreements, amendments 15974  
and supplements to the foregoing, or any one or more or 15975  
combination thereof, authorizing or providing for the terms and 15976  
conditions applicable to, or providing for the security or 15977  
liquidity of, obligations issued pursuant to this section, and 15978  
the provisions contained in such obligations. 15979

(2) "Bond service charges" means principal, including 15980  
mandatory sinking fund requirements for retirement of 15981  
obligations, and interest, and redemption premium, if any, 15982  
required to be paid by the state on obligations. 15983

(3) "Bond service fund" means the applicable fund and 15984  
accounts therein created for and pledged to the payment of bond 15985  
service charges, which may be, or may be part of, the economic 15986  
development bond service fund created by division (S) of this 15987  
section including all moneys and investments, and earnings from 15988  
investments, credited and to be credited thereto. 15989

(4) "Issuing authority" means the treasurer of state, or 15990  
the officer who by law performs the functions of such officer. 15991

(5) "Obligations" means bonds, notes, or other evidence of 15992

obligation including interest coupons pertaining thereto, issued 15993  
pursuant to this section. 15994

(6) "Pledged receipts" means all receipts of the state 15995  
representing the gross profit on the sale of spirituous liquor, 15996  
as referred to in division (B) (4) of section 4301.10 of the 15997  
Revised Code, after paying all costs and expenses of the 15998  
division of liquor control and providing an adequate working 15999  
capital reserve for the division of liquor control as provided 16000  
in that division, but excluding the sum required by the second 16001  
paragraph of section 4301.12 of the Revised Code, as in effect 16002  
on May 2, 1980, to be paid into the state treasury; moneys 16003  
accruing to the state from the lease, sale, or other 16004  
disposition, or use, of project facilities, and from the 16005  
repayment, including interest, of loans made from proceeds 16006  
received from the sale of obligations; accrued interest received 16007  
from the sale of obligations; income from the investment of the 16008  
special funds; and any gifts, grants, donations, and pledges, 16009  
and receipts therefrom, available for the payment of bond 16010  
service charges. 16011

(7) "Special funds" or "funds" means, except where the 16012  
context does not permit, the bond service fund, and any other 16013  
funds, including reserve funds, created under the bond 16014  
proceedings, and the economic development bond service fund 16015  
created by division (S) of this section to the extent provided 16016  
in the bond proceedings, including all moneys and investments, 16017  
and earnings from investment, credited and to be credited 16018  
thereto. 16019

(B) Subject to the limitations provided in section 166.11 16020  
of the Revised Code, the issuing authority, upon the 16021  
certification by the director of development or, prior to ~~the~~ 16022

~~effective date of this amendment~~ September 29, 2017, upon 16023  
certification by the ~~Ohio~~ office of air quality development 16024  
~~authority~~ regarding eligible advanced energy projects, to the 16025  
issuing authority of the amount of moneys or additional moneys 16026  
needed in the facilities establishment fund, the loan guarantee 16027  
fund, the innovation Ohio loan fund, the innovation Ohio loan 16028  
guarantee fund, the research and development loan fund, the 16029  
logistics and distribution infrastructure fund, the advanced 16030  
energy research and development fund, or the advanced energy 16031  
research and development taxable fund, as applicable, for the 16032  
purpose of paying, or making loans for, allowable costs from the 16033  
facilities establishment fund, allowable innovation costs from 16034  
the innovation Ohio loan fund, allowable costs from the research 16035  
and development loan fund, allowable costs from the logistics 16036  
and distribution infrastructure fund, allowable costs from the 16037  
advanced energy research and development fund, or allowable 16038  
costs from the advanced energy research and development taxable 16039  
fund, as applicable, or needed for capitalized interest, for 16040  
funding reserves, and for paying costs and expenses incurred in 16041  
connection with the issuance, carrying, securing, paying, 16042  
redeeming, or retirement of the obligations or any obligations 16043  
refunded thereby, including payment of costs and expenses 16044  
relating to letters of credit, lines of credit, insurance, put 16045  
agreements, standby purchase agreements, indexing, marketing, 16046  
remarketing and administrative arrangements, interest swap or 16047  
hedging agreements, and any other credit enhancement, liquidity, 16048  
remarketing, renewal, or refunding arrangements, all of which 16049  
are authorized by this section, or providing moneys for the loan 16050  
guarantee fund or the innovation Ohio loan guarantee fund, as 16051  
provided in this chapter or needed for the purposes of funds 16052  
established in accordance with or pursuant to sections 122.35, 16053  
122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of 16054

the Revised Code which are within the authorization of Section 16055  
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 16056  
~~effective date of this amendment~~ September 29, 2017, with 16057  
respect to certain eligible advanced energy projects, Section 2p 16058  
of Article VIII, Ohio Constitution, shall issue obligations of 16059  
the state under this section in the required amount; provided 16060  
that such obligations may be issued to satisfy the covenants in 16061  
contracts of guarantee made under section 166.06 or 166.15 of 16062  
the Revised Code, notwithstanding limitations otherwise 16063  
applicable to the issuance of obligations under this section. 16064  
The proceeds of such obligations, except for the portion to be 16065  
deposited in special funds, including reserve funds, as may be 16066  
provided in the bond proceedings, shall as provided in the bond 16067  
proceedings be deposited by the director of development to the 16068  
facilities establishment fund, the loan guarantee fund, the 16069  
innovation Ohio loan guarantee fund, the innovation Ohio loan 16070  
fund, the research and development loan fund, or the logistics 16071  
and distribution infrastructure fund, or be deposited by the 16072  
~~Ohio office of air quality development authority~~ prior to ~~the~~ 16073  
~~effective date of this amendment~~ September 29, 2017, to the 16074  
advanced energy research and development fund or the advanced 16075  
energy research and development taxable fund. Bond proceedings 16076  
for project financing obligations may provide that the proceeds 16077  
derived from the issuance of such obligations shall be deposited 16078  
into such fund or funds provided for in the bond proceedings 16079  
and, to the extent provided for in the bond proceedings, such 16080  
proceeds shall be deemed to have been deposited into the 16081  
facilities establishment fund and transferred to such fund or 16082  
funds. The issuing authority may appoint trustees, paying 16083  
agents, and transfer agents and may retain the services of 16084  
financial advisors, accounting experts, and attorneys, and 16085  
retain or contract for the services of marketing, remarketing, 16086



indexing, and administrative agents, other consultants, and 16087  
independent contractors, including printing services, as are 16088  
necessary in the issuing authority's judgment to carry out this 16089  
section. The costs of such services are allowable costs payable 16090  
from the facilities establishment fund or the research and 16091  
development loan fund, allowable innovation costs payable from 16092  
the innovation Ohio loan fund, allowable costs payable from the 16093  
logistics and distribution infrastructure fund, or allowable 16094  
costs payable prior to ~~the effective date of this amendment~~ 16095  
September 29, 2017, from the advanced energy research and 16096  
development fund or the advanced energy research and development 16097  
taxable fund, as applicable. 16098

(C) The holders or owners of such obligations shall have 16099  
no right to have moneys raised by taxation obligated or pledged, 16100  
and moneys raised by taxation shall not be obligated or pledged, 16101  
for the payment of bond service charges. Such holders or owners 16102  
shall have no rights to payment of bond service charges from any 16103  
moneys accruing to the state from the lease, sale, or other 16104  
disposition, or use, of project facilities, or from payment of 16105  
the principal of or interest on loans made, or fees charged for 16106  
guarantees made, or from any money or property received by the 16107  
director, treasurer of state, or the state under Chapter 122. of 16108  
the Revised Code, or from any other use of the proceeds of the 16109  
sale of the obligations, and no such moneys may be used for the 16110  
payment of bond service charges, except for accrued interest, 16111  
capitalized interest, and reserves funded from proceeds received 16112  
upon the sale of the obligations and except as otherwise 16113  
expressly provided in the applicable bond proceedings pursuant 16114  
to written directions by the director. The right of such holders 16115  
and owners to payment of bond service charges is limited to all 16116  
or that portion of the pledged receipts and those special funds 16117

pledged thereto pursuant to the bond proceedings in accordance 16118  
with this section, and each such obligation shall bear on its 16119  
face a statement to that effect. 16120

(D) Obligations shall be authorized by resolution or order 16121  
of the issuing authority and the bond proceedings shall provide 16122  
for the purpose thereof and the principal amount or amounts, and 16123  
shall provide for or authorize the manner or agency for 16124  
determining the principal maturity or maturities, not exceeding 16125  
twenty-five years from the date of issuance, the interest rate 16126  
or rates or the maximum interest rate, the date of the 16127  
obligations and the dates of payment of interest thereon, their 16128  
denomination, and the establishment within or without the state 16129  
of a place or places of payment of bond service charges. 16130  
Sections 9.98 to 9.983 of the Revised Code are applicable to 16131  
obligations issued under this section, subject to any applicable 16132  
limitation under section 166.11 of the Revised Code. The purpose 16133  
of such obligations may be stated in the bond proceedings in 16134  
terms describing the general purpose or purposes to be served. 16135  
The bond proceedings also shall provide, subject to the 16136  
provisions of any other applicable bond proceedings, for the 16137  
pledge of all, or such part as the issuing authority may 16138  
determine, of the pledged receipts and the applicable special 16139  
fund or funds to the payment of bond service charges, which 16140  
pledges may be made either prior or subordinate to other 16141  
expenses, claims, or payments, and may be made to secure the 16142  
obligations on a parity with obligations theretofore or 16143  
thereafter issued, if and to the extent provided in the bond 16144  
proceedings. The pledged receipts and special funds so pledged 16145  
and thereafter received by the state are immediately subject to 16146  
the lien of such pledge without any physical delivery thereof or 16147  
further act, and the lien of any such pledges is valid and 16148

binding against all parties having claims of any kind against 16149  
the state or any governmental agency of the state, irrespective 16150  
of whether such parties have notice thereof, and shall create a 16151  
perfected security interest for all purposes of Chapter 1309. of 16152  
the Revised Code, without the necessity for separation or 16153  
delivery of funds or for the filing or recording of the bond 16154  
proceedings by which such pledge is created or any certificate, 16155  
statement or other document with respect thereto; and the pledge 16156  
of such pledged receipts and special funds is effective and the 16157  
money therefrom and thereof may be applied to the purposes for 16158  
which pledged without necessity for any act of appropriation. 16159  
Every pledge, and every covenant and agreement made with respect 16160  
thereto, made in the bond proceedings may therein be extended to 16161  
the benefit of the owners and holders of obligations authorized 16162  
by this section, and to any trustee therefor, for the further 16163  
security of the payment of the bond service charges. 16164

(E) The bond proceedings may contain additional provisions 16165  
as to: 16166

(1) The redemption of obligations prior to maturity at the 16167  
option of the issuing authority at such price or prices and 16168  
under such terms and conditions as are provided in the bond 16169  
proceedings; 16170

(2) Other terms of the obligations; 16171

(3) Limitations on the issuance of additional obligations; 16172

(4) The terms of any trust agreement or indenture securing 16173  
the obligations or under which the same may be issued; 16174

(5) The deposit, investment and application of special 16175  
funds, and the safeguarding of moneys on hand or on deposit, 16176  
without regard to Chapter 131. or 135. of the Revised Code, but 16177

subject to any special provisions of this chapter, with respect 16178  
to particular funds or moneys, provided that any bank or trust 16179  
company which acts as depository of any moneys in the special 16180  
funds may furnish such indemnifying bonds or may pledge such 16181  
securities as required by the issuing authority; 16182

(6) Any or every provision of the bond proceedings being 16183  
binding upon such officer, board, commission, authority, agency, 16184  
department, or other person or body as may from time to time 16185  
have the authority under law to take such actions as may be 16186  
necessary to perform all or any part of the duty required by 16187  
such provision; 16188

(7) Any provision that may be made in a trust agreement or 16189  
indenture; 16190

(8) Any other or additional agreements with the holders of 16191  
the obligations, or the trustee therefor, relating to the 16192  
obligations or the security therefor, including the assignment 16193  
of mortgages or other security obtained or to be obtained for 16194  
loans under section 122.43, 166.07, or 166.16 of the Revised 16195  
Code. 16196

(F) The obligations may have the great seal of the state 16197  
or a facsimile thereof affixed thereto or printed thereon. The 16198  
obligations and any coupons pertaining to obligations shall be 16199  
signed or bear the facsimile signature of the issuing authority. 16200  
Any obligations or coupons may be executed by the person who, on 16201  
the date of execution, is the proper issuing authority although 16202  
on the date of such bonds or coupons such person was not the 16203  
issuing authority. If the issuing authority whose signature or a 16204  
facsimile of whose signature appears on any such obligation or 16205  
coupon ceases to be the issuing authority before delivery 16206  
thereof, such signature or facsimile is nevertheless valid and 16207

sufficient for all purposes as if the former issuing authority 16208  
had remained the issuing authority until such delivery; and if 16209  
the seal to be affixed to obligations has been changed after a 16210  
facsimile of the seal has been imprinted on such obligations, 16211  
such facsimile seal shall continue to be sufficient as to such 16212  
obligations and obligations issued in substitution or exchange 16213  
therefor. 16214

(G) All obligations are negotiable instruments and 16215  
securities under Chapter 1308. of the Revised Code, subject to 16216  
the provisions of the bond proceedings as to registration. The 16217  
obligations may be issued in coupon or in registered form, or 16218  
both, as the issuing authority determines. Provision may be made 16219  
for the registration of any obligations with coupons attached 16220  
thereto as to principal alone or as to both principal and 16221  
interest, their exchange for obligations so registered, and for 16222  
the conversion or reconversion into obligations with coupons 16223  
attached thereto of any obligations registered as to both 16224  
principal and interest, and for reasonable charges for such 16225  
registration, exchange, conversion, and reconversion. 16226

(H) Obligations may be sold at public sale or at private 16227  
sale, as determined in the bond proceedings. 16228

Obligations issued to provide moneys for the loan 16229  
guarantee fund or the innovation Ohio loan guarantee fund may, 16230  
as determined by the issuing authority, be sold at private sale, 16231  
and without publication of a notice of sale. 16232

(I) Pending preparation of definitive obligations, the 16233  
issuing authority may issue interim receipts or certificates 16234  
which shall be exchanged for such definitive obligations. 16235

(J) In the discretion of the issuing authority, 16236

obligations may be secured additionally by a trust agreement or 16237  
indenture between the issuing authority and a corporate trustee 16238  
which may be any trust company or bank having a place of 16239  
business within the state. Any such agreement or indenture may 16240  
contain the resolution or order authorizing the issuance of the 16241  
obligations, any provisions that may be contained in any bond 16242  
proceedings, and other provisions which are customary or 16243  
appropriate in an agreement or indenture of such type, 16244  
including, but not limited to: 16245

(1) Maintenance of each pledge, trust agreement, 16246  
indenture, or other instrument comprising part of the bond 16247  
proceedings until the state has fully paid the bond service 16248  
charges on the obligations secured thereby, or provision 16249  
therefor has been made; 16250

(2) In the event of default in any payments required to be 16251  
made by the bond proceedings, or any other agreement of the 16252  
issuing authority made as a part of the contract under which the 16253  
obligations were issued, enforcement of such payments or 16254  
agreement by mandamus, the appointment of a receiver, suit in 16255  
equity, action at law, or any combination of the foregoing; 16256

(3) The rights and remedies of the holders of obligations 16257  
and of the trustee, and provisions for protecting and enforcing 16258  
them, including limitations on rights of individual holders of 16259  
obligations; 16260

(4) The replacement of any obligations that become 16261  
mutilated or are destroyed, lost, or stolen; 16262

(5) Such other provisions as the trustee and the issuing 16263  
authority agree upon, including limitations, conditions, or 16264  
qualifications relating to any of the foregoing. 16265

(K) Any holders of obligations or trustees under the bond proceedings, except to the extent that their rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority, the director of development, the ~~Ohio~~office of air quality development~~authority~~, or the division of liquor control required by this chapter or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority, the director of development, the ~~Ohio~~office of air quality development~~authority~~, or the division of liquor control in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the issuing authority or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

Each duty of the issuing authority and the issuing

authority's officers and employees, and of each governmental 16297  
agency and its officers, members, or employees, undertaken 16298  
pursuant to the bond proceedings or any agreement or lease, 16299  
lease-purchase agreement, or loan made under authority of this 16300  
chapter, and in every agreement by or with the issuing 16301  
authority, is hereby established as a duty of the issuing 16302  
authority, and of each such officer, member, or employee having 16303  
authority to perform such duty, specifically enjoined by the law 16304  
resulting from an office, trust, or station within the meaning 16305  
of section 2731.01 of the Revised Code. 16306

The person who is at the time the issuing authority, or 16307  
the issuing authority's officers or employees, are not liable in 16308  
their personal capacities on any obligations issued by the 16309  
issuing authority or any agreements of or with the issuing 16310  
authority. 16311

(L) The issuing authority may authorize and issue 16312  
obligations for the refunding, including funding and retirement, 16313  
and advance refunding with or without payment or redemption 16314  
prior to maturity, of any obligations previously issued by the 16315  
issuing authority. Such obligations may be issued in amounts 16316  
sufficient for payment of the principal amount of the prior 16317  
obligations, any redemption premiums thereon, principal 16318  
maturities of any such obligations maturing prior to the 16319  
redemption of the remaining obligations on a parity therewith, 16320  
interest accrued or to accrue to the maturity dates or dates of 16321  
redemption of such obligations, and any allowable costs 16322  
including expenses incurred or to be incurred in connection with 16323  
such issuance and such refunding, funding, and retirement. 16324  
Subject to the bond proceedings therefor, the portion of 16325  
proceeds of the sale of obligations issued under this division 16326  
to be applied to bond service charges on the prior obligations 16327



shall be credited to an appropriate account held by the trustee 16328  
for such prior or new obligations or to the appropriate account 16329  
in the bond service fund for such obligations. Obligations 16330  
authorized under this division shall be deemed to be issued for 16331  
those purposes for which such prior obligations were issued and 16332  
are subject to the provisions of this section pertaining to 16333  
other obligations, except as otherwise provided in this section; 16334  
provided that, unless otherwise authorized by the general 16335  
assembly, any limitations imposed by the general assembly 16336  
pursuant to this section with respect to bond service charges 16337  
applicable to the prior obligations shall be applicable to the 16338  
obligations issued under this division to refund, fund, advance 16339  
refund or retire such prior obligations. 16340

(M) The authority to issue obligations under this section 16341  
includes authority to issue obligations in the form of bond 16342  
anticipation notes and to renew the same from time to time by 16343  
the issuance of new notes. The holders of such notes or interest 16344  
coupons pertaining thereto shall have a right to be paid solely 16345  
from the pledged receipts and special funds that may be pledged 16346  
to the payment of the bonds anticipated, or from the proceeds of 16347  
such bonds or renewal notes, or both, as the issuing authority 16348  
provides in the resolution or order authorizing such notes. Such 16349  
notes may be additionally secured by covenants of the issuing 16350  
authority to the effect that the issuing authority and the state 16351  
will do such or all things necessary for the issuance of such 16352  
bonds or renewal notes in appropriate amount, and apply the 16353  
proceeds thereof to the extent necessary, to make full payment 16354  
of the principal of and interest on such notes at the time or 16355  
times contemplated, as provided in such resolution or order. For 16356  
such purpose, the issuing authority may issue bonds or renewal 16357  
notes in such principal amount and upon such terms as may be 16358

necessary to provide funds to pay when required the principal of 16359  
and interest on such notes, notwithstanding any limitations 16360  
prescribed by or for purposes of this section. Subject to this 16361  
division, all provisions for and references to obligations in 16362  
this section are applicable to notes authorized under this 16363  
division. 16364

The issuing authority in the bond proceedings authorizing 16365  
the issuance of bond anticipation notes shall set forth for such 16366  
bonds an estimated interest rate and a schedule of principal 16367  
payments for such bonds and the annual maturity dates thereof, 16368  
and for purposes of any limitation on bond service charges 16369  
prescribed under division (A) of section 166.11 of the Revised 16370  
Code, the amount of bond service charges on such bond 16371  
anticipation notes is deemed to be the bond service charges for 16372  
the bonds anticipated thereby as set forth in the bond 16373  
proceedings applicable to such notes, but this provision does 16374  
not modify any authority in this section to pledge receipts and 16375  
special funds to, and covenant to issue bonds to fund, the 16376  
payment of principal of and interest and any premium on such 16377  
notes. 16378

(N) Obligations issued under this section are lawful 16379  
investments for banks, societies for savings, savings and loan 16380  
associations, deposit guarantee associations, trust companies, 16381  
trustees, fiduciaries, insurance companies, including domestic 16382  
for life and domestic not for life, trustees or other officers 16383  
having charge of sinking and bond retirement or other special 16384  
funds of political subdivisions and taxing districts of this 16385  
state, the commissioners of the sinking fund of the state, the 16386  
administrator of workers' compensation, the state teachers 16387  
retirement system, the public employees retirement system, the 16388  
school employees retirement system, and the Ohio police and fire 16389

pension fund, notwithstanding any other provisions of the 16390  
Revised Code or rules adopted pursuant thereto by any 16391  
governmental agency of the state with respect to investments by 16392  
them, and are also acceptable as security for the deposit of 16393  
public moneys. 16394

(O) Unless otherwise provided in any applicable bond 16395  
proceedings, moneys to the credit of or in the special funds 16396  
established by or pursuant to this section may be invested by or 16397  
on behalf of the issuing authority only in notes, bonds, or 16398  
other obligations of the United States, or of any agency or 16399  
instrumentality of the United States, obligations guaranteed as 16400  
to principal and interest by the United States, obligations of 16401  
this state or any political subdivision of this state, and 16402  
certificates of deposit of any national bank located in this 16403  
state and any bank, as defined in section 1101.01 of the Revised 16404  
Code, subject to inspection by the superintendent of banks. If 16405  
the law or the instrument creating a trust pursuant to division 16406  
(J) of this section expressly permits investment in direct 16407  
obligations of the United States or an agency of the United 16408  
States, unless expressly prohibited by the instrument, such 16409  
moneys also may be invested in no-front-end-load money market 16410  
mutual funds consisting exclusively of obligations of the United 16411  
States or an agency of the United States and in repurchase 16412  
agreements, including those issued by the fiduciary itself, 16413  
secured by obligations of the United States or an agency of the 16414  
United States; and in common trust funds established in 16415  
accordance with section 1111.20 of the Revised Code and 16416  
consisting exclusively of any such securities, notwithstanding 16417  
division (A)(4) of that section. The income from such 16418  
investments shall be credited to such funds as the issuing 16419  
authority determines, and such investments may be sold at such 16420

times as the issuing authority determines or authorizes. 16421

(P) Provision may be made in the applicable bond 16422  
proceedings for the establishment of separate accounts in the 16423  
bond service fund and for the application of such accounts only 16424  
to the specified bond service charges on obligations pertinent 16425  
to such accounts and bond service fund and for other accounts 16426  
therein within the general purposes of such fund. Unless 16427  
otherwise provided in any applicable bond proceedings, moneys to 16428  
the credit of or in the several special funds established 16429  
pursuant to this section shall be disbursed on the order of the 16430  
treasurer of state, provided that no such order is required for 16431  
the payment from the bond service fund when due of bond service 16432  
charges on obligations. 16433

(Q) The issuing authority may pledge all, or such portion 16434  
as the issuing authority determines, of the pledged receipts to 16435  
the payment of bond service charges on obligations issued under 16436  
this section, and for the establishment and maintenance of any 16437  
reserves, as provided in the bond proceedings, and make other 16438  
provisions therein with respect to pledged receipts as 16439  
authorized by this chapter, which provisions are controlling 16440  
notwithstanding any other provisions of law pertaining thereto. 16441

(R) The issuing authority may covenant in the bond 16442  
proceedings, and any such covenants are controlling 16443  
notwithstanding any other provision of law, that the state and 16444  
applicable officers and governmental agencies of the state, 16445  
including the general assembly, so long as any obligations are 16446  
outstanding, shall: 16447

(1) Maintain statutory authority for and cause to be 16448  
charged and collected wholesale and retail prices for spirituous 16449  
liquor sold by the state or its agents so that the pledged 16450

receipts are sufficient in amount to meet bond service charges, 16451  
and the establishment and maintenance of any reserves and other 16452  
requirements provided for in the bond proceedings, and, as 16453  
necessary, to meet covenants contained in contracts of guarantee 16454  
made under section 166.06 of the Revised Code; 16455

(2) Take or permit no action, by statute or otherwise, 16456  
that would impair the exemption from federal income taxation of 16457  
the interest on the obligations. 16458

(S) There is hereby created the economic development bond 16459  
service fund, which shall be in the custody of the treasurer of 16460  
state but shall be separate and apart from and not a part of the 16461  
state treasury. All moneys received by or on account of the 16462  
issuing authority or state agencies and required by the 16463  
applicable bond proceedings, consistent with this section, to be 16464  
deposited, transferred, or credited to a bond service fund or 16465  
the economic development bond service fund, and all other moneys 16466  
transferred or allocated to or received for the purposes of the 16467  
fund, shall be deposited and credited to such fund and to any 16468  
separate accounts therein, subject to applicable provisions of 16469  
the bond proceedings, but without necessity for any act of 16470  
appropriation. During the period beginning with the date of the 16471  
first issuance of obligations and continuing during such time as 16472  
any such obligations are outstanding, and so long as moneys in 16473  
the pertinent bond service funds are insufficient to pay all 16474  
bond services charges on such obligations becoming due in each 16475  
year, a sufficient amount of the gross profit on the sale of 16476  
spirituous liquor included in pledged receipts are committed and 16477  
shall be paid to the bond service fund or economic development 16478  
bond service fund in each year for the purpose of paying the 16479  
bond service charges becoming due in that year without necessity 16480  
for further act of appropriation for such purpose and 16481

notwithstanding anything to the contrary in Chapter 4301. of the 16482  
Revised Code. The economic development bond service fund is a 16483  
trust fund and is hereby pledged to the payment of bond service 16484  
charges to the extent provided in the applicable bond 16485  
proceedings, and payment thereof from such fund shall be made or 16486  
provided for by the treasurer of state in accordance with such 16487  
bond proceedings without necessity for any act of appropriation. 16488

(T) The obligations, the transfer thereof, and the income 16489  
therefrom, including any profit made on the sale thereof, shall 16490  
at all times be free from taxation within the state. 16491

Sec. 166.36. The automated clearing house payments fund is 16492  
created, which shall be in the custody of the treasurer of state 16493  
but shall not be part of the state treasury. The fund shall be 16494  
used to receive regular loan repayments and fees by automated 16495  
clearing house transfer for loans made from loan programs 16496  
administered by the director of development under the Revised 16497  
Code. At the direction of the director of development, money in 16498  
the fund shall be transferred to the enterprise bond retirement 16499  
fund created under section 166.37 of the Revised Code or to any 16500  
fund within the state treasury. All interest and investment 16501  
income earned by the fund shall be deposited in the fund. 16502

Sec. 166.37. In accordance with division (S) of section 16503  
166.08 of the Revised Code, the enterprise bond retirement fund 16504  
is created, which shall be in the custody of the treasurer of 16505  
state but shall not be part of the state treasury. The fund 16506  
shall be used to receive repayments, fees, and other money 16507  
attributable to loans made by the director of development under 16508  
section 166.07 of the Revised Code. At the direction of the 16509  
director of development, money in the fund may be transferred to 16510  
any fund related to this chapter or to any fund in the state 16511

treasury. All interest and investment income earned by the fund 16512  
shall be deposited in the fund. 16513

**Sec. 166.38.** The regional loan escrow fund is created, 16514  
which shall be in the custody of the treasurer of state but 16515  
shall not be part of the state treasury. The fund shall consist 16516  
of all grants, gifts, and contributions of money or rights to 16517  
money made to the director of development for such fund, all 16518  
money and rights to money lawfully designated for or deposited 16519  
in such fund, and all repayments, fees, and other money 16520  
attributable to loans made under the regional 166 loan program 16521  
for which the director acts as escrow agent. All money received 16522  
or transferred to the fund may be released at the direction of 16523  
the director of development for the making of loans under this 16524  
chapter. All interest and investment income earned by the fund 16525  
shall be deposited in the fund. 16526

**Sec. 169.01.** As used in this chapter, unless the context 16527  
otherwise requires: 16528

(A) "Financial organization" means any bank, trust 16529  
company, savings bank, safe deposit company, mutual savings bank 16530  
without mutual stock, savings and loan association, credit 16531  
union, or investment company. 16532

(B) (1) "Unclaimed funds" means any moneys, rights to 16533  
moneys, or intangible property, described in section 169.02 of 16534  
the Revised Code, when, as shown by the records of the holder, 16535  
the owner has not, within the times provided in section 169.02 16536  
of the Revised Code, done any of the following: 16537

(a) Increased, decreased, or adjusted the amount of such 16538  
funds; 16539

(b) Assigned, paid premiums, or encumbered such funds; 16540

(c) Presented an appropriate record for the crediting of	16541
such funds or received payment of such funds by check, draft, or	16542
otherwise;	16543
(d) Corresponded with the holder concerning such funds;	16544
(e) Otherwise indicated an interest in or knowledge of	16545
such funds;	16546
(f) Transacted business with the holder.	16547
(2) "Unclaimed funds" does not include any of the	16548
following:	16549
(a) Money received or collected under section 9.39 of the	16550
Revised Code;	16551
(b) Any payment or credit due to a business association	16552
from a business association representing sums payable to	16553
suppliers, or payment for services rendered, in the course of	16554
business, including, but not limited to, checks or memoranda,	16555
overpayments, unidentified remittances, nonrefunded overcharges,	16556
discounts, refunds, and rebates;	16557
(c) Any payment or credit received by a business	16558
association from a business association for tangible goods sold,	16559
or services performed, in the course of business, including, but	16560
not limited to, checks or memoranda, overpayments, unidentified	16561
remittances, nonrefunded overcharges, discounts, refunds, and	16562
rebates;	16563
(d) Either of the following:	16564
(i) Any credit or obligation due a retail customer that is	16565
represented by a gift certificate, gift card, merchandise	16566
credit, or merchandise credit card, redeemable only for goods or	16567
services, including gift cards issued by financial organizations	16568



or business associations; 16569

(ii) Any electronic payment device that is issued by a 16570  
financial organization or a business association that has no 16571  
expiration date and meets all of the following conditions: 16572

(I) It is purchased or loaded on a prepaid basis for the 16573  
future purchase or delivery of goods or services. 16574

(II) It is redeemable upon presentation to a single 16575  
merchant or service provider or an affiliated group of merchants 16576  
or service providers. 16577

(III) It is not redeemable for cash in whole or in part. 16578

(e) Any open-loop prepaid card that is issued by a 16579  
financial organization or a business association for which the 16580  
underlying funds do not expire. For purposes of division (B) (2) 16581  
(e) of this section, "open-loop prepaid card" means an 16582  
electronic payment device that meets all of the following 16583  
conditions: 16584

(i) It is purchased or loaded on a prepaid basis for the 16585  
future purchase or delivery of any goods or services. 16586

(ii) It can be used to purchase goods and services at 16587  
multiple unaffiliated merchants or service providers. 16588

(iii) It is not redeemable for cash in whole or in part. 16589

(f) Any rewards card. For purposes of division (B) (2) (f) 16590  
of this section, "rewards card" includes any loyalty, incentive, 16591  
or promotional type program that is issued by a financial 16592  
organization or a business association whether represented by a 16593  
card or electronic record, which program is established for the 16594  
purposes of providing cardholder awards, rewards, rebates, or 16595  
other amounts to reward the cardholder for the cardholder's 16596

relationship with the entity sponsoring the rewards card, 16597  
provided that no direct money was paid by the cardholder for the 16598  
rewards card. "Rewards card" includes both of the following: 16599

(i) Cards or electronic records consisting of points, 16600  
cash, or other tokens of value given to a cardholder as a reward 16601  
or incentive for engaging in a transaction or a series of 16602  
transactions; 16603

(ii) The unpaid portion of a rewards card when the rewards 16604  
card is partially loaded by the cardholder with the remaining 16605  
portion funded as a reward or incentive. 16606

A minimal annual fee charged to the cardholder for joining 16607  
any such loyalty, incentive, or promotional type program shall 16608  
not be considered direct money paid by the cardholder for the 16609  
rewards card. For purposes of division (B)(2)(f) of this 16610  
section, "cardholder" means the holder of a rewards card, 16611  
regardless of whether the rewards card is represented by a card 16612  
or by an electronic record. 16613

For purposes of division (B)(2) of this section, "business 16614  
association" means any corporation, joint venture, business 16615  
trust, limited liability company, partnership, association, or 16616  
other business entity composed of one or more individuals, 16617  
whether or not the entity is for profit. 16618

(C) "Owner" means any person, or the person's legal 16619  
representative, entitled to receive or having a legal or 16620  
equitable interest in or claim against moneys, rights to moneys, 16621  
or other intangible property, subject to this chapter. 16622

(D)(1) "Holder" means any person that has possession, 16623  
custody, or control of moneys, rights to moneys, or other 16624  
intangible property, or that is indebted to another, if any of 16625

the following applies: 16626

(a) Such person resides in this state; 16627

(b) Such person is formed under the laws of this state; 16628

(c) Such person is formed under the laws of the United 16629  
States and has an office or principal place of business in this 16630  
state; 16631

(d) The records of such person indicate that the last 16632  
known address of the owner of such moneys, rights to moneys, or 16633  
other intangible property is in this state; 16634

(e) The records of such person do not indicate the last 16635  
known address of the owner of the moneys, rights to moneys, or 16636  
other intangible property and the entity originating or issuing 16637  
the moneys, rights to moneys, or other intangible property in 16638  
this state or any political subdivision of this state, or is 16639  
incorporated, organized, created, or otherwise located in this 16640  
state. Division (D) (1) (e) of this section applies to all moneys, 16641  
rights to moneys, or other intangible property that is in the 16642  
possession, custody, or control of such person on or after July 16643  
22, 1994, whether the moneys, rights to moneys, or other 16644  
intangible property becomes unclaimed funds prior to or on or 16645  
after that date. 16646

(2) "Holder" does not mean any hospital granted tax-exempt 16647  
status under section 501(c) (3) of the Internal Revenue Code or 16648  
any hospital owned or operated by the state or by any political 16649  
subdivision. Any entity in order to be exempt from the 16650  
definition of "holder" pursuant to this division shall make a 16651  
reasonable, good-faith effort to contact the owner of the 16652  
unclaimed funds. 16653

(E) "Person" includes a natural person; corporation, 16654

whether for profit or not for profit; copartnership; 16655  
unincorporated nonprofit association; public authority; estate; 16656  
trust; two or more persons having a joint or common interest; 16657  
eleemosynary organization; fraternal or cooperative association; 16658  
other legal or community entity; the United States government, 16659  
including any district, territory, possession, officer, agency, 16660  
department, authority, instrumentality, board, bureau, or court; 16661  
or any state or political subdivision thereof, including any 16662  
officer, agency, board, bureau, commission, division, 16663  
department, authority, court, or instrumentality. 16664

(F) "Mortgage funds" means ~~the mortgage insurance fund~~ 16665  
~~created by section 122.561 of the Revised Code, and the housing~~ 16666  
guarantee fund created by division (D) of section 128.11 of the 16667  
Revised Code. 16668

(G) "Lawful claims" means any vested right a holder of 16669  
unclaimed funds has against the owner of such unclaimed funds. 16670

(H) "Public utility" means any entity defined as such by 16671  
division (A) of section 745.01 or by section 4905.02 of the 16672  
Revised Code. 16673

(I) "Deposit" means to place money in the custody of a 16674  
financial organization for the purpose of establishing an 16675  
income-bearing account by purchase or otherwise. 16676

(J) "Income-bearing account" means a time or savings 16677  
account, whether or not evidenced by a certificate of deposit, 16678  
or an investment account through which investments are made 16679  
solely in obligations of the United States or its agencies or 16680  
instrumentalities or guaranteed as to principal and interest by 16681  
the United States or its agencies or instrumentalities, debt 16682  
securities rated as investment grade by at least two nationally 16683

recognized rating services, debt securities which the director 16684  
of commerce has determined to have been issued for the safety 16685  
and welfare of the residents of this state, and equity interests 16686  
in mutual funds that invest solely in some or all of the above- 16687  
listed securities and involve no general liability, without 16688  
regard to whether income earned on such accounts, securities, or 16689  
interests is paid periodically or at the end of a term. 16690

(K) "Director of commerce" may be read as the "division of 16691  
unclaimed funds" or the "superintendent of unclaimed funds." 16692

(L) "Attorney unclaimed funds" means any unclaimed funds, 16693  
as defined in division (B)(1) of this section, that are any of 16694  
the following: 16695

(1) Funds held in interest on lawyer trust accounts 16696  
pursuant to section 4705.09 of the Revised Code; 16697

(2) Funds held in an interest on trust accounts pursuant 16698  
to section 3953.231 of the Revised Code; 16699

(3) Residual settlement funds whether for named or unnamed 16700  
plaintiffs, received by the division of unclaimed funds, and 16701  
held, paid out, or allocated by the division pursuant to or 16702  
consistent with the terms and conditions of the court order 16703  
authorizing the settlement fund. 16704

**Sec. 169.05.** (A) Every holder required to file a report 16705  
under section 169.03 of the Revised Code shall, at the time of 16706  
filing, pay to the director of commerce ten per cent of the 16707  
aggregate amount of unclaimed funds as shown on the report, 16708  
except for aggregate amounts of fifty dollars or less in which 16709  
case one hundred per cent shall be paid. The funds may be 16710  
deposited by the director in the state treasury to the credit of 16711  
the unclaimed funds trust fund, which is hereby created, or 16712

placed with a financial organization. Any interest earned on 16713  
money in the trust fund shall be credited to the trust fund. The 16714  
remainder of the aggregate amount of unclaimed funds as shown on 16715  
the report, plus earnings accrued to date of payment to the 16716  
director, shall, at the option of the director, be retained by 16717  
the holder or paid to the director for deposit as agent for the 16718  
mortgage funds with a financial organization as defined in 16719  
section 169.01 of the Revised Code, with the funds to be in 16720  
income-bearing accounts to the credit of the mortgage funds, or 16721  
the holder may enter into an agreement with the director 16722  
specifying the obligations of the United States in which funds 16723  
are to be invested, and agree to pay the interest on the 16724  
obligations to the state. Holders retaining any funds not in 16725  
obligations of the United States shall enter into an agreement 16726  
with the director specifying the classification of income- 16727  
bearing account in which the funds will be held and pay the 16728  
state interest on the funds at a rate equal to the prevailing 16729  
market rate for similar funds. Moneys that the holder is 16730  
required to pay to the director rather than to retain may be 16731  
deposited with the treasurer of state, or placed with a 16732  
financial organization. 16733

Securities and other intangible property transferred to 16734  
the director shall, within a reasonable time, be converted to 16735  
cash and the proceeds deposited as provided for other funds. 16736

~~One-half of the~~ The funds evidenced by agreements, in 16737  
income-bearing accounts, or on deposit with the treasurer of 16738  
state shall be allocated on the records of the director ~~to the~~ 16739  
~~mortgage insurance fund created by section 122.561 of the~~ 16740  
~~Revised Code. Out of the remaining half,~~ after allocation of 16741  
sufficient moneys to the minority business bonding fund to meet 16742  
the provisions of division (B) of this section, ~~the remainder~~ 16743

~~shall be allocated on the records of the director to the housing~~ 16744  
development fund created by division (A) of section 175.11 of 16745  
the Revised Code. 16746

(B) The director shall serve as agent for the director of 16747  
development and as agent for the Ohio housing finance agency in 16748  
making deposits and withdrawals and maintaining records 16749  
pertaining to the minority business bonding fund created by 16750  
section 122.88 of the Revised Code, ~~the mortgage insurance fund,~~ 16751  
and the housing development fund created by section 175.11 of 16752  
the Revised Code. ~~Funds from the mortgage insurance fund are~~ 16753  
~~available to the director of development when those funds are to~~ 16754  
~~be disbursed to prevent or cure, or upon the occurrence of, a~~ 16755  
~~default of a mortgage insured pursuant to section 122.451 of the~~ 16756  
~~Revised Code.~~ Funds from the housing development fund are 16757  
available upon request to the Ohio housing finance agency, in an 16758  
amount not to exceed the funds allocated on the records of the 16759  
director, for the purposes of section 175.05 of the Revised 16760  
Code. Funds from the minority business bonding fund are 16761  
available to the director of development upon request to pay 16762  
obligations on bonds the director writes pursuant to section 16763  
122.88 of the Revised Code; except that, unless the general 16764  
assembly authorizes additional amounts, the total maximum amount 16765  
of moneys that may be allocated to the minority business bonding 16766  
fund under this division is ten million dollars. 16767

When funds are to be disbursed, the appropriate agency 16768  
shall call upon the director to transfer the necessary funds to 16769  
it. The director shall first withdraw the funds paid by the 16770  
holders and deposited with the treasurer of state or in a 16771  
financial institution as agent for the funds. Whenever these 16772  
funds are inadequate to meet the request, the director shall 16773  
provide for a withdrawal of funds, within a reasonable time and 16774

in the amount necessary to meet the request, from financial 16775  
institutions in which the funds were retained or placed by a 16776  
holder and from other holders who have retained funds, in an 16777  
equitable manner as the director prescribes. In the event that 16778  
the amount to be withdrawn from any one holder is less than five 16779  
hundred dollars, the amount to be withdrawn is at the director's 16780  
discretion. The director shall then transfer to the agency the 16781  
amount of funds requested. 16782

Funds deposited in the unclaimed funds trust fund are 16783  
subject to call by the director when necessary to pay claims the 16784  
director allows under section 169.08 of the Revised Code, in 16785  
accordance with the director's rules, to defray the necessary 16786  
costs of making publications this chapter requires and to pay 16787  
other operating and administrative expenses the department of 16788  
commerce incurs in the administration and enforcement of this 16789  
chapter. 16790

The unclaimed funds trust fund shall be assessed a 16791  
proportionate share of the administrative costs of the 16792  
department of commerce in accordance with procedures the 16793  
director of commerce prescribes. The assessment shall be paid 16794  
from the unclaimed funds trust fund to the division of 16795  
administration fund. 16796

(C) Earnings on the accounts in financial organizations to 16797  
the credit of the mortgage funds shall, at the option of the 16798  
financial organization, be credited to the accounts at times and 16799  
at rates as earnings are paid on other accounts of the same 16800  
classification held in the financial organization or paid to the 16801  
director. The director shall be notified annually, and at other 16802  
times as the director may request, of the amount of the earnings 16803  
credited to the accounts. Interest on unclaimed funds a holder 16804



retains shall be paid to the director or credited as specified 16805  
in the agreement under which the organization retains the funds. 16806  
Interest payable to the director under an agreement to invest 16807  
unclaimed funds in income-bearing accounts or obligations of the 16808  
United States shall be paid annually by the holder to the 16809  
director. Any earnings or interest the director receives under 16810  
this division shall be deposited in and credited to the mortgage 16811  
funds. 16812

**Sec. 173.38.** (A) As used in this section: 16813

(1) "Applicant" means a person who is under final 16814  
consideration for employment with a responsible party in a full- 16815  
time, part-time, or temporary direct-care position or is 16816  
referred to a responsible party by an employment service for 16817  
such a position. "Applicant" does not include a person being 16818  
considered for a direct-care position as a volunteer. 16819

(2) "Area agency on aging" has the same meaning as in 16820  
section 173.14 of the Revised Code. 16821

~~(3) "Chief administrator of a responsible party" includes~~ 16822  
~~a consumer when the consumer is a responsible party.~~ 16823

~~(4)~~ "Community-based long-term care services" means 16824  
community-based long-term care services, as defined in section 16825  
173.14 of the Revised Code, that are provided under a program 16826  
the department of aging administers. 16827

~~(5)~~ (4) "Consumer" means an individual who receives 16828  
community-based long-term care services. 16829

~~(6)~~ (5) "Criminal records check" has the same meaning as in 16830  
section 109.572 of the Revised Code. 16831

~~(7)~~ ~~(a)~~ (6) (a) "Direct-care position" means an employment 16832

position in which an employee has either or both of the 16833  
following: 16834

(i) In-person contact with one or more consumers; 16835

(ii) Access to one or more consumers' personal property or 16836  
records. 16837

(b) "Direct-care position" does not include a any of the 16838  
following: 16839

(i) A person whose sole duties are transporting 16840  
individuals under Chapter 306. of the Revised Code; 16841

(ii) An attorney licensed to practice law in this state; 16842

(iii) A person who is not licensed to practice law in this 16843  
state, but, at the direction of an attorney licensed to practice 16844  
law in this state, assists the attorney in the attorney's 16845  
provision of legal services. 16846

~~(8)~~(7) "Disqualifying offense" means any of the offenses 16847  
listed or described in divisions (A) (3) (a) to (e) of section 16848  
109.572 of the Revised Code. 16849

~~(9)~~(8) "Employee" means a person employed by a responsible 16850  
party in a full-time, part-time, or temporary direct-care 16851  
position and a person who works in such a position due to being 16852  
referred to a responsible party by an employment service. 16853  
"Employee" does not include a person who works in a direct-care 16854  
position as a volunteer. 16855

~~(10)~~(9) "PASSPORT administrative agency" has the same 16856  
meaning as in section 173.42 of the Revised Code. 16857

~~(11)~~(10) "Provider" has the same meaning as in section 16858  
173.39 of the Revised Code. 16859

- ~~(12)~~(11) "Responsible party" means the following: 16860
- (a) An area agency on aging in the case of either of the 16861  
following: 16862
- (i) A person who is an applicant because the person is 16863  
under final consideration for employment with the agency in a 16864  
full-time, part-time, or temporary direct-care position or is 16865  
referred to the agency by an employment service for such a 16866  
position; 16867
- (ii) A person who is an employee because the person is 16868  
employed by the agency in a full-time, part-time, or temporary 16869  
direct-care position or works in such a position due to being 16870  
referred to the agency by an employment service. 16871
- (b) A PASSPORT administrative agency in the case of either 16872  
of the following: 16873
- (i) A person who is an applicant because the person is 16874  
under final consideration for employment with the agency in a 16875  
full-time, part-time, or temporary direct-care position or is 16876  
referred to the agency by an employment service for such a 16877  
position; 16878
- (ii) A person who is an employee because the person is 16879  
employed by the agency in a full-time, part-time, or temporary 16880  
direct-care position or works in such a position due to being 16881  
referred to the agency by an employment service. 16882
- (c) A provider in the case of either of the following: 16883
- (i) A person who is an applicant because the person is 16884  
under final consideration for employment with the provider in a 16885  
full-time, part-time, or temporary direct-care position or is 16886  
referred to the provider by an employment service for such a 16887

position; 16888

(ii) A person who is an employee because the person is 16889  
employed by the provider in a full-time, part-time, or temporary 16890  
direct-care position or works in such a position due to being 16891  
referred to the provider by an employment service. 16892

(d) A subcontractor in the case of either of the 16893  
following: 16894

(i) A person who is an applicant because the person is 16895  
under final consideration for employment with the subcontractor 16896  
in a full-time, part-time, or temporary direct-care position or 16897  
is referred to the subcontractor by an employment service for 16898  
such a position; 16899

(ii) A person who is an employee because the person is 16900  
employed by the subcontractor in a full-time, part-time, or 16901  
temporary direct-care position or works in such a position due 16902  
to being referred to the subcontractor by an employment service. 16903

~~(e) A consumer in the case of either of the following: 16904~~

~~(i) A person who is an applicant because the person is 16905  
under final consideration for employment with the consumer in a 16906  
full-time, part-time, or temporary direct-care position for 16907  
which the consumer, as the employer of record, is to direct the 16908  
person in the provision of community-based long-term care 16909  
services the person is to provide the consumer or is referred to 16910  
the consumer by an employment service for such a position; 16911~~

~~(ii) A person who is an employee because the person is 16912  
employed by the consumer in a full-time, part-time, or temporary 16913  
direct-care position for which the consumer, as the employer of 16914  
record, directs the person in the provision of community-based 16915  
long-term care services the person provides to the consumer or 16916~~

~~who works in such a position due to being referred to the~~ 16917  
~~consumer by an employment service.~~ 16918

~~(13)~~(12) "Subcontractor" has the meaning specified in 16919  
rules adopted under this section. 16920

~~(14)~~(13) "Volunteer" means a person who serves in a 16921  
direct-care position without receiving or expecting to receive 16922  
any form of remuneration other than reimbursement for actual 16923  
expenses. 16924

~~(15)~~(14) "Waiver agency" has the same meaning as in 16925  
section 5164.342 of the Revised Code. 16926

(B) This section does not apply to any ~~individual of the~~ 16927  
following: 16928

(1) A person who is subject to a database review or 16929  
criminal records check under section 173.381 or 3740.11 of the 16930  
Revised Code ~~or to any individual;~~ 16931

(2) A person who is subject to a criminal records check 16932  
under section 3721.121 of the Revised Code; 16933

(3) A participant-directed provider. 16934

(C) No responsible party shall employ an applicant or 16935  
continue to employ an employee in a direct-care position if any 16936  
of the following apply: 16937

(1) A review of the databases listed in division (E) of 16938  
this section reveals any of the following: 16939

(a) That the applicant or employee is included in one or 16940  
more of the databases listed in divisions (E) (1) to (5) of this 16941  
section; 16942

(b) That there is in the state nurse aide registry 16943

established under section 3721.32 of the Revised Code a 16944  
statement detailing findings by the director of health that the 16945  
applicant or employee abused, neglected, or exploited a long- 16946  
term care facility or residential care facility resident or 16947  
misappropriated property of such a resident; 16948

(c) That the applicant or employee is included in one or 16949  
more of the databases, if any, specified in rules adopted under 16950  
this section and the rules prohibit the responsible party from 16951  
employing an applicant or continuing to employ an employee 16952  
included in such a database in a direct-care position. 16953

(2) After the applicant or employee is provided, pursuant 16954  
to division (F) (2) (a) of this section, a copy of the form 16955  
prescribed pursuant to division (C) (1) of section 109.572 of the 16956  
Revised Code and the standard impression sheet prescribed 16957  
pursuant to division (C) (2) of that section, the applicant or 16958  
employee fails to complete the form or provide the applicant's 16959  
or employee's fingerprint impressions on the standard impression 16960  
sheet. 16961

(3) Unless the applicant or employee meets standards 16962  
specified in rules adopted under this section, the applicant or 16963  
employee is found by a criminal records check required by this 16964  
section to have been convicted of, pleaded guilty to, or been 16965  
found eligible for intervention in lieu of conviction for a 16966  
disqualifying offense. 16967

(D) Except as provided by division (G) of this section, 16968  
the chief administrator of a responsible party shall inform each 16969  
applicant of both of the following at the time of the 16970  
applicant's initial application for employment or referral to 16971  
the responsible party by an employment service for a direct-care 16972  
position: 16973

(1) That a review of the databases listed in division (E) 16974  
of this section will be conducted to determine whether the 16975  
responsible party is prohibited by division (C)(1) of this 16976  
section from employing the applicant in the direct-care 16977  
position; 16978

(2) That, unless the database review reveals that the 16979  
applicant may not be employed in the direct-care position, a 16980  
criminal records check of the applicant will be conducted and 16981  
the applicant is required to provide a set of the applicant's 16982  
fingerprint impressions as part of the criminal records check. 16983

(E) As a condition of employing any applicant in a direct- 16984  
care position, the chief administrator of a responsible party 16985  
shall conduct a database review of the applicant in accordance 16986  
with rules adopted under this section. If rules adopted under 16987  
this section so require, the chief administrator of a 16988  
responsible party shall conduct a database review of an employee 16989  
in accordance with the rules as a condition of continuing to 16990  
employ the employee in a direct-care position. However, a chief 16991  
administrator is not required to conduct a database review of an 16992  
applicant or employee if division (G) of this section applies. A 16993  
database review shall determine whether the applicant or 16994  
employee is included in any of the following: 16995

(1) The excluded parties list system that is maintained by 16996  
the United States general services administration pursuant to 16997  
subpart 9.4 of the federal acquisition regulation and available 16998  
at the federal web site known as the system for award 16999  
management; 17000

(2) The list of excluded individuals and entities 17001  
maintained by the office of inspector general in the United 17002  
States department of health and human services pursuant to the 17003

"Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 17004  
and 1320c-5; 17005

(3) The registry of developmental disabilities employees 17006  
established under section 5123.52 of the Revised Code; 17007

(4) The internet-based sex offender and child-victim 17008  
offender database established under division (A)(11) of section 17009  
2950.13 of the Revised Code; 17010

(5) The internet-based database of inmates established 17011  
under section 5120.66 of the Revised Code; 17012

(6) The state nurse aide registry established under 17013  
section 3721.32 of the Revised Code; 17014

(7) Any other database, if any, specified in rules adopted 17015  
under this section. 17016

(F)(1) As a condition of employing any applicant in a 17017  
direct-care position, the chief administrator of a responsible 17018  
party shall request that the superintendent of the bureau of 17019  
criminal identification and investigation conduct a criminal 17020  
records check of the applicant. If rules adopted under this 17021  
section so require, the chief administrator of a responsible 17022  
party shall request that the superintendent conduct a criminal 17023  
records check of an employee at times specified in the rules as 17024  
a condition of continuing to employ the employee in a direct- 17025  
care position. However, the chief administrator is not required 17026  
to request the criminal records check of the applicant or 17027  
employee if division (G) of this section applies or the 17028  
responsible party is prohibited by division (C)(1) of this 17029  
section from employing the applicant or continuing to employ the 17030  
employee in a direct-care position. If an applicant or employee 17031  
for whom a criminal records check request is required by this 17032



section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an

applicant a fee not exceeding the amount the responsible party 17062  
pays to the bureau under this section if both of the following 17063  
apply: 17064

(a) The responsible party notifies the applicant at the 17065  
time of initial application for employment of the amount of the 17066  
fee and that, unless the fee is paid, the applicant will not be 17067  
considered for employment. 17068

(b) The medicaid program does not pay the responsible 17069  
party for the fee it pays to the bureau under this section. 17070

(G) Divisions (D) to (F) of this section do not apply with 17071  
regard to an applicant or employee if the applicant or employee 17072  
is referred to a responsible party by an employment service that 17073  
supplies full-time, part-time, or temporary staff for direct- 17074  
care positions and both of the following apply: 17075

(1) The chief administrator of the responsible party 17076  
receives from the employment service confirmation that a review 17077  
of the databases listed in division (E) of this section was 17078  
conducted of the applicant or employee. 17079

(2) The chief administrator of the responsible party 17080  
receives from the employment service, applicant, or employee a 17081  
report of the results of a criminal records check of the 17082  
applicant or employee that has been conducted by the 17083  
superintendent within the one-year period immediately preceding 17084  
the following: 17085

(a) In the case of an applicant, the date of the 17086  
applicant's referral by the employment service to the 17087  
responsible party; 17088

(b) In the case of an employee, the date by which the 17089  
responsible party would otherwise have to request a criminal 17090

records check of the employee under division (F) of this 17091  
section. 17092

(H) (1) A responsible party may employ conditionally an 17093  
applicant for whom a criminal records check request is required 17094  
by this section prior to obtaining the results of the criminal 17095  
records check if the responsible party is not prohibited by 17096  
division (C) (1) of this section from employing the applicant in 17097  
a direct-care position and either of the following applies: 17098

(a) The chief administrator of the responsible party 17099  
requests the criminal records check in accordance with division 17100  
(F) of this section before conditionally employing the 17101  
applicant. 17102

(b) The applicant is referred to the responsible party by 17103  
an employment service, the employment service or the applicant 17104  
provides the chief administrator of the responsible party a 17105  
letter that is on the letterhead of the employment service, the 17106  
letter is dated and signed by a supervisor or another designated 17107  
official of the employment service, and the letter states all of 17108  
the following: 17109

(i) That the employment service has requested the 17110  
superintendent to conduct a criminal records check regarding the 17111  
applicant; 17112

(ii) That the requested criminal records check is to 17113  
include a determination of whether the applicant has been 17114  
convicted of, pleaded guilty to, or been found eligible for 17115  
intervention in lieu of conviction for a disqualifying offense; 17116

(iii) That the employment service has not received the 17117  
results of the criminal records check as of the date set forth 17118  
on the letter; 17119

(iv) That the employment service promptly will send a copy 17120  
of the results of the criminal records check to the chief 17121  
administrator of the responsible party when the employment 17122  
service receives the results. 17123

(2) If a responsible party employs an applicant 17124  
conditionally pursuant to division (H)(1)(b) of this section, 17125  
the employment service, on its receipt of the results of the 17126  
criminal records check, promptly shall send a copy of the 17127  
results to the chief administrator of the responsible party. 17128

(3) A responsible party that employs an applicant 17129  
conditionally pursuant to division (H)(1)(a) or (b) of this 17130  
section shall terminate the applicant's employment if the 17131  
results of the criminal records check, other than the results of 17132  
any request for information from the federal bureau of 17133  
investigation, are not obtained within the period ending sixty 17134  
days after the date the request for the criminal records check 17135  
is made. Regardless of when the results of the criminal records 17136  
check are obtained, if the results indicate that the applicant 17137  
has been convicted of, pleaded guilty to, or been found eligible 17138  
for intervention in lieu of conviction for a disqualifying 17139  
offense, the responsible party shall terminate the applicant's 17140  
employment unless the applicant meets standards specified in 17141  
rules adopted under this section that permit the responsible 17142  
party to employ the applicant and the responsible party chooses 17143  
to employ the applicant. Termination of employment under this 17144  
division shall be considered just cause for discharge for 17145  
purposes of division (D)(2) of section 4141.29 of the Revised 17146  
Code if the applicant makes any attempt to deceive the 17147  
responsible party about the applicant's criminal record. 17148

(I) The report of any criminal records check conducted 17149

pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The chief administrator of the responsible party requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides community-based long-term care services that is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check;

(4) The employment service that requested the criminal records check;

(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;

(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply:

(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request

for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency;— 17178  
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~~(c) The criminal records check is requested by a consumer who is acting as a responsible party.~~ 17180  
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(7) A court or hearing officer involved in a case dealing with any of the following: 17182  
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(a) A denial of employment of the applicant or employee; 17184

(b) Employment or unemployment benefits of the applicant or employee; 17185  
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(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers. 17187  
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(8) Pursuant to a lawful subpoena or valid court order, any necessary individual not identified in division (I) (7) of this section who is involved in a case dealing with any issue, matter, or action described in division (I) (7) (a), (b), or (c) of this section. 17189  
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(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply: 17194  
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(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 17199  
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(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

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

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E) (7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this section;

(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

**Sec. 173.381.** (A) As used in this section:

(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.

(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code.

(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.



(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code.

(6) "Provider" has the same meaning as in section 173.39 of the Revised Code.

(7) "Self-employed provider" means a provider who works for the provider's self and has no employees.

(B) This section does not apply to any ~~individual who is subject to a database review or criminal records check under of~~ the following:

(1) An applicant as defined in section 3740.11 of the Revised Code or an employee as defined in section 3740.01 of the Revised Code;

(2) An ambulette driver employed by an organization licensed under Chapter 4766. of the Revised Code;

(3) An attorney licensed to practice law in this state;

(4) A person who is not licensed to practice law in this state, but who, at the direction of an attorney licensed to practice law in this state, assists the attorney in the attorney's provision of legal services.

(C) (1) The department of aging or its designee shall take the following actions when the circumstances specified in division (C) (2) of this section apply:

(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;

(b) Revoke a self-employed provider's community-based long-term care services certificate;

(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider; 17289  
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(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014. 17291  
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(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section: 17294  
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(a) A review of the databases listed in division (E) of this section reveals any of the following: 17297  
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(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section; 17299  
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(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident; 17302  
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(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database. 17308  
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(b) After the self-employed provider is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the self-employed 17313  
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provider fails to complete the form or provide the self-employed 17318  
provider's fingerprint impressions on the standard impression 17319  
sheet. 17320

(c) Unless the self-employed provider meets standards 17321  
specified in rules adopted under this section, the self-employed 17322  
provider is found by a criminal records check required by this 17323  
section to have been convicted of, pleaded guilty to, or been 17324  
found eligible for intervention in lieu of conviction for a 17325  
disqualifying offense. 17326

(D) The department of aging or its designee shall inform 17327  
each self-employed provider of both of the following at the time 17328  
of the self-employed provider's initial application for a 17329  
community-based long-term care services certificate or initial 17330  
bid for a community-based long-term care services contract or 17331  
grant: 17332

(1) That a review of the databases listed in division (E) 17333  
of this section will be conducted to determine whether the 17334  
department or its designee is required by division (C) of this 17335  
section to refuse to issue or award a community-based long-term 17336  
care services certificate or community-based long-term care 17337  
services contract or grant to the self-employed provider; 17338

(2) That, unless the database review reveals that the 17339  
department or its designee is required to refuse to issue or 17340  
award a community-based long-term care services certificate or 17341  
community-based long-term care services contract or grant to the 17342  
self-employed provider, a criminal records check of the self- 17343  
employed provider will be conducted and the self-employed 17344  
provider is required to provide a set of the self-employed 17345  
provider's fingerprint impressions as part of the criminal 17346  
records check. 17347

(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established

under section 5120.66 of the Revised Code; 17377

(6) The state nurse aide registry established under 17378  
section 3721.32 of the Revised Code; 17379

(7) Any other database, if any, specified in rules adopted 17380  
under this section. 17381

(F) (1) As a condition of issuing or awarding a community- 17382  
based long-term care services certificate or community-based 17383  
long-term care services contract or grant to a self-employed 17384  
provider, the department of aging or its designee shall request 17385  
that the superintendent of the bureau of criminal identification 17386  
and investigation conduct a criminal records check of the self- 17387  
employed provider. If rules adopted under this section so 17388  
require, the department or its designee shall request that the 17389  
superintendent conduct a criminal records check of a self- 17390  
employed provider at times specified in the rules as a condition 17391  
of not revoking or terminating the self-employed provider's 17392  
community-based long-term care services certificate or 17393  
community-based long-term care services contract or grant. 17394  
However, the department or its designee is not required to 17395  
request the criminal records check of the self-employed provider 17396  
if the department or its designee, because of circumstances 17397  
specified in division (C) (2) (a) of this section, is required to 17398  
refuse to issue or award a community-based long-term care 17399  
services certificate or community-based long-term care services 17400  
contract or grant to the self-employed provider or to revoke or 17401  
terminate the self-employed provider's certificate or contract 17402  
or grant. 17403

If a self-employed provider for whom a criminal records 17404  
check request is required by this section does not present proof 17405  
of having been a resident of this state for the five-year period 17406

immediately prior to the date the criminal records check is 17407  
requested or provide evidence that within that five-year period 17408  
the superintendent has requested information about the self- 17409  
employed provider from the federal bureau of investigation in a 17410  
criminal records check, the department or its designee shall 17411  
request that the superintendent obtain information from the 17412  
federal bureau of investigation as part of the criminal records 17413  
check. Even if a self-employed provider for whom a criminal 17414  
records check request is required by this section presents proof 17415  
of having been a resident of this state for the five-year 17416  
period, the department or its designee may request that the 17417  
superintendent include information from the federal bureau of 17418  
investigation in the criminal records check. 17419

(2) The department or its designee shall do all of the 17420  
following: 17421

(a) Provide to each self-employed provider for whom a 17422  
criminal records check request is required by this section a 17423  
copy of the form prescribed pursuant to division (C)(1) of 17424  
section 109.572 of the Revised Code and a standard impression 17425  
sheet prescribed pursuant to division (C)(2) of that section; 17426

(b) Obtain the completed form and standard impression 17427  
sheet from the self-employed provider; 17428

(c) Forward the completed form and standard impression 17429  
sheet to the superintendent. 17430

(3) The department or its designee shall pay to the bureau 17431  
of criminal identification and investigation the fee prescribed 17432  
pursuant to division (C)(3) of section 109.572 of the Revised 17433  
Code for each criminal records check of a self-employed provider 17434  
the department or its designee requests under this section. The 17435

department or its designee may charge the self-employed provider 17436  
a fee that does not exceed the amount the department or its 17437  
designee pays to the bureau. 17438

(G) The report of any criminal records check of a self- 17439  
employed provider conducted pursuant to a request made under 17440  
this section is not a public record for the purposes of section 17441  
149.43 of the Revised Code and shall not be made available to 17442  
any person other than the following: 17443

(1) The self-employed provider or the self-employed 17444  
provider's representative; 17445

(2) The department of aging, the department's designee, or 17446  
a representative of the department or its designee; 17447

(3) The medicaid director and the staff of the department 17448  
of medicaid who are involved in the administration of the 17449  
medicaid program if the self-employed provider is to provide, or 17450  
provides, community-based long-term care services under a 17451  
component of the medicaid program that the department of aging 17452  
administers; 17453

(4) A court or hearing officer involved in a case dealing 17454  
with any of the following: 17455

(a) A refusal to issue or award a community-based long- 17456  
term services certificate or community-based long-term care 17457  
services contract or grant to the self-employed provider; 17458

(b) A revocation or termination of the self-employed 17459  
provider's community-based long-term care services certificate 17460  
or community-based long-term care services contract or grant; 17461

(c) A civil or criminal action regarding a program the 17462  
department of aging administers. 17463

(5) Pursuant to a lawful subpoena or valid court order, 17464  
any necessary individual not identified in division (G) (4) of 17465  
this section who is involved in a case dealing with any issue, 17466  
matter, or action described in division (G) (4) (a), (b), or (c) 17467  
of this section. 17468

(H) In a tort or other civil action for damages that is 17469  
brought as the result of an injury, death, or loss to person or 17470  
property caused by a self-employed provider, both of the 17471  
following shall apply: 17472

(1) If the department of aging or its designee, in good 17473  
faith and reasonable reliance on the report of a criminal 17474  
records check requested under this section, issued or awarded a 17475  
community-based long-term care services certificate or 17476  
community-based long-term care services contract or grant to the 17477  
self-employed provider or did not revoke or terminate the self- 17478  
employed provider's certificate or contract or grant, the 17479  
department and its designee shall not be found negligent solely 17480  
because of its reliance on the report, even if the information 17481  
in the report is determined later to have been incomplete or 17482  
inaccurate. 17483

(2) If the department or its designee in good faith issued 17484  
or awarded a community-based long-term care services certificate 17485  
or community-based long-term care services contract or grant to 17486  
the self-employed provider or did not revoke or terminate the 17487  
self-employed provider's certificate or contract or grant 17488  
because the self-employed provider meets standards specified in 17489  
rules adopted under this section, the department and its 17490  
designee shall not be found negligent solely because the self- 17491  
employed provider has been convicted of, pleaded guilty to, or 17492  
been found eligible for intervention in lieu of conviction for a 17493



disqualifying offense. 17494

(I) The director of aging shall adopt rules in accordance 17495  
with Chapter 119. of the Revised Code to implement this section. 17496

(1) The rules may do the following: 17497

(a) Require self-employed providers who have been issued 17498  
or awarded community-based long-term care services certificates 17499  
or community-based long-term care services contracts or grants 17500  
to undergo database reviews and criminal records checks under 17501  
this section; 17502

(b) If the rules require self-employed providers who have 17503  
been issued or awarded community-based long-term care services 17504  
certificates or community-based long-term care services 17505  
contracts or grants to undergo database reviews and criminal 17506  
records checks under this section, exempt one or more classes of 17507  
such self-employed providers from the requirements; 17508

(c) For the purpose of division (E) (7) of this section, 17509  
specify other databases that are to be checked as part of a 17510  
database review conducted under this section. 17511

(2) The rules shall specify all of the following: 17512

(a) The procedures for conducting database reviews under 17513  
this section; 17514

(b) If the rules require self-employed providers who have 17515  
been issued or awarded community-based long-term care services 17516  
certificates or community-based long-term care services 17517  
contracts or grants to undergo database reviews and criminal 17518  
records checks under this section, the times at which the 17519  
database reviews and criminal records checks are to be 17520  
conducted; 17521

(c) If the rules specify other databases to be checked as 17522  
part of the database reviews, the circumstances under which the 17523  
department of aging or its designee is required to refuse to 17524  
issue or award a community-based long-term care services 17525  
certificate or community-based long-term care services contract 17526  
or grant to a self-employed provider or to revoke or terminate a 17527  
self-employed provider's certificate or contract or grant when 17528  
the self-employed provider is found by a database review to be 17529  
included in one or more of those databases; 17530

(d) Standards that a self-employed provider must meet for 17531  
the department or its designee to be permitted to issue or award 17532  
a community-based long-term care services certificate or 17533  
community-based long-term care services contract or grant to the 17534  
self-employed provider or not to revoke or terminate the self- 17535  
employed provider's certificate or contract or grant if the 17536  
self-employed provider is found by a criminal records check 17537  
required by this section to have been convicted of, pleaded 17538  
guilty to, or been found eligible for intervention in lieu of 17539  
conviction for a disqualifying offense. 17540

**Sec. 173.391.** (A) Subject to section 173.381 of the 17541  
Revised Code and except as provided in division (I) of this 17542  
section, the department of aging or its designee shall do all of 17543  
the following in accordance with Chapter 119. of the Revised 17544  
Code: 17545

(1) Certify a provider to provide services, including 17546  
community-based long-term care services, under a program the 17547  
department administers if the provider satisfies the 17548  
requirements for certification established by rules adopted 17549  
under division (B) of this section and pays the fee, if any, 17550  
established by rules adopted under division (G) of this section; 17551

(2) When required to do so by rules adopted under division 17552  
(B) of this section, take one or more of the following 17553  
disciplinary actions against a provider certified under division 17554  
(A) (1) of this section: 17555

(a) Issue a written warning; 17556

(b) Require the submission of both of the following: a 17557  
plan of correction ~~or~~ and evidence of compliance with 17558  
requirements identified by the department; 17559

(c) Suspend referrals; 17560

(d) Remove clients; 17561

(e) Impose a fiscal sanction such as a civil monetary 17562  
penalty or an order that unearned funds be repaid; 17563

(f) Suspend the certification; 17564

(g) Revoke the certification; 17565

(h) Impose another sanction. 17566

(3) Except as provided in division (E) of this section, 17567  
hold hearings when there is a dispute between the department or 17568  
its designee and a provider concerning actions the department or 17569  
its designee takes regarding a decision not to certify the 17570  
provider under division (A) (1) of this section or a disciplinary 17571  
action under divisions (A) (2) (e) to (h) of this section. 17572

(B) The director of aging shall adopt rules in accordance 17573  
with Chapter 119. of the Revised Code establishing certification 17574  
requirements and standards for determining which type of 17575  
disciplinary action to take under division (A) (2) of this 17576  
section in individual situations. The rules shall establish 17577  
procedures for all of the following: 17578

(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code; 17579  
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(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services; 17581  
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(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take; 17584  
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(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section. 17588  
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(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section: 17590  
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(1) The provider's experience and financial responsibility; 17594  
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(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers; 17596  
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(3) The provider's ability to meet the needs of the individuals served; 17600  
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(4) Any other factor the director considers relevant. 17602

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, 17603  
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confirmed abuse or neglect, financial irresponsibility, or other 17607  
conduct the director determines is injurious, or poses a threat, 17608  
to the health or safety of individuals being served. 17609

(E) Subject to division (F) of this section, the 17610  
department is not required to hold hearings under division (A) 17611  
(3) of this section if any of the following conditions apply: 17612

(1) Rules adopted by the director of aging pursuant to 17613  
this chapter require the provider to be a party to a provider 17614  
agreement; hold a license, certificate, or permit; or maintain a 17615  
certification, any of which is required or issued by a state or 17616  
federal government entity other than the department of aging, 17617  
and either of the following is the case: 17618

(a) The provider agreement has not been entered into or 17619  
the license, certificate, permit, or certification has not been 17620  
obtained or maintained. 17621

(b) The provider agreement, license, certificate, permit, 17622  
or certification has been denied, revoked, not renewed, or 17623  
suspended or has been otherwise restricted. 17624

(2) The provider's certification under this section has 17625  
been denied, suspended, or revoked for any of the following 17626  
reasons: 17627

(a) A government entity of this state, other than the 17628  
department of aging, has terminated or refused to renew any of 17629  
the following held by, or has denied any of the following sought 17630  
by, a provider: a provider agreement, license, certificate, 17631  
permit, or certification. Division (E) (2) (a) of this section 17632  
applies regardless of whether the provider has entered into a 17633  
provider agreement in, or holds a license, certificate, permit, 17634  
or certification issued by, another state. 17635

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) ~~A~~ The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with either of the following: the department or the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the

department or its designee access to the provider's facilities 17665  
during the provider's normal business hours for purposes of 17666  
conducting an audit or structural compliance review. 17667

(i) The provider has ceased doing business. 17668

(j) The provider has voluntarily relinquished its 17669  
certification for any reason. 17670

(3) The provider's provider agreement with the department 17671  
of medicaid has been suspended under section 5164.36 of the 17672  
Revised Code. 17673

(4) The provider's provider agreement with the department 17674  
of medicaid is denied or revoked because the provider or its 17675  
owner, officer, authorized agent, associate, manager, or 17676  
employee has been convicted of an offense that caused the 17677  
provider agreement to be suspended under section 5164.36 of the 17678  
Revised Code. 17679

(F) If the department does not hold hearings when any 17680  
condition described in division (E) of this section applies, the 17681  
department shall send a notice to the provider describing a 17682  
decision not to certify the provider under division (A) (1) of 17683  
this section or the disciplinary action the department is taking 17684  
under divisions (A) (2) (e) to (h) of this section. The notice 17685  
shall be sent to the provider's address that is on record with 17686  
the department and may be sent by regular or electronic mail. 17687

(G) The director of aging may adopt rules in accordance 17688  
with Chapter 119. of the Revised Code establishing a fee to be 17689  
charged by the department of aging or its designee for 17690  
certification issued under division (A) of this section. 17691

(H) Any amounts collected by the department or its 17692  
designee under this section shall be deposited in the state 17693

treasury to the credit of the provider certification fund, which 17694  
is hereby created. Money credited to the fund shall be used to 17695  
pay for services, including community-based long-term care 17696  
services, to pay for administrative costs associated with 17697  
provider certification under this section, and to pay for 17698  
administrative costs related to the publication of the Ohio 17699  
long-term care consumer guide. 17700

(I) The director shall certify a provider in accordance 17701  
with Chapter 4796. of the Revised Code if either of the 17702  
following applies: 17703

(1) The provider is licensed or certified in another 17704  
state. 17705

(2) The provider has satisfactory work experience, a 17706  
government certification, or a private certification as 17707  
described in that chapter as a provider of community-based long- 17708  
term care services under a state program in a state that does 17709  
not issue that license or certificate. 17710

**Sec. 173.50.** (A) Pursuant to a contract entered into with 17711  
the department of medicaid as an interagency agreement under 17712  
section 5162.35 of the Revised Code, the department of aging 17713  
shall carry out the day-to-day administration of the component 17714  
of the medicaid program known as the program of all-inclusive 17715  
care for the elderly or PACE. The department of aging shall 17716  
carry out its PACE administrative duties in accordance with the 17717  
provisions of the interagency agreement and all applicable 17718  
federal laws, including the "Social Security Act," section 1934, 17719  
42 U.S.C. 1396u-4. 17720

(B) To the extent authorized by rules authorized by 17721  
section 5162.021 of the Revised Code, the director of aging may 17722



adopt rules in accordance with Chapter 119. of the Revised Code 17723  
regarding the PACE program, including rules establishing 17724  
priorities for enrolling in the program pursuant to ~~section~~ 17725  
sections 173.501 and 173.503 of the Revised Code. The rules 17726  
shall address only those issues that are not addressed in rules 17727  
adopted by the medicaid director for the PACE program. 17728

**Sec. 173.502.** (A) As used in this section: 17729

(1) "CMS" means the United States Centers for Medicare and 17730  
Medicaid Services. 17731

(2) "Entity" has the same meaning as in 42 C.F.R. 460.10. 17732

(3) "PACE center," "PACE organization," "participant," and 17733  
"state administering agency" have the same meanings as in 42 17734  
C.F.R. 460.6. 17735

(B) (1) Not later than ~~one hundred twenty days after the~~ 17736  
~~effective date of this section~~July 1, 2026, the Department of 17737  
Aging shall issue a request for proposals from any entity 17738  
interested in becoming a PACE organization,~~including for~~ 17739  
~~service areas in the counties, or contiguous zip codes within~~ 17740  
~~the counties, or extending from the counties, of Franklin,~~ 17741  
~~Hamilton, Montgomery, Lorain, Lucas, and Summit~~ located in a 17742  
county of this state not served by the PACE program on the 17743  
effective date of this amendment. Proposals shall be submitted 17744  
to the Department not later than ninety days after the date the 17745  
Department issues the request for proposals. 17746

(2) Division (B) (1) of this section does not prevent the 17747  
Department from expanding the PACE program outside of the 17748  
process required by that division, including by issuing other 17749  
requests for proposals. 17750

(C) To be eligible for approval by the Department to 17751

become a PACE organization, an entity that submits a proposal 17752  
pursuant to division (B) (1) of this section shall meet all of 17753  
the following requirements: 17754

(1) The entity provides a feasibility study of its 17755  
proposed service area to the Department. 17756

(2) The entity has a current, valid provider agreement, as 17757  
defined in section 5164.01 of the Revised Code, or will be 17758  
eligible to enter into a provider agreement by the time that the 17759  
entity will begin providing services under the PACE program. 17760

(3) The entity meets all federal requirements applicable 17761  
to PACE organizations. 17762

(4) The entity demonstrates to the satisfaction of the 17763  
Department that the organization has experience providing health 17764  
care services to frail older adults and that each member of the 17765  
entity's staff, including employees and contractors, complies 17766  
with 42 C.F.R. 460.64. 17767

(5) The entity has a facility suitable to be a PACE 17768  
center, or plans to acquire, build, or expand a facility 17769  
suitable to be a PACE center prior to beginning services, in its 17770  
proposed service area, as described in the request for proposals 17771  
process. 17772

(6) The entity meets any additional requirements in rules 17773  
adopted by the Department pursuant to division (G) of this 17774  
section. 17775

(D) The Department shall review all proposals submitted in 17776  
accordance with division (B) (1) of this section. ~~For at least~~ 17777  
~~each of the six service areas identified in division (C) of this~~ 17778  
~~section, the~~ The Department shall determine from the proposals 17779  
which entities it considers qualified to become PACE 17780

organizations for each service area. The determination shall be 17781  
made not later than ~~nine months after the date the Department~~ 17782  
~~issues the request for proposals~~ December 31, 2026. 17783

(E) An entity considered by the Department as qualified to 17784  
become a PACE organization may apply to CMS to become a PACE 17785  
organization. The Department shall provide support to any such 17786  
organization that applies to CMS, by complying with federal 17787  
requirements. 17788

(F) Each entity approved to become a PACE organization by 17789  
CMS shall begin providing services to participants not later 17790  
than two years after the entity receives notice of its approval 17791  
from CMS, consistent with federal financial participation. 17792

(G) The Director of Aging may adopt rules to implement 17793  
this section. The rules shall be adopted in accordance with 17794  
Chapter 119. of the Revised Code. 17795

Sec. 173.503. The department of aging shall seek to 17796  
implement a presumptive eligibility component to the PACE 17797  
program, under which applicants for PACE may receive services 17798  
under the program during a temporary period, to begin 17799  
immediately upon application and a finding of presumptive 17800  
eligibility, while a PACE organization conducts a full 17801  
eligibility determination on behalf of the individual. If the 17802  
individual is determined to be ineligible for PACE, the PACE 17803  
organization that found the individual presumptively eligible 17804  
shall be responsible for the costs of PACE services provided to 17805  
the individual during the presumptive eligibility period. 17806

**Sec. 173.525.** (A) (1) In addition to any other eligibility 17807  
requirement of this chapter, to be eligible to serve as a 17808  
personal care aide under the PASSPORT program, an individual 17809

must successfully complete thirty hours of pre-service training 17810  
acceptable to the department of aging. 17811

To maintain eligibility, each personal care aide must 17812  
successfully complete six hours of in-service training 17813  
acceptable to the department. Such training must be completed 17814  
every twelve months. 17815

(2) In administering the PASSPORT program, the department 17816  
shall not require a personal care aide to do ~~either~~ any of the 17817  
following: 17818

(a) Complete more than thirty hours of pre-service 17819  
training; 17820

(b) Complete more than six hours of in-service training in 17821  
a twelve-month period. 17822

~~(B) The department shall not require an individual serving 17823  
as a home health aide under the PASSPORT program to complete;~~ 17824

(c) Complete more hours of pre-service training or annual 17825  
in-service training than required by federal law. 17826

~~(C)~~ (B) Only the following may supervise a ~~home health aide~~ 17827  
~~or~~ personal care aide under the PASSPORT program: 17828

(1) A registered nurse; 17829

(2) A licensed practical nurse under the direction of a 17830  
chiropractor, dentist, optometrist, physician, physician 17831  
assistant, podiatrist, or registered nurse. 17832

**Sec. 174.02.** (A) The low- and moderate-income housing 17833  
trust fund is hereby created in the state treasury. The fund 17834  
consists of all appropriations made to the fund, ~~housing trust 17835  
fund fees collected by county recorders pursuant to section 17836~~

~~317.36 of the Revised Code and deposited into the fund pursuant~~ 17837  
~~to section 319.63 of the Revised Code,~~ and all grants, gifts, 17838  
loan repayments, and contributions of money made from any source 17839  
to the department of development for deposit in the fund. All 17840  
investment earnings of the fund shall be credited to the fund. 17841  
The director of development shall allocate a portion of the 17842  
money in the fund to an account of the Ohio housing finance 17843  
agency. The department shall administer the fund. The Ohio 17844  
housing finance agency shall use money allocated to it for 17845  
implementing and administering its programs and duties under 17846  
sections 174.03 and 174.05 of the Revised Code, and the 17847  
department shall use the remaining money in the fund for 17848  
implementing and administering its programs and duties under 17849  
sections 174.03 to 174.06 of the Revised Code. Use of all money 17850  
drawn from the fund is subject to the following restrictions: 17851

(1) (a) Not more than five per cent of the current year 17852  
appropriation authority for the fund shall be allocated between 17853  
grants to community development corporations for the community 17854  
development corporation grant program and grants and loans to 17855  
the Ohio community development finance fund, a private nonprofit 17856  
corporation. 17857

(b) In any year in which the amount in the fund exceeds 17858  
one hundred thousand dollars and at least that much is allocated 17859  
for the uses described in this section, not less than one 17860  
hundred thousand dollars shall be used to provide training, 17861  
technical assistance, and capacity building assistance to 17862  
nonprofit development organizations. 17863

(2) Not more than ten per cent of any current year 17864  
appropriation authority for the fund shall be used for the 17865  
emergency shelter housing grants program to make grants to 17866

private, nonprofit organizations and municipal corporations, 17867  
counties, and townships for emergency shelter housing for the 17868  
homeless and emergency shelter facilities serving unaccompanied 17869  
youth seventeen years of age and younger. The grants shall be 17870  
distributed pursuant to rules the director adopts and qualify as 17871  
matching funds for funds obtained pursuant to the McKinney Act, 17872  
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 17873

(3) In any fiscal year in which the amount in the fund 17874  
exceeds the amount awarded pursuant to division (A) (1) (b) of 17875  
this section by at least two hundred fifty thousand dollars, at 17876  
least two hundred fifty thousand dollars from the fund shall be 17877  
provided to the department of aging for the resident services 17878  
coordinator program as established in section 173.08 of the 17879  
Revised Code. 17880

(4) Of all current year appropriation authority for the 17881  
fund, not more than five per cent shall be used for 17882  
administration. 17883

(5) Not less than forty-five per cent of the funds awarded 17884  
during any one fiscal year shall be for grants and loans to 17885  
nonprofit organizations under section 174.03 of the Revised 17886  
Code. 17887

(6) Not less than fifty per cent of the funds awarded 17888  
during any one fiscal year, excluding the amounts awarded 17889  
pursuant to divisions (A) (1), (2), and (7) of this section, 17890  
shall be for grants and loans for activities that provide 17891  
housing and housing assistance to families and individuals in 17892  
rural areas and small cities that are not eligible to 17893  
participate as a participating jurisdiction under the "HOME 17894  
Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 17895  
12701 note, 12721. 17896

(7) No money in the fund shall be used to pay for any 17897  
legal services other than the usual and customary legal services 17898  
associated with the acquisition of housing. 17899

(8) Money in the fund may be used as matching money for 17900  
federal funds received by the state, counties, municipal 17901  
corporations, and townships for the activities listed in section 17902  
174.03 of the Revised Code. 17903

(B) If, after the second quarter of any year, it appears 17904  
to the director that the full amount of the money in the fund 17905  
designated in that year for activities that provide housing and 17906  
housing assistance to families and individuals in rural areas 17907  
and small cities under division (A) of this section will not be 17908  
used for that purpose, the director may reallocate all or a 17909  
portion of that amount for other housing activities. In 17910  
determining whether or how to reallocate money under this 17911  
division, the director may consult with and shall receive advice 17912  
from the housing trust fund advisory committee. 17913

**Sec. 175.16.** (A) As used in this section: 17914

(1) "Federal credit" means the tax credit authorized under 17915  
section 42 of the Internal Revenue Code. 17916

(2) "Credit period," "qualified low-income building," and 17917  
"qualified basis" have the same meanings as in section 42 of the 17918  
Internal Revenue Code. 17919

(3) "Qualified project" means a qualified low-income 17920  
building that is located in Ohio, is placed in service on or 17921  
after July 1, 2023, and for which the director reserves a tax 17922  
credit under division (B) of this section before July 1, 2027. 17923

(4) "Pass-through entity" has the same meaning as in 17924  
section 5733.04 of the Revised Code. 17925

(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits. 17926  
17927  
17928

(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section. 17929  
17930  
17931

(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an eligibility certificate. 17932  
17933  
17934

(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity. 17935  
17936  
17937  
17938

(9) "Person" has the same meaning as in section 5701.01 of the Revised Code. 17939  
17940

(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period. 17941  
17942  
17943  
17944

(11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within section 42 of the Internal Revenue Code. 17945  
17946  
17947  
17948  
17949

(12) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code. 17950  
17951

(13) "Designated reporter" means the project owner or one of the project owner's equity owners designated pursuant to 17952  
17953



division (I)(1) of this section. 17954

(14) "Director" means the executive director of the Ohio 17955  
housing finance agency. 17956

(B) Except as otherwise provided by this division, the 17957  
director, upon allocating a federal credit and issuing a binding 17958  
reservation or letter of eligibility, pursuant to the Ohio 17959  
housing finance agency's qualified allocation plan, for a 17960  
qualified low-income building that is located in this state and 17961  
placed in service on or after July 1, 2023, may reserve a tax 17962  
credit under this section for the project owners so long as 17963  
doing so will not result in exceeding the annual credit cap 17964  
prescribed by division (C) of this section. The director shall 17965  
not reserve a tax credit under this section after June 30, 2027. 17966

The director shall send written notice of the reservation 17967  
to each project owner. The notice shall state the aggregate 17968  
credit amount reserved for all years of the qualified project's 17969  
credit period and stipulate that receipt of the credit is 17970  
contingent upon issuance of an eligibility certificate and 17971  
filing the information described in division (I) of this 17972  
section. Upon receipt of that notice, the owner shall provide 17973  
the identity of the owner's designated reporter to the director. 17974

The director shall determine the credit amount reserved 17975  
for each qualified project. The reserved credit amount shall not 17976  
exceed the amount necessary, when combined with the federal 17977  
credit, to ensure the financial feasibility of the qualified 17978  
project. 17979

The director shall reserve credits in a manner that 17980  
ensures that a qualified project is creating additional housing 17981  
units that would not have otherwise been created with other 17982

state, federal, or private financing. The director may assess 17983  
application, processing, and reporting fees to cover the cost of 17984  
administering the tax credit authorized under this section. 17985

(C) The aggregate amount of credits reserved by the 17986  
director under division (B) of this section in a fiscal year 17987  
shall not exceed the sum of (1) one hundred million dollars, (2) 17988  
the amount, if any, by which the credit cap prescribed by this 17989  
division for the preceding fiscal year exceeds the credits 17990  
reserved by the director in that year, and (3) the amount of tax 17991  
credits recaptured or otherwise disallowed under division (G) of 17992  
this section in the preceding fiscal year. 17993

For the purpose of computing and determining compliance 17994  
with the credit cap prescribed by this division, the credit 17995  
amount reserved for the project owners of a qualified project is 17996  
the full amount for all years of the qualified project's credit 17997  
period. 17998

(D) Immediately after approving the final cost 17999  
certification for a qualified project for which a tax credit 18000  
under this section is reserved, or upon otherwise determining 18001  
the qualified basis of the qualified project and the date it was 18002  
placed into service as required by section 42(m) of the Internal 18003  
Revenue Code, the director shall compute the annual credit 18004  
amount and issue an eligibility certificate to each project 18005  
owner. The director shall send copies of all eligibility 18006  
certificates issued each calendar year to the tax commissioner 18007  
and the superintendent of insurance. 18008

The annual credit amount shall equal the lesser of the 18009  
following: 18010

(1) The amount of the federal credit that would be awarded 18011

to the project owners for the first year of the credit period if 18012  
not for the adjustment required under section 42(f)(2) of the 18013  
Internal Revenue Code; 18014

(2) One-tenth of the reserved credit amount stated in the 18015  
notice issued under division (B) of this section. 18016

(E) Each eligibility certificate shall state the annual 18017  
credit amount, the years that comprise the credit period, the 18018  
name, address, and taxpayer identification number of each 18019  
project owner, each owner's designated reporter, the date the 18020  
certificate is issued, a unique identifying number, and any 18021  
additional information prescribed by a rule adopted under 18022  
division (H) of this section. A project owner, if the project 18023  
owner is a pass-through entity, shall provide a copy of the 18024  
eligibility certificate and any information described in 18025  
division (I) of this section to each equity owner that has been 18026  
allocated a credit under division (F)(2) of this section, if 18027  
requested. 18028

(F)(1) For each year of a qualified project's credit 18029  
period, the project owner or an equity owner may claim a 18030  
nonrefundable credit against the tax imposed by section 5725.18, 18031  
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal 18032  
to all or a portion of the annual credit amount stated on the 18033  
eligibility certificate. The credit shall be claimed in the 18034  
manner prescribed by section 5725.36, 5726.58, 5729.19, or 18035  
5747.83 of the Revised Code, as applicable. 18036

(2) If a project owner is a pass-through entity, the 18037  
annual credit amount for any year of a qualified project's 18038  
credit period may be allocated by the project owner among one or 18039  
more equity owners and may be applied by those equity owners 18040  
against more than one tax, but the total credits claimed in 18041

connection with that year of the qualified project's credit 18042  
period by all project owners and equity owners against all taxes 18043  
shall not exceed the annual credit amount stated on the 18044  
eligibility certificate. 18045

(3) A project owner or equity owner may claim the credit 18046  
authorized by this section after the date the qualified project 18047  
is placed into service but not before the director issues the 18048  
project owner an eligibility certificate under division (D) of 18049  
this section and the applicable report required by division (I) 18050  
of this section is filed by the designated reporter. 18051

(4) A project owner or equity owner that claims a tax 18052  
credit under division (F)(1) of this section shall submit a copy 18053  
of the eligibility certificate with the project owner's or 18054  
equity owner's tax return or report. Upon request of the tax 18055  
commissioner or the superintendent of insurance, any project 18056  
owner or equity owner claiming a tax credit under this section 18057  
shall provide the commissioner or superintendent other 18058  
documentation that may be necessary to verify that the project 18059  
owner or equity owner is entitled to claim the credit. 18060

(5) A project owner that is a pass-through entity may 18061  
allocate the credit authorized by this section to its equity 18062  
owners under division (F)(2) of this section in any manner 18063  
agreed to by such persons regardless of whether such equity 18064  
owners are eligible for an allocation of the federal credit, 18065  
whether the allocation of the credit under the terms of the 18066  
agreement has substantial economic effect within the meaning of 18067  
section 704(b) of the Internal Revenue Code, and whether any 18068  
such person is deemed a partner of the project owner or equity 18069  
owner for federal income tax purposes as long as the equity 18070  
owner acquired its ownership interest prior to claiming the 18071

credit. The allocation shall be allowed without regard to any 18072  
provision of the Internal Revenue Code, or regulation 18073  
promulgated pursuant to it, that may be interpreted as contrary 18074  
to the allocation, including, without limitation, the treatment 18075  
of the allocation as a disguised sale. 18076

An equity owner may assign all or any part of its interest 18077  
in a qualified project, including its interest in the tax 18078  
credits authorized by this section, to one or more other equity 18079  
owners, and each assignee shall be able to claim the credit so 18080  
long as its interest is acquired prior to the filing of its tax 18081  
return or report or amended tax return or report claiming the 18082  
credit and the assignee's ownership interest is identified in 18083  
the report required by division (I) of this section. 18084

(6) Nothing in this section or section 5725.36, 5726.58, 18085  
5729.19, or 5747.83 of the Revised Code allows the assignment or 18086  
transfer of any carryforward of the credit authorized under this 18087  
section once the annual credit amount is claimed. 18088

(G) If any portion of the federal credit allocated to a 18089  
qualified project is recaptured under section 42(j) of the 18090  
Internal Revenue Code or is otherwise disallowed, the director 18091  
shall recapture a proportionate amount of the tax credit claimed 18092  
pursuant to this section in connection with the same qualified 18093  
project. 18094

If the director determines to recapture such a tax credit, 18095  
the director shall certify the name of each project owner and 18096  
the amount to be recaptured to the tax commissioner and to the 18097  
superintendent of insurance. The commissioner or superintendent 18098  
shall determine the taxpayer or taxpayers that claimed the 18099  
credit, the tax against which the credit was claimed, and the 18100  
amount to be recaptured and make an assessment against the 18101

taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 18102  
5747. of the Revised Code, as applicable, for the amount of the 18103  
tax credit to be recaptured. The time limitations on assessments 18104  
under those chapters do not bar an assessment made under this 18105  
division. 18106

(H) The director, in consultation with the tax 18107  
commissioner and superintendent of insurance, shall adopt any 18108  
rules necessary to implement this section in accordance with 18109  
Chapter 119. of the Revised Code. 18110

(I) (1) For each calendar year, a designated reporter shall 18111  
provide the tax commissioner ~~and the superintendent of~~ 18112  
~~insurance~~, in the form prescribed by the tax commissioner in 18113  
consultation with the superintendent of insurance, all of the 18114  
following: 18115

(a) The name, address, and taxpayer identification number 18116  
of each project owner and equity owner that has been allocated a 18117  
portion of the annual credit awarded on the eligibility 18118  
certificate for that year; 18119

(b) The amount of the annual credit allocated to each such 18120  
project owner and equity owner for such year and the tax against 18121  
which the credit will be claimed; 18122

(c) The total of the amounts listed for each project owner 18123  
and equity owner under division (I) (1) (b) of this section, 18124  
demonstrating that the total does not exceed the amount listed 18125  
on the eligibility certificate for that year. 18126

(2) A designated reporter shall notify the tax 18127  
commissioner ~~and the superintendent of insurance~~ of any changes 18128  
to the information reported in division (I) (1) of this section 18129  
in the time and manner prescribed by the commissioner ~~and~~ 18130

superintendent. 18131

(3) No credit allocated under this section may be claimed 18132  
by a project owner or equity owner for a year unless that owner 18133  
and the amount of the credit allocated to that owner appear on 18134  
the report required by division (I)(1) of this section for that 18135  
year. 18136

The tax commissioner shall provide a copy of the report, 18137  
and any subsequent changes to the report, submitted by the 18138  
designated reporter under division (I) of this section to the 18139  
superintendent of insurance in the time and manner agreed to by 18140  
the commissioner and superintendent. 18141

**Sec. 175.17.** (A) As used in this section: 18142

(1) "Qualified project" means a project to develop single- 18143  
family dwellings in this state that satisfies any qualifications 18144  
established by the director under division (I) of this section. 18145

(2) "Pass-through entity" has the same meaning as in 18146  
section 5733.04 of the Revised Code. 18147

(3) "Reserved credit amount" means the amount determined 18148  
by the director and stipulated in the notice sent under division 18149  
(B) of this section. 18150

(4) "Annual credit amount" means the amount computed by 18151  
the director under division (D) of this section before issuing 18152  
an eligibility certificate. 18153

(5) "Equity owner" means any person who directly or 18154  
indirectly, through one or more pass-through entities, is a 18155  
member, partner, or shareholder of a pass-through entity. 18156

(6) "Person" has the same meaning as in section 5701.01 of 18157  
the Revised Code. 18158

- (7) "Eligibility certificate" means a certificate issued 18159  
by the director to a project development owner under division 18160  
(D) of this section. 18161
- (8) "Project development owner" means a unit of government 18162  
that owns a qualified project. 18163
- (9) "Affordability period" means the period that commences 18164  
on the date of sale of a single-family dwelling constructed as 18165  
part of a qualified project to the initial qualified buyer and 18166  
continues through subsequent qualified buyers for ten years. 18167
- (10) "Designated reporter" means the project development 18168  
owner or one of the owner's direct or indirect partners, 18169  
members, or shareholders, as selected by the owner under 18170  
division (B) of this section. 18171
- (11) "Project development investor" means any person that 18172  
contributes capital to a qualified project in exchange for an 18173  
allocation of a tax credit under this section. 18174
- (12) "Credit period" means the ten-year period that begins 18175  
in the year the eligibility certificate is issued. 18176
- (13) "Director" means the executive director of the Ohio 18177  
housing finance agency. 18178
- (14) "Unit of government" means a county, township, 18179  
municipal corporation, regional planning commission, community 18180  
improvement corporation, economic development corporation, or 18181  
county land reutilization corporation organized under Chapter 18182  
1724. of the Revised Code, or port authority. 18183
- (15) "Project development team" means the group of 18184  
entities that develops, constructs, reports, appraises, 18185  
finances, and services the associated properties of a qualified 18186



project in partnership with the project development owner. 18187

(B) (1) A project development owner may submit an 18188  
application to the director for a credit reservation under this 18189  
section on a form and in a manner that the director shall 18190  
prescribe. On the application, the project development owner 18191  
shall provide all of the following: 18192

(a) The name and address of the project development 18193  
owner's designated reporter; 18194

(b) The names and addresses of all members of the project 18195  
development team; 18196

(c) An estimate of the qualified project's development 18197  
costs; 18198

(d) Any other information as the director may require 18199  
pursuant to division (I) of this section. 18200

The director shall competitively evaluate and approve 18201  
applications and award tax credit reservations under this 18202  
section for a qualified project in accordance with the plan 18203  
adopted under division (I) (1) of this section. The director 18204  
shall determine the credit amount reserved for each qualified 18205  
project, which shall not exceed the difference between the total 18206  
estimated development costs included with the application and 18207  
the appraised market value of all homes in the finished project, 18208  
as estimated by the director. The director shall not reserve a 18209  
credit under this section if doing so would exceed the annual 18210  
limit prescribed by division (B) (3) of this section. 18211

(2) The director shall send written notice of the tax 18212  
credit reservation to the project development owner of an 18213  
approved qualified project. The notice shall state the aggregate 18214  
credit amount reserved for all years of the qualified project's 18215

credit period and stipulate that receipt of the credit is 18216  
contingent upon issuance of an eligibility certificate and 18217  
filing the information required by division (H) of this section. 18218

(3) The amount of credits reserved by the director under 18219  
division (B) of this section in a fiscal year shall not exceed 18220  
the sum of (a) fifty million dollars, (b) the amount, if any, by 18221  
which the credit allocation prescribed by this division for the 18222  
preceding fiscal year exceeds the credits reserved by the 18223  
director in that year, and (c) the amount of tax credits 18224  
recaptured, assessed, and collected by the tax commissioner or 18225  
superintendent of insurance, and disallowed or subject to 18226  
reduction under this section in the preceding fiscal year. For 18227  
the purpose of computing and determining compliance with the 18228  
credit allocation prescribed by division (B) (3) of this section, 18229  
the credit amount reserved for the project development owner is 18230  
the full amount for all years of the qualified project's credit 18231  
period. 18232

(4) The director shall not reserve a tax credit under this 18233  
section after June 30, 2027. 18234

(C) The project development owner shall maintain ownership 18235  
of a qualified project and associated single-family dwellings 18236  
until the dwellings are sold to qualified buyers. The project 18237  
development team shall service the associated properties of a 18238  
qualified project for the duration of the applicable 18239  
affordability period. 18240

The qualified buyer of a single-family home constructed as 18241  
part of a qualified project for which a tax credit was reserved 18242  
under this section shall occupy the home as the buyer's primary 18243  
residence during the affordability period. 18244

(D) Upon completion of a qualified project for which a tax credit was reserved under this section, the project development owner shall notify the director and provide a final development cost certification for approval. After receipt of this notice, the director shall appraise the project's dwellings. Immediately after approving the final cost certification, the director shall compute the amount of the tax credit that may be claimed in each year and issue an eligibility certificate to the project development owner. That annual amount, which shall be stated on the certificate, shall equal one-tenth of the reserved credit amount stated in the notice issued under division (B) of this section, subject to any reduction or increase as the result of the approval of the final cost certification and the appraisal conducted under this division.

(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and the taxpayer identification number of the project development owner, the project development owner's designated reporter, and all members of the project development team along with the date the certificate is issued, a unique identifying number, and any additional information the director may require by rule. The director shall certify a copy of each eligibility certificate to the tax commissioner and the superintendent of insurance.

(F) (1) For each year of a qualified project's credit period, a project development owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount listed on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of

the Revised Code. 18276

(2) A project development owner may or, if the owner is 18277  
not subject to any tax against which the credit authorized under 18278  
this section may be claimed, shall allocate all or a portion of 18279  
the annual credit amount for any year of a qualified project's 18280  
credit period among one or more project development investors. 18281  
Such allocated credits may be applied by those project 18282  
development investors or the equity owners of such an investor 18283  
that is a pass-through entity against more than one tax, as 18284  
applicable, but the total credits claimed for that year of the 18285  
qualified project's credit period by all project development 18286  
investors and equity owners shall not exceed the annual credit 18287  
amount stated on the eligibility certificate. 18288

(3) A project development investor or the equity owner of 18289  
such an investor that is a pass-through entity may claim the 18290  
credit authorized by this section after the date the director 18291  
issues an eligibility certificate under division (D) of this 18292  
section and the applicable annual report required by division 18293  
(H) of this section is filed by the designated reporter. 18294

(4) A project development investor or equity owner that 18295  
claims a tax credit under division (F) (2) of this section shall 18296  
submit a copy of the eligibility certificate with the investor's 18297  
or equity owner's tax return. Upon request of the tax 18298  
commissioner or the superintendent of insurance, any project 18299  
development investor or equity owner claiming a tax credit under 18300  
that division shall provide the tax commissioner or 18301  
superintendent other documentation that may be necessary to 18302  
verify that the project development investor or equity owner is 18303  
entitled to claim the credit. 18304

(G) The director may disallow or recapture any portion of 18305

a credit if the project development owner or the project  
development owner's qualified project does not or ceases to  
qualify for the credit. If the director determines to recapture  
such a tax credit, the director shall certify the name of the  
project development owner, and the amount to be recaptured to  
the tax commissioner and to the superintendent of insurance. The  
tax commissioner or superintendent shall determine the taxpayer  
or taxpayers that claimed the credit, the tax against which the  
credit was claimed, and the amount to be recaptured and make an  
assessment against the taxpayer or taxpayers under Chapter  
5725., 5726., 5729., or 5747. of the Revised Code, as  
applicable, for the amount to be recaptured. The time  
limitations on assessments under those chapters do not bar an  
assessment made under this division.

(H) For each calendar year, a designated reporter shall  
provide the following information to the ~~director tax~~  
commissioner on a form prescribed by the ~~director commissioner~~  
in consultation with ~~the tax commissioner and~~ the superintendent  
of insurance:

(1) A list of each project development investor or equity  
owner that has been allocated a portion of the annual credit  
awarded in an eligibility certificate for that year, including  
the investor or owner's name, address, taxpayer identification  
number, and the tax against which the credit will be claimed by  
each.

(2) For each project development investor or equity owner,  
the amount of annual credit that has been allocated for that  
year.

(3) An aggregate list of the credit amount allocated for a  
qualified project demonstrating that the aggregate annual amount

of the credits allocated does not exceed the aggregate annual 18336  
credit awarded in the eligibility certificate. 18337

A designated reporter shall notify the ~~director tax~~ 18338  
commissioner of any changes to the information reported under 18339  
division (H) of this section in the time and manner prescribed 18340  
by the ~~director~~commissioner. The ~~director-commissioner~~ shall 18341  
provide a copy of the report, and any subsequent changes to the 18342  
report, submitted by the designated reporter under division (H) 18343  
of this section to ~~the tax commissioner and~~ the superintendent 18344  
of insurance in the time and manner ~~prescribed~~ agreed to by the 18345  
commissioner and superintendent. 18346

No credits allocated under this section may be claimed 18347  
unless the credits are listed on the report required by division 18348  
(H) of this section. 18349

(I) (1) The director shall adopt a plan for competitively 18350  
awarding tax credits under this section. The plan shall 18351  
establish the criteria and metrics under which projects will be 18352  
assessed for qualification and may allocate tax credits in a 18353  
pooled manner. 18354

(2) The director may assess application, processing, and 18355  
reporting fees to cover the cost of administering this section. 18356

(3) The director, in consultation with the tax 18357  
commissioner and the superintendent of insurance, shall adopt 18358  
any rules necessary to implement this section in accordance with 18359  
Chapter 119. of the Revised Code. Such rules may include all of 18360  
the following: 18361

(a) Supplementary definitions as may be necessary to 18362  
administer this section. 18363

(b) Underwriting criteria to assess the risk associated 18364

with any application and determine appropriate criteria to deny 18365  
an application based upon risk. 18366

(c) Criteria by which a project development owner shall be 18367  
responsible for any or all risk associated with a qualified 18368  
project such as homeowner abandonment, default, foreclosure, or 18369  
other such risks. 18370

(d) Criteria to maintain the affordability of each of a 18371  
qualified project's single-family dwellings during the 18372  
affordability period, which may include a deed restriction held 18373  
by the project development owner for some or all of the amount 18374  
of the tax credit or any appreciated value of the property. 18375

(e) Requirements that the project development owner 18376  
provide certain capital assets or other investments that 18377  
contribute to the affordability of the project. 18378

(f) Criteria to be used in determining whether an 18379  
individual is a qualified buyer. 18380

(g) Criteria regarding the purchase, ownership, and sale 18381  
of completed qualified project single-family dwellings. 18382

(h) The manner of determining the project's development 18383  
costs and the appraised market value of qualified project 18384  
single-family dwellings. 18385

(i) Any other qualifications a project must meet to 18386  
qualify as a qualified project. 18387

**Sec. 305.03.** ~~(A) (1) (A)~~ Whenever any county officer, ~~except~~ 18388  
~~the county auditor or county treasurer,~~ fails to perform the 18389  
duties of office for ~~ninety~~ thirty consecutive days, except in 18390  
case of sickness or injury as provided in divisions (B) and (C) 18391  
of this section, the office shall be deemed vacant. Performing 18392

the duties of office includes a county officer appearing in 18393  
person at the officer's principal office location on at least 18394  
one out of thirty consecutive days. 18395

~~(2) Whenever any county auditor or county treasurer fails~~ 18396  
~~to perform the duties of office for thirty consecutive days,~~ 18397  
~~except in case of sickness or injury as provided in divisions~~ 18398  
~~(B) and (C) of this section, the office shall be deemed vacant.~~ 18399

(B) Whenever any county officer is absent because of 18400  
sickness or injury, the officer shall cause to be filed with the 18401  
board of county commissioners a certificate from a physician, 18402  
certified nurse-midwife, clinical nurse specialist, or certified 18403  
nurse practitioner of the officer's sickness or injury. If the 18404  
certificate is not filed with the board within ten days after 18405  
the expiration of thirty consecutive days, ~~in the case of a~~ 18406  
~~county auditor or county treasurer, or within ten days after the~~ 18407  
~~expiration of ninety consecutive days of absence, in the case of~~ 18408  
~~all other county officers, the office shall be deemed vacant.~~ 18409

(C) Whenever a county officer files a certificate under 18410  
division (B) of this section, but continues to be absent for an 18411  
additional thirty days commencing immediately after the last day 18412  
on which this certificate may be filed under division (B) of 18413  
this section, the office shall be deemed vacant. 18414

(D) If at any time two county commissioners in a county 18415  
are absent and have filed a certificate under division (B) of 18416  
this section, the county coroner, in addition to performing the 18417  
duties of coroner, shall serve as county commissioner until at 18418  
least one of the absent commissioners returns to office or until 18419  
the office of at least one of the absent commissioners is deemed 18420  
vacant under this section and the vacancy is filled. If the 18421  
coroner so requests, the coroner shall be paid a per diem rate 18422



for the coroner's service as a commissioner. That per diem rate 18423  
shall be the annual salary specified by law for a county 18424  
commissioner of that county whose term of office began in the 18425  
same year as the coroner's term of office began, divided by the 18426  
number of days in the year. 18427

While the coroner is serving as a county commissioner, the 18428  
coroner shall be considered an acting county commissioner and 18429  
shall perform the duties of the office of county commissioner 18430  
until at least one of the absent commissioners returns to office 18431  
or until the office of at least one of the absent commissioners 18432  
is deemed vacant. Before assuming the office of acting county 18433  
commissioner, the coroner shall take an oath of office as 18434  
provided in sections 3.22 and 3.23 of the Revised Code. The 18435  
coroner's service as an acting county commissioner does not 18436  
constitute the holding of an incompatible public office or 18437  
employment in violation of any statutory or common law 18438  
prohibition against the simultaneous holding of more than one 18439  
public office or employment. 18440

The coroner shall give a new bond in the same amount and 18441  
signed and approved as provided in section 305.04 of the Revised 18442  
Code. The bond shall be conditioned for the faithful discharge 18443  
of the coroner's duties as acting county commissioner and for 18444  
the payment of any loss or damage that the county may sustain by 18445  
reason of the coroner's failure in those duties. The bond, along 18446  
with the oath of office and approval of the probate judge 18447  
indorsed on it, shall be deposited and paid for as provided for 18448  
the bonds in section 305.04 of the Revised Code. 18449

(E) Any vacancy declared under this section shall be 18450  
filled in the manner provided by section 305.02 of the Revised 18451  
Code. 18452

(F) This section shall not apply to a county officer while 18453  
in the active military service of the United States. 18454

**Sec. 307.05.** As used in this section, "emergency medical 18455  
service organization" has the same meaning as in section 4765.01 18456  
of the Revised Code. 18457

A board of county commissioners may operate an ambulance 18458  
service organization or emergency medical service organization, 18459  
or, in counties with a population of ~~forty-sixty~~ thousand or 18460  
less, may operate a nonemergency patient transport service 18461  
organization, or may enter into a contract with one or more 18462  
counties, townships, municipal corporations, nonprofit 18463  
corporations, joint emergency medical services districts, fire 18464  
and ambulance districts, or private ambulance owners, regardless 18465  
of whether such counties, townships, municipal corporations, 18466  
nonprofit corporations, joint emergency medical services 18467  
districts, fire and ambulance districts, or private ambulance 18468  
owners are located within or without the state, in order to 18469  
furnish or obtain the services of ambulance service 18470  
organizations, to furnish or obtain additional services from 18471  
ambulance service organizations in times of emergency, to 18472  
furnish or obtain the services of emergency medical service 18473  
organizations, or, in counties with a population of ~~forty-sixty~~ 18474  
thousand or less, to furnish or obtain services of nonemergency 18475  
patient transport service organizations, or may enter into a 18476  
contract with any such entity to furnish or obtain the 18477  
interchange of services from ambulance or emergency medical 18478  
service organizations, or, within counties with a population of 18479  
~~forty-sixty~~ thousand or less, to furnish or obtain the 18480  
interchange of services from nonemergency patient transport 18481  
service organizations, within the territories of the contracting 18482  
subdivisions. Except in the case of a contract with a joint 18483

emergency medical services district to obtain the services of 18484  
emergency medical service organizations, such contracts shall 18485  
not be entered into with a public agency or nonprofit 18486  
corporation that receives more than half of its operating funds 18487  
from governmental entities with the intention of directly 18488  
competing with the operation of other ambulance service 18489  
organizations, nonemergency patient transport service 18490  
organizations, or emergency medical service organizations in the 18491  
county unless the public agency or nonprofit corporation is 18492  
awarded the contract after submitting the lowest and best bid to 18493  
the board of county commissioners. Any county wishing to 18494  
commence operation of a nonemergency patient transport service 18495  
organization or wishing to enter into a contract for the first 18496  
time to furnish or obtain services from a nonemergency patient 18497  
transport service organization on or after March 1, 1993, 18498  
including a county in which a private provider has been 18499  
providing the service, shall demonstrate the need for public 18500  
funding for the service to, and obtain approval from, the state 18501  
board of emergency medical, fire, and transportation services or 18502  
its immediate successor board prior to operating or funding the 18503  
organization. 18504

When such an organization is operated by the board, the 18505  
organization may be administered by the board, by the county 18506  
sheriff, or by another county officer or employee designated by 18507  
the board. All rules, including the determining of reasonable 18508  
rates, necessary for the establishment, operation, and 18509  
maintenance of such an organization shall be adopted by the 18510  
board. 18511

A contract for services of an ambulance service, 18512  
nonemergency patient transport service, or emergency medical 18513  
service organization shall include the terms, conditions, and 18514

stipulations as agreed to by the parties to the contract. It may 18515  
provide for a fixed annual charge to be paid at the times agreed 18516  
upon and stipulated in the contract, or for compensation based 18517  
upon a stipulated price for each run, call, or emergency or the 18518  
number of persons or pieces of apparatus employed, or the 18519  
elapsed time of service required in such run, call, or 18520  
emergency, or any combination thereof. 18521

**Sec. 307.86.** Anything to be purchased, leased, leased with 18522  
an option or agreement to purchase, or constructed, including, 18523  
but not limited to, any product, structure, construction, 18524  
reconstruction, improvement, maintenance, repair, or service, 18525  
except the services of an accountant, architect, attorney at 18526  
law, physician, professional engineer, construction project 18527  
manager, consultant, surveyor, or appraiser, by or on behalf of 18528  
the county or contracting authority, as defined in section 18529  
307.92 of the Revised Code, at a cost in excess of the amount 18530  
specified in section 9.17 of the Revised Code, except as 18531  
otherwise provided in division (D) of section 713.23 and in 18532  
sections 9.48, 125.04, ~~125.60 to 125.601~~125.601, 307.022, 18533  
307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 18534  
5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, 18535  
shall be obtained through competitive bidding. No purchase, 18536  
lease, project, or other transaction subject to this section 18537  
shall be divided into component parts, separate projects, or 18538  
separate items of work in order to avoid the requirements of 18539  
this section. However, competitive bidding is not required when 18540  
any of the following applies: 18541

(A) The board of county commissioners, by a unanimous vote 18542  
of its members, makes a determination that a real and present 18543  
emergency exists, and that determination and the reasons for it 18544  
are entered in the minutes of the proceedings of the board, when 18545

any of the following applies: 18546

(1) The estimated cost is less than one hundred twenty- 18547  
five thousand dollars. 18548

(2) There is actual physical disaster to structures, radio 18549  
communications equipment, or computers. 18550

(3) The product to be purchased is personal protective 18551  
equipment and the purchase is completed during the period of the 18552  
emergency declared by Executive Order 2020-01D, issued on March 18553  
9, 2020. 18554

For purposes of this division: 18555

"Personal protective equipment" means equipment worn to 18556  
minimize exposure to hazards that cause workplace injuries and 18557  
illnesses. 18558

"Unanimous vote" means all three members of a board of 18559  
county commissioners when all three members are present, or two 18560  
members of the board if only two members, constituting a quorum, 18561  
are present. 18562

Whenever a contract of purchase, lease, or construction is 18563  
exempted from competitive bidding under division (A) (1) of this 18564  
section because the estimated cost is less than one hundred 18565  
twenty-five thousand dollars, but the estimated cost is the 18566  
amount specified in section 9.17 of the Revised Code or more, 18567  
the county or contracting authority shall solicit informal 18568  
estimates from no fewer than three persons who could perform the 18569  
contract, before awarding the contract. With regard to each such 18570  
contract, the county or contracting authority shall maintain a 18571  
record of such estimates, including the name of each person from 18572  
whom an estimate is solicited. The county or contracting 18573  
authority shall maintain the record for the longer of at least 18574

one year after the contract is awarded or the amount of time the federal government requires. 18575  
18576

(B) (1) The purchase consists of supplies or a replacement 18577  
or supplemental part or parts for a product or equipment owned 18578  
or leased by the county, and the only source of supply for the 18579  
supplies, part, or parts is limited to a single supplier. 18580

(2) The purchase consists of services related to 18581  
information technology, such as programming services, that are 18582  
proprietary or limited to a single source. 18583

(C) The purchase is from the federal government, the 18584  
state, another county or contracting authority of another 18585  
county, or a board of education, educational service center, 18586  
township, or municipal corporation. 18587

(D) The purchase is made by a county department of job and 18588  
family services under section 329.04 of the Revised Code and 18589  
consists of family services duties or workforce development 18590  
activities or is made by a county board of developmental 18591  
disabilities under section 5126.05 of the Revised Code and 18592  
consists of program services, such as direct and ancillary 18593  
client services, child care, case management services, 18594  
residential services, and family resource services. 18595

(E) The purchase consists of criminal justice services, 18596  
social services programs, family services, or workforce 18597  
development activities by the board of county commissioners from 18598  
nonprofit corporations or associations under programs funded by 18599  
the federal government or by state grants. 18600

(F) The purchase consists of any form of an insurance 18601  
policy or contract authorized to be issued under Title XXXIX of 18602  
the Revised Code or any form of health care plan authorized to 18603

be issued under Chapter 1751. of the Revised Code, or any 18604  
combination of such policies, contracts, plans, or services that 18605  
the contracting authority is authorized to purchase, and the 18606  
contracting authority does all of the following: 18607

(1) Determines that compliance with the requirements of 18608  
this section would increase, rather than decrease, the cost of 18609  
the purchase; 18610

(2) Requests issuers of the policies, contracts, plans, or 18611  
services to submit proposals to the contracting authority, in a 18612  
form prescribed by the contracting authority, setting forth the 18613  
coverage and cost of the policies, contracts, plans, or services 18614  
as the contracting authority desires to purchase; 18615

(3) Negotiates with the issuers for the purpose of 18616  
purchasing the policies, contracts, plans, or services at the 18617  
best and lowest price reasonably possible. 18618

(G) The purchase consists of computer hardware, software, 18619  
or consulting services that are necessary to implement a 18620  
computerized case management automation project administered by 18621  
the Ohio prosecuting attorneys association and funded by a grant 18622  
from the federal government. 18623

(H) Child care services are purchased for provision to 18624  
county employees. 18625

(I) (1) Property, including land, buildings, and other real 18626  
property, is leased for offices, storage, parking, or other 18627  
purposes, and all of the following apply: 18628

(a) The contracting authority is authorized by the Revised 18629  
Code to lease the property. 18630

(b) The contracting authority develops requests for 18631

proposals for leasing the property, specifying the criteria that 18632  
will be considered prior to leasing the property, including the 18633  
desired size and geographic location of the property. 18634

(c) The contracting authority receives responses from 18635  
prospective lessors with property meeting the criteria specified 18636  
in the requests for proposals by giving notice in a manner 18637  
substantially similar to the procedures established for giving 18638  
notice under section 307.87 of the Revised Code. 18639

(d) The contracting authority negotiates with the 18640  
prospective lessors to obtain a lease at the best and lowest 18641  
price reasonably possible considering the fair market value of 18642  
the property and any relocation and operational costs that may 18643  
be incurred during the period the lease is in effect. 18644

(2) The contracting authority may use the services of a 18645  
real estate appraiser to obtain advice, consultations, or other 18646  
recommendations regarding the lease of property under this 18647  
division. 18648

(J) The purchase is made pursuant to section 5139.34 or 18649  
sections 5139.41 to 5139.46 of the Revised Code and is of 18650  
programs or services that provide case management, treatment, or 18651  
prevention services to any felony or misdemeanor delinquent, 18652  
unruly youth, or status offender under the supervision of the 18653  
juvenile court, including, but not limited to, community 18654  
residential care, day treatment, services to children in their 18655  
home, or electronic monitoring. 18656

(K) The purchase is made by a public children services 18657  
agency pursuant to section 307.92 or 5153.16 of the Revised Code 18658  
and consists of family services, programs, or ancillary services 18659  
that provide case management, prevention, or treatment services 18660



for children at risk of being or alleged to be abused, 18661  
neglected, or dependent children. 18662

(L) The purchase is to obtain the services of emergency 18663  
medical service organizations under a contract made by the board 18664  
of county commissioners pursuant to section 307.05 of the 18665  
Revised Code with a joint emergency medical services district. 18666

(M) The county contracting authority determines that the 18667  
use of competitive sealed proposals would be advantageous to the 18668  
county and the contracting authority complies with section 18669  
307.862 of the Revised Code. 18670

(N) The purchase consists of used supplies and is made at 18671  
a public auction. 18672

Any issuer of policies, contracts, plans, or services 18673  
listed in division (F) of this section and any prospective 18674  
lessor under division (I) of this section may have the issuer's 18675  
or prospective lessor's name and address, or the name and 18676  
address of an agent, placed on a special notification list to be 18677  
kept by the contracting authority, by sending the contracting 18678  
authority that name and address. The contracting authority shall 18679  
send notice to all persons listed on the special notification 18680  
list. Notices shall state the deadline and place for submitting 18681  
proposals. The contracting authority shall mail the notices at 18682  
least six weeks prior to the deadline set by the contracting 18683  
authority for submitting proposals. Every five years the 18684  
contracting authority may review this list and remove any person 18685  
from the list after mailing the person notification of that 18686  
action. 18687

Any contracting authority that negotiates a contract under 18688  
division (F) of this section shall request proposals and 18689

negotiate with issuers in accordance with that division at least 18690  
every three years from the date of the signing of such a 18691  
contract, unless the parties agree upon terms for extensions or 18692  
renewals of the contract. Such extension or renewal periods 18693  
shall not exceed six years from the date the initial contract is 18694  
signed. 18695

Any real estate appraiser employed pursuant to division 18696  
(I) of this section shall disclose any fees or compensation 18697  
received from any source in connection with that employment. 18698

As used in division (N) of this section, "supplies" means 18699  
any personal property including equipment, materials, and other 18700  
tangible assets. 18701

**Sec. 307.985.** Each board of county commissioners shall 18702  
develop a written transportation work plan that establishes 18703  
policies regarding the transportation needs of low income 18704  
residents of the county seeking or striving to retain 18705  
employment. In developing the transportation work plan, the 18706  
board shall consult with all of the following: 18707

(A) The county department of job and family services; 18708

(B) If a regional transit authority created under section 18709  
306.32 of the Revised Code serves the county, the regional 18710  
transit authority; 18711

(C) If a community action agency, as defined in section 18712  
~~122.66~~ 5101.311 of the Revised Code, serves the county, the 18713  
community action agency; 18714

(D) As designated by the board of county commissioners, 18715  
representatives of private ~~non-profit~~ nonprofit and government 18716  
entities that work with issues related to economic development, 18717  
employment, and persons with physical disabilities; 18718

(E) Other individuals designated by the board of county commissioners. 18719  
18720

**Sec. 317.36.** (A) The county recorder shall collect the 18721  
low- and moderate-income housing trust fund fee as specified in 18722  
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 18723  
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 18724  
6101.09, and 6115.09 of the Revised Code. The amount of any 18725  
housing trust fund fee the recorder is authorized to collect is 18726  
equal to the amount of any base fee the recorder is authorized 18727  
to collect for services. The housing trust fund fee shall be 18728  
collected in addition to the base fee. 18729

(B) The recorder shall certify the amounts collected as 18730  
housing trust fund fees pursuant to division (A) of this section 18731  
into the county treasury as housing trust fund fees to be ~~paid~~ 18732  
~~to the treasurer of state pursuant to~~ used in accordance with 18733  
section 319.63 of the Revised Code. 18734

(C) The document preservation surcharge collected under 18735  
section 317.32 of the Revised Code is not a base fee under this 18736  
section. 18737

**Sec. 319.54.** (A) On all moneys collected by the county 18738  
treasurer on any tax duplicate of the county, other than estate 18739  
tax duplicates, on all property tax relief reimbursements paid 18740  
to the county under sections 323.156 and 4503.068 and divisions 18741  
(F) and (I) of section 321.24 of the Revised Code, and on all 18742  
moneys received as advance payments of personal property and 18743  
classified property taxes, the county auditor, on settlement 18744  
with the treasurer and tax commissioner, on or before the date 18745  
prescribed by law for such settlement or any lawful extension of 18746  
such date, shall be allowed as compensation for the county 18747  
auditor's services the following percentages: 18748

(1) On the first one hundred thousand dollars, two and one-half per cent; 18749  
18750

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent; 18751  
18752

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent; 18753  
18754

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent. 18755  
18756

If any settlement is not made on or before the date 18757  
prescribed by law for such settlement or any lawful extension of 18758  
such date, the aggregate compensation allowed to the auditor 18759  
shall be reduced one per cent for each day such settlement is 18760  
delayed after the prescribed date. No penalty shall apply if the 18761  
auditor and treasurer grant all requests for advances up to 18762  
ninety per cent of the settlement pursuant to section 321.34 of 18763  
the Revised Code. The compensation allowed in accordance with 18764  
this section on settlements made before the dates prescribed by 18765  
law, or the reduced compensation allowed in accordance with this 18766  
section on settlements made after the date prescribed by law or 18767  
any lawful extension of such date, shall be apportioned ratably 18768  
by the auditor and deducted from the shares or portions of the 18769  
revenue payable to the state as well as to the county, 18770  
townships, municipal corporations, and school districts. 18771

(B) For the purpose of reimbursing county auditors for the 18772  
expenses associated with the increased number of applications 18773  
for reductions in real property taxes under sections 323.152 and 18774  
4503.065 of the Revised Code that result from the amendment of 18775  
those sections by Am. Sub. H.B. 119 of the 127th general 18776  
assembly, there shall be paid from the state's general revenue 18777

fund to the county treasury, to the credit of the real estate 18778  
assessment fund created by section 325.31 of the Revised Code, 18779  
an amount equal to one per cent of the total annual amount of 18780  
property tax relief reimbursement paid to that county under 18781  
sections 323.156 and 4503.068 of the Revised Code for the 18782  
preceding tax year. Payments made under this division shall be 18783  
made at the same times and in the same manner as payments made 18784  
under section 323.156 of the Revised Code. 18785

(C) From all moneys collected by the county treasurer on 18786  
any tax duplicate of the county, other than estate tax 18787  
duplicates, on all property tax relief reimbursements paid to 18788  
the county under sections 323.156 and 4503.068 and divisions (F) 18789  
and (I) of section 321.24 of the Revised Code, and on all moneys 18790  
received as advance payments of personal property and classified 18791  
property taxes, there shall be paid into the county treasury to 18792  
the credit of the real estate assessment fund created by section 18793  
325.31 of the Revised Code, an amount to be determined by the 18794  
county auditor, which shall not exceed the percentages 18795  
prescribed in divisions (C) (1) and (2) of this section. 18796

(1) For payments made after June 30, 2007, and before 18797  
2011, the following percentages: 18798

(a) On the first five hundred thousand dollars, four per 18799  
cent; 18800

(b) On the next five million dollars, two per cent; 18801

(c) On the next five million dollars, one per cent; 18802

(d) On all further sums not exceeding one hundred fifty 18803  
million dollars, three-quarters of one per cent; 18804

(e) On amounts exceeding one hundred fifty million 18805  
dollars, five hundred eighty-five thousandths of one per cent. 18806

(2) For payments made in or after 2011, the following 18807  
percentages: 18808

(a) On the first five hundred thousand dollars, four per 18809  
cent; 18810

(b) On the next ten million dollars, two per cent; 18811

(c) On amounts exceeding ten million five hundred thousand 18812  
dollars, three-fourths of one per cent. 18813

Such compensation shall be apportioned ratably by the 18814  
auditor and deducted from the shares or portions of the revenue 18815  
payable to the state as well as to the county, townships, 18816  
municipal corporations, and school districts. 18817

(D) Each county auditor shall receive four per cent of the 18818  
amount of tax collected and paid into the county treasury, on 18819  
property omitted and placed by the county auditor on the tax 18820  
duplicate. 18821

(E) On all estate tax moneys collected by the county 18822  
treasurer, the county auditor, on settlement annually with the 18823  
tax commissioner, shall be allowed, as compensation for the 18824  
auditor's services under Chapter 5731. of the Revised Code, two 18825  
per cent of the amount collected and reported that year in 18826  
excess of refunds distributed, for the use of the general fund 18827  
of the county. 18828

(F) On all cigarette license moneys collected by the 18829  
county treasurer, the county auditor, on settlement semiannually 18830  
with the treasurer, shall be allowed as compensation for the 18831  
auditor's services in the issuing of such licenses one-half of 18832  
one per cent of such moneys, to be apportioned ratably and 18833  
deducted from the shares of the revenue payable to the county 18834  
and subdivisions, for the use of the general fund of the county. 18835

(G) The county auditor shall charge and receive fees as follows: 18836  
18837

(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars; 18838  
18839

(2) For the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in section 5739.0210 of the Revised Code, fifty cents for each transfer or entry, to be paid by the person requiring it; 18840  
18841  
18842  
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(3) For receiving statements of value and administering section 319.202 of the Revised Code, one dollar, or ten cents for each one hundred dollars or fraction of one hundred dollars, whichever is greater, of the value of the real property transferred or, for sales occurring on or after January 1, 2000, the value of the used manufactured home or used mobile home, as defined in section 5739.0210 of the Revised Code, transferred, except no fee shall be charged when the transfer is made: 18845  
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(a) To or from the United States, this state, or any instrumentality, agency, or political subdivision of the United States or this state; 18853  
18854  
18855

(b) Solely in order to provide or release security for a debt or obligation; 18856  
18857

(c) To confirm or correct a deed previously executed and recorded, or when a current owner is changing the current owner name listed on any record made available to the general public on the internet, or a publicly accessible database, and the general tax list of real and public utility property, and the general duplicate of real and public utility property, to the initials of the current owner as prescribed in division (C) (1) 18858  
18859  
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of section 319.28 of the Revised Code; 18865

(d) To evidence a gift, in trust or otherwise and whether 18866  
revocable or irrevocable, between husband and wife, or parent 18867  
and child or the spouse of either; 18868

(e) On sale for delinquent taxes or assessments; 18869

(f) Pursuant to court order, to the extent that such 18870  
transfer is not the result of a sale effected or completed 18871  
pursuant to such order; 18872

(g) Pursuant to a reorganization of corporations or 18873  
unincorporated associations or pursuant to the dissolution of a 18874  
corporation, to the extent that the corporation conveys the 18875  
property to a stockholder as a distribution in kind of the 18876  
corporation's assets in exchange for the stockholder's shares in 18877  
the dissolved corporation; 18878

(h) By a subsidiary corporation to its parent corporation 18879  
for no consideration, nominal consideration, or in sole 18880  
consideration of the cancellation or surrender of the 18881  
subsidiary's stock; 18882

(i) By lease, whether or not it extends to mineral or 18883  
mineral rights, unless the lease is for a term of years 18884  
renewable forever; 18885

(j) When the value of the real property or the 18886  
manufactured or mobile home or the value of the interest that is 18887  
conveyed does not exceed one hundred dollars; 18888

(k) Of an occupied residential property, including a 18889  
manufactured or mobile home, being transferred to the builder of 18890  
a new residence or to the dealer of a new manufactured or mobile 18891  
home when the former residence is traded as part of the 18892



consideration for the new residence or new manufactured or mobile home; 18893  
18894

(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others; 18895  
18896  
18897  
18898

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift; 18899  
18900  
18901  
18902

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 18903  
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(o) To a trustee acting on behalf of minor children of the deceased; 18912  
18913

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars; 18914  
18915

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code; 18916  
18917

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of 18918  
18919  
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the charitable or public purposes of such organization;	18922
(s) Among the heirs at law or devisees, including a	18923
surviving spouse, of a common decedent, when no consideration in	18924
money is paid or to be paid for the real property or	18925
manufactured or mobile home;	18926
(t) To a trustee of a trust, when the grantor of the trust	18927
has reserved an unlimited power to revoke the trust;	18928
(u) To the grantor of a trust by a trustee of the trust,	18929
when the transfer is made to the grantor pursuant to the	18930
exercise of the grantor's power to revoke the trust or to	18931
withdraw trust assets;	18932
(v) To the beneficiaries of a trust if the fee was paid on	18933
the transfer from the grantor of the trust to the trustee or if	18934
the transfer is made pursuant to trust provisions which became	18935
irrevocable at the death of the grantor;	18936
(w) To a corporation for incorporation into a sports	18937
facility constructed pursuant to section 307.696 of the Revised	18938
Code;	18939
(x) Between persons pursuant to section 5302.18 of the	18940
Revised Code;	18941
(y) From a county land reutilization corporation organized	18942
under Chapter 1724. of the Revised Code, or its wholly owned	18943
subsidiary, to a third party;	18944
<u>(z) To a mobile park operator under section 1923.12,</u>	18945
<u>1923.13, or 1923.14 of the Revised Code.</u>	18946
(4) For the cost of publishing the delinquent manufactured	18947
home tax list, the delinquent tax list, and the delinquent	18948
vacant land tax list, a flat fee, as determined by the county	18949

auditor, to be charged to the owner of a home on the delinquent  
manufactured home tax list or the property owner of land on the  
delinquent tax list or the delinquent vacant land tax list.

The auditor shall compute and collect the fee. The auditor  
shall maintain a numbered receipt system, as prescribed by the  
tax commissioner, and use such receipt system to provide a  
receipt to each person paying a fee. The auditor shall deposit  
the receipts of the fees on conveyances in the county treasury  
daily to the credit of the general fund of the county, except  
that fees charged and received under division (G) (3) of this  
section for a transfer of real property to a county land  
reutilization corporation shall be credited to the county land  
reutilization corporation fund established under section 321.263  
of the Revised Code.

The real property transfer fee provided for in division  
(G) (3) of this section shall be applicable to any conveyance of  
real property presented to the auditor on or after January 1,  
1968, regardless of its time of execution or delivery.

The transfer fee for a used manufactured home or used  
mobile home shall be computed by and paid to the county auditor  
of the county in which the home is located immediately prior to  
the transfer.

**Sec. 319.63.** (A) ~~During the first thirty days of each~~  
~~calendar quarter, the~~ The county auditor shall pay to the  
~~treasurer of state all amounts that the county recorder~~  
~~collected as housing trust fund fees pursuant to section 317.36~~  
~~of the Revised Code during the previous calendar quarter. If~~  
~~payment is made to the treasurer of state within the first~~  
~~thirty days of the quarter, the county auditor may retain an~~  
administrative fee of one per cent of the amount of the trust

fund fees collected ~~during the previous calendar quarter~~ 18980  
pursuant to section 317.36 of the Revised Code. 18981

~~(B) The treasurer of state shall deposit the housing trust 18982  
fund fees received each year pursuant to this section into the 18983  
low- and moderate-income housing trust fund created under 18984  
section 174.02 of the Revised Code.~~ 18985

~~(C) The county auditor shall deposit the administrative 18986  
fee that the auditor is permitted to retain pursuant to division 18987  
(A) of this section into the county general fund for the county 18988  
recorder to use in administering the trust fund fee.~~ 18989

(B) All remaining trust fund fees collected pursuant to 18990  
section 317.36 of the Revised Code shall be used by the county 18991  
for purposes specified by the department of development under 18992  
section 122.04 of the Revised Code. 18993

**Sec. 321.08.** The county treasurer shall enter on the 18994  
treasurer's account each day the money received for advance 18995  
payments of taxes and taxes charged on the general and special 18996  
duplicates of the current year in the following manner: 18997

(A) Collections of estate tax to be credited to the 18998  
"undivided estate tax fund;" 18999

(B) Collections of classified property taxes, including 19000  
interest and penalties thereon, shall be credited to the county 19001  
public library fund and distributed in accordance with section 19002  
~~5747.48~~ 126.68 of the Revised Code; 19003

(C) Collections of other taxes and assessments of whatever 19004  
kind to be credited to the undivided general tax fund. 19005

**Sec. 325.25.** ~~Upon~~ (A) Subject to division (B) of this 19006  
section, upon notifying the board of county commissioners, any 19007

appointing authority of a county office, department, commission, 19008  
board, or body, or of a common pleas court, county court, or 19009  
county-operated municipal court as defined in section 1901.03 of 19010  
the Revised Code, may establish a program to recognize 19011  
outstanding employee performance. The program may include, but 19012  
is not limited to, cash awards, additional paid leave, or other 19013  
additional benefits as the appointing authority considers 19014  
appropriate, ~~so long as the~~. 19015

(B) (1) The costs of the program do shall not exceed the 19016  
total amount of compensation fixed by the board of county 19017  
commissioners for the office, department, commission, board, or 19018  
body or for the common pleas court, county court, or county- 19019  
operated municipal court. 19020

(2) Unless authorized in writing by the board of county 19021  
commissioners, the total amount of cash awards shall not exceed, 19022  
per employee in any calendar year, ten per cent of the 19023  
compensation the employee receives that calendar year. 19024

**Sec. 340.01.** (A) As used in this chapter: 19025

(1) "Addiction," "addiction services," "alcohol and drug 19026  
addiction services," "alcohol use disorder," "certifiable 19027  
services and supports," "community addiction services provider," 19028  
"community mental health services provider," "drug addiction," 19029  
"gambling addiction services," "included opioid and co-occurring 19030  
drug addiction services and recovery supports," "mental health 19031  
services," "mental illness," "recovery housing residence," and 19032  
"recovery supports" have the same meanings as in section 5119.01 19033  
of the Revised Code. 19034

(2) "Medication-assisted treatment" means alcohol and drug 19035  
addiction services that are accompanied by medication approved 19036

by the United States food and drug administration for the 19037  
treatment of alcohol use disorder or drug addiction, prevention 19038  
of relapse, or both. 19039

(B) An alcohol, drug addiction, and mental health service 19040  
district shall be established in any county or combination of 19041  
counties having a population of at least fifty thousand. With 19042  
the approval of the director of ~~mental-behavioral health-and-~~ 19043  
~~addiction services~~, any county or combination of counties having 19044  
a population of less than fifty thousand may establish such a 19045  
district. Districts comprising more than one county shall be 19046  
known as joint-county districts. 19047

The board of county commissioners of any county 19048  
participating in a joint-county district may submit a resolution 19049  
requesting withdrawal from the district together with a 19050  
comprehensive plan or plans that are in compliance with rules 19051  
adopted by the director of ~~mental-behavioral health and-~~ 19052  
~~addiction services~~ under section 5119.22 of the Revised Code to 19053  
the board of alcohol, drug addiction, and mental health 19054  
services, to the boards of county commissioners of each county 19055  
in the district, and to the director. The plan or plans shall 19056  
include all of the following: proposed bylaws for the operation 19057  
of the newly established district; a list of potential board 19058  
members; a list of the behavioral health services available in 19059  
the newly established district, including inpatient, outpatient, 19060  
prevention, and housing services; equitable adjustment and 19061  
division of all services, assets, property, debts, and 19062  
obligations of the former joint-county district; a plan ensuring 19063  
no disruption in behavioral health services in the newly 19064  
established district; and provision for the employment of an 19065  
executive director of the newly established district. 19066

The director shall approve the plan not later than one 19067  
year after the date the resolution was adopted by the board of 19068  
county commissioners. No county participating in a joint-county 19069  
district may withdraw from the district without the consent of 19070  
the director of ~~mental behavioral health and addiction services~~ 19071  
nor earlier than one year after the submission of such 19072  
resolution unless all of the participating counties agree to an 19073  
earlier withdrawal. 19074

Any county withdrawing from a joint-county district shall 19075  
continue to have levied against its tax list and duplicate any 19076  
tax levied by the district during the period in which the county 19077  
was a member of the district until such time as the levy expires 19078  
or is renewed or replaced. 19079

(C) For any tax levied under section 5705.19 of the 19080  
Revised Code by a board of a joint-county district formed on or 19081  
after April 3, 2023, revenue from the tax shall only be expended 19082  
for the benefit of the residents of the county from which the 19083  
revenue is derived. For the purpose of this division, a joint- 19084  
county district is not formed by virtue of a county joining or 19085  
withdrawing from a district or if a joint-county service 19086  
district merges with another joint-county district. 19087

**Sec. 340.011.** (A) This chapter shall be interpreted to 19088  
accomplish all of the following: 19089

(1) Establish a unified system of treatment for persons 19090  
with mental illnesses and persons with addictions; 19091

(2) Establish a community support system available for 19092  
every alcohol, drug addiction, and mental health service 19093  
district; 19094

(3) Protect the personal liberty of persons with mental 19095

illnesses so that they may be treated in the least restrictive environment; 19096  
19097

(4) Encourage the development of high quality, cost effective, and comprehensive services, including culturally sensitive services; 19098  
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19100

(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for persons with severe mental disabilities; 19101  
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19103

(6) Ensure that services provided meet minimum standards established by the director of ~~mental behavioral health and addiction services~~; 19104  
19105  
19106

(7) Promote the delivery of high quality and cost-effective addiction and mental health services; 19107  
19108

(8) Promote the participation of persons receiving mental health services and addiction services in the planning, delivery, and evaluation of these services. 19109  
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19111

(B) Nothing in Chapter 340., 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a budget and list of addiction services, mental health services, and recovery supports required by section 340.08 of the Revised Code and approved by the department of ~~mental behavioral health and addiction services~~ under section 5119.22 of the Revised Code. 19112  
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**Sec. 340.02.** (A) For each alcohol, drug addiction, and mental health service district, there shall be appointed a board of alcohol, drug addiction, and mental health services. As provided in this section, the board shall consist of eighteen members, fifteen members, fourteen members, twelve members, or 19120  
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nine members. 19125

In a single-county district, the size of the board shall 19126  
be determined by the board of county commissioners representing 19127  
the county that constitutes the district. In a joint-county 19128  
district, the size of the board shall be determined jointly by 19129  
all of the boards of county commissioners representing the 19130  
counties that constitute the district. 19131

The determination of board size shall be made by selecting 19132  
one of the options described in division (B) of this section. 19133  
After an option is selected and implemented, a subsequent 19134  
determination of board size may be made, except that subsequent 19135  
determinations shall not occur more frequently than once every 19136  
four calendar years. 19137

If a selected option would result in a change in board 19138  
size, before the option may be implemented the board of county 19139  
commissioners or boards of county commissioners, as the case may 19140  
be, shall send a representative to a meeting of the board of 19141  
alcohol, drug addiction, and mental health services to solicit 19142  
feedback about the matter. After considering any feedback 19143  
received, the board or boards of county commissioners may 19144  
proceed with implementing the change in board size. If the 19145  
change results in a reduction of board members, the reduction 19146  
shall be implemented by not filling vacancies as they occur. 19147

To implement a selected option that would result in the 19148  
establishment of a new board of alcohol, drug addiction, and 19149  
mental health services or in a change in size of an existing 19150  
board, the board or boards of county commissioners, as the case 19151  
may be, shall adopt a resolution specifying the board size that 19152  
has been selected. The board or boards of county commissioners 19153  
also shall notify the department of ~~mental~~behavioral health ~~and~~ 19154

~~addiction services~~ of the board size that has been selected. 19155

(B) (1) In the case of a board of alcohol, drug addiction, 19156  
and mental health services that is established on or after ~~the~~ 19157  
~~effective date of this amendment~~ October 3, 2023, any of the 19158  
following options may be selected for purposes of division (A) 19159  
of this section: 19160

(a) To establish the board as an eighteen-member board; 19161

(b) To establish the board as a fifteen-member board; 19162

(c) To establish the board as a fourteen-member board; 19163

(d) To establish the board as a twelve-member board; 19164

(e) To establish the board as a nine-member board; 19165

(f) To change the board's size after it has been 19166  
established by selecting a number of members that is eighteen, 19167  
fifteen, fourteen, twelve, or nine, as the case may be. 19168

(2) In the case of a board of alcohol, drug addiction, and 19169  
mental health services that existed immediately prior to ~~the~~ 19170  
~~effective date of this amendment~~ October 3, 2023, either of the 19171  
following options may be selected for purposes of division (A) 19172  
of this section: 19173

(a) To continue the board's operation as an eighteen- 19174  
member or fourteen-member board, as a board of that size was 19175  
authorized prior to ~~the effective date of this amendment~~ October 19176  
3, 2023, in which case no further action is required; 19177

(b) To change the board's size by selecting a number of 19178  
members that is eighteen, fifteen, fourteen, twelve, or nine as 19179  
the case may be. 19180

(C) All members shall be residents of the service 19181

district. The membership shall, as nearly as possible, reflect 19182  
the composition of the population of the service district as to 19183  
race and sex. 19184

The director of ~~mental-behavioral health and addiction-~~ 19185  
~~services~~ shall appoint one-third of the members of the board and 19186  
the board of county commissioners shall appoint two-thirds of 19187  
the members. In a joint-county district, the board of county 19188  
commissioners of each participating county shall appoint members 19189  
in as nearly as possible the same proportion as that county's 19190  
population bears to the total population of the district, except 19191  
that at least one member shall be appointed from each 19192  
participating county. 19193

The director of ~~mental-behavioral health and addiction-~~ 19194  
~~services~~ shall ensure that at least one member of the board is a 19195  
clinician with experience in the delivery of mental health 19196  
services, at least one member of the board is a person who has 19197  
received or is receiving mental health services, at least one 19198  
member of the board is a parent or other relative of such a 19199  
person, at least one member of the board is a clinician with 19200  
experience in the delivery of addiction services, at least one 19201  
member of the board is a person who has received or is receiving 19202  
addiction services, and at least one member of the board is a 19203  
parent or other relative of such a person. A single member who 19204  
meets both qualifications may fulfill the requirement for a 19205  
clinician with experience in the delivery of mental health 19206  
services and a clinician with experience in the delivery of 19207  
addiction services. 19208

No member or employee of a board of alcohol, drug 19209  
addiction, and mental health services shall serve as a member of 19210  
the board of any provider with which the board of alcohol, drug 19211

addiction, and mental health services has entered into a 19212  
contract for the provision of services or facilities. No member 19213  
of a board of alcohol, drug addiction, and mental health 19214  
services shall be an employee of any provider with which the 19215  
board has entered into a contract for the provision of services 19216  
or facilities. No person shall be an employee of a board and 19217  
such a provider unless the board and provider both agree in 19218  
writing. 19219

No person shall serve as a member of the board of alcohol, 19220  
drug addiction, and mental health services whose spouse, child, 19221  
parent, brother, sister, grandchild, stepparent, stepchild, 19222  
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 19223  
law, daughter-in-law, brother-in-law, or sister-in-law serves as 19224  
a member of the board of any provider with which the board of 19225  
alcohol, drug addiction, and mental health services has entered 19226  
into a contract for the provision of services or facilities. No 19227  
person shall serve as a member or employee of the board whose 19228  
spouse, child, parent, brother, sister, stepparent, stepchild, 19229  
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 19230  
law, daughter-in-law, brother-in-law, or sister-in-law serves as 19231  
a county commissioner of a county or counties in the alcohol, 19232  
drug addiction, and mental health service district. 19233

Each year each board member shall attend at least one 19234  
inservice training session provided or approved by the 19235  
department of ~~mental behavioral health and addiction services~~. 19236

Each member shall be appointed for a term of four years, 19237  
commencing the first day of July, except that when a board is 19238  
established on or after ~~the effective date of this amendment~~ 19239  
October 3, 2023, the initial appointments shall be staggered 19240  
among the members as equally as possible with terms of two 19241

years, three years, and four years. 19242

No member shall serve more than two consecutive four-year 19243  
terms under the same appointing authority. A member may serve 19244  
for three consecutive terms under the same appointing authority 19245  
only if one of the terms is for less than two years. A member 19246  
who has served two consecutive four-year terms or three 19247  
consecutive terms totaling less than ten years is eligible for 19248  
reappointment by the same appointing authority one year 19249  
following the end of the second or third term, respectively. 19250

When a vacancy occurs, appointment for the expired or 19251  
unexpired term shall be made in the same manner as an original 19252  
appointment. The board shall notify the appointing authority 19253  
either by certified mail or, if the board has record of an 19254  
internet identifier of record associated with the authority, by 19255  
ordinary mail and by that internet identifier of record of any 19256  
vacancy and shall fill the vacancy within sixty days following 19257  
that notice. As used in this paragraph, "internet identifier of 19258  
record" has the same meaning as in section 9.312 of the Revised 19259  
Code. 19260

Any member of the board may be removed from office by the 19261  
appointing authority at will. Before a member may be removed at 19262  
will, the member shall be informed in writing of the proposed 19263  
removal and afforded an opportunity for a public hearing. Upon 19264  
the absence of a member within one year from either four board 19265  
meetings or from two board meetings without prior notice, the 19266  
board shall notify the appointing authority, which may vacate 19267  
the appointment and appoint another person to complete the 19268  
member's term. 19269

Members of the board shall serve without compensation, but 19270  
shall be reimbursed for actual and necessary expenses incurred 19271

in the performance of their official duties, as defined by rules 19272  
of the department of ~~mental behavioral health and addiction~~ 19273  
~~services.~~ 19274

**Sec. 340.021.** (A) In an alcohol, drug addiction, and 19275  
mental health service district where the board of county 19276  
commissioners has established an alcohol and drug addiction 19277  
services board, the community mental health board established 19278  
under former section 340.02 of the Revised Code shall serve as 19279  
the entity responsible for providing mental health services in 19280  
the county. A community mental health board has all the powers, 19281  
duties, and obligations of a board of alcohol, drug addiction, 19282  
and mental health services with regard to mental health 19283  
services. An alcohol and drug addiction services board has all 19284  
the powers, duties, and obligations of a board of alcohol, drug 19285  
addiction, and mental health services with regard to addiction 19286  
services. Any provision of the Revised Code that refers to a 19287  
board of alcohol, drug addiction, and mental health services 19288  
with regard to mental health services also refers to a community 19289  
mental health board and any provision that refers to a board of 19290  
alcohol, drug addiction, and mental health services with regard 19291  
to alcohol and drug addiction services also refers to an alcohol 19292  
and drug addiction services board. 19293

An alcohol and drug addiction services board shall consist 19294  
of eighteen members or fourteen members, at the election of the 19295  
board. Not later than January 1, 2014, each alcohol and drug 19296  
addiction services board shall notify the department of ~~mental~~ 19297  
~~behavioral health and addiction services~~ of its election to 19298  
operate as an eighteen-member board or to operate as a fourteen- 19299  
member board. The election shall be final. Failure to provide 19300  
notice of its election to the department on or before January 1, 19301  
2014, shall constitute an election to continue to operate as an 19302

eighteen-member board. If an existing board provides timely 19303  
notice of its election to operate as a fourteen-member board, 19304  
the number of board members may decline from eighteen to 19305  
fourteen by attrition as current members' terms expire. However, 19306  
the composition of the board must reflect the requirements set 19307  
forth in this section and in applicable provisions of section 19308  
340.02 of the Revised Code for fourteen-member boards. For 19309  
boards operating as eighteen-member boards, six members shall be 19310  
appointed by the director of ~~mental-behavioral health and~~ 19311  
~~addiction services~~ and twelve members shall be appointed by the 19312  
board of county commissioners. The director of ~~mental-behavioral~~ 19313  
~~health and addiction services~~ shall ensure that at least one 19314  
member of the board is a person who has received or is receiving 19315  
services for alcohol, drug, or gambling addiction, at least one 19316  
member is a parent or relative of such a person, and at least 19317  
one member is a clinician with experience in the delivery of 19318  
addiction services. The membership of the board shall, as nearly 19319  
as possible, reflect the composition of the population of the 19320  
service district as to race and sex. Members shall be residents 19321  
of the service district and shall be interested in alcohol, 19322  
drug, or gambling addiction services. Requirements for 19323  
membership, including prohibitions against certain family and 19324  
business relationships, and terms of office shall be the same as 19325  
those for members of boards of alcohol, drug addiction, and 19326  
mental health services. 19327

A community mental health board shall consist of eighteen 19328  
members or fourteen members, at the election of the board. Not 19329  
later than January 1, 2014, each community mental health board 19330  
shall notify the department of ~~mental-behavioral health and~~ 19331  
~~addiction services~~ of its election to operate as an eighteen- 19332  
member board or to operate as a fourteen-member board. The 19333

election shall be final. Failure to provide notice of its 19334  
election to the department on or before January 1, 2014, shall 19335  
constitute an election to continue to operate as an eighteen- 19336  
member board. If an existing board provides timely notice of its 19337  
election to operate as a fourteen-member board, the number of 19338  
board members may decline from eighteen to fourteen by attrition 19339  
as current members' terms expire. However, the composition of 19340  
the board must reflect the requirements set forth in this 19341  
section and in applicable provisions of section 340.02 of the 19342  
Revised Code for fourteen-member boards. For boards operating as 19343  
eighteen-member boards, six members shall be appointed by the 19344  
director of mental behavioral health and addiction services and 19345  
twelve members shall be appointed by the board of county 19346  
commissioners. The director of mental behavioral health and 19347  
addiction services shall ensure that at least one member of the 19348  
board is a person who has received or is receiving mental health 19349  
services, at least one member is a parent or relative of such a 19350  
person, and at least one member is a clinician with experience 19351  
in the delivery of mental health services. The membership of the 19352  
board as nearly as possible shall reflect the composition of the 19353  
population of the service district as to race and sex. Members 19354  
shall be residents of the service district and shall be 19355  
interested in mental health services. Requirements for 19356  
membership, including prohibitions against certain family and 19357  
business relationships, and terms of office shall be the same as 19358  
those for members of boards of alcohol, drug addiction, and 19359  
mental health services. 19360

(B) (1) If a board of county commissioners subject to 19361  
division (A) of this section did not adopt a final resolution 19362  
providing for a board of alcohol, drug addiction, and mental 19363  
health services on or before July 1, 2007, the board of county 19364



commissioners may establish a board of alcohol, drug addiction, 19365  
and mental health services on or after September 23, 2008. To 19366  
establish the board, the board of county commissioners shall 19367  
adopt a resolution providing for the board's establishment. The 19368  
composition of the board, the procedures for appointing members, 19369  
and all other matters related to the board and its members are 19370  
subject to section 340.02 of the Revised Code, with the 19371  
following exceptions: 19372

(a) For initial appointments to the board, the county's 19373  
community mental health board and alcohol and drug addiction 19374  
services board shall jointly recommend members of those boards 19375  
for reappointment and shall submit the recommendations to the 19376  
board of county commissioners and the director of ~~mental-~~ 19377  
behavioral health-and-addiction services. 19378

(b) The appointing authorities shall appoint the initial 19379  
members from among the members jointly recommended under 19380  
division (B)(1)(a) of this section unless the appointment is 19381  
otherwise prohibited by law. 19382

(2) If a board of alcohol, drug addiction, and mental 19383  
health services is established pursuant to division (B)(1) of 19384  
this section, the board has the same rights, privileges, 19385  
immunities, powers, and duties that were possessed by the 19386  
county's community mental health board and alcohol and drug 19387  
addiction services board. When the board is established, all 19388  
property and obligations of the community mental health board 19389  
and alcohol and drug addiction services board shall be 19390  
transferred to the board of alcohol, drug addiction, and mental 19391  
health services. 19392

**Sec. 340.022.** Notwithstanding the procedures established 19393  
by section 340.02 of the Revised Code for determining the size 19394

of a board of alcohol, drug addiction, and mental health 19395  
services, the size of a board shall be determined in accordance 19396  
with this section in both of the following circumstances: 19397

(A) (1) If the director of ~~mental-behavioral health and~~ 19398  
~~addiction services~~ during the period beginning January 1, 2021, 19399  
and ending December 31, 2022, grants approval to a board of 19400  
county commissioners of a county with a population of at least 19401  
seventy thousand but not more than eighty thousand, according to 19402  
data from the 2010 federal census, to withdraw from a joint- 19403  
county alcohol, drug addiction, and mental health service 19404  
district pursuant to section 340.01 of the Revised Code, the 19405  
size of the board shall be determined by the board of county 19406  
commissioners representing the county that constitutes the 19407  
single-county alcohol, drug addiction, and mental health service 19408  
district created as a result of the withdrawal. The 19409  
determination shall be made from among the options that may be 19410  
selected under division (A) (2) of this section. Once an option 19411  
is selected, the board of county commissioners shall adopt a 19412  
resolution specifying the selection that has been made and shall 19413  
notify the department of ~~mental-behavioral health and addiction~~ 19414  
~~services~~. After the resolution is adopted and the department is 19415  
notified, the determination of size is final. 19416

(2) In the case of a board of alcohol, drug addiction, and 19417  
mental health services that is established on or after the date 19418  
the director grants the approval to withdraw described in 19419  
division (A) (1) of this section, either of the following options 19420  
may be selected by the board of county commissioners when making 19421  
the determination required under that division: 19422

(a) To establish the board as an eighteen-member board; 19423

(b) To establish the board as a fourteen-member board. 19424

(3) When a board is established on or after September 30, 19425  
2021, the initial appointments shall be staggered among the 19426  
members as equally as possible with terms of two years, three 19427  
years, and four years. 19428

(B) (1) If a county with a population of at least thirty- 19429  
five thousand but not more than forty-five thousand, according 19430  
to data from the 2010 federal census, joins an existing alcohol, 19431  
drug addiction, and mental health service district during the 19432  
period beginning on June 30, 2021, and ending June 30, 2023, the 19433  
existing board of alcohol, drug addiction, and mental health 19434  
services serving that district may elect to expand its 19435  
membership to eighteen members if the existing board has 19436  
fourteen members. 19437

(2) The option to expand the board, as provided in 19438  
division (B) (1) of this section, is available only during the 19439  
twelve-month period beginning on the date the county with a 19440  
population of at least thirty-five thousand but not more than 19441  
forty-five thousand joins the alcohol, drug addiction, and 19442  
mental health service district served by the board. The 19443  
additional members shall be appointed in the manner specified in 19444  
section 340.02 of the Revised Code. 19445

**Sec. 340.03.** (A) Subject to rules issued by the director 19446  
of ~~mental behavioral health and addiction services~~ after 19447  
consultation with relevant constituencies as required by 19448  
division (A) (10) of section 5119.21 of the Revised Code, each 19449  
board of alcohol, drug addiction, and mental health services 19450  
shall: 19451

(1) Serve as the community addiction and mental health 19452  
planning agency for the county or counties under its 19453  
jurisdiction, and in so doing it shall: 19454

(a) Evaluate the need for facility services, addiction services, mental health services, and recovery supports; 19455  
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(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, evaluate strengths and challenges and set priorities for addiction services, mental health services, and recovery supports. A board shall include treatment and prevention services when setting priorities for addiction services and mental health services. When a board sets priorities for addiction services, the board shall consult with the county commissioners of the counties in the board's service district regarding the services described in section 340.15 of the Revised Code and shall give priority to those services, except that those services shall not have a priority over services provided to pregnant women under programs developed in relation to the mandate established in section 5119.17 of the Revised Code. 19457  
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(c) In accordance with guidelines issued by the director of ~~mental-behavioral health and addiction services~~ under division (F) of section 5119.22 of the Revised Code, annually develop and submit to the department of ~~mental-behavioral health and addiction services~~ a community addiction and mental health plan that addresses both of the following: 19472  
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(i) The needs of all residents of the service district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, and the needs of all children subject to a determination made pursuant to section 121.38 of the Revised Code; 19478  
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(ii) The department's priorities for facility services, 19484

addiction services, mental health services, and recovery 19485  
supports during the period for which the plan will be in effect. 19486  
The department shall inform all of the boards of the 19487  
department's priorities in a timely manner that enables the 19488  
boards to know the department's priorities before the boards 19489  
develop and submit the plans. 19490

In alcohol, drug addiction, and mental health service 19491  
districts that have separate alcohol and drug addiction services 19492  
and community mental health boards, the alcohol and drug 19493  
addiction services board shall submit a community addiction plan 19494  
and the community mental health board shall submit a community 19495  
mental health plan. Each board shall consult with its 19496  
counterpart in developing its plan and address the interaction 19497  
between the local addiction and mental health systems and 19498  
populations with regard to needs and priorities in developing 19499  
its plan. 19500

The department shall approve or disapprove the plan, in 19501  
whole or in part, in accordance with division (G) of section 19502  
5119.22 of the Revised Code. Eligibility for state and federal 19503  
funding shall be contingent upon an approved plan or relevant 19504  
part of a plan. 19505

If a board determines that it is necessary to amend an 19506  
approved plan, the board shall submit a proposed amendment to 19507  
the director. The director shall approve or disapprove all or 19508  
part of the amendment in accordance with division (H) of section 19509  
5119.22 of the Revised Code. 19510

The board shall operate in accordance with the plan 19511  
approved by the department. 19512

(d) Promote, arrange, and implement working agreements 19513

with social service agencies, both public and private, and with 19514  
judicial agencies. 19515

(2) Investigate, or request another agency to investigate, 19516  
any complaint alleging abuse or neglect of any person receiving 19517  
addiction services, mental health services, or recovery supports 19518  
from a community addiction services provider or community mental 19519  
health services provider or alleging abuse or neglect of a 19520  
resident receiving addiction services or with mental illness or 19521  
severe mental disability residing in a residential facility 19522  
licensed under section 5119.34 of the Revised Code. If the 19523  
investigation substantiates the charge of abuse or neglect, the 19524  
board shall take whatever action it determines is necessary to 19525  
correct the situation, including notification of the appropriate 19526  
authorities. Upon request, the board shall provide information 19527  
about such investigations to the department. 19528

(3) For the purpose of section 5119.36 of the Revised 19529  
Code, cooperate with the director of ~~mental-behavioral~~ health 19530  
~~and addiction services~~ in visiting and evaluating whether the 19531  
certifiable services and supports of a community addiction 19532  
services provider or community mental health services provider 19533  
satisfy the certification standards established by rules adopted 19534  
under that section. In addition, a board may provide input and 19535  
recommendations to the department when an application for 19536  
certification or the renewal of a certification has been 19537  
submitted by a provider or when a provider is being investigated 19538  
by the department, if the board, in either of those 19539  
circumstances, is aware of information that would be beneficial 19540  
to the department's consideration of the matter. 19541

(4) In accordance with criteria established under division 19542  
(D) of section 5119.22 of the Revised Code, conduct program 19543

audits that review and evaluate the quality, effectiveness, and 19544  
efficiency of addiction services, mental health services, and 19545  
recovery supports provided by community addiction services 19546  
providers and community mental health services providers under 19547  
contract with the board and submit the board's findings and 19548  
recommendations to the department of ~~mental~~-behavioral health- 19549  
~~and addiction services~~; 19550

(5) In accordance with section 5119.34 of the Revised 19551  
Code, review an application for a residential facility license 19552  
and provide to the department of ~~mental~~-behavioral health ~~and~~- 19553  
~~addiction services~~ any information about the applicant or 19554  
facility that the board would like the department to consider in 19555  
reviewing the application; 19556

(6) Audit, in accordance with rules adopted by the auditor 19557  
of state pursuant to section 117.20 of the Revised Code, at 19558  
least annually all programs, addiction services, mental health 19559  
services, and recovery supports provided under contract with the 19560  
board. In so doing, the board may contract for or employ the 19561  
services of private auditors. A copy of the fiscal audit report 19562  
shall be provided to the director of ~~mental~~-behavioral health- 19563  
~~and addiction services~~, the auditor of state, and the county 19564  
auditor of each county in the board's district. 19565

(7) Recruit and promote local financial support for 19566  
addiction services, mental health services, and recovery 19567  
supports from private and public sources; 19568

(8) In accordance with guidelines issued by the department 19569  
as necessary to comply with state and federal laws pertaining to 19570  
financial assistance, approve fee schedules and related charges 19571  
or adopt a unit cost schedule or other methods of payment for 19572  
addiction services, mental health services, and recovery 19573

supports provided by community addiction services providers and 19574  
community mental health services providers that have contracted 19575  
with the board under section 340.036 of the Revised Code; 19576

(9) Submit to the director and the county commissioners of 19577  
the county or counties served by the board, and make available 19578  
to the public, an annual report of the addiction services, 19579  
mental health services, and recovery supports under the 19580  
jurisdiction of the board, including a fiscal accounting; 19581

(10) Establish a method for evaluating referrals for 19582  
court-ordered treatment and affidavits filed pursuant to section 19583  
5122.11 of the Revised Code in order to assist the probate 19584  
division of the court of common pleas in determining whether 19585  
there is probable cause that a respondent is subject to court- 19586  
ordered treatment and whether alternatives to hospitalization 19587  
are available and appropriate; 19588

(11) Designate the treatment services, provider, facility, 19589  
or other placement for each person involuntarily committed to 19590  
the board pursuant to Chapter 5122. of the Revised Code. The 19591  
board shall provide the least restrictive and most appropriate 19592  
alternative that is available for any person involuntarily 19593  
committed to it and shall assure that the list of addiction 19594  
services, mental health services, and recovery supports 19595  
submitted and approved in accordance with division (B) of 19596  
section 340.08 of the Revised Code are available to persons with 19597  
severe mental disabilities residing within its service district. 19598  
The board shall establish the procedure for authorizing payment 19599  
for the services and supports, which may include prior 19600  
authorization in appropriate circumstances. In accordance with 19601  
section 340.037 of the Revised Code, the board may provide 19602  
addiction services and mental health services directly to a 19603



person with a severe mental disability when life or safety is 19604  
endangered and when no community addiction services provider or 19605  
community mental health services provider is available to 19606  
provide the service. 19607

(12) Ensure that housing built, subsidized, renovated, 19608  
rented, owned, or leased by the board or a community addiction 19609  
services provider or community mental health services provider 19610  
has been approved as meeting minimum fire safety standards and 19611  
that persons residing in the housing have access to appropriate 19612  
and necessary services, including culturally relevant services, 19613  
from a community addiction services provider or community mental 19614  
health services provider. This division does not apply to 19615  
residential facilities licensed pursuant to section 5119.34 of 19616  
the Revised Code. 19617

(13) Establish a mechanism for obtaining advice and 19618  
involvement of persons receiving addiction services, mental 19619  
health services, or recovery supports on matters pertaining to 19620  
services and supports in the alcohol, drug addiction, and mental 19621  
health service district; 19622

(14) Perform the duties required by rules adopted under 19623  
section 5119.22 of the Revised Code regarding referrals by the 19624  
board or community mental health services providers under 19625  
contract with the board of individuals with mental illness or 19626  
severe mental disability to class two residential facilities 19627  
licensed under section 5119.34 of the Revised Code and effective 19628  
arrangements for ongoing mental health services for the 19629  
individuals. The board is accountable in the manner specified in 19630  
the rules for ensuring that the ongoing mental health services 19631  
are effectively arranged for the individuals. 19632

(B) Each board of alcohol, drug addiction, and mental 19633

health services shall establish such rules, operating 19634  
procedures, standards, and bylaws, and perform such other duties 19635  
as may be necessary or proper to carry out the purposes of this 19636  
chapter. 19637

(C) A board of alcohol, drug addiction, and mental health 19638  
services may receive by gift, grant, devise, or bequest any 19639  
moneys, lands, or property for the benefit of the purposes for 19640  
which the board is established, and may hold and apply it 19641  
according to the terms of the gift, grant, or bequest. All money 19642  
received, including accrued interest, by gift, grant, or bequest 19643  
shall be deposited in the treasury of the county, the treasurer 19644  
of which is custodian of the alcohol, drug addiction, and mental 19645  
health services funds to the credit of the board and shall be 19646  
available for use by the board for purposes stated by the donor 19647  
or grantor. 19648

(D) No member or employee of a board of alcohol, drug 19649  
addiction, and mental health services shall be liable for injury 19650  
or damages caused by any action or inaction taken within the 19651  
scope of the member's official duties or the employee's 19652  
employment, whether or not such action or inaction is expressly 19653  
authorized by this section or any other section of the Revised 19654  
Code, unless such action or inaction constitutes willful or 19655  
wanton misconduct. Chapter 2744. of the Revised Code applies to 19656  
any action or inaction by a member or employee of a board taken 19657  
within the scope of the member's official duties or employee's 19658  
employment. For the purposes of this division, the conduct of a 19659  
member or employee shall not be considered willful or wanton 19660  
misconduct if the member or employee acted in good faith and in 19661  
a manner that the member or employee reasonably believed was in 19662  
or was not opposed to the best interests of the board and, with 19663  
respect to any criminal action or proceeding, had no reasonable 19664

cause to believe the conduct was unlawful. 19665

(E) The meetings held by any committee established by a 19666  
board of alcohol, drug addiction, and mental health services 19667  
shall be considered to be meetings of a public body subject to 19668  
section 121.22 of the Revised Code. 19669

(F) (1) A board of alcohol, drug addiction, and mental 19670  
health services may establish a rule, operating procedure, 19671  
standard, or bylaw to allow the executive director of the board 19672  
to execute both of the following types of contracts valued at 19673  
twenty-five thousand dollars or less, as determined by the 19674  
board, on behalf of the board without the board's prior 19675  
approval: 19676

(a) Emergency contracts for clinical services or recovery 19677  
support services; 19678

(b) Standard service contracts pertaining to the board's 19679  
operations. 19680

(2) If a board establishes a rule, operating procedure, 19681  
standard, or bylaw under division (F) (1) of this section, both 19682  
of the following shall be the case: 19683

(a) The board shall define the scope of contracts 19684  
described in divisions (F) (1) (a) and (b) of this section in that 19685  
rule, operating procedure, standard, or bylaw. 19686

(b) The board shall disclose the existence of a contract 19687  
executed pursuant to the rule, operating procedure, standard, or 19688  
bylaw at the first board meeting that occurs after the contract 19689  
was executed and ensure that a record of that disclosure is 19690  
included in the written minutes of that meeting. 19691

**Sec. 340.032.** Subject to rules adopted by the director of 19692

~~mental-behavioral health and addiction services~~ after 19693  
consultation with relevant constituencies as required by 19694  
division (A) (10) of section 5119.21 of the Revised Code, each 19695  
board of alcohol, drug addiction, and mental health services 19696  
shall do all of the following: 19697

(A) Establish, to the extent resources are available, a 19698  
community-based continuum of care that includes all of the 19699  
following as essential elements: 19700

(1) Prevention and wellness management services; 19701

(2) At least both of the following outreach and engagement 19702  
activities: 19703

(a) Locating persons in need of addiction services and 19704  
persons in need of mental health services to inform them of 19705  
available addiction services, mental health services, and 19706  
recovery supports; 19707

(b) Helping persons who receive addiction services and 19708  
persons who receive mental health services obtain services 19709  
necessary to meet basic human needs for food, clothing, shelter, 19710  
medical care, personal safety, and income. 19711

(3) Assessment services; 19712

(4) Care coordination; 19713

(5) Residential services; 19714

(6) At least the following outpatient services: 19715

(a) Nonintensive; 19716

(b) Intensive, such as partial hospitalization and 19717  
assertive community treatment; 19718

(c) Withdrawal management; 19719

(d) Emergency and crisis.	19720
(7) Where appropriate, at least the following inpatient services:	19721 19722
(a) Psychiatric care;	19723
(b) Medically managed alcohol or drug treatment.	19724
(8) At least all of the following recovery supports:	19725
(a) Peer support;	19726
(b) A wide range of housing and support services, including recovery housing residences;	19727 19728
(c) Employment, vocational, and educational opportunities;	19729
(d) Assistance with social, personal, and living skills;	19730
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	19731 19732
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	19733 19734 19735
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	19736 19737 19738
(10) Any additional elements the department of <del>mental-behavioral health and addiction services</del> , pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	19739 19740 19741 19742
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	19743 19744
(C) Ensure that persons receiving any elements of the	19745

community-based continuum of care are able to utilize grievance 19746  
procedures applicable to the elements. 19747

**Sec. 340.034.** All of the following apply to recovery 19748  
housing residences required by section 340.033 of the Revised 19749  
Code to be part of included opioid and co-occurring drug 19750  
addiction services and recovery supports: 19751

(A) A recovery housing residence shall comply with the 19752  
requirements of being monitored by the department of ~~mental~~ 19753  
behavioral health ~~and addiction services~~ under sections 5119.39 19754  
to 5119.396 of the Revised Code and any rules adopted under 19755  
section 5119.397 of the Revised Code, but the residence is not 19756  
subject to residential facility licensure by the department 19757  
under section 5119.34 of the Revised Code. 19758

(B) A recovery housing residence shall not be operated by 19759  
a board of alcohol, drug addiction, and mental health services 19760  
unless any of the following applies: 19761

(1) The board operated the recovery housing residence on 19762  
July 1, 2017. 19763

(2) The board utilizes local funds in the development or 19764  
operation of the recovery housing residence. 19765

(3) The board determines that there is a need for the 19766  
board to assume operation of the recovery housing residence, 19767  
such as when an existing operator of the residence goes out of 19768  
business and the board considers the assumption of operation of 19769  
the residence to be in the best interest of the community. 19770

(C) A recovery housing residence shall have protocols for 19771  
all of the following: 19772

(1) Administrative oversight; 19773

(2) Quality standards;	19774
(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.	19775 19776
(D) Family members of a resident of a recovery housing residence may reside in the residence to the extent permitted by protocols of the residence.	19777 19778 19779
(E) A recovery housing residence shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the residence's protocols, in collaboration with the residence's operator, and, if appropriate, in consultation and integration with a community addiction services provider.	19780 19781 19782 19783 19784 19785 19786
(F) A recovery housing residence may permit its residents to receive medication-assisted treatment.	19787 19788
(G) A resident of a recovery housing residence may receive addiction services that are certified by the department under section 5119.36 of the Revised Code.	19789 19790 19791
<b>Sec. 340.036.</b> (A) Subject to division (B) of this section and rules adopted by the director of <del>mental-behavioral health and addiction services</del> <u>mental-behavioral health</u> after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall enter into contracts with all of the following:	19792 19793 19794 19795 19796 19797 19798
(1) Public and private facilities for the operation of facility services;	19799 19800
(2) Community addiction services providers for addiction	19801

services and recovery supports;	19802
(3) Community mental health services providers for mental health services and recovery supports.	19803 19804
(B) No board shall do any of the following:	19805
(1) Contract with a residential facility required to be licensed under section 5119.34 of the Revised Code unless the facility is so licensed;	19806 19807 19808
(2) Contract with a community addiction services provider or community mental health services provider for certifiable services and supports unless the certifiable services and supports are certified under section 5119.36 of the Revised Code;	19809 19810 19811 19812 19813
(3) Contract with a community addiction services provider or community mental health services provider for recovery supports that are required by the director to meet quality criteria or core competencies unless the recovery supports meet the criteria or competencies.	19814 19815 19816 19817 19818
(C) When a board contracts with a community addiction services provider or community mental health services provider for addiction services, mental health services, or recovery supports, all of the following apply:	19819 19820 19821 19822
(1) The board shall consider both of the following:	19823
(a) The cost effectiveness and quality of the provider's services and supports;	19824 19825
(b) Continuity of care.	19826
(2) The board may review cost elements, including salary costs, of the services and supports.	19827 19828



(3) The board may establish, in a way that is most 19829  
effective and efficient in meeting local needs, a utilization 19830  
review process as part of the contract. 19831

(4) The board may contract with a government entity, for- 19832  
profit entity, or nonprofit entity. Any such entity may be 19833  
faith-based. 19834

(D) If a party to a contract entered into under this 19835  
section proposes not to renew the contract or proposes 19836  
substantial changes in contract terms, the other party shall be 19837  
given written notice at least one hundred twenty days before the 19838  
expiration date of the contract. During the first sixty days of 19839  
this one-hundred-twenty-day period, both parties shall attempt 19840  
to resolve any dispute through good faith collaboration and 19841  
negotiation in order to continue to provide services and 19842  
supports to persons in need. If the dispute has not been 19843  
resolved sixty days before the expiration date of the contract, 19844  
either party may notify the director of the unresolved dispute. 19845  
The director may require both parties to submit the dispute to 19846  
another entity with the cost to be shared by the parties. Not 19847  
later than twenty days before the expiration date of the 19848  
contract or a later date to which both parties agree, the other 19849  
entity shall issue to the parties and director recommendations 19850  
on how the dispute may be resolved. The director shall adopt 19851  
rules establishing the procedures of this dispute resolution 19852  
process. 19853

(E) Section 307.86 of the Revised Code does not apply to 19854  
contracts entered into under this section. 19855

**Sec. 340.037.** (A) Subject to division (B) of this section 19856  
and rules adopted by the director of ~~mental~~-behavioral health 19857  
~~and addiction services~~ after consultation with relevant 19858

constituencies as required by division (A) (10) of section 19859  
5119.21 of the Revised Code, a board of alcohol, drug addiction, 19860  
and mental health services may operate a facility or provide an 19861  
addiction service or mental health service if both of the 19862  
following apply: 19863

(1) The director gives the board prior approval; 19864

(2) There is no other qualified private or public 19865  
facility, community addiction services provider, or community 19866  
mental health services provider that is immediately available 19867  
and willing to operate such a facility or provide the service. 19868

(B) (1) In an emergency situation, a board may operate a 19869  
facility or provide an addiction service or mental health 19870  
service in order to provide essential services for the duration 19871  
of the emergency. 19872

(2) In a service district with a population of at least 19873  
one hundred thousand but less than five hundred thousand, a 19874  
board may operate a facility or provide an addiction service or 19875  
mental health service for not longer than one year. 19876

(3) In a service district with a population of less than 19877  
one hundred thousand, a board may operate a facility or provide 19878  
an addiction service or mental health service for not longer 19879  
than one year, except that the board may operate a facility or 19880  
provide an addiction service or mental health service for more 19881  
than one year with the prior approval of both of the following: 19882

(a) The director; 19883

(b) The board of county commissioners with jurisdiction 19884  
over the service district or, if the service district is a 19885  
joint-county district, a majority of the boards of county 19886  
commissioners with jurisdiction over the district. 19887

- (C) The director shall not do any of the following: 19888
- (1) Except in an emergency situation, give a board 19889  
approval to operate a facility or provide an addiction service 19890  
or mental health service unless the director determines that it 19891  
is not feasible to have the department operate the facility or 19892  
provide the service; 19893
- (2) Give a board that serves a service district with a 19894  
population of less than one hundred thousand approval to operate 19895  
a facility or provide an addiction service or mental health 19896  
service unless the director determines that the board will 19897  
provide greater administrative efficiency and more or better 19898  
services than would be available if the board contracted with a 19899  
private or public facility, community addiction services 19900  
provider, or community mental health services provider; 19901
- (3) Give a board approval to operate a facility previously 19902  
operated by a person or other government entity unless the board 19903  
has established to the director's satisfaction that the person 19904  
or other government entity cannot effectively operate the 19905  
facility or that the person or other government entity has 19906  
requested the board to take over operation of the facility; 19907
- (4) Give a board approval to provide an addiction service 19908  
or mental health service previously provided by a community 19909  
addiction services provider or community mental health services 19910  
provider unless the board has established to the director's 19911  
satisfaction that the provider cannot effectively provide the 19912  
service or that the provider has requested the board to take 19913  
over providing the service. 19914
- (D) The director shall review and evaluate a board's 19915  
operation of a facility and provision of addiction services or 19916

mental health services under this section. 19917

(E) Nothing in this section authorizes a board to 19918  
administer or direct the daily operation of any facility, 19919  
community addiction services provider, or community mental 19920  
health services provider. However, a facility or provider may 19921  
contract with a board to receive administrative services or 19922  
staff direction from the board under the direction of the 19923  
governing body of the facility or provider. 19924

Sec. 340.038. (A) The department of behavioral health and 19925  
the department of medicaid, in collaboration with boards of 19926  
alcohol, drug addiction, and mental health services, shall 19927  
develop a three-way data-sharing agreement for the exchange of, 19928  
and the provision of access to, data and other information 19929  
regarding clients receiving addiction services, mental health 19930  
services, or both types of services, including information that 19931  
exists at the level of claims for medicaid and other payments 19932  
for the services. The agreement shall specify data-sharing and 19933  
integration procedures that enable the departments and the 19934  
boards to exchange, and have access to, on a mutual basis, all 19935  
client data and other information necessary to ensure that each 19936  
board's continuum of care is available, as appropriate, to 19937  
persons seeking or receiving addiction services, mental health 19938  
services, or both types of services. 19939

(B) Each data-sharing agreement developed under this 19940  
section shall address all of the following: 19941

(1) Information regarding clients with severe mental 19942  
illness, as identified by clinical diagnoses; the number of 19943  
services provided to those clients, expressed according to 19944  
discrete service groups; the length of time in treatment; and 19945  
other relevant factors; 19946

(2) Information regarding clients who are incarcerated, 19947  
including information about their medicaid eligibility status 19948  
before and after incarceration, for the purpose of coordinating 19949  
services upon each client's release; 19950

(3) Information regarding clients who participate in 19951  
housing assistance programs, to assist with coordinating 19952  
services between housing and treatment providers; 19953

(4) Information regarding claims for payment, including 19954  
medicaid payment, for all addiction services and mental health 19955  
services provided to clients, based on the alcohol, drug 19956  
addiction, and mental health service district in which they 19957  
reside. 19958

**Sec. 340.04.** Each board of alcohol, drug addiction, and 19959  
mental health services shall employ a qualified mental health or 19960  
addiction services professional with experience in 19961  
administration or a professional administrator with experience 19962  
in mental health services or addiction services to serve as 19963  
executive director of the board and shall prescribe the 19964  
director's duties. 19965

The board shall fix the compensation of the executive 19966  
director. In addition to such compensation, the director shall 19967  
be reimbursed for actual and necessary expenses incurred in the 19968  
performance of the director's official duties. The board, by 19969  
majority vote of the full membership, may remove the director 19970  
for cause at any time, contingent upon any written contract 19971  
between the board and the executive director, upon written 19972  
charges, after an opportunity has been afforded the director for 19973  
a hearing before the board on request. 19974

The board may delegate to its executive director the 19975

authority to act in its behalf in the performance of its administrative duties. 19976  
19977

As used in this section, "mental health professional" and 19978  
"addiction services professional" mean an individual who is 19979  
qualified to work with persons with mental illnesses or persons 19980  
receiving addiction services, pursuant to standards established 19981  
by the director of ~~mental-behavioral health and addiction-~~ 19982  
~~services~~ under Chapter 5119. of the Revised Code. 19983

**Sec. 340.041.** In addition to such other duties as may be 19984  
lawfully imposed, the executive director of a board of alcohol, 19985  
drug addiction, and mental health services shall: 19986

(A) Serve as executive officer of the board and, subject 19987  
to the prior approval of the board for each contract, except 19988  
contracts, if any, to which division (F) of section 340.03 of 19989  
the Revised Code applies, execute contracts on its behalf; 19990

(B) Supervise addiction services, mental health services, 19991  
recovery supports, and facilities provided, operated, 19992  
contracted, or supported by the board to the extent of 19993  
determining that services, supports, and facilities are being 19994  
administered in conformity with this chapter and rules of the 19995  
director of ~~mental-behavioral health-and addiction services;~~ 19996

(C) Provide consultation to community addiction services 19997  
providers and community mental health services providers; 19998

(D) Recommend to the board the changes necessary to 19999  
increase the effectiveness of addiction services, mental health 20000  
services, and recovery supports and other matters necessary or 20001  
desirable to carry out this chapter; 20002

(E) Employ and remove from office such employees and 20003  
consultants in the classified civil service and, subject to the 20004

approval of the board, employ and remove from office such other 20005  
employees and consultants as may be necessary for the work of 20006  
the board, and fix their compensation and reimbursement within 20007  
the limits set by the salary schedule and the budget approved by 20008  
the board; 20009

(F) Encourage the development and expansion of preventive, 20010  
treatment, and consultative services, as well as recovery 20011  
supports, in the fields of addiction services and mental health 20012  
services with emphasis on continuity of care; 20013

(G) Prepare for board approval an annual report of the 20014  
addiction services, mental health services, recovery supports, 20015  
and facilities under the jurisdiction of the board, including a 20016  
fiscal accounting of all services and supports; 20017

(H) Conduct such studies as may be necessary and 20018  
practicable for the promotion of mental health, promotion of 20019  
addiction services, and the prevention of mental illness, 20020  
emotional disorders, and addiction; 20021

(I) Authorize the county auditor, or in a joint-county 20022  
district the county auditor designated as the auditor for the 20023  
district, to issue warrants for the payment of board obligations 20024  
approved by the board, provided that all payments from funds 20025  
distributed to the board by the department of ~~mental-behavioral~~ 20026  
health ~~and addiction services~~ are in accordance with the budget 20027  
submitted pursuant to section 340.08 of the Revised Code, as 20028  
approved by the department of ~~mental-behavioral health-and-~~ 20029  
~~addiction services~~. 20030

**Sec. 340.05.** If a community addiction services provider or 20031  
community mental health services provider receives a complaint 20032  
alleging abuse or neglect of an individual with mental illness 20033

or severe mental disability, or an individual receiving 20034  
addiction services, who resides in a residential facility 20035  
licensed under section 5119.34 of the Revised Code, the provider 20036  
shall report the complaint to the board of alcohol, drug 20037  
addiction, and mental health services serving the alcohol, drug 20038  
addiction, and mental health service district in which the 20039  
residential facility is located. A board of alcohol, drug 20040  
addiction, and mental health services that receives such a 20041  
report from a community addiction services provider or community 20042  
mental health services provider of such a complaint shall report 20043  
the complaint to the director of ~~mental-behavioral health and~~ 20044  
~~addiction services~~ for the purpose of the director conducting an 20045  
investigation under section 5119.34 of the Revised Code. The 20046  
board may enter the facility with or without the director and, 20047  
if the health and safety of a resident is in immediate danger, 20048  
take any necessary action to protect the resident. The board's 20049  
action shall not violate any resident's rights specified in 20050  
rules adopted by the department of ~~mental-behavioral health and~~ 20051  
~~addiction services~~ under section 5119.34 of the Revised Code. 20052  
The board shall immediately report to the director regarding the 20053  
board's actions under this section. 20054

**Sec. 340.07.** The board of county commissioners of any 20055  
county participating in an alcohol, drug addiction, and mental 20056  
health service district or joint-county district, upon receipt 20057  
from the board of alcohol, drug addiction, and mental health 20058  
services of a resolution so requesting, may appropriate money to 20059  
such board for the operation, lease, acquisition, construction, 20060  
renovation, and maintenance of community addiction services 20061  
providers, community mental health services providers, and 20062  
facilities in accordance with the budget required by section 20063  
340.08 of the Revised Code and approved by the department of 20064



~~mental behavioral health and addiction services~~ pursuant to 20065  
section 5119.22 of the Revised Code. 20066

**Sec. 340.08.** In accordance with rules or guidelines issued 20067  
by the director of ~~mental behavioral health and addiction~~ 20068  
~~services~~, each board of alcohol, drug addiction, and mental 20069  
health services shall do all of the following: 20070

(A) Submit to the department of ~~mental behavioral health~~ 20071  
~~and addiction services~~ a proposed budget of receipts and 20072  
expenditures for all federal, state, and local moneys the board 20073  
expects to receive. 20074

(1) The proposed budget shall identify funds the board has 20075  
available for included opioid and co-occurring drug addiction 20076  
services and recovery supports. 20077

(2) The proposed budget shall identify funds the board and 20078  
public children services agencies in the board's service 20079  
district have available to fund jointly the services described 20080  
in section 340.15 of the Revised Code. 20081

(3) The board's proposed budget for expenditures of state 20082  
and federal funds distributed to the board by the department 20083  
shall be deemed an application for funds, and the department 20084  
shall approve or disapprove the budget for these expenditures in 20085  
whole or in part in accordance with division (G) of section 20086  
5119.22 of the Revised Code. 20087

If a board determines that it is necessary to amend an 20088  
approved budget, the board shall submit a proposed amendment to 20089  
the director. The director shall approve or disapprove all or 20090  
part of the amendment in accordance with division (H) of section 20091  
5119.22 of the Revised Code. 20092

(B) Submit to the department a proposed list of addiction 20093

services, mental health services, and recovery supports the 20094  
board intends to make available. The board shall include the 20095  
services and supports required by section 340.032 of the Revised 20096  
Code to be included in the community-based continuum of care and 20097  
the services required by section 340.15 of the Revised Code. The 20098  
board shall explain the manner in which the board intends to 20099  
make such services and supports available. The list shall be 20100  
compatible with the budget submitted pursuant to division (A) of 20101  
this section. The department shall approve or disapprove the 20102  
list in whole or in part in accordance with division (G) of 20103  
section 5119.22 of the Revised Code. 20104

If a board determines that it is necessary to amend an 20105  
approved list, the board shall submit a proposed amendment to 20106  
the director. The director shall approve or disapprove all or 20107  
part of the amendment in accordance with division (H) of section 20108  
5119.22 of the Revised Code. 20109

(C) Enter into a continuity of care agreement with the 20110  
state institution operated by the department of ~~mental-~~ 20111  
behavioral health and addiction services and designated as the 20112  
institution serving the district encompassing the board's 20113  
service district. The continuity of care agreement shall outline 20114  
the department's and the board's responsibilities to plan for 20115  
and coordinate with each other to address the needs of board 20116  
residents who are patients in the institution, with an emphasis 20117  
on managing appropriate hospital bed day use and discharge 20118  
planning. The continuity of care agreement shall not require the 20119  
board to provide addiction services, mental health services, or 20120  
recovery supports other than those on the list of services and 20121  
supports submitted by the board pursuant to division (B) of this 20122  
section and approved by the department in accordance with 20123  
division (G) of section 5119.22 of the Revised Code. 20124

(D) In conjunction with the department, operate a 20125  
coordinated system for tracking and monitoring persons found not 20126  
guilty by reason of insanity and committed pursuant to section 20127  
2945.40 of the Revised Code who have been granted a conditional 20128  
release and persons found incompetent to stand trial and 20129  
committed pursuant to section 2945.39 of the Revised Code who 20130  
have been granted a conditional release. The system shall do all 20131  
of the following: 20132

(1) Centralize responsibility for the tracking of those 20133  
persons; 20134

(2) Provide for uniformity in monitoring those persons; 20135

(3) Provide a mechanism to allow prompt rehospitalization, 20136  
reinstitutionalization, or detention when a violation of the 20137  
conditional release or decompensation occurs. 20138

(E) Submit to the department a report summarizing all of 20139  
the following: 20140

(1) Complaints and grievances received by the board 20141  
concerning the rights of persons seeking or receiving addiction 20142  
services, mental health services, or recovery supports; 20143

(2) Investigations of the complaints and grievances; 20144

(3) Outcomes of the investigations. 20145

(F) Provide to the department information to be submitted 20146  
to the community behavioral health information system or systems 20147  
established by the department under Chapter 5119. of the Revised 20148  
Code. 20149

(G) Annually, and upon any change in membership, submit to 20150  
the department a list of all current members of the board of 20151  
alcohol, drug addiction, and mental health services, including 20152

the appointing authority for each member, and the member's 20153  
specific qualification for appointment pursuant to section 20154  
340.02 or 340.021 of the Revised Code, if applicable. 20155

(H) Submit to the department other information as is 20156  
reasonably required for purposes of the department's operations, 20157  
service evaluation, reporting activities, research, system 20158  
administration, and oversight. 20159

(I) Annually update and publish on the board's web site a 20160  
list of all opioid treatment programs licensed under section 20161  
5119.37 of the Revised Code that are operating within the 20162  
board's district, based on information obtained from any of the 20163  
following: 20164

(1) The federal substance abuse and mental health services 20165  
administration's opioid treatment program directory; 20166

(2) A resource directory created by the department of 20167  
~~mental behavioral health and addiction services~~; 20168

(3) The list maintained by the department of ~~mental~~ 20169  
~~behavioral health and addiction services~~ pursuant to division 20170  
(P) of section 5119.37 of the Revised Code. 20171

**Sec. 340.09.** (A) Using funds the general assembly 20172  
appropriates for these purposes, the department of ~~mental~~ 20173  
~~behavioral health and addiction services~~ shall provide any 20174  
county assistance for one or more of the following: 20175

(1) The operation of the board of alcohol, drug addiction, 20176  
and mental health services serving the county; 20177

(2) The provision of addiction services, mental health 20178  
services, and recovery supports included in the board's list of 20179  
services and supports required by section 340.08 of the Revised 20180

Code and approved by the department under section 5119.22 of the Revised Code; 20181  
20182

(3) The provision of approved support functions; 20183

(4) The partnership in, or support for, approved community-based continuum of care-related activities. 20184  
20185

(B) Support functions may include the following: 20186

(1) Consultation; 20187

(2) Research; 20188

(3) Administrative; 20189

(4) Referral and information; 20190

(5) Training; 20191

(6) Service and program evaluation. 20192

**Sec. 340.12.** As used in this section, "disability" has the same meaning as in section 4112.01 of the Revised Code. 20193  
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No board of alcohol, drug addiction, and mental health services or any community addiction services provider or community mental health services provider under contract with such a board shall discriminate in the provision of addiction services, mental health services, or recovery supports under its authority, in employment, or under a contract on the basis of race, color, religion, ancestry, military status, sex, age, national origin, or disability. 20195  
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Each board, community addiction services provider, and community mental health services provider shall have a written affirmative action program. The affirmative action program shall include goals for the employment and effective utilization of, including contracts with, members of economically disadvantaged 20203  
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groups as defined in division (E) (1) of section 122.71 of the Revised Code in percentages reflecting as nearly as possible the composition of the alcohol, drug addiction, and mental health service district served by the board. Each board and provider shall file a description of the affirmative action program and a progress report on its implementation with the department of ~~mental behavioral health and addiction services.~~

**Sec. 340.13.** (A) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "EDGE business enterprise" has the same meaning as in section 122.922 of the Revised Code.

(B) Any minority business enterprise that desires to bid on a contract under division (C) of this section shall first apply to the department of development for certification as a minority business enterprise. Any EDGE business enterprise that desires to bid on a contract under division (D) of this section shall first apply to the department of development for certification as an EDGE business enterprise. The director of development shall approve the application of any minority business enterprise or EDGE business enterprise that complies with the rules adopted under section 122.71 or 122.922 of the Revised Code, respectively. The director shall prepare and maintain a list of minority business enterprises and EDGE business enterprises certified under those sections.

(C) From the contracts to be awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, each board of alcohol, drug addiction, and mental health

services shall select a number of contracts with an aggregate 20237  
value of approximately fifteen per cent of the total estimated 20238  
value of contracts to be awarded in the current fiscal year. The 20239  
board shall set aside the contracts so selected for bidding by 20240  
minority business enterprises only. The bidding procedures for 20241  
such contracts shall be the same as for all other contracts 20242  
awarded under section 307.86 of the Revised Code, except that 20243  
only minority business enterprises certified and listed pursuant 20244  
to division (B) of this section shall be qualified to submit 20245  
bids. 20246

(D) To the extent that a board is authorized to enter into 20247  
contracts for construction, the board shall strive to attain a 20248  
yearly contract dollar procurement goal the aggregate value of 20249  
which equals approximately five per cent of the aggregate value 20250  
of construction contracts for the current fiscal year for EDGE 20251  
business enterprises only. 20252

(E) (1) In the case of contracts set aside under division 20253  
(C) of this section, if no bid is submitted by a minority 20254  
business enterprise, the contract shall be awarded according to 20255  
normal bidding procedures. The board shall from time to time set 20256  
aside such additional contracts as are necessary to replace 20257  
those contracts previously set aside on which no minority 20258  
business enterprise bid. 20259

(2) If a board, after having made a good faith effort, is 20260  
unable to comply with the goal of procurement for contracting 20261  
with EDGE business enterprises pursuant to division (D) of this 20262  
section, the board may apply in writing, on a form prescribed by 20263  
the department of administrative services, to the director of 20264  
~~mental-behavioral health and addiction services~~ for a waiver or 20265  
modification of the goal. 20266

(F) This section does not preclude any minority business enterprise or EDGE business enterprise from bidding on any other contract not specifically set aside for minority business enterprises or subject to procurement goals for EDGE business enterprises.

(G) Within ninety days after the beginning of each fiscal year, each board shall file a report with the department of ~~mental behavioral health and addiction services~~ that shows for that fiscal year the name of each minority business enterprise and EDGE business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise or an EDGE business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

**Sec. 340.16.** The department of ~~mental behavioral health and addiction services~~ and the department of medicaid shall adopt rules that establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by



the board. The rules shall be adopted in accordance with Chapter 20297  
119. of the Revised Code. 20298

**Sec. 503.59.** A board of township trustees that has entered 20299  
into an agreement with the ~~Ohio~~office of air quality 20300  
development ~~authority~~ under section 3706.051 of the Revised Code 20301  
may levy, in accordance with that agreement, a special 20302  
assessment upon real property located in the township specially 20303  
benefited by an air quality facility that is the subject of that 20304  
agreement. 20305

An assessment levied under this section shall be made in 20306  
any manner authorized under section 727.01 of the Revised Code 20307  
and, except as otherwise provided in this section, in accordance 20308  
with the procedures prescribed for special assessments levied by 20309  
municipal corporations under Chapter 727. of the Revised Code, 20310  
except that where that chapter refers to a municipal 20311  
corporation, it shall be deemed to refer to the township and 20312  
where that chapter refers to the legislative authority of a 20313  
municipal corporation, it shall be deemed to refer to the board 20314  
of township trustees. All rights and privileges of an owner of 20315  
property subject to an assessment levied under that chapter 20316  
shall apply to the owner of property assessed under this 20317  
section. 20318

No special assessment may be levied under this section 20319  
unless the owner of the property to be assessed files a written 20320  
statement with the board of township trustees requesting that 20321  
the assessment be levied. 20322

**Sec. 715.016.** (A) As used in this section: 20323

(1) "Business" means a sole proprietorship, a corporation 20324  
for profit, a pass-through entity as defined in section 5733.04 20325

of the Revised Code, the federal government, the state, a 20326  
political subdivision, a nonprofit organization, or a school 20327  
district. 20328

(2) "Eligible municipal corporation" means a municipal 20329  
corporation wholly or partly located in a county having a 20330  
population greater than one million. 20331

(3) "Fiscal officer" means the city auditor, village 20332  
clerk, or other municipal officer having the duties and 20333  
functions of a city auditor or village clerk. 20334

(4) "Major sports facility" and "transformational major 20335  
sports facility mixed-use project" have the same meanings as in 20336  
section 123.28 of the Revised Code. 20337

(5) "Operates within the proposed district" means a 20338  
business if the business would be subject to a tax levied in the 20339  
proposed tourism development district pursuant to division (C) 20340  
of section 5739.101 of the Revised Code. 20341

(6) "Owner" means a partner of a partnership, a member of 20342  
a limited liability company, a majority shareholder of an S 20343  
corporation, a person with a majority ownership interest in a 20344  
pass-through entity, or any officer, employee, or agent with the 20345  
authority to make decisions legally binding upon a business. 20346

(7) "Signature" means, for a business, the signature of 20347  
any owner of the business. 20348

(8) "Territory of a transformational major sports facility 20349  
mixed-use project district" means all of the area included 20350  
within the territorial boundaries of a transformational major 20351  
sports facility mixed-use project district. 20352

(9) "Transformational major sports facility mixed-use 20353

project district" means a district designated by a municipal corporation under this section. 20354  
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(B) (1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a transformational major sports facility mixed-use project district, and to be a public purpose, for the purpose of fostering and developing a major sports facility and economic development in the transformational major sports facility mixed-use project district if all of the following criteria are met: 20356  
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(a) All territory in the district is contiguous. 20364

(b) Before adopting the resolution or ordinance, the legislative authority holds at least two public hearings concerning the creation of the transformational major sports facility mixed-use project district. 20365  
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(c) Before adopting the resolution or ordinance, the legislative authority receives a petition with the signature of every owner of a parcel of real property located in the proposed transformational major sports facility mixed-use project district and the owner of every business that operates in the proposed district. 20369  
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(d) The legislative authority determines that a transformational major sports facility mixed-use project will be located on territory of the proposed transformational major sports facility mixed-use project district. 20375  
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(2) A legislative authority shall not declare more than one area of the municipal corporation to be a transformational major sports facility mixed-use project district under this section. 20379  
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(3) The legislative authority shall certify the resolution 20383  
or ordinance to the tax commissioner within five days after its 20384  
adoption or passage, along with a description of the boundaries 20385  
of the transformational major sports facility mixed-use project 20386  
district authorized in the resolution or ordinance. That 20387  
description shall include sufficient information for the 20388  
commissioner to determine if the address of a business or owner 20389  
is within the boundaries of the district. 20390

(4) Subject to division (B) (1) (a) of this section, the 20391  
legislative authority of an eligible municipal corporation may 20392  
enlarge the territory of an existing transformational major 20393  
sports facility mixed-use project district in the manner 20394  
prescribed for the creation of a district under divisions (B) (1) 20395  
to (3) of this section, except that the petition described in 20396  
division (B) (1) (c) of this section shall be signed by every 20397  
owner of a parcel of real property located in the area proposed 20398  
to be added to the district. 20399

(C) Every record owner of a parcel of real property 20400  
located in the proposed transformational major sports facility 20401  
mixed-use project district shall be required to provide, or 20402  
cause every person that enters into a lease, license, or use or 20403  
operating agreement for all or a portion of the building and 20404  
facilities located in that parcel, the governmental agency that 20405  
owns or has an ownership interest in a major sports facility or 20406  
the site of a major sports facility with the information 20407  
described in division (J) of section 123.281 of the Revised 20408  
Code. Compliance with this requirement may be evidenced by an 20409  
instrument that has been duly recorded with the county recorder. 20410

(D) On or before the first day of each January and July 20411  
beginning after the designation of a transformational major 20412

sports facility mixed-use project district, the fiscal officer 20413  
shall certify to the tax commissioner a list of businesses 20414  
located within the transformational major sports facility mixed- 20415  
use project district. 20416

**Sec. 718.01.** Any term used in this chapter that is not 20417  
otherwise defined in this chapter has the same meaning as when 20418  
used in a comparable context in laws of the United States 20419  
relating to federal income taxation or in Title LVII of the 20420  
Revised Code, unless a different meaning is clearly required. 20421  
Except as provided in section 718.81 of the Revised Code, if a 20422  
term used in this chapter that is not otherwise defined in this 20423  
chapter is used in a comparable context in both the laws of the 20424  
United States relating to federal income tax and in Title LVII 20425  
of the Revised Code and the use is not consistent, then the use 20426  
of the term in the laws of the United States relating to federal 20427  
income tax shall control over the use of the term in Title LVII 20428  
of the Revised Code. 20429

Except as otherwise provided in section 718.81 of the 20430  
Revised Code, as used in this chapter: 20431

(A) (1) "Municipal taxable income" means the following: 20432

(a) For a person other than an individual, income 20433  
apportioned or situated to the municipal corporation under 20434  
section 718.02 of the Revised Code, as applicable, reduced by 20435  
any pre-2017 net operating loss carryforward available to the 20436  
person for the municipal corporation. 20437

(b) (i) For an individual who is a resident of a municipal 20438  
corporation other than a qualified municipal corporation, income 20439  
reduced by exempt income to the extent otherwise included in 20440  
income, then reduced as provided in division (A) (2) of this 20441

section, and further reduced by any pre-2017 net operating loss 20442  
carryforward available to the individual for the municipal 20443  
corporation. 20444

(ii) For an individual who is a resident of a qualified 20445  
municipal corporation, Ohio adjusted gross income reduced by 20446  
income exempted, and increased by deductions excluded, by the 20447  
qualified municipal corporation from the qualified municipal 20448  
corporation's tax. If a qualified municipal corporation, on or 20449  
before December 31, 2013, exempts income earned by individuals 20450  
who are not residents of the qualified municipal corporation and 20451  
net profit of persons that are not wholly located within the 20452  
qualified municipal corporation, such individual or person shall 20453  
have no municipal taxable income for the purposes of the tax 20454  
levied by the qualified municipal corporation and may be 20455  
exempted by the qualified municipal corporation from the 20456  
requirements of section 718.03 of the Revised Code. 20457

(c) For an individual who is a nonresident of a municipal 20458  
corporation, income reduced by exempt income to the extent 20459  
otherwise included in income and then, as applicable, 20460  
apportioned or situated to the municipal corporation under 20461  
section 718.02 of the Revised Code, then reduced as provided in 20462  
division (A)(2) of this section, and further reduced by any pre- 20463  
2017 net operating loss carryforward available to the individual 20464  
for the municipal corporation. 20465

(2) In computing the municipal taxable income of a 20466  
taxpayer who is an individual, the taxpayer may subtract, as 20467  
provided in division (A)(1)(b)(i) or (c) of this section, the 20468  
amount of the individual's employee business expenses reported 20469  
on the individual's form 2106 that the individual deducted for 20470  
federal income tax purposes for the taxable year, subject to the 20471

limitation imposed by section 67 of the Internal Revenue Code. 20472  
For the municipal corporation in which the taxpayer is a 20473  
resident, the taxpayer may deduct all such expenses allowed for 20474  
federal income tax purposes. For a municipal corporation in 20475  
which the taxpayer is not a resident, the taxpayer may deduct 20476  
such expenses only to the extent the expenses are related to the 20477  
taxpayer's performance of personal services in that nonresident 20478  
municipal corporation. 20479

(B) "Income" means the following: 20480

(1) (a) For residents, all income, salaries, qualifying 20481  
wages, commissions, and other compensation from whatever source 20482  
earned or received by the resident, including the resident's 20483  
distributive share of the net profit of pass-through entities 20484  
owned directly or indirectly by the resident and any net profit 20485  
of the resident, except as provided in division (D) (5) of this 20486  
section. 20487

(b) For the purposes of division (B) (1) (a) of this 20488  
section: 20489

(i) Any net operating loss of the resident incurred in the 20490  
taxable year and the resident's distributive share of any net 20491  
operating loss generated in the same taxable year and 20492  
attributable to the resident's ownership interest in a pass- 20493  
through entity shall be allowed as a deduction, for that taxable 20494  
year and the following five taxable years, against any other net 20495  
profit of the resident or the resident's distributive share of 20496  
any net profit attributable to the resident's ownership interest 20497  
in a pass-through entity until fully utilized, subject to 20498  
division (B) (1) (d) of this section; 20499

(ii) The resident's distributive share of the net profit 20500

of each pass-through entity owned directly or indirectly by the 20501  
resident shall be calculated without regard to any net operating 20502  
loss that is carried forward by that entity from a prior taxable 20503  
year and applied to reduce the entity's net profit for the 20504  
current taxable year. 20505

(c) Division (B) (1) (b) of this section does not apply with 20506  
respect to any net profit or net operating loss attributable to 20507  
an ownership interest in an S corporation unless shareholders' 20508  
distributive shares of net profits from S corporations are 20509  
subject to tax in the municipal corporation as provided in 20510  
division (C) (14) (b) or (c) of this section. 20511

(d) Any amount of a net operating loss used to reduce a 20512  
taxpayer's net profit for a taxable year shall reduce the amount 20513  
of net operating loss that may be carried forward to any 20514  
subsequent year for use by that taxpayer. In no event shall the 20515  
cumulative deductions for all taxable years with respect to a 20516  
taxpayer's net operating loss exceed the original amount of that 20517  
net operating loss available to that taxpayer. 20518

(2) In the case of nonresidents, all income, salaries, 20519  
qualifying wages, commissions, and other compensation from 20520  
whatever source earned or received by the nonresident for work 20521  
done, services performed or rendered, or activities conducted in 20522  
the municipal corporation, including any net profit of the 20523  
nonresident, but excluding the nonresident's distributive share 20524  
of the net profit or loss of only pass-through entities owned 20525  
directly or indirectly by the nonresident. 20526

(3) For taxpayers that are not individuals, net profit of 20527  
the taxpayer; 20528

(4) Lottery, sweepstakes, gambling and sports winnings, 20529



winnings from games of chance, and prizes and awards. If the 20530  
taxpayer is a professional gambler for federal income tax 20531  
purposes, the taxpayer may deduct related wagering losses and 20532  
expenses to the extent authorized under the Internal Revenue 20533  
Code and claimed against such winnings. 20534

(C) "Exempt income" means all of the following: 20535

(1) The military pay or allowances of members of the armed 20536  
forces of the United States or members of their reserve 20537  
components, including the national guard of any state~~r~~. As used 20538  
in division (C) (1) of this section, "armed forces" has the same 20539  
meaning as in 10 U.S.C. 101. 20540

(2) (a) Except as provided in division (C) (2) (b) of this 20541  
section, intangible income; 20542

(b) A municipal corporation that taxed any type of 20543  
intangible income on March 29, 1988, pursuant to Section 3 of 20544  
S.B. 238 of the 116th general assembly, may continue to tax that 20545  
type of income if a majority of the electors of the municipal 20546  
corporation voting on the question of whether to permit the 20547  
taxation of that type of intangible income after 1988 voted in 20548  
favor thereof at an election held on November 8, 1988. 20549

(3) Social security benefits, railroad retirement 20550  
benefits, unemployment compensation, pensions, retirement 20551  
benefit payments, payments from annuities, and similar payments 20552  
made to an employee or to the beneficiary of an employee under a 20553  
retirement program or plan, disability payments received from 20554  
private industry or local, state, or federal governments or from 20555  
charitable, religious or educational organizations, and the 20556  
proceeds of sickness, accident, or liability insurance policies. 20557  
As used in division (C) (3) of this section, "unemployment 20558

compensation" does not include supplemental unemployment 20559  
compensation described in section 3402(o)(2) of the Internal 20560  
Revenue Code. 20561

(4) The income of religious, fraternal, charitable, 20562  
scientific, literary, or educational institutions to the extent 20563  
such income is derived from tax-exempt real estate, tax-exempt 20564  
tangible or intangible property, or tax-exempt activities. 20565

(5) Compensation paid under section 3501.28 or 3501.36 of 20566  
the Revised Code to a person serving as a precinct election 20567  
official to the extent that such compensation does not exceed 20568  
one thousand dollars for the taxable year. Such compensation in 20569  
excess of one thousand dollars for the taxable year may be 20570  
subject to taxation by a municipal corporation. A municipal 20571  
corporation shall not require the payer of such compensation to 20572  
withhold any tax from that compensation. 20573

(6) Dues, contributions, and similar payments received by 20574  
charitable, religious, educational, or literary organizations or 20575  
labor unions, lodges, and similar organizations; 20576

(7) Alimony and child support received; 20577

(8) Compensation for personal injuries or for damages to 20578  
property from insurance proceeds or otherwise, excluding 20579  
compensation paid for lost salaries or wages or compensation 20580  
from punitive damages; 20581

(9) Income of a public utility when that public utility is 20582  
subject to the tax levied under section 5727.24 or 5727.30 of 20583  
the Revised Code. Division (C)(9) of this section does not apply 20584  
for purposes of Chapter 5745. of the Revised Code. 20585

(10) Gains from involuntary conversions, interest on 20586  
federal obligations, items of income subject to a tax levied by 20587

the state and that a municipal corporation is specifically 20588  
prohibited by law from taxing, and income of a decedent's estate 20589  
during the period of administration except such income from the 20590  
operation of a trade or business; 20591

(11) Compensation or allowances excluded from federal 20592  
gross income under section 107 of the Internal Revenue Code; 20593

(12) Employee compensation that is not qualifying wages as 20594  
defined in division (R) of this section; 20595

(13) Compensation paid to a person employed within the 20596  
boundaries of a United States air force base under the 20597  
jurisdiction of the United States air force that is used for the 20598  
housing of members of the United States air force and is a 20599  
center for air force operations, unless the person is subject to 20600  
taxation because of residence or domicile. If the compensation 20601  
is subject to taxation because of residence or domicile, tax on 20602  
such income shall be payable only to the municipal corporation 20603  
of residence or domicile. 20604

(14) (a) Except as provided in division (C) (14) (b) or (c) 20605  
of this section, an S corporation shareholder's distributive 20606  
share of net profits of the S corporation, other than any part 20607  
of the distributive share of net profits that represents wages 20608  
as defined in section 3121(a) of the Internal Revenue Code or 20609  
net earnings from self-employment as defined in section 1402(a) 20610  
of the Internal Revenue Code. 20611

(b) If, pursuant to division (H) of former section 718.01 20612  
of the Revised Code as it existed before March 11, 2004, a 20613  
majority of the electors of a municipal corporation voted in 20614  
favor of the question at an election held on November 4, 2003, 20615  
the municipal corporation may continue after 2002 to tax an S 20616

corporation shareholder's distributive share of net profits of 20617  
an S corporation. 20618

(c) If, on December 6, 2002, a municipal corporation was 20619  
imposing, assessing, and collecting a tax on an S corporation 20620  
shareholder's distributive share of net profits of the S 20621  
corporation to the extent the distributive share would be 20622  
allocated or apportioned to this state under divisions (B) (1) 20623  
and (2) of section 5733.05 of the Revised Code if the S 20624  
corporation were a corporation subject to taxes imposed under 20625  
Chapter 5733. of the Revised Code, the municipal corporation may 20626  
continue to impose the tax on such distributive shares to the 20627  
extent such shares would be so allocated or apportioned to this 20628  
state only until December 31, 2004, unless a majority of the 20629  
electors of the municipal corporation voting on the question of 20630  
continuing to tax such shares after that date voted in favor of 20631  
that question at an election held November 2, 2004. If a 20632  
majority of those electors voted in favor of the question, the 20633  
municipal corporation may continue after December 31, 2004, to 20634  
impose the tax on such distributive shares only to the extent 20635  
such shares would be so allocated or apportioned to this state. 20636

(d) A municipal corporation shall be deemed to have 20637  
elected to tax S corporation shareholders' distributive shares 20638  
of net profits of the S corporation in the hands of the 20639  
shareholders if a majority of the electors of a municipal 20640  
corporation voted in favor of a question at an election held 20641  
under division (C) (14) (b) or (c) of this section. The municipal 20642  
corporation shall specify by resolution or ordinance that the 20643  
tax applies to the distributive share of a shareholder of an S 20644  
corporation in the hands of the shareholder of the S 20645  
corporation. 20646

(15) The income of individuals under eighteen years of age. 20647  
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(16) (a) Except as provided in divisions (C) (16) (b), (c), and (d) of this section, qualifying wages described in division (B) (1) or (E) of section 718.011 of the Revised Code to the extent the qualifying wages are not subject to withholding for the municipal corporation under either of those divisions. 20649  
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(b) The exemption provided in division (C) (16) (a) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages. 20654  
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(c) The exemption provided in division (C) (16) (a) of this section does not apply to qualifying wages that an employer elects to withhold under division (D) (2) of section 718.011 of the Revised Code. 20658  
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(d) The exemption provided in division (C) (16) (a) of this section does not apply to qualifying wages if both of the following conditions apply: 20662  
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(i) For qualifying wages described in division (B) (1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located; 20665  
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(ii) The employee receives a refund of the tax described in division (C) (16) (d) (i) of this section on the basis of the 20674  
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employee not performing services in that municipal corporation. 20676

(17) (a) Except as provided in division (C) (17) (b) or (c) 20677  
of this section, compensation that is not qualifying wages paid 20678  
to a nonresident individual for personal services performed in 20679  
the municipal corporation on not more than twenty days in a 20680  
taxable year. 20681

(b) The exemption provided in division (C) (17) (a) of this 20682  
section does not apply under either of the following 20683  
circumstances: 20684

(i) The individual's base of operation is located in the 20685  
municipal corporation. 20686

(ii) The individual is a professional athlete, 20687  
professional entertainer, or public figure, and the compensation 20688  
is paid for the performance of services in the individual's 20689  
capacity as a professional athlete, professional entertainer, or 20690  
public figure. For purposes of division (C) (17) (b) (ii) of this 20691  
section, "professional athlete," "professional entertainer," and 20692  
"public figure" have the same meanings as in section 718.011 of 20693  
the Revised Code. 20694

(c) Compensation to which division (C) (17) of this section 20695  
applies shall be treated as earned or received at the 20696  
individual's base of operation. If the individual does not have 20697  
a base of operation, the compensation shall be treated as earned 20698  
or received where the individual is domiciled. 20699

(d) For purposes of division (C) (17) of this section, 20700  
"base of operation" means the location where an individual owns 20701  
or rents an office, storefront, or similar facility to which the 20702  
individual regularly reports and at which the individual 20703  
regularly performs personal services for compensation. 20704

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business, and the income of the employees of that business, exempted from the tax under division (Q) of that section.

(20) All of the following:

(a) Income derived from disaster work conducted in this state by an out-of-state disaster business during a disaster response period pursuant to a qualifying solicitation received by the business;

(b) Income of a qualifying employee described in division (A) (14) (a) of section 5703.94 of the Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;

(c) Income of a qualifying employee described in division 20735  
(A) (14) (b) of section 5703.94 of the Revised Code, to the extent 20736  
such income is derived from disaster work conducted in this 20737  
state by the employee during a disaster response period on 20738  
critical infrastructure owned or used by the employee's 20739  
employer. 20740

(21) Income the taxation of which is prohibited by the 20741  
constitution or laws of the United States. 20742

Any item of income that is exempt income of a pass-through 20743  
entity under division (C) of this section is exempt income of 20744  
each owner of the pass-through entity to the extent of that 20745  
owner's distributive or proportionate share of that item of the 20746  
entity's income. 20747

(D) (1) "Net profit" for a person who is an individual 20748  
means the individual's net profit required to be reported on 20749  
schedule C, schedule E, or schedule F reduced by any net 20750  
operating loss carried forward. For the purposes of division (D) 20751  
(1) of this section, the net operating loss carried forward 20752  
shall be calculated and deducted in the same manner as provided 20753  
in division (D) (3) of this section. 20754

(2) "Net profit" for a person other than an individual 20755  
means adjusted federal taxable income reduced by any net 20756  
operating loss incurred by the person in a taxable year 20757  
beginning on or after January 1, 2017, subject to the 20758  
limitations of division (D) (3) of this section. 20759

(3) (a) The amount of such net operating loss shall be 20760  
deducted from net profit to the extent necessary to reduce 20761  
municipal taxable income to zero, with any remaining unused 20762  
portion of the net operating loss carried forward to not more 20763



than five consecutive taxable years following the taxable year 20764  
in which the loss was incurred, but in no case for more years 20765  
than necessary for the deduction to be fully utilized. 20766

(b) No person shall use the deduction allowed by division 20767  
(D) (3) of this section to offset qualifying wages. 20768

(c) (i) For taxable years beginning in 2018, 2019, 2020, 20769  
2021, or 2022, a person may not deduct, for purposes of an 20770  
income tax levied by a municipal corporation that levies an 20771  
income tax before January 1, 2016, more than fifty per cent of 20772  
the amount of the deduction otherwise allowed by division (D) (3) 20773  
of this section. 20774

(ii) For taxable years beginning in 2023 or thereafter, a 20775  
person may deduct, for purposes of an income tax levied by a 20776  
municipal corporation that levies an income tax before January 20777  
1, 2016, the full amount allowed by division (D) (3) of this 20778  
section without regard to the limitation of division (D) (3) (c) 20779  
(i) of this section. 20780

(d) Any pre-2017 net operating loss carryforward deduction 20781  
that is available may be utilized before a taxpayer may deduct 20782  
any amount pursuant to division (D) (3) of this section. 20783

(e) Nothing in division (D) (3) (c) (i) of this section 20784  
precludes a person from carrying forward, for use with respect 20785  
to any return filed for a taxable year beginning after 2018, any 20786  
amount of net operating loss that was not fully utilized by 20787  
operation of division (D) (3) (c) (i) of this section. To the 20788  
extent that an amount of net operating loss that was not fully 20789  
utilized in one or more taxable years by operation of division 20790  
(D) (3) (c) (i) of this section is carried forward for use with 20791  
respect to a return filed for a taxable year beginning in 2019, 20792

2020, 2021, or 2022, the limitation described in division (D) (3) 20793  
(c) (i) of this section shall apply to the amount carried 20794  
forward. 20795

(4) For the purposes of this chapter, and notwithstanding 20796  
division (D) (2) of this section, net profit of a disregarded 20797  
entity shall not be taxable as against that disregarded entity, 20798  
but shall instead be included in the net profit of the owner of 20799  
the disregarded entity. 20800

(5) For the purposes of this chapter, and notwithstanding 20801  
any other provision of this chapter, the net profit of a 20802  
publicly traded partnership that makes the election described in 20803  
division (D) (5) of this section shall be taxed as if the 20804  
partnership were a C corporation, and shall not be treated as 20805  
the net profit or income of any owner of the partnership. 20806

A publicly traded partnership that is treated as a 20807  
partnership for federal income tax purposes and that is subject 20808  
to tax on its net profits in one or more municipal corporations 20809  
in this state may elect to be treated as a C corporation for 20810  
municipal income tax purposes. The publicly traded partnership 20811  
shall make the election in every municipal corporation in which 20812  
the partnership is subject to taxation on its net profits. The 20813  
election shall be made on the annual tax return filed in each 20814  
such municipal corporation. The publicly traded partnership 20815  
shall not be required to file the election with any municipal 20816  
corporation in which the partnership is not subject to taxation 20817  
on its net profits, but division (D) (5) of this section applies 20818  
to all municipal corporations in which an individual owner of 20819  
the partnership resides. 20820

(E) "Adjusted federal taxable income," for a person 20821  
required to file as a C corporation, or for a person that has 20822

elected to be taxed as a C corporation under division (D) (5) of 20823  
this section, means a C corporation's federal taxable income 20824  
before net operating losses and special deductions as determined 20825  
under the Internal Revenue Code, adjusted as follows: 20826

(1) Deduct intangible income to the extent included in 20827  
federal taxable income. The deduction shall be allowed 20828  
regardless of whether the intangible income relates to assets 20829  
used in a trade or business or assets held for the production of 20830  
income. 20831

(2) Add an amount equal to five per cent of intangible 20832  
income deducted under division (E) (1) of this section, but 20833  
excluding that portion of intangible income directly related to 20834  
the sale, exchange, or other disposition of property described 20835  
in section 1221 of the Internal Revenue Code; 20836

(3) Add any losses allowed as a deduction in the 20837  
computation of federal taxable income if the losses directly 20838  
relate to the sale, exchange, or other disposition of an asset 20839  
described in section 1221 or 1231 of the Internal Revenue Code; 20840

(4) (a) Except as provided in division (E) (4) (b) of this 20841  
section, deduct income and gain included in federal taxable 20842  
income to the extent the income and gain directly relate to the 20843  
sale, exchange, or other disposition of an asset described in 20844  
section 1221 or 1231 of the Internal Revenue Code; 20845

(b) Division (E) (4) (a) of this section does not apply to 20846  
the extent the income or gain is income or gain described in 20847  
section 1245 or 1250 of the Internal Revenue Code. 20848

(5) Add taxes on or measured by net income allowed as a 20849  
deduction in the computation of federal taxable income; 20850

(6) In the case of a real estate investment trust or 20851

regulated investment company, add all amounts with respect to 20852  
dividends to, distributions to, or amounts set aside for or 20853  
credited to the benefit of investors and allowed as a deduction 20854  
in the computation of federal taxable income; 20855

(7) Deduct, to the extent not otherwise deducted or 20856  
excluded in computing federal taxable income, any income derived 20857  
from a transfer agreement or from the enterprise transferred 20858  
under that agreement under section 4313.02 of the Revised Code; 20859

(8) Deduct exempt income to the extent not otherwise 20860  
deducted or excluded in computing adjusted federal taxable 20861  
income. 20862

(9) Deduct any net profit of a pass-through entity owned 20863  
directly or indirectly by the taxpayer and included in the 20864  
taxpayer's federal taxable income unless an affiliated group of 20865  
corporations includes that net profit in the group's federal 20866  
taxable income in accordance with division (E) (3) (b) of section 20867  
718.06 of the Revised Code. 20868

(10) Add any loss incurred by a pass-through entity owned 20869  
directly or indirectly by the taxpayer and included in the 20870  
taxpayer's federal taxable income unless an affiliated group of 20871  
corporations includes that loss in the group's federal taxable 20872  
income in accordance with division (E) (3) (b) of section 718.06 20873  
of the Revised Code. 20874

If the taxpayer is not a C corporation, is not a 20875  
disregarded entity that has made the election described in 20876  
division (L) (2) of this section, is not a publicly traded 20877  
partnership that has made the election described in division (D) 20878  
(5) of this section, and is not an individual, the taxpayer 20879  
shall compute adjusted federal taxable income under this section 20880

as if the taxpayer were a C corporation, except guaranteed 20881  
payments and other similar amounts paid or accrued to a partner, 20882  
former partner, shareholder, former shareholder, member, or 20883  
former member shall not be allowed as a deductible expense 20884  
unless such payments are a pension or retirement benefit payment 20885  
paid to a retired partner, retired shareholder, or retired 20886  
member or are in consideration for the use of capital and 20887  
treated as payment of interest under section 469 of the Internal 20888  
Revenue Code or United States treasury regulations. Amounts paid 20889  
or accrued to a qualified self-employed retirement plan with 20890  
respect to a partner, former partner, shareholder, former 20891  
shareholder, member, or former member of the taxpayer, amounts 20892  
paid or accrued to or for health insurance for a partner, former 20893  
partner, shareholder, former shareholder, member, or former 20894  
member, and amounts paid or accrued to or for life insurance for 20895  
a partner, former partner, shareholder, former shareholder, 20896  
member, or former member shall not be allowed as a deduction. 20897

Nothing in division (E) of this section shall be construed 20898  
as allowing the taxpayer to add or deduct any amount more than 20899  
once or shall be construed as allowing any taxpayer to deduct 20900  
any amount paid to or accrued for purposes of federal self- 20901  
employment tax. 20902

(F) "Schedule C" means internal revenue service schedule C 20903  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 20904  
Code. 20905

(G) "Schedule E" means internal revenue service schedule E 20906  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 20907  
Code. 20908

(H) "Schedule F" means internal revenue service schedule F 20909  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 20910

Code. 20911

(I) "Internal Revenue Code" has the same meaning as in 20912  
section 5747.01 of the Revised Code. 20913

(J) "Resident" means an individual who is domiciled in the 20914  
municipal corporation as determined under section 718.012 of the 20915  
Revised Code. 20916

(K) "Nonresident" means an individual that is not a 20917  
resident. 20918

(L) (1) "Taxpayer" means a person subject to a tax levied 20919  
on income by a municipal corporation in accordance with this 20920  
chapter. "Taxpayer" does not include a grantor trust or, except 20921  
as provided in division (L) (2) (a) of this section, a disregarded 20922  
entity. 20923

(2) (a) A single member limited liability company that is a 20924  
disregarded entity for federal tax purposes may be a separate 20925  
taxpayer from its single member in all Ohio municipal 20926  
corporations in which it either filed as a separate taxpayer or 20927  
did not file for its taxable year ending in 2003, if all of the 20928  
following conditions are met: 20929

(i) The limited liability company's single member is also 20930  
a limited liability company. 20931

(ii) The limited liability company and its single member 20932  
were formed and doing business in one or more Ohio municipal 20933  
corporations for at least five years before January 1, 2004. 20934

(iii) Not later than December 31, 2004, the limited 20935  
liability company and its single member each made an election to 20936  
be treated as a separate taxpayer under division (L) of this 20937  
section as this section existed on December 31, 2004. 20938

(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(b) For purposes of division (L) (2) (a) (v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(O) "S corporation" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(P) "Single member limited liability company" means a limited liability company that has one direct member.

(Q) "Limited liability company" means a limited liability company formed under former Chapter 1705. of the Revised Code as that chapter existed prior to February 11, 2022, Chapter 1706. of the Revised Code, or the laws of another state.

(R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(1) Deduct the following amounts:

(a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.

(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v) (2) (C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the



exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax. 20996  
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(e) Any amount included in wages that is exempt income. 21001

(2) Add the following amounts: 21002

(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986. 21003  
21004

(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R) (2) (b) of this section applies only to those amounts constituting ordinary income. 21005  
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(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R) (2) (c) of this section applies only to employee contributions and employee deferrals. 21013  
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(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o) (2) of the Internal Revenue Code and not included in wages. 21017  
21018  
21019

(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a) (8) of the Internal Revenue Code. 21020  
21021  
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(f) Any amount not included in wages if all of the 21023

following apply: 21024

(i) For the taxable year the amount is employee 21025  
compensation that is earned outside of the United States and 21026  
that either is included in the taxpayer's gross income for 21027  
federal income tax purposes or would have been included in the 21028  
taxpayer's gross income for such purposes if the taxpayer did 21029  
not elect to exclude the income under section 911 of the 21030  
Internal Revenue Code; 21031

(ii) For no preceding taxable year did the amount 21032  
constitute wages as defined in section 3121(a) of the Internal 21033  
Revenue Code; 21034

(iii) For no succeeding taxable year will the amount 21035  
constitute wages; and 21036

(iv) For any taxable year the amount has not otherwise 21037  
been added to wages pursuant to either division (R) (2) of this 21038  
section or section 718.03 of the Revised Code, as that section 21039  
existed before the effective date of H.B. 5 of the 130th general 21040  
assembly, March 23, 2015. 21041

(S) "Intangible income" means income of any of the 21042  
following types: income yield, interest, capital gains, 21043  
dividends, or other income arising from the ownership, sale, 21044  
exchange, or other disposition of intangible property including, 21045  
but not limited to, investments, deposits, money, or credits as 21046  
those terms are defined in Chapter 5701. of the Revised Code, 21047  
and patents, copyrights, trademarks, tradenames, investments in 21048  
real estate investment trusts, investments in regulated 21049  
investment companies, and appreciation on deferred compensation. 21050  
"Intangible income" does not include prizes, awards, or other 21051  
income associated with any lottery winnings, gambling winnings, 21052

or other similar games of chance. 21053

(T) "Taxable year" means the corresponding tax reporting 21054  
period as prescribed for the taxpayer under the Internal Revenue 21055  
Code. 21056

(U) (1) "Tax administrator" means, subject to division (U) 21057  
(2) of this section, the individual charged with direct 21058  
responsibility for administration of an income tax levied by a 21059  
municipal corporation in accordance with this chapter, and also 21060  
includes the following: 21061

(a) A municipal corporation acting as the agent of another 21062  
municipal corporation; 21063

(b) A person retained by a municipal corporation to 21064  
administer a tax levied by the municipal corporation, but only 21065  
if the municipal corporation does not compensate the person in 21066  
whole or in part on a contingency basis; 21067

(c) The central collection agency or the regional income 21068  
tax agency or their successors in interest, or another entity 21069  
organized to perform functions similar to those performed by the 21070  
central collection agency and the regional income tax agency. 21071

(2) "Tax administrator" does not include the tax 21072  
commissioner. 21073

(3) A private individual or entity serving in any position 21074  
described in division (U) (1) (b) or (c) of this section shall 21075  
have no access to criminal history record information. 21076

(V) "Employer" means a person that is an employer for 21077  
federal income tax purposes. 21078

(W) "Employee" means an individual who is an employee for 21079  
federal income tax purposes. 21080

(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.

(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.

(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(EE) "Ohio business gateway" means the online computer network system created under section 125.30 of the Revised Code or any successor electronic filing and payment system.

(FF) "Local board of tax review" and "board of tax review"	21110
mean the entity created under section 718.11 of the Revised	21111
Code.	21112
(GG) "Net operating loss" means a loss incurred by a	21113
person in the operation of a trade or business. "Net operating	21114
loss" does not include unutilized losses resulting from basis	21115
limitations, at-risk limitations, or passive activity loss	21116
limitations.	21117
(HH) "Casino operator" and "casino facility" have the same	21118
meanings as in section 3772.01 of the Revised Code.	21119
(II) "Video lottery terminal" has the same meaning as in	21120
section 3770.21 of the Revised Code.	21121
(JJ) "Video lottery terminal sales agent" means a lottery	21122
sales agent licensed under Chapter 3770. of the Revised Code to	21123
conduct video lottery terminals on behalf of the state pursuant	21124
to section 3770.21 of the Revised Code.	21125
(KK) "Postal service" means the United States postal	21126
service.	21127
(LL) "Certified mail," "express mail," "United States	21128
mail," "postal service," and similar terms include any delivery	21129
service authorized pursuant to section 5703.056 of the Revised	21130
Code.	21131
(MM) "Postmark date," "date of postmark," and similar	21132
terms include the date recorded and marked in the manner	21133
described in division (B) (3) of section 5703.056 of the Revised	21134
Code.	21135
(NN) "Related member" means a person that, with respect to	21136
the taxpayer during all or any portion of the taxable year, is	21137

either a related entity, a component member as defined in 21138  
section 1563(b) of the Internal Revenue Code, or a person to or 21139  
from whom there is attribution of stock ownership in accordance 21140  
with section 1563(e) of the Internal Revenue Code except, for 21141  
purposes of determining whether a person is a related member 21142  
under this division, "twenty per cent" shall be substituted for 21143  
"5 percent" wherever "5 percent" appears in section 1563(e) of 21144  
the Internal Revenue Code. 21145

(00) "Related entity" means any of the following: 21146

(1) An individual stockholder, or a member of the 21147  
stockholder's family enumerated in section 318 of the Internal 21148  
Revenue Code, if the stockholder and the members of the 21149  
stockholder's family own directly, indirectly, beneficially, or 21150  
constructively, in the aggregate, at least fifty per cent of the 21151  
value of the taxpayer's outstanding stock; 21152

(2) A stockholder, or a stockholder's partnership, estate, 21153  
trust, or corporation, if the stockholder and the stockholder's 21154  
partnerships, estates, trusts, or corporations own directly, 21155  
indirectly, beneficially, or constructively, in the aggregate, 21156  
at least fifty per cent of the value of the taxpayer's 21157  
outstanding stock; 21158

(3) A corporation, or a party related to the corporation 21159  
in a manner that would require an attribution of stock from the 21160  
corporation to the party or from the party to the corporation 21161  
under division (00) (4) of this section, provided the taxpayer 21162  
owns directly, indirectly, beneficially, or constructively, at 21163  
least fifty per cent of the value of the corporation's 21164  
outstanding stock; 21165

(4) The attribution rules described in section 318 of the 21166

Internal Revenue Code apply for the purpose of determining 21167  
whether the ownership requirements in divisions (OO) (1) to (3) 21168  
of this section have been met. 21169

(PP) (1) "Assessment" means a written finding by the tax 21170  
administrator that a person has underpaid municipal income tax, 21171  
or owes penalty and interest, or any combination of tax, 21172  
penalty, or interest, to the municipal corporation that 21173  
commences the person's time limitation for making an appeal to 21174  
the local board of tax review pursuant to section 718.11 of the 21175  
Revised Code, and has "ASSESSMENT" written in all capital 21176  
letters at the top of such finding. 21177

(2) "Assessment" does not include an informal notice 21178  
denying a request for refund issued under division (B) (3) of 21179  
section 718.19 of the Revised Code, a billing statement 21180  
notifying a taxpayer of current or past-due balances owed to the 21181  
municipal corporation, a tax administrator's request for 21182  
additional information, a notification to the taxpayer of 21183  
mathematical errors, or a tax administrator's other written 21184  
correspondence to a person or taxpayer that does not meet the 21185  
criteria prescribed by division (PP) (1) of this section. 21186

(QQ) "Taxpayers' rights and responsibilities" means the 21187  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 21188  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 21189  
Revised Code and the responsibilities of taxpayers to file, 21190  
report, withhold, remit, and pay municipal income tax and 21191  
otherwise comply with Chapter 718. of the Revised Code and 21192  
resolutions, ordinances, and rules adopted by a municipal 21193  
corporation for the imposition and administration of a municipal 21194  
income tax. 21195

(RR) "Qualified municipal corporation" means a municipal 21196

corporation that, by resolution or ordinance adopted on or 21197  
before December 31, 2011, adopted Ohio adjusted gross income, as 21198  
defined by section 5747.01 of the Revised Code, as the income 21199  
subject to tax for the purposes of imposing a municipal income 21200  
tax. 21201

(SS) (1) "Pre-2017 net operating loss carryforward" means 21202  
any net operating loss incurred in a taxable year beginning 21203  
before January 1, 2017, to the extent such loss was permitted, 21204  
by a resolution or ordinance of the municipal corporation that 21205  
was adopted by the municipal corporation before January 1, 2016, 21206  
to be carried forward and utilized to offset income or net 21207  
profit generated in such municipal corporation in future taxable 21208  
years. 21209

(2) For the purpose of calculating municipal taxable 21210  
income, any pre-2017 net operating loss carryforward may be 21211  
carried forward to any taxable year, including taxable years 21212  
beginning in 2017 or thereafter, for the number of taxable years 21213  
provided in the resolution or ordinance or until fully utilized, 21214  
whichever is earlier. 21215

(TT) "Small employer" means any employer that had total 21216  
revenue of less than five hundred thousand dollars during the 21217  
preceding taxable year. For purposes of this division, "total 21218  
revenue" means receipts of any type or kind, including, but not 21219  
limited to, sales receipts; payments; rents; profits; gains, 21220  
dividends, and other investment income; compensation; 21221  
commissions; premiums; money; property; grants; contributions; 21222  
donations; gifts; program service revenue; patient service 21223  
revenue; premiums; fees, including premium fees and service 21224  
fees; tuition payments; unrelated business revenue; 21225  
reimbursements; any type of payment from a governmental unit, 21226



including grants and other allocations; and any other similar 21227  
receipts reported for federal income tax purposes or under 21228  
generally accepted accounting principles. "Small employer" does 21229  
not include the federal government; any state government, 21230  
including any state agency or instrumentality; any political 21231  
subdivision; or any entity treated as a government for financial 21232  
accounting and reporting purposes. 21233

(UU) "Audit" means the examination of a person or the 21234  
inspection of the books, records, memoranda, or accounts of a 21235  
person for the purpose of determining liability for a municipal 21236  
income tax. 21237

(VV) "Publicly traded partnership" means any partnership, 21238  
an interest in which is regularly traded on an established 21239  
securities market. A "publicly traded partnership" may have any 21240  
number of partners. 21241

(WW) "Tax commissioner" means the tax commissioner 21242  
appointed under section 121.03 of the Revised Code. 21243

(XX) "Out-of-state disaster business," "qualifying 21244  
solicitation," "qualifying employee," "disaster work," "critical 21245  
infrastructure," and "disaster response period" have the same 21246  
meanings as in section 5703.94 of the Revised Code. 21247

(YY) "Pension" means a retirement benefit plan, regardless 21248  
of whether the plan satisfies the qualifications described under 21249  
section 401(a) of the Internal Revenue Code, including amounts 21250  
that are taxable under the "Federal Insurance Contributions 21251  
Act," Chapter 21 of the Internal Revenue Code, excluding 21252  
employee contributions and elective deferrals, and regardless of 21253  
whether such amounts are paid in the same taxable year in which 21254  
the amounts are included in the employee's wages, as defined by 21255

section 3121(a) of the Internal Revenue Code. 21256

(ZZ) "Retirement benefit plan" means an arrangement 21257  
whereby an entity provides benefits to individuals either on or 21258  
after their termination of service because of retirement or 21259  
disability. "Retirement benefit plan" does not include wage 21260  
continuation payments, severance payments, or payments made for 21261  
accrued personal or vacation time. 21262

**Sec. 718.031.** As used in this section, "sports gaming 21263  
facility" and "type B sports gaming proprietor" have the same 21264  
meanings as in section 3775.01 of the Revised Code and ~~"lottery-~~ 21265  
~~sports gaming" has~~ "video lottery terminal" and "video lottery 21266  
sales agent" have the same meaning-meanings as in section 21267  
~~3770.23-3770.10~~ of the Revised Code. 21268

(A) A municipal corporation shall require the following 21269  
persons to withhold and remit municipal income tax with respect 21270  
to amounts other than qualifying wages as provided in this 21271  
section: 21272

(1) A casino facility or a casino operator, as defined in 21273  
Section 6(C) (9) of Article XV, Ohio Constitution, and section 21274  
3772.01 of the Revised Code, respectively; 21275

(2) A video lottery sales agent conducting video lottery 21276  
terminals on behalf of the state; 21277

(3) A type B sports gaming proprietor offering sports 21278  
gaming at a sports gaming facility. 21279

(B) If a person's winnings at a casino facility or sports 21280  
gaming facility are an amount for which reporting to the 21281  
internal revenue service of the amount is required by section 21282  
6041 of the Internal Revenue Code, as amended, a casino operator 21283  
or sports gaming proprietor shall deduct and withhold municipal 21284

income tax from the person's winnings at the rate of the tax 21285  
imposed by the municipal corporation in which the casino 21286  
facility or sports gaming facility is located. 21287

(C) Amounts deducted and withheld by a casino operator or 21288  
sports gaming proprietor are held in trust for the benefit of 21289  
the municipal corporation to which the tax is owed. 21290

(1) On or before the tenth day of each month, the casino 21291  
operator or sports gaming proprietor shall file a return 21292  
electronically with the tax administrator of the municipal 21293  
corporation, providing the name, address, and social security 21294  
number of the person from whose winnings amounts were deducted 21295  
and withheld, the amount of each such deduction and withholding 21296  
during the preceding calendar month, the amount of the winnings 21297  
from which each such amount was withheld, the type of casino 21298  
gaming or sports gaming that resulted in such winnings, and any 21299  
other information required by the tax administrator. With this 21300  
return, the casino operator or sports gaming proprietor shall 21301  
remit electronically to the municipal corporation all amounts 21302  
deducted and withheld during the preceding month. 21303

(2) Annually, on or before the thirty-first day of 21304  
January, a casino operator or sports gaming proprietor shall 21305  
file an annual return electronically with the tax administrator 21306  
of the municipal corporation in which the casino facility or 21307  
sports gaming facility is located, indicating the total amount 21308  
deducted and withheld during the preceding calendar year. The 21309  
casino operator or sports gaming proprietor shall remit 21310  
electronically with the annual return any amount that was 21311  
deducted and withheld and that was not previously remitted. If 21312  
the name, address, or social security number of a person or the 21313  
amount deducted and withheld with respect to that person was 21314

omitted on a monthly return for that reporting period, that 21315  
information shall be indicated on the annual return. 21316

(3) Annually, on or before the thirty-first day of 21317  
January, a casino operator or sports gaming proprietor shall 21318  
issue an information return to each person with respect to whom 21319  
an amount has been deducted and withheld during the preceding 21320  
calendar year. The information return shall show the total 21321  
amount of municipal income tax deducted from the person's 21322  
winnings during the preceding year. The casino operator or 21323  
sports gaming proprietor shall provide to the tax administrator 21324  
a copy of each information return issued under this division. 21325  
The administrator may require that such copies be transmitted 21326  
electronically. 21327

(4) A casino operator or sports gaming proprietor that 21328  
fails to file a return and remit the amounts deducted and 21329  
withheld shall be personally liable for the amount withheld and 21330  
not remitted. Such personal liability extends to any penalty and 21331  
interest imposed for the late filing of a return or the late 21332  
payment of tax deducted and withheld. 21333

(5) If a casino operator or sports gaming proprietor sells 21334  
the casino facility or sports gaming facility, or otherwise 21335  
quits the casino or sports gaming business, the amounts deducted 21336  
and withheld along with any penalties and interest thereon are 21337  
immediately due and payable. The successor shall withhold an 21338  
amount of the purchase money that is sufficient to cover the 21339  
amounts deducted and withheld along with any penalties and 21340  
interest thereon until the predecessor casino operator or sports 21341  
gaming proprietor produces either of the following: 21342

(a) A receipt from the tax administrator showing that the 21343  
amounts deducted and withheld and penalties and interest thereon 21344

have been paid; 21345

(b) A certificate from the tax administrator indicating 21346  
that no amounts are due. 21347

If the successor fails to withhold purchase money, the 21348  
successor is personally liable for the payment of the amounts 21349  
deducted and withheld and penalties and interest thereon. 21350

(6) The failure of a casino operator or sports gaming 21351  
proprietor to deduct and withhold the required amount from a 21352  
person's winnings does not relieve that person from liability 21353  
for the municipal income tax with respect to those winnings. 21354

(D) If a person's prize award from a video lottery 21355  
~~terminal or from lottery sports gaming offered in a video~~ 21356  
~~lottery terminal facility~~ is an amount for which reporting to 21357  
the internal revenue service is required by section 6041 of the 21358  
Internal Revenue Code, as amended, the video lottery sales agent 21359  
shall deduct and withhold municipal income tax from the person's 21360  
prize award at the rate of the tax imposed by the municipal 21361  
corporation in which the video lottery terminal facility is 21362  
located. 21363

(E) Amounts deducted and withheld by a video lottery sales 21364  
agent are held in trust for the benefit of the municipal 21365  
corporation to which the tax is owed. 21366

(1) The video lottery sales agent shall issue to a person 21367  
from whose prize award an amount has been deducted and withheld 21368  
a receipt for the amount deducted and withheld, and shall obtain 21369  
from the person receiving a prize award the person's name, 21370  
address, and social security number in order to facilitate the 21371  
preparation of returns required by this section. 21372

(2) On or before the tenth day of each month, the video 21373

lottery sales agent shall file a return electronically with the 21374  
tax administrator of the municipal corporation providing the 21375  
names, addresses, and social security numbers of the persons 21376  
from whose prize awards amounts were deducted and withheld, the 21377  
amount of each such deduction and withholding during the 21378  
preceding calendar month, the amount of the prize award from 21379  
which each such amount was withheld, and any other information 21380  
required by the tax administrator. With the return, the video 21381  
lottery sales agent shall remit electronically to the tax 21382  
administrator all amounts deducted and withheld during the 21383  
preceding month. 21384

(3) A video lottery sales agent shall maintain a record of 21385  
all receipts issued under division (E) of this section and shall 21386  
make those records available to the tax administrator upon 21387  
request. Such records shall be maintained in accordance with 21388  
section 5747.17 of the Revised Code and any rules adopted 21389  
pursuant thereto. 21390

(4) Annually, on or before the thirty-first day of 21391  
January, each video lottery ~~terminal~~-sales agent shall file an 21392  
annual return electronically with the tax administrator of the 21393  
municipal corporation in which the facility is located 21394  
indicating the total amount deducted and withheld during the 21395  
preceding calendar year. The video lottery sales agent shall 21396  
remit electronically with the annual return any amount that was 21397  
deducted and withheld and that was not previously remitted. If 21398  
the name, address, or social security number of a person or the 21399  
amount deducted and withheld with respect to that person was 21400  
omitted on a monthly return for that reporting period, that 21401  
information shall be indicated on the annual return. 21402

(5) Annually, on or before the thirty-first day of 21403

January, a video lottery sales agent shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted and withheld from the person's prize award by the video lottery sales agent during the preceding year. A video lottery sales agent shall provide to the tax administrator of the municipal corporation a copy of each information return issued under this division. The tax administrator may require that such copies be transmitted electronically.

(6) A video lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(F) If a video lottery sales agent ceases to operate video lottery terminals, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor of the video lottery sales agent that purchases the video lottery terminals from the agent shall withhold an amount from the purchase money that is sufficient to cover the amounts deducted and withheld and any penalties and interest thereon until the predecessor video lottery sales agent operator produces either of the following:

(1) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;

(2) A certificate from the tax administrator indicating that no amounts are due.

If the successor fails to withhold purchase money, the 21434  
successor is personally liable for the payment of the amounts 21435  
deducted and withheld and penalties and interest thereon. 21436

(G) The failure of a video lottery sales agent to deduct 21437  
and withhold the required amount from a person's prize award 21438  
does not relieve that person from liability for the municipal 21439  
income tax with respect to that prize award. 21440

(H) If a casino operator, sports gaming proprietor, or 21441  
video lottery sales agent files a return late, fails to file a 21442  
return, remits amounts deducted and withheld late, or fails to 21443  
remit amounts deducted and withheld as required under this 21444  
section, the tax administrator of a municipal corporation may 21445  
impose the following applicable penalty: 21446

(1) For the late remittance of, or failure to remit, tax 21447  
deducted and withheld under this section, a penalty equal to 21448  
fifty per cent of the tax deducted and withheld; 21449

(2) For the failure to file, or the late filing of, a 21450  
monthly or annual return, a penalty of five hundred dollars for 21451  
each return not filed or filed late. Interest shall accrue on 21452  
past due amounts deducted and withheld at the rate prescribed in 21453  
section 5703.47 of the Revised Code. 21454

(I) Amounts deducted and withheld on behalf of a municipal 21455  
corporation shall be allowed as a credit against payment of the 21456  
tax imposed by the municipal corporation and shall be treated as 21457  
taxes paid for purposes of section 718.08 of the Revised Code. 21458  
This division applies only to the person for whom the amount is 21459  
deducted and withheld. 21460

(J) The tax administrator shall prescribe the forms of the 21461  
receipts and returns required under this section. 21462



**Sec. 718.12.** (A) (1) (a) Civil actions to recover municipal 21463  
income taxes and penalties and interest on municipal income 21464  
taxes shall be brought within the later of: 21465

(i) Three years after the tax return, including any valid 21466  
extension, was due or ~~the return was filed,~~ whichever is later; 21467  
or 21468

(ii) One year after the conclusion of the qualifying 21469  
deferral period, if any. 21470

(b) The time limit described in division (A) (1) (a) of this 21471  
section may be extended at any time if both the tax 21472  
administrator and the employer, agent of the employer, other 21473  
payer, or taxpayer consent in writing to the extension. Any 21474  
extension shall also extend for the same period of time the time 21475  
limit described in division (C) of this section. 21476

(2) As used in this section, "qualifying deferral period" 21477  
means a period of time beginning and ending as follows: 21478

(a) Beginning on the date a person who is aggrieved by an 21479  
assessment files with a local board of tax review the request 21480  
described in section 718.11 of the Revised Code. That date shall 21481  
not be affected by any subsequent decision, finding, or holding 21482  
by any administrative body or court that the local board of tax 21483  
review with which the aggrieved person filed the request did not 21484  
have jurisdiction to affirm, reverse, or modify the assessment 21485  
or any part of that assessment. 21486

(b) Ending the later of the sixtieth day after the date on 21487  
which the final determination of the local board of tax review 21488  
becomes final or, if any party appeals from the determination of 21489  
the local board of tax review, the sixtieth day after the date 21490  
on which the final determination of the local board of tax 21491

review is either ultimately affirmed in whole or in part or 21492  
ultimately reversed and no further appeal of either that 21493  
affirmation, in whole or in part, or that reversal is available 21494  
or taken. 21495

(B) Prosecutions for an offense made punishable under a 21496  
resolution or ordinance imposing an income tax shall be 21497  
commenced within three years after the commission of the 21498  
offense, provided that in the case of fraud, failure to file a 21499  
return, or the omission of twenty-five per cent or more of 21500  
income required to be reported, prosecutions may be commenced 21501  
within six years after the commission of the offense. 21502

(C) A claim for a refund of municipal income taxes shall 21503  
be brought within the time limitation provided in section 718.19 21504  
of the Revised Code. 21505

(D) Interest shall be allowed and paid on any overpayment 21506  
by a taxpayer of any municipal income tax obligation from the 21507  
date of the overpayment until the date of the refund of the 21508  
overpayment, except that if any overpayment is refunded within 21509  
ninety days after the final filing date of the annual return or 21510  
ninety days after the completed return is filed, whichever is 21511  
later, no interest shall be allowed on the refund. For the 21512  
purpose of computing the payment of interest on amounts 21513  
overpaid, no amount of tax for any taxable year shall be 21514  
considered to have been paid before the date on which the return 21515  
on which the tax is reported is due, without regard to any 21516  
extension of time for filing that return. Interest shall be paid 21517  
at the interest rate described in division (A) (5) of section 21518  
718.27 of the Revised Code. 21519

(E) Within sixty days after the final determination of any 21520  
federal or state tax liability affecting the taxpayer's 21521

municipal tax liability, that taxpayer shall make and file an 21522  
amended municipal return showing income subject to the municipal 21523  
income tax based upon such final determination of federal or 21524  
state tax liability, and pay any additional municipal income tax 21525  
shown due thereon or make a claim for refund of any overpayment, 21526  
unless the tax or overpayment is less than ten dollars. 21527

(F) (1) Notwithstanding the fact that an appeal is pending, 21528  
the petitioner may pay all or a portion of the assessment that 21529  
is the subject of the appeal. The acceptance of a payment by the 21530  
municipal corporation does not prejudice any claim for refund 21531  
upon final determination of the appeal. 21532

(2) If upon final determination of the appeal an error in 21533  
the assessment is corrected by the tax administrator, upon an 21534  
appeal so filed or pursuant to a final determination of the 21535  
local board of tax review created under section 718.11 of the 21536  
Revised Code, of the Ohio board of tax appeals, or any court to 21537  
which the decision of the Ohio board of tax appeals has been 21538  
appealed, so that the amount due from the party assessed under 21539  
the corrected assessment is less than the amount paid, there 21540  
shall be issued to the appellant or to the appellant's assigns 21541  
or legal representative a refund in the amount of the 21542  
overpayment as provided by section 718.19 of the Revised Code, 21543  
with interest on that amount as provided by division (D) of this 21544  
section. 21545

(G) No civil action to recover municipal income tax or 21546  
related penalties or interest shall be brought during either of 21547  
the following time periods: 21548

(1) The period during which a taxpayer has a right to 21549  
appeal the imposition of that tax or interest or those 21550  
penalties; 21551

(2) The period during which an appeal related to the 21552  
imposition of that tax or interest or those penalties is 21553  
pending. 21554

**Sec. 718.19.** (A) Upon receipt of a request for a refund, 21555  
the tax administrator of a municipal corporation, in accordance 21556  
with this section, shall refund to employers, agents of 21557  
employers, other payers, or taxpayers, with respect to any 21558  
income or withholding tax levied by the municipal corporation: 21559

(1) Overpayments of more than ten dollars; 21560

(2) Amounts paid erroneously if the refund requested 21561  
exceeds ten dollars. 21562

(B) (1) Except as otherwise provided in this chapter, 21563  
requests for refund shall be filed with the tax administrator, 21564  
on the form prescribed by the tax administrator within three 21565  
years after the tax return, including any valid extension, was 21566  
~~due or paid, whichever is later~~. The tax administrator may 21567  
require the requestor to file with the request any documentation 21568  
that substantiates the requestor's claim for a refund. 21569

(2) On filing of the refund request, the tax administrator 21570  
shall determine the amount of refund due and certify such amount 21571  
to the appropriate municipal corporation official for payment. 21572  
Except as provided in division (B) (3) of this section, the 21573  
administrator shall issue an assessment to any taxpayer whose 21574  
request for refund is fully or partially denied. The assessment 21575  
shall state the amount of the refund that was denied, the 21576  
reasons for the denial, and instructions for appealing the 21577  
assessment. 21578

(3) If a tax administrator denies in whole or in part a 21579  
refund request included within the taxpayer's originally filed 21580

annual income tax return, the tax administrator shall notify the taxpayer, in writing, of the amount of the refund that was denied, the reasons for the denial, and instructions for requesting an assessment that may be appealed under section 718.11 of the Revised Code.

(C) A request for a refund that is received after the last day for filing specified in division (B) of this section shall be considered to have been filed in a timely manner if any of the following situations exist:

(1) The request is delivered by the postal service, and the earliest postal service postmark on the cover in which the request is enclosed is not later than the last day for filing the request.

(2) The request is delivered by the postal service, the only postmark on the cover in which the request is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the request, and the request is received within seven days of such last day.

(3) The request is delivered by the postal service, no postmark date was affixed to the cover in which the request is enclosed or the date of the postmark so affixed is not legible, and the request is received within seven days of the last day for making the request.

(D) As used in this section, "withholding tax" has the same meaning as in section 718.27 of the Revised Code.

**Sec. 718.85.** (A) (1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of tax shown to be due on the return less the amount paid for the taxable year under section 718.88 of the Revised Code, shall

be submitted to the tax commissioner, on a form and in the 21610  
manner prescribed by the commissioner, on or before the 21611  
fifteenth day of the fourth month following the end of the 21612  
taxpayer's taxable year. 21613

(2) The remittance shall be made payable to the treasurer 21614  
of state and in the form prescribed by the tax commissioner. If 21615  
the amount payable with the tax return is ten dollars or less, 21616  
no remittance is required. 21617

(B) The tax commissioner shall immediately forward to the 21618  
treasurer of state all amounts the commissioner receives 21619  
pursuant to sections 718.80 to 718.95 of the Revised Code. The 21620  
treasurer shall credit such amounts to the municipal net profit 21621  
tax fund which is hereby created in the state treasury. 21622

(C) (1) Each return required to be filed under this section 21623  
shall contain the signature of the taxpayer or the taxpayer's 21624  
duly authorized agent and of the person who prepared the return 21625  
for the taxpayer, and shall include the taxpayer's 21626  
identification number. Each return shall be verified by a 21627  
declaration under penalty of perjury. 21628

(2) (a) The tax commissioner may require a taxpayer to 21629  
include, with each annual tax return, amended return, or request 21630  
for refund filed with the commissioner under sections 718.80 to 21631  
718.95 of the Revised Code, copies of any relevant documents or 21632  
other information. 21633

(b) A taxpayer that files an annual tax return 21634  
electronically through the Ohio business gateway or in another 21635  
manner as prescribed by the tax commissioner shall either submit 21636  
the documents required under this division electronically as 21637  
prescribed at the time of filing or, if electronic submission is 21638

not available, mail the documents to the tax commissioner. The 21639  
department of taxation shall publish a method of electronically 21640  
submitting the documents required under this division on or 21641  
before January 1, 2019. 21642

(3) After a taxpayer files a tax return, the tax 21643  
commissioner may request, and the taxpayer shall provide, any 21644  
information, statements, or documents required to determine and 21645  
verify the taxpayer's municipal income tax. 21646

(D) (1) (a) Any taxpayer that has duly requested an 21647  
automatic extension for filing the taxpayer's federal income tax 21648  
return shall automatically receive an extension for the filing 21649  
of a tax return with the commissioner under this section. The 21650  
extended due date of the return shall be the fifteenth day of 21651  
the eleventh month after the last day of the taxable year to 21652  
which the return relates. 21653

(b) A taxpayer that has not requested or received a six- 21654  
month extension for filing the taxpayer's federal income tax 21655  
return may request that the commissioner grant the taxpayer a 21656  
~~six-month~~ seven-month extension of the date for filing the 21657  
taxpayer's tax return. If the commissioner receives the request 21658  
on or before the date the tax return is due, the commissioner 21659  
shall grant the taxpayer's extension request. 21660

(c) An extension of time to file under division (D) (1) of 21661  
this section is not an extension of the time to pay any tax due 21662  
unless the tax commissioner grants an extension of that date. 21663

(2) If the commissioner considers it necessary in order to 21664  
ensure payment of a tax imposed in accordance with section 21665  
718.04 of the Revised Code, the commissioner may require 21666  
taxpayers to file returns and make payments otherwise than as 21667

provided in this section, including taxpayers not otherwise 21668  
required to file annual returns. 21669

(3) If a taxpayer receives an extension for the filing of 21670  
a tax return under division (D)(1) or (2) of this section, the 21671  
commissioner shall not make any inquiry or send any notice to 21672  
the taxpayer with regard to the return on or before the date the 21673  
taxpayer files the return or on or before the extended due date 21674  
to file the return, whichever occurs first. 21675

Division (D)(3) of this section does not apply to an 21676  
extension received under division (D)(1) of this section if the 21677  
commissioner has actual knowledge that the taxpayer failed to 21678  
file for a federal extension as required to receive the 21679  
extension under division (D)(1)(a) of this section or failed to 21680  
file for an extension under division (D)(1)(b) of this section. 21681

(E) Each return required to be filed in accordance with 21682  
this section shall include a box that the taxpayer may check to 21683  
authorize another person, including a tax return preparer who 21684  
prepared the return, to communicate with the tax commissioner 21685  
about matters pertaining to the return. The return or 21686  
instructions accompanying the return shall indicate that by 21687  
checking the box the taxpayer authorizes the commissioner to 21688  
contact the preparer or other person concerning questions that 21689  
arise during the examination or other review of the return and 21690  
authorizes the preparer or other person only to provide the 21691  
commissioner with information that is missing from the return, 21692  
to contact the commissioner for information about the 21693  
examination or other review of the return or the status of the 21694  
taxpayer's refund or payments, and to respond to notices about 21695  
mathematical errors, offsets, or return preparation that the 21696  
taxpayer has received from the commissioner and has shown to the 21697



preparer or other person. 21698

(F) When income tax returns or other documents require the 21699  
signature of a tax return preparer, the tax commissioner shall 21700  
accept a facsimile or electronic version of such a signature in 21701  
lieu of a manual signature. 21702

**Sec. 718.88.** (A) As used in this section: 21703

(1) "Combined tax liability" means the total amount of a 21704  
taxpayer's income tax liabilities to all municipal corporations 21705  
in this state for a taxable year. 21706

(2) "Estimated taxes" means the amount that the taxpayer 21707  
reasonably estimates to be the taxpayer's combined tax liability 21708  
for the current taxable year. 21709

(B) (1) Except as provided in division (B) (4) of this 21710  
section, every taxpayer shall make a declaration of estimated 21711  
taxes for the current taxable year, on the form prescribed by 21712  
the tax commissioner, if the amount payable as estimated taxes 21713  
is at least two hundred dollars. 21714

(2) Except as provided in division (B) (4) of this section, 21715  
a taxpayer having a taxable year of less than twelve months 21716  
shall make a declaration under rules prescribed by the 21717  
commissioner. 21718

(3) The declaration of estimated taxes shall be filed on 21719  
or before the fifteenth day of the fourth month after the 21720  
beginning of the taxable year or on or before the fifteenth day 21721  
of the fourth month after the taxpayer becomes subject to tax 21722  
for the first time. 21723

(4) The tax commissioner may waive the requirement for 21724  
filing a declaration of estimated taxes for any class of 21725

taxpayers after finding that the waiver is reasonable and proper 21726  
in view of administrative costs and other factors. 21727

(C) Each taxpayer shall file the declaration of estimated 21728  
taxes with, and remit estimated taxes to, the tax commissioner 21729  
at the times and in the amounts prescribed in division (C)(1) of 21730  
this section. Remitted taxes shall be made payable to the 21731  
treasurer of state. 21732

(1) The required portion of the combined tax liability for 21733  
the taxable year that shall be paid through estimated taxes 21734  
shall be as follows: 21735

(a) On or before the fifteenth day of the fourth month 21736  
after the beginning of the taxable year, twenty-two and one-half 21737  
per cent of the combined tax liability for the taxable year; 21738

(b) On or before the fifteenth day of the sixth month 21739  
after the beginning of the taxable year, forty-five per cent of 21740  
the combined tax liability for the taxable year; 21741

(c) On or before the fifteenth day of the ninth month 21742  
after the beginning of the taxable year, sixty-seven and one- 21743  
half per cent of the combined tax liability for the taxable 21744  
year; 21745

(d) On or before the fifteenth day of the twelfth month of 21746  
the taxable year, ninety per cent of the combined tax liability 21747  
for the taxable year. 21748

(2) If the taxpayer determines that its declaration of 21749  
estimated taxes will not accurately reflect the taxpayer's tax 21750  
liability for the taxable year, the taxpayer shall increase or 21751  
decrease, as appropriate, its subsequent payments in equal 21752  
installments to result in a more accurate payment of estimated 21753  
taxes. 21754

(3) (a) Each taxpayer shall report on the declaration of  
estimated taxes the portion of the remittance that the taxpayer  
estimates that it owes to each municipal corporation for the  
taxable year.

(b) Upon receiving a payment of estimated taxes under this  
section, the commissioner shall immediately forward the payment  
to the treasurer of state. The treasurer shall credit the  
payment in the same manner as in division (B) of section 718.85  
of the Revised Code.

(D) (1) In the case of any underpayment of estimated taxes,  
~~there shall be added~~ the tax commissioner may add to the taxes  
an amount determined at the rate per annum prescribed by section  
5703.47 of the Revised Code upon the amount of underpayment for  
the period of underpayment, unless the underpayment is due to  
reasonable cause as described in division (E) of this section.  
The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year,  
twenty-two and one-half per cent of the combined tax liability,  
less the amount of taxes paid by the date prescribed for that  
payment;

(b) For the second payment of estimated taxes each year,  
forty-five per cent of the combined tax liability, less the  
amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year,  
sixty-seven and one-half per cent of the combined tax liability,  
less the amount of taxes paid by the date prescribed for that  
payment;

(d) For the fourth payment of estimated taxes each year,  
ninety per cent of the combined tax liability, less the amount

of taxes paid by the date prescribed for that payment. 21784

(2) The period of the underpayment shall run from the day 21785  
the estimated payment was required to be made to the date on 21786  
which the payment is made. For purposes of this section, a 21787  
payment of estimated taxes on or before any payment date shall 21788  
be considered a payment of any previous underpayment only to the 21789  
extent the payment of estimated taxes exceeds the amount of the 21790  
payment presently due. 21791

(3) All amounts collected under this section shall be 21792  
considered as taxes collected under sections 718.80 to 718.95 of 21793  
the Revised Code and shall be credited and distributed to 21794  
municipal corporations in accordance with section 718.83 of the 21795  
Revised Code. 21796

(E) An underpayment of any portion of a combined tax 21797  
liability shall be due to reasonable cause and the penalty 21798  
imposed by this section shall not be added to the taxes for the 21799  
taxable year if any of the following apply: 21800

(1) The amount of estimated taxes that were paid equals at 21801  
least ninety per cent of the combined tax liability for the 21802  
current taxable year, determined by annualizing the income 21803  
received during the year up to the end of the month immediately 21804  
preceding the month in which the payment is due. 21805

(2) The amount of estimated taxes that were paid equals at 21806  
least one hundred per cent of the tax liability shown on the 21807  
return of the taxpayer for the preceding taxable year, provided 21808  
that the immediately preceding taxable year reflected a period 21809  
of twelve months and the taxpayer filed a municipal income tax 21810  
return for that year. 21811

**Sec. 718.89.** (A) In addition to any other penalty imposed 21812

by sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, the following penalties shall apply:

(1) If a taxpayer required to file a tax return under sections 718.80 to 718.95 of the Revised Code fails to make and file the return within the time prescribed, including any extensions of time granted by the tax commissioner, the commissioner may impose a penalty not exceeding twenty-five dollars, except that the commissioner shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

(2) If a person required to file a tax return electronically under sections 718.80 to 718.95 of the Revised Code fails to do so, the commissioner may impose a penalty not to exceed the following:

(a) For each of the first two failures, five per cent of the amount required to be reported on the return;

(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the return.

(3) If a taxpayer that has made the election allowed under section 718.80 of the Revised Code fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid.

(4) If a taxpayer files what purports to be a tax return required by sections 718.80 to 718.95 of the Revised Code that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to

a position that is frivolous or a desire that is apparent from 21842  
the return to delay or impede the administration of sections 21843  
718.80 to 718.95 of the Revised Code, a penalty of up to five 21844  
hundred dollars may be imposed. 21845

(5) If a taxpayer makes a fraudulent attempt to evade the 21846  
reporting or payment of the tax required to be shown on any 21847  
return required under sections 718.80 to 718.95 of the Revised 21848  
Code, a penalty may be imposed not exceeding the greater of one 21849  
thousand dollars or one hundred per cent of the tax required to 21850  
be shown on the return. 21851

(6) If any person makes a false or fraudulent claim for a 21852  
refund under section 718.91 of the Revised Code, a penalty may 21853  
be imposed not exceeding the greater of one thousand dollars or 21854  
one hundred per cent of the claim. Any penalty imposed under 21855  
this division, any refund issued on the claim, and interest on 21856  
any refund from the date of the refund, may be assessed under 21857  
section 718.90 of the Revised Code without regard to any time 21858  
limitation for the assessment imposed by division (A) of that 21859  
section. 21860

(B) For purposes of this section, the tax required to be 21861  
shown on a tax return shall be reduced by the amount of any part 21862  
of the tax paid on or before the date, including any extensions 21863  
of the date, prescribed for filing the return. 21864

(C) Each penalty imposed under this section shall be in 21865  
addition to any other penalty imposed under this section. ~~All or 21866  
part of any penalty imposed under this section may be abated by 21867  
the tax commissioner. The commissioner may adopt rules governing 21868  
the imposition and abatement of such penalties.~~ 21869

(D) All amounts collected under this section shall be 21870

considered as taxes collected under sections 718.80 to 718.95 of 21871  
the Revised Code and shall be credited and distributed to 21872  
municipal corporations in the same proportion as the underlying 21873  
tax liability is required to be distributed to such municipal 21874  
corporations under section 718.83 of the Revised Code. 21875

**Sec. 718.90.** (A) If any taxpayer required to file a return 21876  
under section 718.80 to 718.95 of the Revised Code fails to file 21877  
the return within the time prescribed, files an incorrect 21878  
return, or fails to remit the full amount of the tax due for the 21879  
period covered by the return, the tax commissioner may make an 21880  
assessment against the taxpayer for any deficiency for the 21881  
period for which the return or tax is due, based upon any 21882  
information in the commissioner's possession. 21883

The tax commissioner shall not make or issue an assessment 21884  
against a taxpayer more than three years after the later of the 21885  
date the return subject to assessment was required to be filed 21886  
or the date the return was filed. Such time limit may be 21887  
extended if both the taxpayer and the commissioner consent in 21888  
writing to the extension. Any such extension shall extend the 21889  
three-year time limit in section 718.91 of the Revised Code for 21890  
the same period of time. There shall be no bar or limit to an 21891  
assessment against a taxpayer that fails to file a return 21892  
subject to assessment as required by sections 718.80 to 718.95 21893  
of the Revised Code, or that files a fraudulent return. The 21894  
commissioner shall give the taxpayer assessed written notice of 21895  
the assessment as provided in section 5703.37 of the Revised 21896  
Code. With the notice, the commissioner shall provide 21897  
instructions on how to petition for reassessment and request a 21898  
hearing on the petition. 21899

(B) Unless the taxpayer assessed files with the tax 21900

commissioner within sixty days after service of the notice of 21901  
assessment, ~~either personally or by certified mail,~~ a written 21902  
petition for reassessment signed by the authorized agent of the 21903  
taxpayer assessed having knowledge of the facts, the assessment 21904  
becomes final, and the amount of the assessment is due and 21905  
payable from the taxpayer to the treasurer of state. The 21906  
petition shall indicate the taxpayer's objections, but 21907  
additional objections may be raised in writing if received by 21908  
the commissioner prior to the date shown on the final 21909  
determination. If the petition has been properly filed, the 21910  
commissioner shall proceed under section 5703.60 of the Revised 21911  
Code. 21912

(C) After an assessment becomes final, if any portion of 21913  
the assessment remains unpaid, including accrued interest, a 21914  
certified copy of the tax commissioner's entry making the 21915  
assessment final may be filed in the office of the clerk of the 21916  
court of common pleas in the county in which the taxpayer has an 21917  
office or place of business in this state, the county in which 21918  
the taxpayer's statutory agent is located, or Franklin county. 21919

Immediately upon the filing of the entry, the clerk shall 21920  
enter a judgment against the taxpayer assessed in the amount 21921  
shown on the entry. The judgment may be filed by the clerk in a 21922  
loose-leaf book entitled "special judgments for municipal income 21923  
taxes," and shall have the same effect as other judgments. 21924  
Execution shall issue upon the judgment upon the request of the 21925  
tax commissioner, and all laws applicable to sales on execution 21926  
shall apply to sales made under the judgment. 21927

If the assessment is not paid in its entirety within sixty 21928  
days after the day the assessment was issued, the portion of the 21929  
assessment consisting of tax due shall bear interest at the rate 21930



per annum prescribed by section 5703.47 of the Revised Code from 21931  
the day the commissioner issues the assessment until the 21932  
assessment is paid or until it is certified to the attorney 21933  
general for collection under section 131.02 of the Revised Code, 21934  
whichever comes first. If the unpaid portion of the assessment 21935  
is certified to the attorney general for collection, the entire 21936  
unpaid portion of the assessment shall bear interest at the rate 21937  
per annum prescribed by section 5703.47 of the Revised Code from 21938  
the date of certification until the date it is paid in its 21939  
entirety. Interest shall be paid in the same manner as the tax 21940  
and may be collected by issuing an assessment under this 21941  
section. 21942

(D) (1) Except as provided in division (D) (2) of this 21943  
section, all money collected under this section shall be 21944  
credited to the municipal net profit tax fund and distributed to 21945  
the municipal corporation to which the money is owed based on 21946  
the assessment issued under this section. 21947

(2) The attorney general may assess collection costs as 21948  
authorized under section 109.08, 109.081, or 131.02 of the 21949  
Revised Code on amounts collected under this section, which 21950  
shall be credited to the attorney general claims fund created 21951  
under section 109.081 of the Revised Code. 21952

(E) If the tax commissioner believes that collection of 21953  
the tax will be jeopardized unless proceedings to collect or 21954  
secure collection of the tax are instituted without delay, the 21955  
commissioner may issue a jeopardy assessment against the 21956  
taxpayer liable for the tax. Immediately upon the issuance of 21957  
the jeopardy assessment, the commissioner shall file an entry 21958  
with the clerk of the court of common pleas in the manner 21959  
prescribed by division (C) of this section. Notice of the 21960

jeopardy assessment shall be served on the taxpayer assessed or 21961  
the taxpayer's legal representative in the manner provided in 21962  
section 5703.37 of the Revised Code within five days of the 21963  
filing of the entry with the clerk. The total amount assessed is 21964  
immediately due and payable, unless the taxpayer assessed files 21965  
a petition for reassessment in accordance with division (B) of 21966  
this section and provides security in a form satisfactory to the 21967  
commissioner and in an amount sufficient to satisfy the unpaid 21968  
balance of the assessment. Full or partial payment of the 21969  
assessment does not prejudice the commissioner's consideration 21970  
of the petition for reassessment. 21971

(F) Notwithstanding the fact that a petition for 21972  
reassessment is pending, the taxpayer may pay all or a portion 21973  
of the assessment that is the subject of the petition. The 21974  
acceptance of a payment by the treasurer of state does not 21975  
prejudice any claim for refund upon final determination of the 21976  
petition. 21977

If upon final determination of the petition an error in 21978  
the assessment is corrected by the tax commissioner, upon 21979  
petition so filed or pursuant to a decision of the board of tax 21980  
appeals or any court to which the determination or decision has 21981  
been appealed, so that the amount due from the taxpayer under 21982  
the corrected assessment is less than the portion paid, there 21983  
shall be issued to the taxpayer, its assigns, or legal 21984  
representative a refund in the amount of the overpayment as 21985  
provided by section 718.91 of the Revised Code, with interest on 21986  
that amount as provided by that section. 21987

**Sec. 718.91.** (A) An application to refund to a taxpayer 21988  
amounts that were overpaid, paid illegally or erroneously, or 21989  
paid on an illegal or erroneous assessment pursuant to sections 21990

718.80 to 718.95 of the Revised Code shall be filed with the tax commissioner within three years after the date, including any valid extension, of the illegal, erroneous, or excessive payment, or within any additional period allowed by division (A) of section 718.90 of the Revised Code. The application shall be filed in the form prescribed by the tax commissioner.

(B) (1) On the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. The amount determined shall be based on the amount overpaid per return or assessment. If the amount is greater than ten dollars and not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the tax refund fund created in section 5703.052 of the Revised Code. If the amount is greater than ten dollars but less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(2) Upon issuance of a refund under this section, the commissioner shall notify each municipal corporation of the amount refunded to the taxpayer attributable to that municipal corporation, which shall be deducted from the municipal corporation's next distribution under section 718.83 of the Revised Code.

(C) Any portion of a refund determined under division (B) of this section that is not issued within ninety days after such determination shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the ninety-first day after such determination until the day the refund is paid or credited. On an illegal or erroneous assessment, interest shall be paid at that rate from the date of

payment on the illegal or erroneous assessment until the day the  
refund is paid or credited.

**Sec. 731.14.** All contracts made by the legislative  
authority of a village shall be executed in the name of the  
village and signed on its behalf by the mayor and clerk. Except  
where the contract is for equipment, services, materials, or  
supplies to be purchased under division (D) of section 713.23 or  
section 125.04 or 5513.01 of the Revised Code, available from a  
qualified nonprofit agency pursuant to sections 4115.31 to  
4115.35 of the Revised Code, or required to be purchased from a  
qualified nonprofit agency under ~~sections 125.60 to 125.6012~~  
section 125.601 of the Revised Code, when any expenditure, other  
than the compensation of persons employed in the village,  
exceeds the amount specified in section 9.17 of the Revised  
Code, such contracts shall be in writing and made with the  
lowest and best bidder after advertising once a week for not  
less than two consecutive weeks in a newspaper of general  
circulation within the village. The legislative authority may  
also cause notice to be inserted in trade papers or other  
publications designated by it or to be distributed by electronic  
means, including posting the notice on the legislative  
authority's internet web site. If the legislative authority  
posts the notice on its web site, it may eliminate the second  
notice otherwise required to be published in a newspaper of  
general circulation within the village, provided that the first  
notice published in such newspaper meets all of the following  
requirements:

(A) It is published at least two weeks before the opening  
of bids.

(B) It includes a statement that the notice is posted on

the legislative authority's internet web site. 22051

(C) It includes the internet address of the legislative 22052  
authority's internet web site. 22053

(D) It includes instructions describing how the notice may 22054  
be accessed on the legislative authority's internet web site. 22055

The bids shall be opened and shall be publicly read by the 22056  
clerk of the village or a person designated by the clerk at the 22057  
time, date, and place specified in the advertisement to bidders 22058  
or specifications. The time, date, and place of bid openings may 22059  
be extended to a later date by the legislative authority of the 22060  
village, provided that written or oral notice of the change 22061  
shall be given to all persons who have received or requested 22062  
specifications no later than ninety-six hours prior to the 22063  
original time and date fixed for the opening. This section does 22064  
not apply to those villages that have provided for the 22065  
appointment of a village administrator under section 735.271 of 22066  
the Revised Code. 22067

As used in this section, "personal protective equipment" 22068  
means equipment worn to minimize exposure to hazards that cause 22069  
workplace injuries and illnesses. 22070

**Sec. 731.141.** In those villages that have established the 22071  
position of village administrator, as provided by section 22072  
735.271 of the Revised Code, the village administrator shall 22073  
make contracts, purchase supplies and materials, and provide 22074  
labor for any work under the administrator's supervision 22075  
involving not more than the amount specified in section 9.17 of 22076  
the Revised Code. When an expenditure, other than the 22077  
compensation of persons employed by the village, exceeds the 22078  
amount specified in section 9.17 of the Revised Code, the 22079

expenditure shall first be authorized and directed by ordinance 22080  
of the legislative authority of the village. When so authorized 22081  
and directed, except where the contract is for equipment, 22082  
services, materials, or supplies to be purchased under division 22083  
(D) of section 713.23 or section 125.04 or 5513.01 of the 22084  
Revised Code, available from a qualified nonprofit agency 22085  
pursuant to sections 4115.31 to 4115.35 of the Revised Code, or 22086  
required to be purchased from a qualified nonprofit agency under 22087  
~~sections 125.60 to 125.6012~~ section 125.601 of the Revised Code, 22088  
the village administrator shall make a written contract with the 22089  
lowest and best bidder after advertisement for not less than two 22090  
nor more than four consecutive weeks in a newspaper of general 22091  
circulation within the village or as provided in section 7.16 of 22092  
the Revised Code. The bids shall be opened and shall be publicly 22093  
read by the village administrator or a person designated by the 22094  
village administrator at the time, date, and place as specified 22095  
in the advertisement to bidders or specifications. The time, 22096  
date, and place of bid openings may be extended to a later date 22097  
by the village administrator, provided that written or oral 22098  
notice of the change shall be given to all persons who have 22099  
received or requested specifications no later than ninety-six 22100  
hours prior to the original time and date fixed for the opening. 22101  
All contracts shall be executed in the name of the village and 22102  
signed on its behalf by the village administrator and the clerk. 22103  
No expenditure subject to this section shall be divided into 22104  
component parts, separate projects, or separate items of work in 22105  
order to avoid the requirements of this section. 22106

The legislative authority of a village may provide, by 22107  
ordinance, for central purchasing for all offices, departments, 22108  
divisions, boards, and commissions of the village, under the 22109  
direction of the village administrator, who shall make 22110

contracts, purchase supplies or materials, and provide labor for 22111  
any work of the village in the manner provided by this section. 22112

**Sec. 901.43.** (A) As used in this section, "certificate of 22113  
free sale" means a document issued by the director of 22114  
agriculture that certifies to states and countries receiving the 22115  
listed product that the product being exported is freely 22116  
marketed without restriction in the United States. 22117

(B) ~~The director of agriculture~~ may authorize any 22118  
department of agriculture laboratory to perform a laboratory 22119  
service for any person, organization, political subdivision, 22120  
state agency, federal agency, or other entity, whether public or 22121  
private. The director shall adopt and enforce rules to provide 22122  
for the rendering of a laboratory service. 22123

~~(B)~~ (C) The director may charge a reasonable fee for the 22124  
performance of a laboratory service, except when the service is 22125  
performed on an official sample taken by the director acting 22126  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 22127  
Revised Code; by a board of health acting as the licensor of 22128  
retail food establishments or food service operations under 22129  
Chapter 3717. of the Revised Code; or by the director of health 22130  
acting as the licensor of food service operations under Chapter 22131  
3717. of the Revised Code. The director of agriculture shall 22132  
adopt rules specifying what constitutes an official sample. 22133

The director shall publish a list of laboratory services 22134  
offered, together with the fee for each service. 22135

~~(C)~~ (D) The director may enter into a contract with any 22136  
person, organization, political subdivision, state agency, 22137  
federal agency, or other entity for the provision of a 22138  
laboratory service. 22139

~~(D)~~ (1) (E) (1) The director may adopt rules establishing 22140  
standards for accreditation of laboratories and laboratory 22141  
services and in doing so may adopt by reference existing or 22142  
recognized standards or practices. 22143

(2) The director may inspect and accredit laboratories and 22144  
laboratory services, and may charge a reasonable fee for the 22145  
inspections and accreditation. 22146

~~(E)~~ (1) (F) (1) There is hereby created in the state treasury 22147  
the animal and consumer protection laboratory fund. Moneys from 22148  
the following sources shall be deposited into the state treasury 22149  
to the credit of the fund: all moneys collected by the director 22150  
under this section that are from fees generated by a laboratory 22151  
service performed by the department and related to the diseases 22152  
of animals, all moneys so collected that are from fees generated 22153  
for the inspection and accreditation of laboratories and 22154  
laboratory services related to the diseases of animals, all 22155  
moneys collected by the director under this section that are 22156  
from fees generated by a laboratory service performed by the 22157  
consumer protection laboratory, all moneys so collected that are 22158  
from fees generated for the inspection and accreditation of 22159  
laboratories and laboratory services not related to weights and 22160  
measures, money received by the director under sections 947.01 22161  
to 947.06 of the Revised Code, and all moneys collected under 22162  
~~Chapters 943. and Chapter~~ 953. of the Revised Code that are not 22163  
credited to the animal and consumer protection fund created in 22164  
section 943.26 of the Revised Code. The director may use the 22165  
moneys held in the fund to pay the expenses necessary to operate 22166  
the animal industry laboratory and the consumer protection 22167  
laboratory, including the purchase of supplies and equipment. 22168

(2) All moneys collected by the director under this 22169



section that are from fees generated by a laboratory service 22170  
performed by the weights and measures laboratory, and all moneys 22171  
so collected that are from fees generated for the inspection and 22172  
accreditation of laboratories and laboratory services related to 22173  
weights and measures, shall be deposited in the state treasury 22174  
to the credit of the weights and measures laboratory fund, which 22175  
is hereby created in the state treasury. The moneys held in the 22176  
fund may be used to pay the expenses necessary to operate the 22177  
division of weights and measures, including the purchase of 22178  
supplies and equipment. 22179

(G) (1) The director may authorize any department of 22180  
agriculture division or program to issue a certificate of free 22181  
sale to any person, organization, political subdivision, state 22182  
agency, federal agency, or other entity, whether public or 22183  
private. The director may charge a fee of fifty dollars for 22184  
issuance of a certificate of free sale. The director shall adopt 22185  
and enforce rules in accordance with Chapter 119. of the Revised 22186  
Code to provide for the issuance of the certificates of free 22187  
sale. 22188

(2) All money collected by the director under this section 22189  
that is from fees related to the issuance of certificates of 22190  
free sale shall be credited to the appropriate program fund 22191  
administered by the department. 22192

**Sec. 904.02.** (A) There is hereby created the Ohio 22193  
livestock care standards board consisting of the following 22194  
members: 22195

(1) The director of agriculture, who shall be the 22196  
chairperson of the board; 22197

(2) Ten members appointed by the governor with the advice 22198

and consent of the senate. The ten members shall be residents of 22199  
this state and shall include the following: 22200

(a) One member representing family farms; 22201

(b) One member who is knowledgeable about food safety in 22202  
this state; 22203

(c) Two members representing statewide organizations that 22204  
represent farmers; 22205

(d) One member who is a veterinarian licensed under 22206  
Chapter 4741. of the Revised Code; 22207

(e) The state veterinarian in the department of 22208  
agriculture; 22209

(f) The dean of the agriculture department of a college or 22210  
university located in this state; 22211

(g) Two members of the public representing consumers in 22212  
this state; 22213

(h) One member representing a county humane society 22214  
organized under Chapter 1717. of the Revised Code. 22215

(3) One member appointed by the speaker of the house of 22216  
representatives who shall be a family farmer; 22217

(4) One member appointed by the president of the senate 22218  
who shall be a family farmer. 22219

Not more than seven members appointed to the board at any 22220  
given time shall be of the same political party. 22221

(B) (1) The governor, the speaker of the house of 22222  
representatives, and the president of the senate shall make 22223  
appointments to the board not later than forty-five days after 22224  
~~the effective date of this section~~ March 31, 2010. 22225

- (2) The following initial members of the board appointed 22226  
by the governor shall be appointed for a term ending January 25, 22227  
2011: 22228
- (a) The member representing family farmers; 22229
  - (b) The dean of the agriculture department of a college or 22230  
university located in this state; 22231
  - (c) The member who is a veterinarian licensed under 22232  
Chapter 4741. of the Revised Code; 22233
  - (d) One of the members of the public representing 22234  
consumers in this state. 22235
- (3) The following initial members of the board shall be 22236  
appointed for a term ending January 15, 2012: 22237
- (a) The member appointed by the speaker of the house of 22238  
representatives who is a family farmer; 22239
  - (b) One of the members representing a statewide 22240  
organization that represents farmers; 22241
  - (c) The member representing a county humane society 22242  
organized under Chapter 1717. of the Revised Code; 22243
  - (d) The member who is knowledgeable about food safety in 22244  
this state. 22245
- (4) The following initial members of the board shall be 22246  
appointed for a term ending January 15, 2013: 22247
- (a) The member appointed by the president of the senate 22248  
who is a family farmer; 22249
  - (b) One of the members of the public representing 22250  
consumers in this state; 22251

(c) One of the members representing a statewide 22252  
organization that represents farmers. 22253

(C) After the initial terms served in accordance with 22254  
division (B) of this section, terms of office shall be for three 22255  
years with each term ending on the same day of the same month as 22256  
did the term that it succeeds. However, the terms for the 22257  
director of agriculture and the state veterinarian shall 22258  
coincide with the length of time that the person holds the 22259  
position of director or state veterinarian, as applicable. If 22260  
the director or the state veterinarian resigns or that person's 22261  
employment is terminated, the director or state veterinarian, as 22262  
applicable, shall cease to serve on the board, and the successor 22263  
of the director or state veterinarian shall then serve on the 22264  
board in accordance with this section. Every other member shall 22265  
hold office from the date of the member's appointment until the 22266  
end of the term for which the member was appointed. 22267

Vacancies on the board shall be filled in the manner 22268  
provided for original appointments. Any member appointed to fill 22269  
a vacancy occurring prior to the expiration of the term for 22270  
which the member's predecessor was appointed shall hold office 22271  
for the remainder of that term. A member shall continue in 22272  
office subsequent to the expiration date of the member's term 22273  
until the member's successor takes office, or until a period of 22274  
one hundred eighty days has elapsed, whichever occurs first. A 22275  
member may be reappointed upon the expiration of the member's 22276  
term. 22277

(D) The board shall hold at least three regular meetings 22278  
each year and may hold additional meetings at times that the 22279  
chairperson or a majority of the board members considers 22280  
appropriate. At the three regular meetings held by the board 22281

each year, the board shall conduct a review of the rules 22282  
governing the care and well-being of livestock that have been or 22283  
are proposed to be adopted under section 904.03 of the Revised 22284  
Code. 22285

At the first meeting of the board in each calendar year, 22286  
the director shall designate one member of the board to serve as 22287  
its vice-chairperson. A majority of the board constitutes a 22288  
quorum. The board may act only if a quorum is present and only 22289  
by majority vote of that quorum. A vacancy on the board does not 22290  
impair the right of the other members to exercise all of the 22291  
board's powers. 22292

(E) Serving as an appointed member of the board does not 22293  
constitute holding a public office or position of employment 22294  
under the laws of this state and does not constitute grounds for 22295  
removal of public officers or employees from their offices or 22296  
positions of employment. 22297

(F) Appointed members of the board shall receive no 22298  
compensation for their services. Members shall be reimbursed for 22299  
their actual and necessary expenses incurred in the performance 22300  
of their duties as members. The expenses shall be paid from the 22301  
~~Ohio livestock care standards~~ animal and consumer protection 22302  
fund created in section ~~904.06~~ 943.26 of the Revised Code. The 22303  
expenses shall be paid in accordance with the rules and 22304  
requirements adopted by the department of administrative 22305  
services that are applicable to state employees. 22306

(G) The board may create committees that it considers 22307  
appropriate to make recommendations to the board. Committees may 22308  
include non-board members. 22309

**Sec. 904.04.** (A) In order to assist the Ohio livestock 22310

care standards board in the administration and enforcement of 22311  
this chapter, the director of agriculture shall do all of the 22312  
following: 22313

(1) Hire all employees of the board, including an 22314  
executive director. Employees of the board shall be in the 22315  
unclassified civil service, serve at the pleasure of the 22316  
director of agriculture, and be compensated with money from the 22317  
~~Ohio livestock care standards~~ animal and consumer protection 22318  
fund created in section ~~904.06~~ 943.26 of the Revised Code. 22319

(2) Enter into contracts on behalf of the board; 22320

(3) Do all of the following with regard to rules governing 22321  
the care and well-being of livestock adopted by the board under 22322  
section 904.03 of the Revised Code: 22323

(a) Process and submit the rules to the joint committee on 22324  
agency rule review pursuant to Chapter 119. of the Revised Code; 22325

(b) Contract for surveys and analyses; 22326

(c) Perform any other activities that assist the board in 22327  
adopting the rules. 22328

(4) Publish and distribute information related to 22329  
livestock care, including educational materials, to livestock 22330  
producers and members of the public; 22331

(5) Investigate complaints regarding violations of the 22332  
rules adopted under section 904.03 of the Revised Code in 22333  
accordance with the authority granted by this chapter, sections 22334  
901.25 to 901.29 of the Revised Code, and rules adopted under 22335  
this chapter and section 901.03 of the Revised Code; 22336

(6) Enforce the rules adopted under section 904.03 of the 22337  
Revised Code and levy the civil penalties established by those 22338

rules. The director may apply to a court of competent jurisdiction for a temporary or permanent injunction or other appropriate relief for violations of this chapter and rules adopted under it. For purposes of this division, the court of competent jurisdiction shall be either the court of common pleas of Licking county or the court of common pleas of the county where the violation is occurring. Money collected from civil penalties levied under division (A) (6) of this section shall be deposited in the state treasury to the credit of the general revenue fund.

(7) Perform any other duties necessary to assist the board in the administration and enforcement of this chapter.

(B) With the consent of the premises owner and, if the premises owner is different from the livestock owner, the livestock owner, the director or the director's authorized representative may enter at all reasonable times on any premises for the purpose of determining compliance with the rules adopted under section 904.03 of the Revised Code. If the director or the director's authorized representative is denied access to the premises and the director or the director's authorized representative suspects that those rules are not being complied with, the director may apply for a search warrant authorizing access from a court of competent jurisdiction. The court shall issue the search warrant if there is probable cause. Probable cause may be based on hearsay, provided that there is substantial basis for believing the source is credible and there is factual basis for the information.

Upon entry on premises in accordance with this division, the director or the director's authorized representative shall observe biosecurity measures in order to prevent spreading

disease and infecting livestock. 22369

**Sec. 905.32.** (A) No person shall manufacture or distribute 22370  
in this state any type of fertilizer until a license to 22371  
manufacture or distribute has been obtained by the manufacturer 22372  
or distributor from the department of agriculture upon payment 22373  
of a ~~five-dollar~~ fifty-dollar fee: 22374

(1) For each fixed (permanent) location at which 22375  
fertilizer is manufactured in this state; 22376

(2) For each mobile unit used to manufacture fertilizer in 22377  
this state; 22378

(3) For each location out of the state from which 22379  
fertilizer is distributed into this state; 22380

(4) For each location in this state from which fertilizer 22381  
is distributed in this state. 22382

All licenses shall be valid for one year beginning on the 22383  
first day of December of a calendar year through the thirtieth 22384  
day of November of the following calendar year. A renewal 22385  
application for a license shall be submitted no later than the 22386  
thirtieth day of November each year. A person who submits a 22387  
renewal application for a license after the thirtieth day of 22388  
November shall include with the application a late filing fee of 22389  
~~ten~~ twenty-five dollars. 22390

(B) An application for a license shall include: 22391

(1) The name and address of the licensee; 22392

(2) The name and address of each bulk distribution point 22393  
in the state, not licensed for fertilizer manufacture and 22394  
distribution. 22395



The name and address shown on the license shall be shown 22396  
on all labels, pertinent invoices, and bulk storage for 22397  
fertilizers distributed by the licensee in this state. 22398

(C) The licensee shall inform the director of agriculture 22399  
in writing of additional distribution points established during 22400  
the period of the license. 22401

(D) All money collected under this section shall be 22402  
credited to the pesticide, fertilizer, and lime program fund 22403  
created in section 921.22 of the Revised Code. 22404

**Sec. 905.57.** ~~(A) All information furnished to or procured~~ 22405  
~~by the director of agriculture under section 905.56 of the~~ 22406  
~~Revised Code is for the exclusive use and information of the~~ 22407  
~~director in the discharge of his official duties and is not open~~ 22408  
~~to the public nor to be used in any court in any action or~~ 22409  
~~proceeding therein unless the director is a party to such action~~ 22410  
~~or proceeding, but such information may be consolidated in~~ 22411  
~~statistical tables and published by the director in statistical~~ 22412  
~~form, without disclosing details of information furnished by any~~ 22413  
~~particular person.~~ 22414

~~(B)~~ No person shall willfully divulge any information 22415  
secured while in the employ of the department of agriculture, 22416  
with respect to the transactions, property, files, records, or 22417  
papers of the department, or with respect to the business of any 22418  
manufacturer, seller, or distributor of agricultural liming 22419  
material to any person other than the director or the superior 22420  
of such employee, or when called upon to testify in an action or 22421  
proceeding to which the director is a party. 22422

**Sec. 907.13.** No person shall label agricultural, 22423  
vegetable, or flower seed that is intended for sale in this 22424

state unless the person holds a valid seed labeler permit that 22425  
has been issued by the director of agriculture in accordance 22426  
with this section. 22427

A person who wishes to obtain a seed labeler permit shall 22428  
file an application with the director on a form that the 22429  
director provides and shall submit a permit fee in the amount of 22430  
~~ten~~fifty dollars. Such a person who labels seed under more than 22431  
one name or at more than one address shall obtain a separate 22432  
seed labeler permit and pay a separate permit fee for each name 22433  
and address. 22434

The applicant shall include the applicant's full name and 22435  
address on the application together with any additional 22436  
information that the director requires by rules adopted under 22437  
section 907.10 of the Revised Code. If the applicant's address 22438  
is not within this state or it does not represent a location in 22439  
this state where the director can collect samples of the 22440  
applicant's seed for analysis, then the applicant shall include 22441  
on the application an address within this state where samples of 22442  
the applicant's seed may be collected for those purposes or 22443  
shall agree to provide the director or the director's authorized 22444  
representative with seeds for sampling upon request. 22445

Upon receipt of a complete application accompanied by the 22446  
~~ten-dollar~~fifty-dollar permit fee, the director shall issue a 22447  
seed labeler's permit to the applicant. All seed labeler permits 22448  
that are issued under this section shall expire on the thirty- 22449  
first day of ~~December~~January of each year regardless of the 22450  
date on which a permit was issued during ~~that year~~the previous 22451  
one-year period. 22452

Each person who obtains a seed labeler permit shall label 22453  
the seed that the person intends for sale in this state in 22454

accordance with the requirements established in sections 907.01 22455  
to 907.17 of the Revised Code. Each person who holds a valid 22456  
seed labeler permit shall keep the permit posted in a 22457  
conspicuous place in the principal seed room from which the 22458  
person sells seed and shall comply with the reporting and fee 22459  
requirements that are established in section 907.14 of the 22460  
Revised Code. 22461

All money collected under this section shall be credited 22462  
to the commercial feed and seed fund created in section 923.46 22463  
of the Revised Code. 22464

**Sec. 907.14.** (A) A person who holds a valid seed labeler 22465  
permit issued under section 907.13 of the Revised Code shall 22466  
report to the director of agriculture concerning the amount of 22467  
seed that the person sells in this state. The report shall be 22468  
made ~~semiannually~~annually on a form that the director 22469  
prescribes and provides. ~~One semiannual~~The report shall be 22470  
filed with the director prior to the first day of February of 22471  
each year with respect to all sales that the person made during 22472  
the period from the first day of ~~July~~January to the thirty- 22473  
first day of December of the ~~preceding~~previous year. ~~The second~~ 22474  
~~semiannual report shall be filed prior to the first day of~~ 22475  
~~August of each year with respect to all sales that the person~~ 22476  
~~made during the period from the first day of January to the~~ 22477  
~~thirtieth day of June of that year.~~ 22478

(B) A person who holds a valid seed labeler permit shall 22479  
include with each ~~semiannual~~annual report a seed fee based on 22480  
the amount of the seed that the person sold during that 22481  
reporting period as follows: 22482

(1) For soybeans and small grains, including barley, oats, 22483  
rye, wheat, triticale, and spelt, four cents per one hundred 22484

pounds; 22485

(2) For corn and grain sorghum, five cents per one hundred 22486  
pounds; 22487

(3) (a) For any of the following seed sold at wholesale or 22488  
retail or on consignment or commission, two per cent of the 22489  
wholesale value of the containers of seed or, if the seed is not 22490  
sold wholesale, two per cent of the retail value of the 22491  
containers of seed: 22492

(i) Vegetable and flower seed sold in containers, other 22493  
than hermetically sealed containers, of eight ounces or less; 22494

(ii) Flower seed sold in hermetically sealed containers 22495  
that contain fewer than three hundred seeds; 22496

(iii) Vegetable seed sold in hermetically sealed 22497  
containers that contain fewer than one thousand seeds. 22498

(b) The fees established pursuant to divisions (B) (3) (a) 22499  
(ii) and (iii) of this section apply to both of the following: 22500

(i) Seed sold in hermetically sealed containers that 22501  
contain the amount of seeds specified in division (B) (3) (a) (ii) 22502  
or (iii) of this section, as applicable; 22503

(ii) Seed sold in hermetically sealed containers that do 22504  
not clearly state the number of seeds that they contain. 22505

(c) Except as otherwise provided in division (B) (3) (b) (ii) 22506  
of this section, if the weight of seed in a container, or the 22507  
quantity of seed in a container, exceeds the applicable weight 22508  
or quantity specified in division (B) (3) (a) (i), (ii), or (iii) 22509  
of this section, the fee established in division (B) (4) of this 22510  
section applies. 22511

(4) For alfalfa, clover, grass, native grass, mixtures 22512  
containing any of these, and all agricultural, vegetable, and 22513  
flower seeds not specified in divisions (B) (1) to (3) of this 22514  
section, ten cents per one hundred pounds. 22515

If the total amount of the seed fee that is due is less 22516  
than ~~five-fifty~~ dollars, the person shall pay ~~the minimum seed-~~ 22517  
~~no fee, which is five dollars.~~ 22518

(C) For each failure to report in full the amount of seed 22519  
sold or to submit the required seed fees in full by the due 22520  
date, a person who holds a valid seed labeler permit shall pay a 22521  
penalty of ten per cent of the amount due or fifty dollars, 22522  
whichever is greater. Failure to pay either the fee or the 22523  
penalty within thirty days after the due date is cause for 22524  
suspension or revocation by the director of the seed labeler 22525  
permit or refusal, without a hearing, to issue a subsequent seed 22526  
labeler permit for which the person applies. 22527

(D) This section does not apply to governmental entities 22528  
that donate seed for conservation purposes. 22529

(E) All money collected under this section shall be 22530  
credited to the commercial feed and seed fund created in section 22531  
923.46 of the Revised Code. 22532

**Sec. 909.01.** As used in sections 909.01 to 909.18 of the 22533  
Revised Code: 22534

(A) "Person" includes corporations, companies, societies, 22535  
associations, partnerships, any individual or combination of 22536  
individuals, or any institution, park, or other public agency 22537  
administered by the state or by any district, county, municipal 22538  
corporation, or other governmental subdivision thereof. When 22539  
construing or enforcing such sections, the act, omission, or 22540

failure of any officer, agent, servant, or other individual 22541  
acting for or employed by any person as above defined within the 22542  
scope of ~~his~~ the person's employment or office is deemed to be 22543  
the act, omission, or failure of such person, as well as that of 22544  
the officer, agent, servant, or other employee. 22545

(B) "Bees" means any stage of any species of the genus 22546  
Apis. 22547

(C) "Bee diseases" means any infectious or contagious 22548  
disease that is pathogenic or parasitic and affects the eggs, or 22549  
the larval, pupal, or adult stages, of bees. 22550

(D) "Apiary" means any place where one or more colonies or 22551  
nuclei of bees are kept. 22552

(E) "Queen rearing apiaries" means any apiary in which 22553  
~~queen bees~~queens are ~~reared-raised~~ or purchased for sale, trade, 22554  
or gift; or otherwise distributed or used to create, for sale, 22555  
trade or gift, nucs, packages, or colonies. 22556

(F) "Hive" means any modern frame hive, box hive, box, 22557  
barrel, log gum, skep, or any other natural or artificial 22558  
receptacle, or any part thereof, that may be used as a domicile 22559  
for bees. 22560

(G) "Equipment" means any used hives or parts thereof, 22561  
used frames, used honey houses, used tools, used machines, or 22562  
used devices employed in the handling or manipulation of bees, 22563  
honey, or beeswax, or any used container for honey or beeswax 22564  
that may be used in any apiary. 22565

(H) "Serious bee diseases" means any bee disease the 22566  
director of agriculture determines to be a threat to the 22567  
beekeeping industry within the state. 22568

(I) "Africanized honey bees" means any bees identified by the United States department of agriculture by approved identification methods to be classified as *Apis mellifera scutellata*.

(J) "Swarm" means a population of bees that is not permanently established.

(K) "Colony" means the hive and its equipment, including bees, combs, and brood.

(L) "Compliance agreement" means a written agreement between the department of agriculture and any person engaged in queen rearing in which the person agrees to comply with stipulated requirements.

(M) "Nuc" means a small colony of bees in a hive box to which all of the following applies:

(1) The hive box contains three to five frames.

(2) The hive box contains a laying queen bee and the queen's progeny in egg, larval, pupa, and adult stages.

(3) The small colony has honey and a viable population sufficient enough to develop into a full-sized colony.

**Sec. 909.02.** Any person owning or possessing bees shall on or before the first day of June of each year, or thereafter within ~~ten~~ thirty days after coming into ownership or possession of bees, or upon moving bees into this state from outside the state, file with the director of agriculture an application for registration setting forth the exact location of ~~his~~ the ~~person's~~ person's apiaries and ~~the number of colonies of bees in each apiary, together with~~ such other information as is required by the director, ~~and accompanied by a registration fee of five~~

~~dollars for each separate apiary owned or possessed by him at~~ 22597  
~~time of registration. Any person who submits his application~~ 22598  
~~after the dates specified by this section, or after the dates~~ 22599  
~~specified in rules adopted by the director, shall be subject to~~ 22600  
~~a ten-dollar late filing fee in addition to the five-dollar~~ 22601  
~~registration fee. Upon acceptance of the application, the~~ 22602  
~~director shall issue to such person a certificate of~~ 22603  
~~registration. All certificates registrations issued in~~ 22604  
accordance with this section expire on the following thirty- 22605  
first day of May ~~next following date of issuance or renewal,~~ and 22606  
shall be renewed according to the standard renewal procedure of 22607  
sections 4745.01 to 4745.03 of the Revised Code. 22608

No person shall maintain an apiary ~~located on premises~~ 22609  
~~other than that of his residence unless such the apiary is~~ 22610  
registered under this section and identifiable by an apiary name 22611  
or identification number assigned to such person by the 22612  
director. Such identification number shall be posted in a 22613  
conspicuous location in the apiary. The moving, raising, and 22614  
production of bees, beeswax, honey, and honey products shall be 22615  
deemed an agricultural pursuit. 22616

**Sec. 909.07.** The board of county commissioners may 22617  
~~appropriate such funds as it deems sufficient for the inspection~~ 22618  
~~of apiaries in its county. It may appoint a deputy apiarist~~ 22619  
~~with the consent and concurrence of the director of agriculture,~~ 22620  
~~said deputy to serve during the pleasure of said board except as~~ 22621  
~~specified in this section appoint, with the consent and~~ 22622  
concurrence of the director of agriculture, deputy apiarists. 22623  
~~Such Except as otherwise specified in this section, a deputy~~ 22624  
serves at the pleasure of the applicable board of county 22625  
commissioners. A deputy apiarist shall be paid such a salary as 22626  
the board of county commissioners determine for each day, or for 22627



~~each half day of determines for inspection work actually done,~~ 22628  
~~together with such and other expenses as are necessarily~~ 22629  
~~incurred in the doing of the directly related to inspection~~ 22630  
work. Before the board approves ~~said~~ the salary and expenses for 22631  
payment, ~~such~~ the deputy apiarist shall submit the same to the 22632  
director for ~~his approval~~ review. ~~Such~~ 22633

A deputy apiarist shall work under the direction of the 22634  
director and shall be responsible ~~to him~~ for the ~~enforcement of~~ 22635  
~~sections 909.01 to 909.18, inclusive, of the Revised~~ 22636  
~~Code~~ inspection of apiaries in assigned counties prescribed by 22637  
the department of agriculture and for the administration and 22638  
enforcement of this chapter. ~~The~~ 22639

The director may terminate the appointment of any deputy 22640  
~~upon submitting to the board a statement that such deputy has~~ 22641  
~~shown himself to be apiarist if there is evidence that the~~ 22642  
~~deputy has been unethical, negligent, incompetent, inefficient,~~ 22643  
or untrustworthy in the discharge of his official duties. ~~Such~~ A 22644  
deputy apiarist shall furnish to the director ~~such~~ reports as 22645  
are required and ~~upon blanks furnished by him~~ the director. ~~A~~ 22646  
~~duplicate of such reports shall be presented to the board each~~ 22647  
~~time that a statement of salary and expense is presented for~~ 22648  
~~payment.~~ 22649

**Sec. 909.08.** Each person within the state engaged in the 22650  
~~rearing of~~ that intends to sell, trade, gift, or otherwise 22651  
~~distribute~~ queen bees ~~for sale or gift, before the first day of~~ 22652  
~~April of each year,~~ packaged bees, nucs, or colonies shall file 22653  
with the ~~director~~ department of agriculture a request for the 22654  
~~inspection of his~~ certification of all of the person's queen 22655  
rearing apiaries where queen bees are reared ~~for which~~ 22656  
certification is requested. Each request shall be accompanied by 22657

a certification fee of fifty dollars or an amount specified in 22658  
rules adopted by the director of agriculture. The director ~~shall~~ 22659  
may require all queen rearing apiaries to be inspected as 22660  
specified in rules adopted by the director at least once each 22661  
year. If the inspection results in the diagnosis of any serious 22662  
bee disease or pest or indicates the presence of Africanized 22663  
honey bees, the owner thereof shall not ~~ship, sell, or give away~~ 22664  
~~any queen~~ sell, trade, gift, or otherwise distribute any bees 22665  
until ~~he has the diagnosed problem has been controlled or~~ 22666  
~~eradicated the disease or bees~~ to the satisfaction of the 22667  
director. 22668

When such serious bee diseases or ~~bees pests~~ have been 22669  
controlled or eradicated in the queen rearing apiary, or if no 22670  
serious bee disease or pest is diagnosed or Africanized honey 22671  
bees are found, the director ~~shall~~ may issue a an official 22672  
~~certificate, signed by the state apiarist, a copy of which. A~~ 22673  
copy of the certificate shall be attached to each package or 22674  
~~shipment of~~ included with each queen bees mailed or shipped, nuc, 22675  
or colony provided by the producer. The certificate shall be 22676  
valid for, but not to exceed, one year expire on the thirty-first 22677  
day of May of the following year and may be renewed annually. 22678  
The use of tags or other devices bearing an invalid or altered 22679  
certificate and the misuse of any valid certificate is 22680  
prohibited. 22681

**Sec. 909.09.** No person shall sell, offer for sale, give, 22682  
~~offer to give, barter, or offer to barter~~ trade, or otherwise 22683  
distribute any bees, honeycombs, or used beekeeping equipment 22684  
~~without a permit from the director of agriculture that contains a~~ 22685  
serious bee disease or pest. Upon request, the state or a deputy 22686  
apiarist may issue a transfer permit if, upon inspection, the 22687  
item is determined to be apparently free from serious bee 22688

diseases and pests. The permit, or a copy of it, ~~shall~~may 22689  
accompany any such transfer of ownership. The director may 22690  
refuse to issue the permit until ~~he finds~~it is found by 22691  
inspection that any ~~africanized honey bees are eradicated from~~ 22692  
~~and any serious bee diseases~~ and pests are controlled or 22693  
eradicated from the bees, honeycombs, or used beekeeping 22694  
equipment. 22695

This section does not apply to the transfer of ownership 22696  
of honeycomb for human consumption. 22697

**Sec. 909.13.** The director of agriculture, in accordance 22698  
with sections 119.01 to 119.13, ~~inclusive,~~ of the Revised Code, 22699  
may suspend or revoke any registration, certificate, or permit 22700  
issued under ~~sections 909.01 to 909.18, inclusive, of the~~ 22701  
~~Revised Code~~this chapter, or a compliance agreement entered into 22702  
under this chapter, for cause, including any violation of ~~such~~ 22703  
~~sections this chapter~~ or nonconformity with any rule or order 22704  
promulgated under ~~such sections in accordance with sections~~ 22705  
~~119.01 to 119.13, inclusive, of the Revised Code~~this chapter. 22706  
There shall be no revocation of a compliance agreement, 22707  
registration, certificate, or permit until the compliance 22708  
agreement holder, registrant, or certificate or permit holder 22709  
first is given an opportunity for a hearing by the director in 22710  
regard thereto in accordance with sections 119.01 to 119.13, ~~—~~ 22711  
~~inclusive,~~ of the Revised Code. An appeal may be taken from the 22712  
action of the director in revocation of a compliance agreement, 22713  
registration, certificate, or permit to the court of common 22714  
pleas as provided in section 119.12 of the Revised Code. 22715

**Sec. 911.02.** Each person, firm, partnership, or 22716  
corporation that owns or operates a bakery shall register each 22717  
bakery that it owns or operates with the director of 22718

agriculture. For the registration, the owner or operator of each 22719  
bakery shall pay an annual fee of ~~thirty dollars for a~~ 22720  
~~production capacity of one thousand pounds of bakery product per~~ 22721  
~~hour or less and an annual fee of thirty dollars for each one~~ 22722  
~~thousand pounds of bakery product per hour capacity, or part~~ 22723  
~~thereof, in excess of one thousand pounds of bakery product per~~ 22724  
~~hour~~ two hundred dollars. 22725

Any person who owns or operates a home bakery with only 22726  
one oven, in a stove of ordinary home kitchen design and located 22727  
in a home, used for the baking of baked goods to be sold, shall 22728  
pay a sum of ten dollars annually for registration regardless of 22729  
the capacity of the home bakery oven. The registration shall be 22730  
renewed annually by the thirtieth day of September and shall be 22731  
renewed according to the standard renewal procedure of Chapter 22732  
4745. of the Revised Code. The registration of the bakery shall 22733  
show the location, including municipal corporation, street, and 22734  
number, the name of the owner, and the name of the operator. The 22735  
application for registration shall be made on a form prescribed 22736  
and provided by the director. All moneys received from 22737  
registration fees and fines collected under sections 911.01 to 22738  
911.20 of the Revised Code shall be deposited with the treasurer 22739  
of state to the credit of the food safety fund created in 22740  
section 915.24 of the Revised Code. All annual renewal 22741  
registration fees required by this section shall be paid by the 22742  
applicant for the renewal to the treasurer of state for deposit 22743  
into the food safety fund. 22744

No bakery product that is manufactured in an out-of-state 22745  
bakery shall be sold or offered for sale within this state 22746  
unless the bakery is in compliance with sections 911.01 to 22747  
911.20 of the Revised Code, and is registered, having paid the 22748  
annual registration fee. 22749

Registration of out-of-state bakeries is not required if a 22750  
reciprocal agreement is in effect whereby a bakery located in 22751  
this state is not subject to a license or registration fee by 22752  
the receiving state or a political subdivision thereof. 22753

**Sec. 913.23.** (A) The director of agriculture may issue 22754  
licenses as required by sections 913.22 to 913.28 of the Revised 22755  
Code, may make the inspections and registrations required by 22756  
those sections, and may prescribe the form of application to be 22757  
filed under this section. 22758

(B) No person shall manufacture or bottle for sale within 22759  
this state any soft drink in closed containers unless the person 22760  
has a license issued by the director. Upon receipt of an 22761  
application for such a license, the director shall examine the 22762  
products and the place of manufacture where the business is to 22763  
be conducted, to determine whether the products and place comply 22764  
with sections 913.22 to 913.28 of the Revised Code. Upon finding 22765  
there is compliance, and upon payment of a license fee of two 22766  
hundred dollars, the director shall issue a license authorizing 22767  
the applicant to manufacture or bottle for sale such soft 22768  
drinks, subject to sections 913.22 to 913.28 of the Revised 22769  
Code. The license shall expire on the last day of March of each 22770  
year unless renewed. 22771

(C) No soft drink that is manufactured or bottled out of 22772  
the state shall be sold or offered for sale within this state 22773  
unless the soft drink and the plant in which the soft drink is 22774  
manufactured or bottled are found by the director to comply with 22775  
sections 913.22 to 913.28 of the Revised Code, and are 22776  
registered by the director, which shall be upon a like 22777  
application as provided in division (B) of this section. 22778

An annual registration fee of two hundred dollars shall be 22779

paid to the director by each applicant under this division. The 22780  
registration shall be renewed annually, and the registration fee 22781  
paid with the application for annual renewal. 22782

Registration of out-of-state soft drink manufacturers or 22783  
bottlers or syrup and extract manufacturers is not required if a 22784  
reciprocal agreement is in effect whereby a soft drink 22785  
manufacturer or bottler or syrup and extract manufacturer 22786  
located in this state is not subject to a license or 22787  
registration fee by another state or a political subdivision 22788  
thereof. 22789

~~(D) No person, other than a manufacturer or bottler~~ 22790  
~~holding a soft drink plant license under this section, shall~~ 22791  
~~sell, offer for sale, use, or have in the person's possession~~ 22792  
~~with intent to sell, any soda water syrup or extract or soft~~ 22793  
~~drink syrup, to be used in making, drawing, or dispensing soda~~ 22794  
~~water or other soft drinks, without first registering the~~ 22795  
~~person's name and address, the name and address of the~~ 22796  
~~manufacturer of the syrup or extract, the number and variety of~~ 22797  
~~such syrups or extracts intended to be sold, and the trade name~~ 22798  
~~or brand of those products, with the director, together with~~ 22799  
~~such samples of the syrups or extracts as the director requests~~ 22800  
~~for analysis. The person also shall pay to the department of~~ 22801  
~~agriculture at the time of making registration a license fee of~~ 22802  
~~one hundred dollars. No license shall be granted by the director~~ 22803  
~~unless the director determines that the syrup or extract is free~~ 22804  
~~from all harmful drugs and other ingredients that, as used, may~~ 22805  
~~be injurious to health. The registration shall be renewed~~ 22806  
~~annually upon like terms. If any manufacturer, bottler, agent,~~ 22807  
~~or seller is licensed or has registered the manufacturer's,~~ 22808  
~~bottler's, agent's, or seller's name and product as required by~~ 22809  
~~this section and has paid the manufacturer's, bottler's,~~ 22810

~~agent's, or seller's fee, the manufacturer's, bottler's,~~ 22811  
~~agent's, or seller's distributor, retail agent, or retail seller~~ 22812  
~~using the products shall not be required to pay that fee. This~~ 22813  
~~section does not apply to local sellers of soft drinks as to~~ 22814  
~~syrops and extracts made by themselves for their own use~~ 22815  
~~exclusively.~~ 22816

~~(E)~~ All moneys received under sections 913.22 to 913.28 of 22817  
the Revised Code shall be deposited with the treasurer of state 22818  
to the credit of the food safety fund created in section 915.24 22819  
of the Revised Code. 22820

~~(F)~~ (E) The director may revoke any license or registration 22821  
issued under sections 913.22 to 913.28 of the Revised Code, 22822  
whenever the director determines that those sections have been 22823  
violated. When a license has been revoked, the licensee shall 22824  
discontinue the manufacture and sale of soft drinks or other 22825  
products for which the license was issued. When a registration 22826  
has been revoked, the registrant shall discontinue the sale 22827  
within this state of the registrant's products until those 22828  
sections have been complied with and a new license or 22829  
registration has been issued. The director may suspend any such 22830  
license or registration temporarily, pending compliance with 22831  
such conditions required by those sections as the director 22832  
prescribes. 22833

**Sec. 915.16.** The license fee for an establishment is ~~fifty~~ 22834  
two hundred dollars. Any operator operating in connection with a 22835  
cold-storage warehouse holding a license under section 915.02 of 22836  
the Revised Code is not required to secure an additional license 22837  
under section 915.15 of the Revised Code so long as the operator 22838  
continues to be licensed as a cold-storage warehouse; but the 22839  
operator shall comply with sections 915.14 to 915.24 of the 22840

Revised Code, and all rules and regulations promulgated 22841  
thereunder. The license issued shall be in such form as the 22842  
department of agriculture prescribes. Licenses shall be valid 22843  
until the last day of November following initial issuance or 22844  
renewal and shall become invalid on that date unless renewed. 22845  
The original license or a certified copy thereof shall be 22846  
conspicuously displayed by the operator in the establishment. 22847

**Sec. 915.24.** (A) There is hereby created in the state 22848  
treasury the food safety fund. All of the following moneys shall 22849  
be credited to the fund: 22850

(1) Bakery registration fees and fines received under 22851  
sections 911.02 to 911.20 of the Revised Code; 22852

(2) Cannery license fees and renewal fees received under 22853  
sections 913.01 to 913.05 of the Revised Code; 22854

(3) Moneys received under sections 913.22 to 913.28 of the 22855  
Revised Code; 22856

(4) License fees, fines, and penalties recovered for the 22857  
violation of sections 915.01 to 915.12 of the Revised Code; 22858

(5) License fees collected under sections 915.14 to 915.23 22859  
of the Revised Code; 22860

(6) License fees, other fees, and fines collected by or 22861  
for the director of agriculture under Chapter 3717. of the 22862  
Revised Code; 22863

(7) Fees collected under section 3715.04 of the Revised 22864  
Code for the issuance of certificates of health and freesale; 22865

(8) Registration fees and other fees collected by the 22866  
director of agriculture under section 3715.041 of the Revised 22867  
Code; 22868



(9) Money received from contracts or cooperative agreements with any agency of the United States government, or any other public or private agency or organization, for either of the following: 22869  
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22871  
22872

(a) The performance of the prescribed duties of the department of agriculture under this chapter and Chapters 911., 913., 925., 3715., and 3717. of the Revised Code; 22873  
22874  
22875

(b) Accomplishing cooperative projects within the scope of such duties. 22876  
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(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected. 22878  
22879  
22880

**Sec. 923.42.** (A) No person who manufactures commercial feed or customer-formula feed, or whose name appears on the label of any commercial feed or customer-formula feed as a distributor shall distribute in this state any type of commercial feed unless ~~h~~the person is registered ~~with the director of agriculture on a form provided by the director that identifies the manufacturer's or distributor's name, place of business, and location of each manufacturing facility in this state~~ in accordance with this section. 22881  
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A manufacturer and distributor shall annually register, on a form prescribed by the director of agriculture, and pay a registration fee of fifty dollars. The person shall file the registration not later than February first of each year. A registration expires January thirty-first of the following year. 22890  
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~~(B) The director shall assign to each manufacturer or distributor registered under division (A) of this section a permanent registration number.~~ 22895  
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~~(C)~~ The director may revoke or suspend a registration or 22898  
refuse to register a person upon a finding that the 22899  
manufacturer, distributor, or person violated any provision of 22900  
sections 923.41 to 923.55 of the Revised Code or any rule 22901  
adopted under those sections. 22902

No registration shall be revoked, suspended, or refused 22903  
until the manufacturer, distributor, or person has an 22904  
opportunity to appear at an adjudication hearing conducted in 22905  
accordance with Chapter 119. of the Revised Code. 22906

(C) For purposes of this section, "manufacturer" includes 22907  
an exempt buyer. 22908

**Sec. 923.44.** (A) (1) Except as otherwise provided in 22909  
divisions (A) (2), (3), and (4) of this section, the first 22910  
distributor of a commercial feed shall pay the director of 22911  
agriculture ~~a semiannual~~ an annual inspection fee at the rate of 22912  
twenty-five cents per ton, ~~with a minimum payment of twenty-five~~ 22913  
~~dollars,~~ on all commercial feeds distributed by the first 22914  
distributor in this state. The department of agriculture shall 22915  
not collect inspection fees on the first two hundred tons of 22916  
commercial feed sold in a calendar year. 22917

(2) The ~~semiannual~~ annual inspection fee required under 22918  
division (A) (1) of this section shall not be paid by the first 22919  
distributor of a commercial feed if the distribution is made to 22920  
an exempt buyer who shall be responsible for the fee. The 22921  
director shall establish an exempt list consisting of those 22922  
buyers who are responsible for the fee. 22923

(3) The ~~semiannual~~ annual inspection fee shall not be paid 22924  
on a commercial feed if the fee has been paid by a previous 22925  
distributor. 22926

(4) The ~~semiannual~~annual inspection fee shall not be paid 22927  
on customer-formula feed if the fee has been paid on the 22928  
commercial feeds that are used as components in that customer- 22929  
formula feed. 22930

(B) Each distributor or exempt buyer who is required to 22931  
pay a fee under division (A) (1) or (2) of this section shall 22932  
file a ~~semiannual~~an annual statement with the director that 22933  
includes the number of net tons of commercial feed distributed 22934  
by the distributor or exempt buyer in this state, ~~within thirty~~ 22935  
~~days after the thirtieth day of June and within thirty days~~ 22936  
~~after the thirty-first day of December, respectively, of each~~ 22937  
for the previous calendar year. The distributor or exempt buyer 22938  
shall file the statement with the distributor's or exempt 22939  
buyer's registration required under section 923.42 of the 22940  
Revised Code. 22941

The inspection fee at the rate stated in division (A) (1) 22942  
of this section shall accompany the statement. For a tonnage 22943  
report that is not filed or payment of inspection fees that is 22944  
not made ~~within fifteen days after~~by the due date established 22945  
in section 923.42 of the Revised Code, a penalty of ten per cent 22946  
of the amount due, ~~with a minimum penalty of~~ or fifty dollars, 22947  
whichever is greater, shall be assessed against the distributor 22948  
or exempt buyer. The amount of fees due, plus penalty, shall 22949  
constitute a debt and become the basis of a judgment against the 22950  
distributor or exempt buyer. 22951

(C) No information furnished under this section shall be 22952  
disclosed by an employee of the department of agriculture in 22953  
such a way as to divulge the operation of any person required to 22954  
make such a report. 22955

(D) All money collected under this section shall be 22956

credited to the commercial feed and seed fund created in section 22957  
923.46 of the Revised Code. 22958

**Sec. 923.51.** No person shall commit any of the following 22959  
acts or cause to be committed any of the following acts: 22960

(A) Adulterate commercial feed or distribute adulterated 22961  
commercial feed; 22962

(B) Adulterate pet food or distribute adulterated pet 22963  
food; 22964

(C) Misbrand commercial feed or distribute misbranded 22965  
commercial feed; 22966

(D) Adulterate any agricultural commodity such as whole 22967  
seed, hay, straw, stover, silage, cobs, husks, or hulls and feed 22968  
it to animals or distribute any such commodity that is 22969  
adulterated; 22970

(E) Remove or dispose of a commercial feed in violation of 22971  
a withdrawal from distribution order or a condemnation and 22972  
confiscation order issued under section 923.52 or 923.53 of the 22973  
Revised Code or any rules adopted under those sections; 22974

(F) Use for the person's own advantage, or reveal except 22975  
to the director of agriculture or the director's agent or to the 22976  
courts when relevant in any judicial proceeding under sections 22977  
923.41 to 923.55 of the Revised Code or any rules adopted under 22978  
those sections, any information acquired under the authority of 22979  
those sections of the Revised Code or rules adopted under those 22980  
sections that as a trade secret is entitled to protection; 22981

(G) Fail or refuse to register as required under section 22982  
923.42 of the Revised Code or any rule adopted under that 22983  
section; 22984

(H) Fail to pay inspection fees or file ~~semiannual~~annual reports as required under section 923.44 of the Revised Code or any rule adopted under that section. 22985  
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**Sec. 924.212.** (A) The pork marketing program is established. Except as provided under divisions (B) and (C) of this section, the procedures, requirements, and other provisions that are established under sections 924.20 to 924.30 of the Revised Code and rules that apply to the grain marketing program apply to the pork marketing program. For purposes of that application, references in those sections to "grain" are deemed to be replaced with references to "pork." 22988  
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(B) The pork marketing program operating committee consists of the following ten members: 22996  
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(1) Four members appointed by the director of agriculture who are pork producers. When making such appointments, the director shall give consideration to Ohio pork producers who are representatives on the national pork board. 22998  
22999  
23000  
23001

(2) Six members elected in accordance with section 924.22 of the Revised Code, except that the elections shall occur by district, with one member elected from each district. The districts are as follows: 23002  
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(a) District one: Allen, Defiance, Fulton, Henry, Paulding, Putnam, Van Wert, and Williams counties; 23006  
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(b) District two: Crawford, Erie, Hancock, Huron, Lucas, Marion, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot counties; 23008  
23009  
23010

(c) District three: Auglaize, Mercer, Hardin, Logan, and Shelby counties; 23011  
23012

(d) District four: Ashland, Ashtabula, Carroll, 23013  
Columbiana, Coshocton, Cuyahoga, Delaware, Geauga, Harrison, 23014  
Holmes, Jefferson, Knox, Lake, Licking, Lorain, Mahoning, 23015  
Medina, Morrow, Portage, Stark, Summit, Tuscarawas, Trumbull, 23016  
Union, and Wayne counties; 23017

(e) District five: Butler, Darke, Hamilton, Miami, 23018  
Montgomery, and Preble counties; 23019

(f) District six: Adams, Athens, Belmont, Brown, 23020  
Champaign, Clark, Clermont, Clinton, Fairfield, Fayette, 23021  
Franklin, Gallia, Greene, Guernsey, Highland, Hocking, Jackson, 23022  
Lawrence, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, 23023  
Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and 23024  
Washington counties. 23025

All ten members of the pork marketing program operating 23026  
committee are voting members. 23027

(C) (1) With regard to the levying of assessments under 23028  
section 924.26 of the Revised Code, the assessment on pork shall 23029  
be thirty-five cents per one hundred dollars of value at the 23030  
first point of sale. However, if assessments are levied under 23031  
the national pork checkoff program created by the "Pork 23032  
Promotion, Research, and Consumer Information Act of 1985," 7 23033  
U.S.C. 4801 et seq., no assessments shall be levied for purposes 23034  
of the pork marketing program established under this section. 23035

(2) The operating committee shall not refund to a producer 23036  
any assessments that it collects from the producer. 23037

**Sec. 924.51.** (A) There is hereby created the Ohio grape 23038  
industries committee consisting of ~~nine~~-ten members. The members 23039  
shall be the director of agriculture or the director's designee, 23040  
who shall chair the committee, the superintendent of liquor 23041

control or the superintendent's designee, ~~the chief of the~~ 23042  
~~division of markets of the department of agriculture,~~ the 23043  
viticulture extension specialist of the Ohio agricultural 23044  
research and development center, who shall be a nonvoting 23045  
member, and ~~five~~seven members who shall be residents of this 23046  
state and appointed by the director of agriculture in accordance 23047  
with division (B) of this section. At no time shall the director 23048  
appoint more than ~~five~~seven members to the committee. 23049

(B) Of the ~~five~~seven members of the committee appointed 23050  
by the director of agriculture, not less than ~~two~~three, but not 23051  
more than ~~three~~four shall be persons who receive income from 23052  
the production of grapes or grape products. Not less than 23053  
~~two~~three, but not more than ~~three~~four members shall be persons 23054  
who receive income from the production of wine from raw grape or 23055  
fruit products in either raw fruit or fresh juice form. The 23056  
terms for each appointed member of the committee shall be for 23057  
three years, commencing on the first day of January and ending 23058  
on the thirty-first day of December. No appointed member shall 23059  
serve more than two consecutive terms. The director may remove 23060  
any appointed member for cause. 23061

(C) Members shall be appointed to fill vacancies caused by 23062  
death, resignation, or removal in the same manner prescribed for 23063  
regular appointment to the committee. Any member appointed to 23064  
fill a vacancy occurring prior to the expiration of the term for 23065  
which the member's predecessor was appointed shall hold office 23066  
for the remainder of the term. Any member shall continue in 23067  
office subsequent to the expiration date of that member's term 23068  
until that member's successor takes office, or until a period of 23069  
one hundred eighty days has elapsed, whichever occurs first. 23070

(D) All members of the committee are entitled to their 23071

actual and necessary expenses incurred in the performance of 23072  
their duties as members, payable from moneys received from the 23073  
Ohio grape industries fund created under section 924.54 of the 23074  
Revised Code. 23075

(E) A majority of the committee constitutes a quorum. 23076

**Sec. 927.53.** (A) Each collector or dealer who sells, 23077  
offers, or exposes for sale, or distributes nursery stock within 23078  
this state, or ships nursery stock to other states, shall pay an 23079  
annual license fee of one hundred twenty-five dollars to the 23080  
director of agriculture for each place of business the collector 23081  
or dealer operates. 23082

(B) (1) Each dealer shall furnish the director, annually, 23083  
an affidavit that the dealer will buy and sell only nursery 23084  
stock which has been inspected and certified by an official 23085  
state or federal inspector. 23086

(2) Each dealer's license expires on the thirty-first day 23087  
of December of each year. Each licensed dealer shall apply for 23088  
renewal of the dealer's license prior to the first day of 23089  
January of each year and in accordance with the standard renewal 23090  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 23091

(C) Each licensed nurseryperson shall post conspicuously 23092  
in the nurseryperson's principal place of business, the 23093  
certificate which is issued to the nurseryperson in accordance 23094  
with section 927.61 of the Revised Code. 23095

(D) Each licensed nurseryperson, or dealer, shall post 23096  
conspicuously in each place of business, each certificate or 23097  
license which is issued to the nurseryperson or dealer in 23098  
compliance with this section or section 927.61 of the Revised 23099  
Code. 23100



(E) (1) Each nurseryperson who produces, sells, offers for sale, or distributes woody nursery stock within the state, or ships woody nursery stock to other states, shall pay to the director an annual inspection fee of ~~one~~ two hundred dollars plus ~~eleven~~ fifteen dollars per acre, or fraction thereof, of growing nursery stock in intensive production areas and ~~seven~~ ten dollars per acre, or fraction thereof, of growing nursery stock in nonintensive production areas, as applicable.

(2) Each nurseryperson who limits production and sales of nursery stock to brambles, herbaceous, perennial, and other nonwoody plants, shall pay to the director an inspection fee of one hundred dollars, plus eleven dollars per acre, or fraction thereof, of growing nursery stock in intensive and nonintensive production areas.

(F) The fees collected under this section shall be credited to the plant pest program fund created in section 927.54 of the Revised Code.

**Sec. 928.02.** (A) (1) The director of agriculture ~~shall~~ may establish a program to monitor and regulate hemp cultivation and shall establish a program to monitor and regulate hemp processing in this state. ~~Under the~~

(2) If the director establishes a program to monitor and regulate hemp cultivation in this state and subsequently intends to transfer authority to the United States department of agriculture to monitor and regulate hemp cultivation in this state, the director shall take whatever actions necessary to effectuate such transfer.

(3) If the director implements a program to monitor and regulate hemp cultivation under division (A) (1) of this section,

the director shall issue hemp cultivation licenses ~~and hemp~~ 23130  
~~processing licenses~~ in accordance with rules adopted under 23131  
section 928.03 of the Revised Code. 23132

~~(2) As~~ (4) If the director implements a program to monitor 23133  
and regulate hemp cultivation under division (A) (1) of this 23134  
section and as authorized by the director, the department of 23135  
agriculture or a university may cultivate ~~or process~~ hemp 23136  
without a hemp cultivation license ~~or hemp processing license~~ 23137  
for research purposes. 23138

(5) As authorized by the director, the department of 23139  
agriculture or a university may process hemp without a hemp 23140  
processing license for research purposes. 23141

(B) ~~Except~~ If the director implements a program to monitor 23142  
and regulate hemp cultivation under division (A) (1) of this 23143  
section and except as authorized under division ~~(A) (2)~~ (A) (4) or 23144  
(E) of this section, any person that wishes to cultivate hemp 23145  
shall apply for and obtain a hemp cultivation license from the 23146  
director in accordance with rules adopted under section 928.03 23147  
of the Revised Code. Except as authorized under division ~~(A) (2)~~ 23148  
(A) (5) or (E) of this section, any person that wishes to process 23149  
hemp shall apply for and obtain a hemp processing license from 23150  
the director in accordance with those rules. Such licenses are 23151  
valid for three years unless earlier suspended or revoked by the 23152  
director. 23153

(C) The department, a university, or any person may, 23154  
without a hemp cultivation license or hemp processing license, 23155  
possess, buy, or sell hemp or a hemp product. 23156

(D) Notwithstanding any other provision of the Revised 23157  
Code to the contrary, the addition of hemp or a hemp product to 23158

any other product does not adulterate that other product. 23159

(E) ~~The~~ If the director implements a program to monitor 23160  
and regulate hemp cultivation under division (A) (1) of this 23161  
section, the director shall issue a hemp cultivation license ~~or~~ 23162  
~~hemp processing license~~ in accordance with Chapter 4796. of the 23163  
Revised Code to an individual if either of the following 23164  
applies: 23165

(1) The individual holds the applicable license in another 23166  
state. 23167

(2) The individual has satisfactory work experience, a 23168  
government certification, or a private certification as 23169  
described in that chapter as a hemp cultivator ~~or hemp processor~~ 23170  
in a state that does not issue the applicable license. 23171

(F) The director shall issue a hemp processing license in 23172  
accordance with Chapter 4796. of the Revised Code to an 23173  
individual if either of the following applies: 23174

(1) The individual holds the applicable license in another 23175  
state. 23176

(2) The individual has satisfactory work experience, a 23177  
government certification, or a private certification as 23178  
described in that chapter as a hemp processor in a state that 23179  
does not issue the applicable license. 23180

**Sec. 928.03.** The director of agriculture, in consultation 23181  
with the governor and attorney general, shall adopt rules in 23182  
accordance with Chapter 119. of the Revised Code establishing 23183  
standards and procedures for the regulation of hemp processing. 23184  
The director also shall adopt such rules, in consultation with 23185  
the governor and attorney general, regarding hemp cultivation 23186  
and ~~processing~~ if the director implements a program to monitor 23187

and regulate hemp cultivation under division (A) (1) of section 23188  
928.02 of the Revised Code. The rules shall include all of the 23189  
following: 23190

(A) The form of an application for a hemp cultivation 23191  
license and hemp processing license and the information required 23192  
to be included in each license application; 23193

(B) The amount of an initial application fee that an 23194  
applicant shall submit along with an application for a hemp 23195  
cultivation license or a hemp processing license, and the amount 23196  
of an annual license fee that a licensee shall submit for a hemp 23197  
cultivation license or a hemp processing license. In adopting 23198  
rules under division (B) of this section, the director shall 23199  
ensure both of the following: 23200

(1) That the amount of the application fee and annual 23201  
license fee does not exceed an amount sufficient to cover the 23202  
costs incurred by the department of agriculture to administer 23203  
and enforce this chapter; 23204

(2) That there is one uniform application fee and one 23205  
uniform annual license fee that applies to all applicants for a 23206  
hemp cultivation license. 23207

(C) Requirements and procedures concerning background 23208  
investigations of each applicant for a hemp cultivation license 23209  
and each applicant for a hemp processing license. The director 23210  
shall include both of the following in the rules adopted under 23211  
this division: 23212

(1) A requirement that each applicant comply with sections 23213  
4776.01 to 4776.04 of the Revised Code; 23214

(2) Provisions that prohibit the director from issuing a 23215  
hemp cultivation license or hemp processing license to an 23216

applicant that has not complied with those sections.	23217
(D) Requirements regarding the experience, equipment,	23218
facilities, or land necessary to obtain a hemp cultivation	23219
license;	23220
(E) Requirements and procedures regarding standards of	23221
financial responsibility for each applicant for a hemp	23222
processing license.	23223
(F) Procedures and requirements for the issuance, renewal,	23224
denial, suspension, and revocation of a hemp cultivation license	23225
and hemp processing license, including providing for a hearing	23226
under Chapter 119. of the Revised Code with regard to such a	23227
denial, suspension, or revocation;	23228
(G) Grounds for the denial, suspension, and revocation of	23229
a hemp cultivation license and of a hemp processing license,	23230
including a requirement that the director revoke a hemp	23231
cultivation license or hemp processing license, for a period of	23232
ten years, of any person who pleads guilty to or is convicted of	23233
a felony relating to a controlled substance;	23234
(H) A requirement that the director shall not issue a hemp	23235
cultivation license or hemp processing license to any person who	23236
has pleaded guilty to or been convicted of a felony relating to	23237
a controlled substance in the ten years immediately prior to the	23238
submission of the application for a license;	23239
(I) A requirement that any person that materially	23240
falsifies information in an application for a hemp cultivation	23241
license or hemp processing license is ineligible to receive	23242
either license;	23243
(J) A practice for maintaining relevant information	23244
regarding land on which hemp is cultivated by hemp cultivation	23245

licensees, including a legal description of the land, in	23246
accordance with applicable federal law;	23247
(K) Requirements prohibiting a hemp cultivation licensee	23248
and a hemp processing licensee from cultivating or processing	23249
marihuana;	23250
(L) A procedure for testing, using post-decarboxylation or	23251
other similarly reliable methods, delta-9 tetrahydrocannabinol	23252
concentration levels of plants and products for purposes of	23253
determining compliance with this chapter and rules adopted under	23254
it;	23255
(M) Requirements and procedures for the issuance,	23256
administration, and enforcement of corrective action plans	23257
issued under this chapter;	23258
(N) A procedure for conducting annual inspections of, at a	23259
minimum, a random sample of hemp cultivation license holders to	23260
verify that plants are not being cultivated in violation of this	23261
chapter or rules adopted under it;	23262
(O) A procedure for conducting annual inspections of, at a	23263
minimum, a random sample of hemp processing license holders to	23264
verify that such license holders are not operating in violation	23265
of this chapter or rules adopted under it;	23266
(P) A procedure for complying with enforcement procedures	23267
required under federal law;	23268
(Q) A procedure for the effective disposal of all of the	23269
following:	23270
(1) Plants, whether growing or not, cultivated in	23271
violation of this chapter or rules adopted under it;	23272
(2) Products derived from plants cultivated in violation	23273

of this chapter or rules adopted under it;	23274
(3) Products produced in violation of this chapter or rules adopted under it.	23275 23276
(R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.	23277 23278
For the purposes of this chapter and notwithstanding any provision of law to the contrary, "hemp product" includes a byproduct, produced as a result of processing hemp, that contains a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under division (R) of this section.	23279 23280 23281 23282 23283 23284 23285
(S) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;	23286 23287
(T) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where medical marijuana is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a medical marijuana cultivator that locates medical marijuana within the established setback distance requirement after the hemp cultivation license holder begins operation.	23288 23289 23290 23291 23292 23293 23294 23295
(U) Annual reporting requirements and procedures for hemp cultivation license holders and hemp processing license holders;	23296 23297
(V) Recordkeeping and documentation maintenance requirements and procedures for hemp cultivation license holders and hemp processing license holders;	23298 23299 23300
(W) Fees for the laboratory testing of plants and	23301

products;	23302
(X) Standards for the testing and labeling of hemp and hemp products;	23303 23304
(Y) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;	23305 23306 23307
(Z) Production standards and manufacturing practices for processing hemp;	23308 23309
(AA) Procedures and requirements for the transportation and storage of both hemp and hemp products;	23310 23311
(BB) Any other requirements or procedures necessary to administer and enforce this chapter.	23312 23313
<b>Sec. 928.04.</b> (A) Except as authorized under division <del>(A)</del> <del>(2)</del> <u>(A) (4) or (5)</u> of section 928.02 of the Revised Code, no person shall cultivate hemp without a hemp cultivation license <u>issued by the director of agriculture under this chapter, if the director implements a program to monitor and regulate hemp cultivation under division (A) (1) of section 928.02 of the Revised Code,</u> or process hemp without a hemp processing license issued by the director of agriculture under this chapter.	23314 23315 23316 23317 23318 23319 23320 23321
(B) No person who holds a hemp cultivation license or hemp processing license <u>issued by the director under this chapter</u> shall violate this chapter or rules adopted under it.	23322 23323 23324
(C) No person subject to a corrective action plan issued by the director of agriculture under section 928.05 of the Revised Code shall fail to comply with the plan.	23325 23326 23327
(D) No person shall transport hemp or a hemp product in violation of rules adopted under section 928.03 of the Revised	23328 23329



Code. 23330

**Sec. 935.06.** (A) Not later than ninety days after receipt 23331  
of an application under section 935.05 of the Revised Code, the 23332  
director of agriculture shall issue or deny a wildlife shelter 23333  
permit. The director shall issue a permit to an applicant only 23334  
if all of the following apply: 23335

(1) The applicant is eighteen years of age or older. 23336

(2) The applicant has registered the dangerous wild animal 23337  
or animals that are the subject of the application under section 23338  
935.04 of the Revised Code. 23339

(3) The applicant is in compliance with the standards of 23340  
care established in rules adopted under division (A)(2) of 23341  
section 935.17 of the Revised Code. 23342

(4) The applicant has sterilized each male dangerous wild 23343  
animal that is possessed by the applicant. However, a dangerous 23344  
wild animal is not required to be sterilized if a veterinarian 23345  
that is qualified to provide veterinary care to the dangerous 23346  
wild animal determines that the sterilization is medically 23347  
contraindicated and the applicant has submitted a copy of the 23348  
veterinarian's written determination with the applicant's 23349  
application. 23350

(5) The applicant has signed an affidavit attesting that 23351  
the applicant will not allow members of the public to be in 23352  
physical contact with a dangerous wild animal possessed by the 23353  
applicant. Division (A)(5) of this section does not apply to an 23354  
employee of the applicant or a volunteer who has entered into a 23355  
written agreement with the applicant to work for or volunteer 23356  
for the applicant and assists in the care of a dangerous wild 23357  
animal or animals specified in division (C)(20) of section 23358

935.01 of the Revised Code possessed by the applicant if the care is provided under the direction of the applicant.

(6) The applicant has not been convicted of or pleaded guilty to a a disqualifying offense as determined in accordance with section 9.79 of the Revised Code and a criminal records check performed in accordance with division (B) of this section.

(7) The facility at which a dangerous wild animal or dangerous wild animals will be maintained under the permit consists of at least one acre. Division (A) (7) of this section does not apply to either of the following:

(a) Dangerous wild animals specified in division (C) (20) of section 935.01 of the Revised Code;

(b) An applicant to whom the director issues a written waiver stating that the acreage requirement does not apply to the applicant.

(8) The applicant has signed an affidavit attesting that the facility at which a dangerous wild animal or dangerous wild animals will be maintained under the permit and the conditions in which each dangerous wild animal will be kept in that facility are in compliance with this chapter and rules.

(9) The applicant has submitted a complete application that meets the requirements established in section 935.05 of the Revised Code.

(10) The applicant has submitted the applicable fee under section 935.05 of the Revised Code.

If a permit is issued, the director shall assign a unique identification number to the permit.

(B) Prior to issuing or denying a wildlife shelter permit,

the director shall submit a request to the bureau of criminal 23387  
identification and investigation in the office of the attorney 23388  
general for a criminal records check of the applicant for the 23389  
permit. Upon receipt of a request, the superintendent of the 23390  
bureau shall conduct a criminal records check in the manner 23391  
described in division (B) of section 109.572 of the Revised Code 23392  
to determine whether any information exists that indicates that 23393  
the applicant previously has been convicted of or pleaded guilty 23394  
to any of the following: 23395

(1) A felony drug abuse offense; 23396

(2) An offense of violence that is a felony; 23397

(3) A violation of section 959.13 or 959.131 of the 23398  
Revised Code or of section 2927.21 of the Revised Code as that 23399  
section existed prior to its repeal by S.B. 310 of the 129th 23400  
general assembly. 23401

The applicant is responsible for paying all costs 23402  
associated with the criminal records check. 23403

(C) If a permit application is denied, two hundred fifty 23404  
dollars of the permit application fee shall be retained by the 23405  
director as payment for the reasonable expense of processing the 23406  
application, and the remainder of the fee shall be returned to 23407  
the applicant. 23408

(D) Not later than the first day of December of each year, 23409  
a permit holder shall apply to the director, on a form 23410  
prescribed and provided by the director, for a renewal of the 23411  
permit if the permit holder intends to retain possession of the 23412  
dangerous wild animal or animals that are identified in the 23413  
permit. Not later than thirty days after receipt of an 23414  
application for renewal, the director shall renew or deny the 23415

renewal of the permit. The director shall renew the permit if 23416  
the permit holder complies with this chapter and rules and pays 23417  
a renewal fee in the same amount as the fee established for the 23418  
initial permit in section 935.05 of the Revised Code. If a 23419  
renewal permit is denied, two hundred fifty dollars of the 23420  
renewal fee shall be retained by the director as payment for the 23421  
reasonable expense of processing the application, and the 23422  
remainder of the renewal fee shall be returned to the applicant. 23423

(E) If the director denies an application for a permit or 23424  
a renewal of a permit, the director shall notify the person of 23425  
the denial, the grounds for the denial, and the person's right 23426  
to an adjudication under Chapter 119. of the Revised Code. 23427

(F) If a person does not appeal the determination of the 23428  
director to deny an application for a permit or a renewal of a 23429  
permit or if the determination of the director is affirmed under 23430  
Chapter 119. of the Revised Code, not later than thirty days 23431  
after the decision not to appeal or after the determination is 23432  
affirmed, as applicable, the person shall transfer the dangerous 23433  
wild animal or animals that the person possesses to a humane 23434  
society, wildlife sanctuary, rescue facility, facility that is 23435  
an accredited member of either the association of zoos and 23436  
aquariums or the zoological association of America, or facility 23437  
that is located in another state and that complies with that 23438  
state's applicable laws. After the transfer has occurred, the 23439  
person shall submit proof to the director that the dangerous 23440  
wild animal or animals were transferred and shall specify the 23441  
society, sanctuary, or facility to which the animal or animals 23442  
were transferred. 23443

The person is responsible for all costs associated with 23444  
the transfer of the dangerous wild animal or animals. 23445

(G) If a person that has been issued a wildlife shelter permit under this section or a wildlife propagation permit under section 935.07 of the Revised Code dies, the person's next of kin shall do one of the following:

(1) If the next of kin wishes to possess the dangerous wild animal or animals, obtain a wildlife shelter permit under this section or a wildlife propagation permit under section 935.07 of the Revised Code, as applicable. That next of kin shall comply with this chapter and rules, except that, with respect to the next of kin's initial permit, the person need not pay the applicable permit application fee.

(2) If the deceased person has a last will and testament that specifies that the dangerous wild animal or animals possessed by the person are to be transferred to another person that has been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit issued under this chapter, transfer the dangerous wild animal or animals to the applicable permit holder;

(3) Transfer the dangerous wild animal or animals that were possessed by the deceased person in accordance with division (F) of this section.

(H) All fees collected under this section shall be credited to the ~~dangerous and restricted animal~~ and consumer protection fund created in section ~~935.25~~ 943.26 of the Revised Code.

**Sec. 935.07.** (A) A person that possesses a registered dangerous wild animal in this state on October 1, 2013, that wishes to continue to possess the dangerous wild animal on and after January 1, 2014, and that intends to propagate the animal

solely for the purposes of a species survival program that 23475  
complies with rules shall apply for a wildlife propagation 23476  
permit under this section. An applicant need apply for only one 23477  
permit regardless of the number of dangerous wild animals that 23478  
the applicant possesses. 23479

(B) Except as otherwise provided in this section, an 23480  
applicant for a wildlife propagation permit shall comply with 23481  
the requirements and procedures established in sections 935.05 23482  
and 935.06 of the Revised Code. The application fee for a 23483  
wildlife propagation permit shall be one of the following, as 23484  
applicable: 23485

(1) One thousand dollars if the applicant possesses not 23486  
more than fifty dangerous wild animals; 23487

(2) Three thousand dollars if the applicant possesses more 23488  
than fifty dangerous wild animals. 23489

(C) The facility at which a dangerous wild animal or 23490  
dangerous wild animals will be maintained under a wildlife 23491  
propagation permit shall consist of at least two acres. Division 23492  
(C) of this section does not apply to either of the following: 23493

(1) Dangerous wild animals specified in division (C) (20) 23494  
of section 935.01 of the Revised Code; 23495

(2) An applicant to whom the director of agriculture 23496  
issues a written waiver stating that the acreage requirement 23497  
does not apply to the applicant. 23498

(D) All fees collected under this section shall be 23499  
credited to the ~~dangerous and restricted animal~~ and consumer 23500  
protection fund created in section ~~935.25~~ 943.26 of the Revised 23501  
Code. 23502

(E) Division (A)(4) of section 935.06 of the Revised Code 23503  
does not apply to an applicant for a wildlife propagation 23504  
permit. 23505

**Sec. 935.09.** (A) Not later than ninety days after receipt 23506  
of an application under section 935.08 of the Revised Code, the 23507  
director of agriculture shall issue or deny a restricted snake 23508  
possession permit. The director shall issue a permit to an 23509  
applicant only if all of the following apply: 23510

(1) The applicant is eighteen years of age or older. 23511

(2) The applicant has signed an affidavit attesting that 23512  
the applicant will not allow members of the public to be in 23513  
physical contact with a restricted snake possessed by the 23514  
applicant. Division (A)(2) of this section does not apply to 23515  
either of the following: 23516

(a) An applicant that displays a restricted snake or 23517  
snakes specified in division (L)(1) of section 935.01 of the 23518  
Revised Code to a primary or secondary school age student; 23519

(b) An employee of the applicant or a volunteer who has 23520  
entered into a written agreement with the applicant to work for 23521  
or volunteer for the applicant and assists in the care of a 23522  
restricted snake or snakes possessed by the applicant if the 23523  
care is provided under the direction of the applicant. 23524

(3) The applicant has not been convicted of or pleaded 23525  
guilty to a felony drug abuse offense, an offense of violence 23526  
that is a felony, or a violation of section 959.13 or 959.131 of 23527  
the Revised Code or of section 2927.21 of the Revised Code as 23528  
that section existed prior to its repeal by S.B. 310 of the 23529  
129th general assembly, as determined by a criminal records 23530  
check performed in accordance with division (B) of this section. 23531

(4) The applicant has signed an affidavit attesting that 23532  
the facility at which a restricted snake or snakes will be 23533  
maintained under the permit and the conditions in which each 23534  
restricted snake will be kept in that facility are in compliance 23535  
with this chapter and rules. 23536

(5) The applicant has submitted a complete application 23537  
that meets the requirements established in section 935.08 of the 23538  
Revised Code. 23539

(6) The applicant has submitted the application fee 23540  
established in section 935.08 of the Revised Code. 23541

If a permit is issued, the director shall assign a unique 23542  
identification number to the permit. 23543

(B) Prior to issuing or denying a restricted snake 23544  
possession permit, the director shall submit a request to the 23545  
bureau of criminal identification and investigation in the 23546  
office of the attorney general for a criminal records check of 23547  
the applicant for the permit. Upon receipt of a request, the 23548  
superintendent of the bureau shall conduct a criminal records 23549  
check in the manner described in division (B) of section 109.572 23550  
of the Revised Code to determine whether any information exists 23551  
that indicates that the applicant previously has been convicted 23552  
of or pleaded guilty to any of the following: 23553

(1) A felony drug abuse offense; 23554

(2) An offense of violence that is a felony; 23555

(3) A violation of section 959.13 or 959.131 of the 23556  
Revised Code or of section 2927.21 of the Revised Code as that 23557  
section existed prior to its repeal by S.B. 310 of the 129th 23558  
general assembly. 23559



The applicant is responsible for paying all costs 23560  
associated with the criminal records check. 23561

(C) If a permit application is denied, seventy-five 23562  
dollars of the permit application fee shall be retained by the 23563  
director as payment for the reasonable expense of processing the 23564  
application, and the remainder of the fee shall be returned to 23565  
the applicant. 23566

(D) Not later than the first day of December of each year, 23567  
a permit holder shall apply to the director, on a form 23568  
prescribed and provided by the director, for a renewal of the 23569  
permit if the permit holder intends to retain possession of the 23570  
restricted snake or snakes that are identified in the permit. 23571  
Not later than thirty days after receipt of an application for 23572  
renewal, the director shall renew or deny the renewal of the 23573  
permit. The director shall renew the permit if the permit holder 23574  
complies with this chapter and rules and pays a renewal fee in 23575  
the same amount as the fee established for the initial permit in 23576  
section 935.08 of the Revised Code. If a renewal permit is 23577  
denied, seventy-five dollars of the renewal fee shall be 23578  
retained by the director as payment for the reasonable expense 23579  
of processing the application, and the remainder of the renewal 23580  
fee shall be returned to the applicant. 23581

(E) If the director denies an application for a permit or 23582  
a renewal of a permit, the director shall notify the person of 23583  
the denial, the grounds for the denial, and the person's right 23584  
to an adjudication under Chapter 119. of the Revised Code. 23585

(F) If a person does not appeal the determination of the 23586  
director to deny an application for a permit or a renewal of a 23587  
permit or if the determination of the director is affirmed under 23588  
Chapter 119. of the Revised Code, not later than thirty days 23589

after the decision not to appeal or after the determination is affirmed, as applicable, the person shall transfer the restricted snake or snakes that the person possesses to a humane society, wildlife sanctuary, facility that is an accredited member of either the association of zoos and aquariums or the zoological association of America, or facility that is located in another state and that complies with that state's applicable laws. After the transfer has occurred, the person shall submit proof to the director that the restricted snake or snakes were transferred and shall specify the society, sanctuary, or facility to which the snake or snakes were transferred.

The person is responsible for all costs associated with the transfer of the restricted snake or snakes.

(G) If a person that has been issued a restricted snake possession permit under this section or a restricted snake propagation permit under section 935.10 of the Revised Code dies, the person's next of kin shall do one of the following:

(1) If the next of kin wishes to possess the restricted snake or snakes, obtain a restricted snake possession permit under this section or a restricted snake propagation permit under section 935.10 of the Revised Code, as applicable. That next of kin shall comply with this chapter and rules, except that, with respect to the next of kin's initial permit, the person need not pay the applicable permit application fee.

(2) If the deceased person has a last will and testament that specifies that the restricted snake or snakes possessed by the person are to be transferred to another person that has been issued a restricted snake possession permit under this section or a restricted snake propagation permit issued under section 935.10 of the Revised Code, transfer the restricted snake or

snakes to the applicable permit holder; 23620

(3) Transfer the restricted snake or snakes that were 23621  
possessed by the deceased person in accordance with division (F) 23622  
of this section. 23623

(H) All fees collected under this section shall be 23624  
credited to the ~~dangerous and restricted animal~~ and consumer 23625  
protection fund created in section ~~935.25~~ 943.26 of the Revised 23626  
Code. 23627

**Sec. 935.10.** (A) (1) A person that possesses a restricted 23628  
snake in this state prior to January 1, 2014, that wishes to 23629  
continue to possess the restricted snake on and after that date, 23630  
and that intends to propagate, sell, trade, or otherwise 23631  
transfer the snake shall obtain a restricted snake propagation 23632  
permit under this section not later than January 1, 2014. 23633

(2) A person that acquires a restricted snake in this 23634  
state on or after January 1, 2014, and that intends to 23635  
propagate, sell, trade, or otherwise transfer the snake shall 23636  
obtain a restricted snake propagation permit under this section 23637  
not later than one hundred twenty days after acquiring the 23638  
snake. 23639

(3) An applicant need apply for only one permit regardless 23640  
of the number of restricted snakes that the applicant possesses. 23641

(B) Except as otherwise provided in this section, an 23642  
applicant for a restricted snake propagation permit shall comply 23643  
with the requirements and procedures established in sections 23644  
935.08 and 935.09 of the Revised Code. The application fee for a 23645  
restricted snake propagation permit shall be three hundred 23646  
dollars. 23647

(C) If a permit application is denied, one hundred fifty 23648

dollars of the permit application fee shall be retained by the 23649  
director of agriculture as payment for the reasonable expense of 23650  
processing the application, and the remainder of the fee shall 23651  
be returned to the applicant. 23652

(D) All fees collected under this section shall be 23653  
credited to the ~~dangerous and restricted animal~~ and consumer 23654  
protection fund created in section ~~935.25~~ 943.26 of the Revised 23655  
Code. 23656

**Sec. 935.16.** (A) If a dangerous wild animal or restricted 23657  
snake escapes, the person that possesses the animal or snake 23658  
immediately shall notify both of the following: 23659

(1) The sheriff of the county and the chief law 23660  
enforcement officer of the township or municipal corporation 23661  
where the escape occurred; 23662

(2) The division of animal health in the department of 23663  
agriculture by means of the twenty-four-hour telephone number 23664  
that is maintained by the division. 23665

(B) (1) A law enforcement officer or natural resources law 23666  
enforcement officer may destroy a dangerous wild animal or 23667  
restricted snake that has escaped and that poses a threat to 23668  
public safety. 23669

(2) A law enforcement officer or natural resources law 23670  
enforcement officer that destroys an escaped dangerous wild 23671  
animal or restricted snake pursuant to division (B) (1) of this 23672  
section is not liable for damages in a civil action for any 23673  
injury, death, or loss to person or property that allegedly 23674  
arises from the destruction of the animal or snake. 23675

(C) The person that possesses a dangerous wild animal or 23676  
restricted snake that escapes is responsible for all reasonable 23677

costs associated with the capture or destruction of the animal 23678  
or snake. The person shall reimburse the political subdivision 23679  
that employs the law enforcement officer who captured or 23680  
destroyed the dangerous wild animal or restricted snake for the 23681  
costs incurred in capturing or destroying the animal or snake. 23682  
However, if the law enforcement officer is a state highway 23683  
patrol trooper or if a natural resources law enforcement officer 23684  
captured or destroyed the dangerous wild animal or restricted 23685  
snake, the person shall reimburse the state highway patrol or 23686  
department of natural resources, as applicable, for those costs. 23687

(D) (1) Except as provided in division (D) (2) of this 23688  
section, money collected under division (C) of this section 23689  
shall be credited to a special fund, which is hereby created in 23690  
the applicable political subdivision. Money in the special fund 23691  
shall be used exclusively for the administration and enforcement 23692  
of this chapter and rules. 23693

(2) Money collected under division (C) of this section for 23694  
costs incurred by a state highway patrol trooper or a natural 23695  
resources law enforcement officer under this section shall be 23696  
deposited in the state treasury to the credit of the ~~dangerous~~ 23697  
~~and restricted~~ animal and consumer protection fund created in 23698  
section ~~935.25~~ 943.26 of the Revised Code. 23699

(3) If law enforcement officers from more than one 23700  
jurisdiction assist in the capture or destruction of a dangerous 23701  
wild animal or restricted snake, the money collected shall be 23702  
proportionally distributed to each political subdivision's 23703  
special fund and the dangerous and restricted animal fund, if 23704  
applicable. 23705

**Sec. 935.17.** The director of agriculture shall adopt rules 23706  
in accordance with Chapter 119. of the Revised Code that 23707

establish all of the following: 23708

(A) Both of the following concerning the registration of 23709  
dangerous wild animals under section 935.04 of the Revised Code: 23710

(1) Any additional information that must be included with 23711  
a registration; 23712

(2) Standards for the care and housing of registered 23713  
dangerous wild animals, including standards for the proper care 23714  
of each species of dangerous wild animal and caging and fencing 23715  
of the animals. 23716

The director shall adopt rules under division (A) of this 23717  
section not later than ninety days after ~~the effective date of~~ 23718  
~~this section~~ September 5, 2012. 23719

(B) Standards for the care and well-being of dangerous 23720  
wild animals specified in divisions (C) (1) to (19) of section 23721  
935.01 of the Revised Code that are possessed by the holders of 23722  
wildlife shelter permits and wildlife propagation permits issued 23723  
under this chapter. The standards shall govern at least 23724  
sanitation for, provision of health care for, and feeding, 23725  
caging, housing, and fencing of dangerous wild animals. In 23726  
adopting rules under this division, the director shall consider 23727  
the following factors: 23728

(1) Best management practices for the care and well-being 23729  
of dangerous wild animals; 23730

(2) Public health and safety; 23731

(3) Biosecurity; 23732

(4) The prevention of disease; 23733

(5) Animal morbidity and mortality data; 23734

(6) Generally accepted veterinary medical practices;	23735
(7) Standards adopted by the association of zoos and aquariums;	23736 23737
(8) Standards adopted by the zoological association of America;	23738 23739
(9) Standards established in the federal animal welfare act;	23740 23741
(10) Ethical standards established by the American veterinary medical association;	23742 23743
(11) Any other factors that the director considers necessary for the proper care and well-being of dangerous wild animals in this state.	23744 23745 23746
(C) Standards for the housing of dangerous wild animals specified in division (C) (20) of section 935.01 of the Revised Code that are possessed by the holders of wildlife shelter permits and wildlife propagation permits issued under this chapter;	23747 23748 23749 23750 23751
(D) All of the following concerning applications for permits issued under sections 935.06 and 935.07 of the Revised Code:	23752 23753 23754
(1) Any additional information that must be included with a permit application;	23755 23756
(2) Criteria for determining what constitutes a species survival program for the purposes of division (A) of section 935.07 of the Revised Code and requirements and procedures that are necessary to determine if a program meets those criteria;	23757 23758 23759 23760
(3) The content of the examination specified in division	23761

(B) (6) of section 935.05 of the Revised Code. The rules shall 23762  
require the examination to test an applicant's knowledge on 23763  
topics that include proper diet, health care, exercise needs, 23764  
and housing of the species of dangerous wild animal or animals 23765  
that are the subject of the application. 23766

(4) Procedures and requirements concerning the 23767  
administration of the examination specified in division (B) (6) 23768  
of section 935.05 of the Revised Code. 23769

(E) All of the following concerning applications for 23770  
permits issued under sections 935.09 and 935.10 of the Revised 23771  
Code: 23772

(1) Any additional information that must be included with 23773  
a permit application; 23774

(2) The content of the examination specified in division 23775  
(B) (5) of section 935.08 of the Revised Code. The rules shall 23776  
require the examination to test an applicant's knowledge on 23777  
topics that include proper diet, health care, and housing of the 23778  
species of restricted snake or snakes that are the subject of 23779  
the application. 23780

(3) Procedures and requirements concerning the 23781  
administration of the examination specified in division (B) (5) 23782  
of section 935.08 of the Revised Code. 23783

(F) Both of the following concerning applications for 23784  
permits issued under section 935.101 of the Revised Code: 23785

(1) Information that must be included in a permit 23786  
application; 23787

(2) Criteria and procedures for the issuance or denial of 23788  
a permit. 23789



(G) Standards for the care and well-being of dangerous wild animals that are possessed by the holders of permits issued under section 935.101 of the Revised Code. The standards shall govern at least sanitation for, provision of health care for, and feeding, caging, housing, and fencing of dangerous wild animals. In adopting the rules, the director may consider the standards of care and housing established in rules adopted under division (B) of this section and section 935.12 of the Revised Code.

(H) Procedures and requirements governing the maintenance of records under section 935.15 of the Revised Code;

(I) Standards for signs that are required to be posted and displayed in accordance with section 935.18 of the Revised Code;

(J) The amount of civil penalties that may be assessed under section 935.24 of the Revised Code;

~~(K) Procedures and requirements governing the distribution of money under division (B) (4) of section 935.25 of the Revised Code from the dangerous and restricted animal fund created in that section;~~

~~(L) Any other provisions necessary to administer and enforce this chapter.~~

**Sec. 935.20.** (A) On and after January 1, 2014, the director of agriculture immediately shall cause an investigation to be conducted if the director has reason to believe that one of the following may be occurring:

(1) A dangerous wild animal is possessed by a person who has not been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit under this chapter.

(2) A restricted snake is possessed by a person that has 23819  
not been issued a restricted snake possession permit or 23820  
restricted snake propagation permit under this chapter. 23821

(3) A dangerous wild animal or restricted snake is being 23822  
treated or kept in a manner that is in violation of this chapter 23823  
or rules. 23824

For purposes of the investigation, the director or the 23825  
director's designee may order the animal or snake that is the 23826  
subject of the notification to be quarantined or may order the 23827  
transfer of the animal or snake to a facility that is on the 23828  
list maintained by the director under this section. If the 23829  
director's designee orders the animal or snake to be quarantined 23830  
or transferred, the designee shall provide a copy of the order 23831  
to the director. 23832

(B) The director shall attempt to notify the person owning 23833  
or possessing an animal or snake that has been ordered to be 23834  
quarantined or transferred under division (A) of this section. 23835  
The notice shall be delivered in person or by certified mail. 23836  
The director also may post a copy of a quarantine order at two 23837  
conspicuous locations on the premises where the animal or snake 23838  
is quarantined. The director shall maintain a copy of an order 23839  
issued under this section and evidence that the director 23840  
attempted to notify the person owning or possessing the animal 23841  
or snake. 23842

(C) A quarantine or transfer order issued under this 23843  
section shall contain all of the following: 23844

(1) The name and address of the person owning or 23845  
possessing the animal or snake, if known; 23846

(2) A description of the quarantined or transferred animal 23847

or snake;	23848
(3) A description of the premises affected by the quarantine or transfer;	23849 23850
(4) The reason for the quarantine or transfer;	23851
(5) Any terms and conditions of the quarantine or transfer;	23852 23853
(6) A notice that a person adversely affected by the order may request a hearing to review the order.	23854 23855
(D) A person that is adversely affected by a quarantine or transfer order pertaining to a dangerous wild animal or restricted snake owned or possessed by the person, within thirty days after the order is issued, may request in writing an adjudication in accordance with Chapter 119. of the Revised Code. A request for an adjudication does not stay a quarantine or transfer order.	23856 23857 23858 23859 23860 23861 23862
(E) The owner of or person possessing a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section shall be responsible for all reasonable costs associated with the quarantine or transfer, including the costs of transportation, housing, food, and veterinary care for the animal or snake. If such an owner or person is unable to pay for the reasonable costs, the director shall certify the costs to the county auditor to be assessed against any property of the owner or person and thereby made a lien upon it and collected as other taxes. All money from the collection of liens under this division shall be credited in accordance with division (J) of this section.	23863 23864 23865 23866 23867 23868 23869 23870 23871 23872 23873 23874
(F) If the state veterinarian determines that a dangerous wild animal or restricted snake that was quarantined or	23875 23876

transferred under division (A) of this section is infected with 23877  
or exposed to a dangerously contagious or infectious disease or 23878  
is seriously injured, the state veterinarian shall so notify the 23879  
director. The director may order the animal or snake to be 23880  
humanely euthanized by a veterinarian if the state veterinarian 23881  
has indicated that euthanization is medically necessary. 23882

(G) A quarantine or transfer order issued under this 23883  
section shall remain in effect until one of the following 23884  
occurs: 23885

(1) The director, after reviewing the results of the 23886  
investigation conducted under division (A) of this section, 23887  
issues a written notice of release. 23888

(2) A court of competent jurisdiction orders the 23889  
quarantine or transfer order to be terminated in a proceeding 23890  
conducted under division (H) of this section. 23891

(3) A court of competent jurisdiction orders the seizure 23892  
of the dangerous wild animal or restricted snake in a proceeding 23893  
conducted under division (H) of this section. 23894

(H) If, after reviewing the results of an investigation 23895  
concerning a dangerous wild animal or restricted snake conducted 23896  
under division (A) of this section and after resolution of any 23897  
proceeding conducted under division (D) of this section, the 23898  
director determines that a circumstance described in division 23899  
(A) (1), (2), or (3) of this section is or was occurring, the 23900  
director shall initiate, in a court of competent jurisdiction, a 23901  
proceeding for the permanent seizure of the animal or snake, as 23902  
applicable. If the court affirms the director's determination 23903  
that a circumstance described in division (A) (1), (2), or (3) of 23904  
this section is or was occurring, the court shall order the 23905

animal or snake seized and shall order the method of disposition 23906  
of the animal or snake. The court may order the person owning or 23907  
possessing the animal or snake to pay all reasonable costs 23908  
associated with the seizure and, if applicable, the costs 23909  
associated with the quarantine or transfer of the animal or 23910  
snake, including the costs of transportation, housing, food, and 23911  
veterinary care of the animal or snake. If the court does not 23912  
affirm the director's determination, the court shall order the 23913  
quarantine or transfer order to be terminated and the animal or 23914  
snake to be returned to the person owning or possessing it, if 23915  
applicable. 23916

(I) The director may authorize any of the following to 23917  
conduct an investigation and order the quarantine or transfer of 23918  
a dangerous wild animal or restricted snake under division (A) 23919  
of this section: 23920

(1) Employees of the department of agriculture; 23921

(2) Natural resources law enforcement officers with the 23922  
consent of the director of natural resources; 23923

(3) Employees of the department of health with the consent 23924  
of the director of health; 23925

(4) Employees of a board of health with the consent of the 23926  
board; 23927

(5) Humane society agents appointed under section 1717.06 23928  
of the Revised Code with the consent of the humane society; 23929

(6) Law enforcement officers with the consent of the 23930  
sheriff of the county or the chief law enforcement officer of 23931  
the township or municipal corporation, as applicable, by whom 23932  
the law enforcement officers are employed; 23933

(7) Law enforcement officers who are state highway patrol troopers with the consent of the superintendent of the state highway patrol. 23934  
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(J) Money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals and restricted snakes under this section shall be credited to one of the following funds, as applicable: 23937  
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(1) If the animal or snake was quarantined or transferred by an employee of the department of agriculture or the department of health, a natural resources law enforcement officer, or a law enforcement officer who is a state highway patrol trooper, the ~~dangerous and restricted animal and consumer protection~~ fund created in section ~~935.25~~943.26 of the Revised Code; 23941  
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(2) If the animal or snake was quarantined or transferred by an employee of a board of health, a special fund, which is hereby created in each health district, that shall be used exclusively for the administration and enforcement of this chapter and rules; 23948  
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(3) If the animal or snake was quarantined or transferred by a humane society agent, a special fund, which is hereby created in each county that has a humane society, that shall be used exclusively for the administration and enforcement of this chapter and rules; 23953  
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(4) If the animal or snake was quarantined or transferred by a law enforcement officer who is not a state highway patrol trooper, the special fund that is created in the political subdivision that employs the law enforcement officer in division (D) of section 935.16 of the Revised Code. 23958  
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(K) The director shall maintain a list of facilities 23963  
inside and outside the state that the director determines are 23964  
eligible to accept dangerous wild animals and restricted snakes 23965  
for the purposes of this section. 23966

**Sec. 935.24.** (A) The attorney general, upon request of the 23967  
director of agriculture, shall bring an action for injunction 23968  
against any person who has violated, is violating, or is 23969  
threatening to violate this chapter or rules. The court of 23970  
common pleas in which an action for injunction is filed has 23971  
jurisdiction to and shall grant preliminary and permanent 23972  
injunctive relief upon a showing that the person against whom 23973  
the action is brought has violated, is violating, or is 23974  
threatening to violate this chapter or rules. 23975

(B) (1) The director may assess a civil penalty against any 23976  
person that the director determines is not in compliance with 23977  
this chapter or rules. 23978

(2) The director shall afford the person an opportunity 23979  
for an adjudication under Chapter 119. of the Revised Code to 23980  
challenge the director's determination that the person is not in 23981  
compliance with this chapter or rules. However, the person may 23982  
waive the right to an adjudication. 23983

(3) If the opportunity for an adjudication is waived or 23984  
if, after an adjudication, the director determines that a 23985  
violation has occurred or is occurring, the director may issue 23986  
an order and assess a civil penalty in an amount established in 23987  
rules against the violator. The order and the assessment of the 23988  
civil penalty may be appealed in accordance with section 119.12 23989  
of the Revised Code. 23990

(C) Notwithstanding any other section of the Revised Code, 23991

money resulting from any action taken under this section shall 23992  
be credited to the ~~dangerous and restricted animal and consumer~~ 23993  
protection fund created in section ~~935.25~~ 943.26 of the Revised 23994  
Code. 23995

**Sec. 943.01.** As used in this chapter: 23996

(A) "Animals" or "livestock" means horses, mules, and 23997  
other equidae, cattle, sheep, and goats and other bovidae, swine 23998  
and other suidae, poultry, alpacas, and llamas, ~~and monitored~~ 23999  
~~captive deer, captive deer with status, or captive deer with~~ 24000  
~~certified chronic wasting disease status.~~ 24001

(B) "Dealer" or "broker" means any person found by the 24002  
department of agriculture buying, receiving, selling, 24003  
slaughtering, with the exception of those persons designated by 24004  
division (B)(1) of section 918.10 of the Revised Code, 24005  
exchanging, negotiating, or soliciting the sale, resale, 24006  
exchange, or transfer of any animals in an amount of more than 24007  
two hundred fifty head of cattle, horses, or other equidae or 24008  
five hundred head of sheep, goats, or other bovidae, swine and 24009  
other suidae, poultry, alpacas, or llamas, ~~or monitored captive~~ 24010  
~~deer, captive deer with status, or captive deer with certified~~ 24011  
~~chronic wasting disease status~~ during any one year. "Dealer" or 24012  
"broker" does not mean any of the following: 24013

(1) Any railroad or other carrier transporting animals 24014  
either interstate or intrastate; 24015

(2) Any person who by dispersal sale is permanently 24016  
discontinuing the business of farming, dairying, breeding, 24017  
raising, or feeding animals; 24018

(3) Any person who sells livestock that has been raised 24019  
from birth on the premises of the person; 24020



(4) Any person who buys or receives animals for grazing or feeding purposes at a premises owned or controlled by the person and sells or disposes of the animals after the minimum grazing or feeding period of thirty days;

(5) Any person who places livestock in facilities other than the person's own pursuant to a written agreement for feeding or finishing, provided that the person retains legal and equitable title to the livestock during the term of the agreement.

The exemptions set forth in divisions (B)(1) to (5) of this section are exclusive of those activities requiring licensure under sections 943.01 to 943.18 of the Revised Code, so that a person shall be deemed to be a dealer or broker or subject to divisions (B)(1) to (5) of this section, but shall not be, or be subject to, both. No person who is a licensed dealer or broker and whose license is suspended shall have livestock or animals exempted pursuant to divisions (B)(1) to (5) of this section.

(C) "Employee" means any person employed by a dealer or broker to act in the dealer's or broker's behalf to buy, sell, exchange, negotiate, or solicit sale or resale of animals in the dealer's or broker's name.

(D) "Small dealer" means any person found by the department buying, receiving, selling, slaughtering, with the exception of those persons designated by division (B)(1) of section 918.10 of the Revised Code, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any animals in an amount of two hundred fifty head or less of cattle, horses, or other equidae or five hundred head or less of sheep, goats, or other bovidae, swine or other suidae, poultry,

~~alpacas, or llamas, or monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status during any one year.~~ 24051  
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~~(E) "Captive whitetail deer licensee" means a person who has been issued a license under section 943.03 or 943.031 of the Revised Code and a license under section 1533.71 or 1533.721 of the Revised Code regarding monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status.~~ 24054  
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~~(F) "Chronic wasting disease" has the same meaning as in 9 C.F.R. 55.1.~~ 24060  
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~~(G) "Captive deer with status" means captive white-tailed deer that have been legally acquired or their offspring, are part of a herd that is monitored and tested for disease in accordance with rules, and are privately owned primarily for the purposes of agriculture, propagation, or providing captive deer to a wild animal hunting preserve licensed under section 1533.721 of the Revised Code.~~ 24062  
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~~(H) "Captive deer with certified chronic wasting disease status" means captive white-tailed deer that have been legally acquired or their offspring, are part of a herd that has been monitored and tested for disease in accordance with rules, including tested for chronic wasting disease for at least five consecutive years in accordance with rules, are privately owned primarily for the purposes of agriculture, propagation, or providing deer to a wild animal hunting preserve licensed under section 1533.721 of the Revised Code, and are certified "with status" in accordance with rules.~~ 24069  
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~~(I) "Monitored captive deer" means whitetail deer that~~ 24079

~~have been legally acquired or their offspring, are tested for~~ 24080  
~~chronic wasting disease in accordance with rules, and are held~~ 24081  
~~in private ownership for agricultural or personal purposes or in~~ 24082  
~~a wild animal hunting preserve licensed under section 1533.721~~ 24083  
~~of the Revised Code.~~ 24084

~~(J) "Rule" means a rule adopted under section 943.24 of~~ 24085  
~~the Revised Code.~~ 24086

**Sec. 943.04.** (A) Fees for the initial issuance of any 24087  
license issued pursuant to sections 943.02, 943.03, and 943.031 24088  
of the Revised Code, shall be paid to the department of 24089  
agriculture. 24090

(B) All annual renewal fees for the licenses shall be paid 24091  
by the applicant for the renewal of a license on or before the 24092  
thirty-first day of March of each year to the treasurer of 24093  
state. Except for license fees for small dealers, the fees shall 24094  
~~be based on the number of head of livestock purchased, sold, or~~ 24095  
~~exchanged, in this state, whichever is the greatest, during the~~ 24096  
~~preceding calendar year. Those fees for dealers or brokers shall~~ 24097  
~~be as follows:~~ 24098

~~Less than 1,000 head \_\_\_\_\_ \$50.00 per annum;~~ 24099

~~For 1,001 to 10,000 head \_\_\_\_\_ \$125.00 per annum;~~ 24100

~~For more than 10,000 head \_\_\_\_\_ \$250.00 per annum.~~ 24101

In the event a dealer or broker operates more than one 24102  
place where livestock is purchased, sold, or exchanged, a fee 24103  
shall be paid for each place, but only the original purchase, 24104  
sale, or exchange shall be counted in computing the amount of 24105  
the fee to be paid for each place operated by the dealer or 24106  
broker. Shipment between yards owned or operated by the dealer 24107  
or broker shall be exempt. 24108

A late fee of one hundred dollars shall be paid for each 24109  
dealer or broker license renewal application that is received 24110  
after the thirty-first day of March each year. 24111

(C) (1) A fee of ~~twenty-five~~ forty dollars shall be paid by 24112  
each small dealer. 24113

If a small dealer operates more than one place where 24114  
livestock is purchased, sold, or exchanged, a fee shall be paid 24115  
for each place, but only the original purchase, sale, or 24116  
exchange shall be counted in computing the amount of fee to be 24117  
paid for each place operated by the small dealer. Shipment 24118  
between yards owned or operated by the small dealer shall be 24119  
exempt. 24120

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be 24121  
paid for each small dealer license renewal application that is 24122  
received after the thirty-first day of March each year. 24123

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each 24124  
licensed weigher and each employee that is appointed by a small 24125  
dealer, dealer, or broker as provided in section 943.02 of the 24126  
Revised Code. 24127

(E) ~~A fee of ten dollars shall be paid by each licensed-~~ 24128  
~~weigher.~~ 24129

~~(F)~~ All money collected under section 943.03 of the 24130  
Revised Code and under this section shall be credited to the 24131  
animal and consumer protection ~~laboratory~~ fund created in 24132  
section ~~901.43~~ 943.26 of the Revised Code. 24133

**Sec. 943.16.** All fines imposed and collected under section 24134  
943.99 of the Revised Code shall be credited to the animal and 24135  
consumer protection ~~laboratory~~ fund created in section ~~901.43~~ 24136  
943.26 of the Revised Code. 24137

**Sec. 943.26.** The animal and consumer protection fund is 24138  
created in the state treasury.~~Notwithstanding section 943.04 of~~ 24139  
~~the Revised Code,~~ The fund shall consist of livestock dealer or 24140  
broker fees and civil penalties collected under this chapter, 24141  
all money collected through the issuance of licenses to captive 24142  
~~whitetail deer licensees under this chapter and all money~~ 24143  
~~collected under section 942.04 of the Revised Code shall be~~ 24144  
~~credited to the animal and consumer protection fund, which is~~ 24145  
~~hereby created in the state treasury~~under Chapter 944. of the 24146  
Revised Code, and any other money credited to it under the 24147  
Revised Code. The director of agriculture shall use money in the 24148  
fund to administer ~~Chapter 942. and sections 943.20 to 943.26 of~~ 24149  
~~the Revised Code and rules~~this chapter and Chapters 935., 942., 24150  
and 944. of the Revised Code and rules adopted under those 24151  
chapters.- 24152

**Sec. 943.27.** (A) The director of agriculture, after 24153  
providing an opportunity for an adjudication hearing under 24154  
Chapter 119. of the Revised Code, may assess a civil penalty 24155  
against a person who has violated or is in violation of sections 24156  
943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If 24157  
the director assesses a civil penalty, the director shall do so 24158  
as follows: 24159

(1) In an amount not exceeding five hundred dollars if, 24160  
within five years of the violation, the director has not 24161  
previously assessed a civil penalty against the person under 24162  
this section; 24163

(2) In an amount not exceeding two thousand five hundred 24164  
dollars if, within five years of the violation, the director has 24165  
previously assessed one civil penalty against the person under 24166  
this section; 24167

(3) In an amount not exceeding ten thousand dollars if, 24168  
within five years of the violation, the director has previously 24169  
assessed two or more civil penalties against the person under 24170  
this section. 24171

(B) Money collected under division (A) of this section 24172  
shall be deposited in the state treasury to the credit of the 24173  
animal and consumer protection fund created in section 943.26 of 24174  
the Revised Code. 24175

**Sec. 943.99.** ~~(A)~~Whoever violates section 943.11 of the 24176  
Revised Code is guilty of a felony of the fifth degree. 24177

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12~~ 24178  
~~to 943.17 of the Revised Code is guilty of a misdemeanor of the~~ 24179  
~~first degree.~~ 24180

**Sec. 944.01.** As used in this chapter: 24181

"Captive cervid with certified chronic wasting disease 24182  
status" means captive cervid that have been legally acquired or 24183  
their offspring, are part of a herd that has been monitored and 24184  
tested for disease in accordance with rules, including tested 24185  
for chronic wasting disease for at least five consecutive years 24186  
in accordance with rules, are privately owned primarily for the 24187  
purposes of agriculture, propagation, or providing cervid to a 24188  
wild animal hunting preserve licensed under section 1533.721 of 24189  
the Revised Code, and are certified "with status" in accordance 24190  
with rules. 24191

"Captive cervid with status" means captive cervid that 24192  
have been legally acquired or their offspring, are part of a 24193  
herd that is monitored and tested for disease in accordance with 24194  
rules, and are privately owned primarily for the purposes of 24195  
agriculture, propagation, or providing captive cervid to a wild 24196

<u>animal hunting preserve licensed under section 1533.721 of the</u>	24197
<u>Revised Code.</u>	24198
<u>"Captive cervid facility" means a fenced premise where one</u>	24199
<u>or more cervid are housed or kept.</u>	24200
<u>"Captive whitetail cervid licensee" means a person who has</u>	24201
<u>been issued a license under section 944.02 of the Revised Code</u>	24202
<u>and a license under section 1533.71 or 1533.721 of the Revised</u>	24203
<u>Code regarding monitored captive cervid, captive cervid with</u>	24204
<u>status, or captive cervid with certified chronic wasting disease</u>	24205
<u>status.</u>	24206
<u>"Cervid" means all members of the family Cervidae and</u>	24207
<u>their hybrids, including deer, elk, or moose in the genera</u>	24208
<u>Odocoileus, Cervus, and Alces, and their hybrids.</u>	24209
<u>"Chronic wasting disease" means a transmissible spongiform</u>	24210
<u>encephalopathy of cervids with clinical signs in affected</u>	24211
<u>animals that include, but are not limited to, loss of body</u>	24212
<u>condition, behavioral changes, excessive salivation, increased</u>	24213
<u>drinking and urination, depression, and eventual death.</u>	24214
<u>"Monitored captive cervid" means cervid that have been</u>	24215
<u>legally acquired or their offspring, are tested for chronic</u>	24216
<u>wasting disease in accordance with rules, and are held in</u>	24217
<u>private ownership for agricultural or personal purposes or in a</u>	24218
<u>wild animal hunting preserve licensed under section 1533.721 of</u>	24219
<u>the Revised Code.</u>	24220
<u>"Rule" means a rule adopted under section 944.07 of the</u>	24221
<u>Revised Code.</u>	24222
<b>Sec. 944.02.</b> <u>(A) A person that owns or operates a facility</u>	24223
<u>that contains one or more cervid shall apply for an annual</u>	24224
<u>captive cervid facility license on a form and in a manner</u>	24225

provided by the director of agriculture. 24226

(B) (1) Prior to issuing a license, the director shall 24227  
inspect the applicant's facility. If, after an initial 24228  
inspection, the director finds that the facility's premise is in 24229  
compliance with this chapter and rules adopted under it, the 24230  
director shall notify the applicant and, upon receipt of the 24231  
complete application and required license fee, the director 24232  
shall so issue the license. 24233

(2) However, if after inspection the director finds that a 24234  
facility is not in compliance with this chapter and rules 24235  
adopted under it, the director shall deny the license 24236  
application. An applicant may appeal the denial of the license 24237  
application in accordance with Chapter 119. of the Revised Code. 24238

(C) A license issued under this section expires annually 24239  
on the thirty-first day of March each year and, if the director 24240  
finds that the facility is in compliance with this chapter and 24241  
rules adopted under it, shall be renewed according to procedures 24242  
established by the director or prescribed in rules. 24243

(D) The annual license fee for each facility licensed 24244  
under this section, or a renewal thereof, is fifty dollars. All 24245  
fees collected under this section shall be deposited into the 24246  
animal and consumer protection fund created in section 943.26 of 24247  
the Revised Code. 24248

**Sec. 943.20 944.03.** (A) No person shall operate a captive 24249  
cervid facility without first obtaining a license in accordance 24250  
with section 944.02 of the Revised Code. 24251

(B) A person who wishes to own or propagate captive deer- 24252  
cervid with status or captive deer-cervid with certified chronic 24253  
wasting disease status shall obtain a license under section 24254



~~943.03 or 943.031~~ 944.02 of the Revised Code in addition to a 24255  
captive white-tailed deer propagation license issued under 24256  
section 1533.71 of the Revised Code. 24257

~~(B)~~ (C) A person who wishes to operate a wild animal 24258  
hunting preserve as defined in section 1531.01 of the Revised 24259  
Code on which monitored captive ~~deer~~cervid, captive ~~deer~~cervid 24260  
with status, or captive ~~deer~~cervid with certified chronic 24261  
wasting disease status are released and hunted shall obtain a 24262  
license under section ~~943.03 or 943.031~~ 944.02 of the Revised 24263  
Code in addition to a wild animal hunting preserve license 24264  
issued under section 1533.721 of the Revised Code. 24265

**Sec. ~~943.21~~ 944.04.** (A) A captive whitetail ~~deer~~cervid 24266  
licensee shall have monitored captive ~~deer~~cervid, captive ~~deer~~cervid 24267  
cervid with status, and captive ~~deer~~cervid with certified 24268  
chronic wasting disease status in the licensee's herd tested for 24269  
disease in accordance with rules. 24270

(B) A captive whitetail ~~deer~~cervid licensee shall provide 24271  
the results of all testing required under this section to the 24272  
director of agriculture. 24273

**Sec. ~~943.22~~ 944.05.** The director of agriculture shall take 24274  
actions that the director determines are necessary to mitigate 24275  
or eliminate the presence of chronic wasting disease or other 24276  
disease at a facility owned by a captive whitetail ~~deer~~cervid 24277  
licensee regarding monitored captive ~~deer~~cervid, captive ~~deer~~cervid 24278  
cervid with status, or captive ~~deer~~cervid with certified 24279  
chronic wasting disease status if the director is notified of a 24280  
positive result from a test for chronic wasting disease or other 24281  
disease for a monitored captive ~~deer~~cervid, captive ~~deer~~cervid 24282  
with status, or captive ~~deer~~cervid with certified chronic 24283  
wasting disease status at the facility. 24284

**Sec. ~~943.23~~ 944.06.** (A) A captive whitetail ~~deer~~ cervid licensee shall comply with the requirements established in sections ~~943.20 to 943.26 of the Revised Code~~ this chapter and in rules. The director of agriculture may suspend or revoke a license issued under ~~section 943.03 or 943.031 of the Revised Code~~ this chapter regarding monitored captive ~~deercervid~~, captive ~~deer~~ cervid with status, or captive ~~deer~~ cervid with certified chronic wasting disease status if the licensee fails to comply with those requirements.

(B) (1) The director, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is in violation of section ~~943.20~~ 944.03 of the Revised Code. If the director assesses a civil penalty, the director shall do so as follows:

(a) If, within five years of the violation, the director has not previously assessed a civil penalty against the person under this section, in an amount not exceeding five hundred dollars;

(b) If, within five years of the violation, the director has previously assessed one civil penalty against the person under this section, in an amount not exceeding two thousand five hundred dollars;

(c) If, within five years of the violation, the director has previously assessed two or more civil penalties against the person under this section, in an amount not exceeding ten thousand dollars.

(2) Money collected under division (B) (1) of this section shall be deposited in the state treasury to the credit of the

animal and consumer protection fund created in section 943.26 of 24314  
the Revised Code. 24315

**Sec. ~~943.24~~ 944.07.** The director of agriculture shall 24316  
adopt rules in accordance with Chapter 119. of the Revised Code 24317  
that establish all of the following: 24318

(A) Requirements governing health monitoring and disease 24319  
testing of monitored captive ~~deer~~cervid, captive ~~deer~~cervid 24320  
with status, and captive ~~deer~~cervid with certified chronic 24321  
wasting disease status, which testing may include, but is not 24322  
limited to, testing for chronic wasting disease, brucellosis, 24323  
and tuberculosis of such ~~deer~~cervid that are held at a facility 24324  
licensed under section 1533.71 or 1533.721 of the Revised Code; 24325

(B) Requirements governing captive whitetail ~~deer~~cervid 24326  
licensees, including record-keeping requirements related to 24327  
health monitoring and disease testing of monitored captive 24328  
~~deer~~cervid, captive ~~deer~~cervid with status, and captive ~~deer~~ 24329  
cervid with certified chronic wasting disease status; 24330

(C) Requirements and procedures that are necessary to 24331  
preserve the health, safety, and welfare of monitored captive 24332  
~~deer~~cervid, captive ~~deer~~cervid with status, or captive ~~deer~~ 24333  
cervid with certified chronic wasting disease status; 24334

(D) Requirements and procedures governing the transfer of 24335  
living game and nonnative wildlife, as defined in section 24336  
1531.01 of the Revised Code, from one wild animal hunting 24337  
preserve licensed under section 1533.721 of the Revised Code to 24338  
another such wild animal hunting preserve; 24339

(E) Tagging requirements for captive ~~deer~~cervid with 24340  
status and captive ~~deer~~cervid with certified chronic wasting 24341  
disease status for such ~~deer~~cervid that are propagated pursuant 24342

to a captive white-tailed deer propagation license issued under 24343  
section 1533.71 of the Revised Code; 24344

(F) Requirements governing the certification of captive 24345  
~~deer cervid~~ with certified chronic wasting disease status; 24346

(G) Any other requirements or procedures that are 24347  
necessary to administer and enforce ~~sections 943.20 to 943.26 of~~ 24348  
~~the Revised Code~~ this chapter. 24349

**Sec. ~~943.25~~ 944.08.** The director of agriculture or the 24350  
director's authorized representative may enter at reasonable 24351  
times on the premises of a captive whitetail ~~deer cervid~~ 24352  
licensee to conduct investigations and inspections or to 24353  
otherwise execute duties that are necessary for the 24354  
administration and enforcement of ~~sections 943.20 to 943.26 of~~ 24355  
~~the Revised Code~~ this chapter and rules. 24356

**Sec. 956.07.** (A) A person who is applying for an annual 24357  
license to operate a high volume breeder or to act as or perform 24358  
the functions of a dog broker under section 956.04 or 956.05 of 24359  
the Revised Code, as applicable, shall include with the 24360  
application for a license a nonrefundable license application 24361  
fee. The application fees are as follows: 24362

(1) For a high volume breeder: 24363

(a) One hundred fifty dollars if the high volume breeder 24364  
annually sells at least forty, but not more than sixty puppies 24365  
to the public; 24366

(b) Two hundred fifty dollars if the high volume breeder 24367  
annually sells at least sixty-one, but not more than one hundred 24368  
fifty puppies to the public; 24369

(c) Three hundred fifty dollars if the high volume breeder 24370

annually sells at least one hundred fifty-one, but not more than  
two hundred fifty puppies to the public; 24371  
24372

(d) Five hundred dollars if the high volume breeder 24373  
annually sells at least two hundred fifty-one, but not more than 24374  
three hundred fifty puppies to the public; 24375

(e) Seven hundred fifty dollars if the high volume breeder 24376  
annually sells three hundred fifty-one or more puppies to the 24377  
public; 24378

(f) If divisions (A) (1) (a) to (e) of this section do not 24379  
apply, one hundred and fifty dollars if either of the following 24380  
applies: 24381

(i) The high volume breeder sells five or more adult dogs 24382  
or puppies to a dog broker or pet store. 24383

(ii) The high volume breeder keeps, houses, and maintains, 24384  
at any given time in a calendar year, more than forty puppies 24385  
that are under four months of age, that have been bred on the 24386  
premises of the establishment, and that have been primarily 24387  
kept, housed, and maintained from birth on the premises of the 24388  
establishment. 24389

(2) For a dog broker, five hundred dollars. 24390

(B) Money collected by the director of agriculture from 24391  
each application fee submitted under this section shall be 24392  
deposited in the state treasury to the credit of the ~~high volume~~ 24393  
~~breeder kennel control license commercial dog breeding fund~~ 24394  
created in section 956.18 of the Revised Code. The director 24395  
shall use fifty dollars of the application fee submitted by a 24396  
high volume breeder under this section or an amount equal to the 24397  
fee charged for the registration of a kennel under section 24398  
955.14 of the Revised Code in the county in which the high 24399

volume breeder is located or will be located, whichever is 24400  
greater, to reimburse that county. The county auditor shall 24401  
deposit the transferred money into that county's dog and kennel 24402  
fund created under section 955.20 of the Revised Code. 24403

**Sec. 956.10.** (A) (1) At least once annually, the director 24404  
of agriculture or the director's authorized representative shall 24405  
inspect a high volume breeder that is subject to licensure under 24406  
this chapter and rules adopted under section 956.03 of the 24407  
Revised Code to ensure compliance with this chapter and rules 24408  
adopted under it, including the standards of care established in 24409  
rules adopted under that section. 24410

(2) The director or the director's authorized 24411  
representative shall inspect a boarding kennel when the director 24412  
or the director's authorized representative has received 24413  
information that the boarding kennel is breeding dogs and may be 24414  
subject to licensure under this chapter and rules adopted under 24415  
section 956.03 of the Revised Code. 24416

(B) The director or the director's authorized 24417  
representative may do any of the following: 24418

(1) Upon receiving a complaint, inspect a high volume 24419  
breeder that is subject to licensure under this chapter and 24420  
rules adopted under section 956.03 of the Revised Code to ensure 24421  
compliance with this chapter and rules adopted under it; 24422

(2) Upon the request of a member of the public, a public 24423  
official, or an animal shelter for dogs, inspect any facility at 24424  
which a person is acting as or performing the functions of a dog 24425  
broker to ensure such compliance; 24426

(3) Upon receiving a complaint, inspect an animal rescue 24427  
for dogs to ensure compliance with section 956.06 of the Revised 24428

Code and applicable rules adopted under section 956.03 of the Revised Code; 24429  
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(4) Conduct an inspection under this section during regular business hours without providing notice in advance. 24431  
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(C) Inspections shall be conducted in accordance with rules adopted under section 956.03 of the Revised Code. A record of each inspection shall be made by the director or the director's authorized representative who is responsible for the inspection in accordance with those rules. 24433  
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(D) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the director's authorized representative, or the attorney general upon the request of the director may apply to the appropriate court in the county in which inspection will occur for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it. 24438  
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(E) No owner or operator of a high volume breeder, person acting as or performing the functions of a dog broker, owner or operator of a boarding kennel, or owner or operator of an animal rescue for dogs shall interfere with an inspection or refuse to allow the director or the director's authorized representative full access to all areas where dogs are kept or cared for. If entry is refused or inspection or investigation is refused, hindered, or thwarted by a high volume breeder or dog broker, the director may suspend or revoke the breeder's or broker's 24450  
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license in accordance with this chapter. 24459

(F) (1) The director may enter into a contract or agreement 24460  
with a veterinarian to conduct inspections under this section. 24461  
The veterinarian shall be considered the director's authorized 24462  
representative for the purposes of this section. 24463

(2) A veterinarian with whom the director has entered into 24464  
a contract or agreement under division (F) (1) of this section 24465  
may inspect a high volume breeder with whom the veterinarian has 24466  
established a veterinary-client-patient relationship as 24467  
described in section 4741.04 of the Revised Code only every 24468  
other year. 24469

(3) If the director determines that a veterinarian with 24470  
whom the director has entered into a contract or agreement under 24471  
division (F) (1) of this section has falsified any information 24472  
submitted to the director pursuant to an inspection, the 24473  
director shall inform the veterinary medical licensing board 24474  
created by Chapter 4741. of the Revised Code of the 24475  
falsification. 24476

(G) (1) If entry that is authorized by division (D) of this 24477  
section is refused or if an inspection or investigation is 24478  
refused, hindered, or thwarted by intimidation or otherwise and 24479  
if the director, an authorized representative of the director, 24480  
or the attorney general applies for and obtains a court order or 24481  
a search warrant under division (D) of this section to conduct 24482  
the inspection or investigation, the owner or operator of the 24483  
premises where entry was refused or inspection or investigation 24484  
was refused, hindered, or thwarted, if found guilty of violating 24485  
this chapter or rules adopted under it, is liable to the 24486  
director for all of the following: 24487



(a) The reasonable costs incurred by the director for the regular salaries and fringe benefit costs of personnel assigned to conduct the inspection or investigation from the time the court order or search warrant was issued until the court order or search warrant is executed;

(b) The salary, fringe benefits, and travel expenses of the director, an authorized representative of the director, or the attorney general incurred in obtaining the court order or search warrant; and

(c) Expenses necessarily incurred for the assistance of local law enforcement officers in executing the court order or search warrant.

(2) In the application for a court order or a search warrant, the director, the director's authorized representative, or the attorney general may request and the court, in its order granting the court order or search warrant, may order the owner or operator of the premises, if found guilty of violating this chapter or rules adopted under it, to reimburse the director for any of the costs described in division (G)(1) of this section that the court finds reasonable. From money recovered under this division, the director shall do all of the following:

(a) Reimburse the attorney general for the costs incurred by the attorney general in connection with proceedings for obtaining the court order or search warrant;

(b) Reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the court order or search warrant;

(c) Deposit the remainder in the state treasury to the credit of the ~~high volume breeder kennel control license~~

commercial dog breeding fund created in section 956.18 of the Revised Code. 24517  
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(H) A dog warden appointed under Chapter 955. of the Revised Code or an agent of a humane society entering on public or private property to make investigations and inspections in accordance with Chapter 955. or 1717. of the Revised Code, as applicable, shall report any violations of this chapter and rules adopted under it to the director or the director's authorized representative. 24519  
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**Sec. 956.13.** (A) The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating sections 956.01 to 956.18 of the Revised Code or rules adopted under section 956.03 of the Revised Code. 24526  
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(B) A person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation. 24532  
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Each day that a violation continues constitutes a separate violation. 24537  
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(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the ~~high volume breeder kennel control license~~ commercial dog breeding fund created under section 956.18 of the Revised Code. 24539  
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**Sec. 956.16.** The director of agriculture, the director's 24545

authorized representative, or the attorney general may require 24546  
the attendance of witnesses and the production of books, 24547  
records, papers, and dogs that are needed either by the director 24548  
or the attorney general or by any party to a hearing before the 24549  
director and for that purpose may issue a subpoena for any 24550  
witness or a subpoena duces tecum to compel the production of 24551  
any books, records, papers, or dogs. The subpoena shall be 24552  
served by personal service or by certified mail. If the subpoena 24553  
is returned because of inability to deliver, or if no return is 24554  
received within thirty days after the date of mailing, the 24555  
subpoena may be served by ordinary mail. If no return of 24556  
ordinary mail is received within thirty days after the date of 24557  
mailing, service shall be deemed to have been made. If the 24558  
subpoena is returned because of inability to deliver, the 24559  
director or the attorney general may designate a person or 24560  
persons to effect either personal or residence service on the 24561  
witness. The person designated to effect personal or residence 24562  
service under this section may be the sheriff of the county in 24563  
which the witness resides or may be found or any other duly 24564  
designated person. The fees and mileage of the person serving 24565  
the subpoena shall be the same as those allowed by the courts of 24566  
common pleas in criminal cases and shall be paid from the funds 24567  
of the department of agriculture. Fees and mileage for the 24568  
witness shall be the same as those allowed for witnesses by the 24569  
courts of common pleas in criminal cases and, upon request of 24570  
the witness following the hearing, shall be paid from the money 24571  
in the ~~high volume breeder kennel control license commercial dog~~ 24572  
breeding fund created in section 956.18 of the Revised Code. 24573

**Sec. 956.18.** (A) All money collected by the director of 24574  
agriculture from ~~late renewal fees under section 956.06, license~~ 24575  
~~fees under section 956.07, and civil penalties assessed under~~ 24576

~~section 956.13 of the Revised Code~~ fees and civil penalties 24577  
under this chapter shall be deposited in the state treasury to 24578  
the credit of the ~~high volume breeder kennel control license~~ 24579  
commercial dog breeding fund, which is hereby created. The fund 24580  
shall also consist of money appropriated to it. 24581

(B) The director shall use the money in the fund for the 24582  
purpose of administering ~~sections 956.01 to 956.18 of the~~ 24583  
~~Revised Code~~ this chapter and rules adopted under ~~section 956.03~~ 24584  
~~of the Revised Code that apply to those sections~~ it. 24585

**Sec. 956.21.** (A) The director of agriculture may issue a 24586  
pet store license to an owner or operator of a pet store when 24587  
the owner or operator does all of the following: 24588

(1) Applies for a license in accordance with this section 24589  
and rules adopted under section 956.03 of the Revised Code; 24590

(2) Affirms in writing that the owner or operator will 24591  
maintain compliance with the applicable requirements established 24592  
under section 959.20 of the Revised Code; 24593

(3) Submits with the application for a pet store license a 24594  
fee of five hundred dollars. 24595

(B) The director of agriculture may deny, suspend, or 24596  
revoke a license issued under this section for a violation of 24597  
division (A), (B), or (C) of section 956.20 of the Revised Code 24598  
or rules adopted under section 956.03 of the Revised Code. The 24599  
denial, suspension, or revocation of a license is not effective 24600  
until the licensee is given written notice of the violation, a 24601  
reasonable amount of time to correct the violation, if possible, 24602  
and an opportunity for a hearing. 24603

The director also may refuse to issue a license under 24604  
division (B) of this section if the applicant has violated 24605

division (A), (B), or (C) of section 956.20 of the Revised Code 24606  
or the rules adopted under section 956.03 of the Revised Code 24607  
during the thirty-six-month period prior to submitting an 24608  
application for the license. 24609

(C) Any license issued under this section is valid for a 24610  
period of one year from the date of issuance. A pet store 24611  
license must be renewed annually in the manner provided in rules 24612  
adopted under section 956.03 of the Revised Code. 24613

(D) Money collected by the director of agriculture from 24614  
each application fee submitted under this section shall be 24615  
deposited in the state treasury to the credit of the ~~pet store~~ 24616  
~~license-commercial dog breeding fund~~ created in section ~~956.181~~ 24617  
956.18 of the Revised Code. 24618

(E) No owner, operator, or manager of a pet store shall 24619  
negligently display, offer for sale, deliver, barter, auction, 24620  
broker, give away, transfer, or sell any live dog from a pet 24621  
store in this state unless a license has been issued for the pet 24622  
store by the director of agriculture in accordance with this 24623  
section and rules adopted under section 956.03 of the Revised 24624  
Code. 24625

**Sec. 956.22.** (A) The director of agriculture, after 24626  
providing an opportunity for an adjudication hearing under 24627  
Chapter 119. of the Revised Code, may assess a civil penalty 24628  
against a person who has violated or is violating division (A), 24629  
(B), or (C) of section 956.20 of the Revised Code or division 24630  
(E) of section 956.21 of the Revised Code. 24631

(B) The person who is assessed a civil penalty under this 24632  
section is liable for a civil penalty of not more than two 24633  
thousand five hundred dollars for a first violation, not more 24634

than five thousand dollars for a second violation, and not more 24635  
than ten thousand dollars for a third or subsequent violation. 24636

(C) Any person assessed a civil penalty under this section 24637  
shall pay the amount prescribed to the department of 24638  
agriculture. The department shall remit all money collected 24639  
under this section to the treasurer of state for deposit in the 24640  
~~pet store license~~commercial dog breeding fund created under 24641  
section ~~956.181~~956.18 of the Revised Code. 24642

**Sec. 956.23.** The regulation of pet stores is a matter of 24643  
general statewide interest that requires statewide regulation. 24644  
Sections ~~956.181~~956.19 to 956.23 of the Revised Code and 24645  
section 956.99 of the Revised Code constitute a comprehensive 24646  
plan with respect to all aspects of the regulation of pet 24647  
stores. Accordingly, it is the intent of the general assembly to 24648  
preempt any local ordinance, resolution, or other law adopted to 24649  
regulate the sale, delivery, barter, auction, broker, or 24650  
transfer of a dog to a person from a pet store. 24651

**Sec. 993.01.** As used in this chapter: 24652

(A) "Amusement ride" means any mechanical, aquatic, or 24653  
inflatable device, or combination of those devices that carries 24654  
or conveys passengers on, along, around, over, or through a 24655  
fixed or restricted course or within a defined area for the 24656  
purpose of providing amusement, pleasure, or excitement. 24657  
"Amusement ride" includes carnival rides, bungee jumping 24658  
facilities, and fair rides, but does not include passenger 24659  
tramways as defined in section 4169.01 of the Revised Code, 24660  
manufactured rock climbing walls in climbing facilities 24661  
regulated under Chapter 4175. of the Revised Code, or amusement 24662  
rides operated solely at trade shows for a limited period of 24663  
time. For purposes of this division, "trade show" means a place 24664

of exhibition not open to the general public where amusement 24665  
ride manufacturers display, promote, operate, and sell amusement 24666  
rides to prospective purchasers. 24667

(B) "Temporary amusement ride" means an amusement ride 24668  
that is relocated at least once per year with or without 24669  
disassembly. 24670

(C) "Permanent amusement ride" means an amusement ride 24671  
that is erected to remain a lasting part of the premises. 24672

(D) "Owner" means any person who owns or leases and 24673  
controls or manages the operation of an amusement ride, and 24674  
includes individuals, partnerships, corporations, both profit 24675  
and nonprofit, and the state and any of its political 24676  
subdivisions and their departments or agencies. 24677

(E) "Operation" means the use or operation, or both, of an 24678  
amusement ride with riders. 24679

(F) "Rider" means any person who sits, stands, or is 24680  
otherwise conveyed or carried as a passenger on an amusement 24681  
ride, but does not include employees or agents of the owner of 24682  
the amusement ride. 24683

(G) "Amusement ride operator" means any person causing the 24684  
amusement ride to go, stop, or perform its function. 24685

(H) "Reassembly" means the installation, erection, or 24686  
reconstruction of the main mechanical, safety, electrical, or 24687  
electronic components of an amusement ride following 24688  
transportation or storage and prior to operation. Replacement of 24689  
mechanical, safety, electrical, or electronic components of an 24690  
amusement ride for the purpose of repair or maintenance is not 24691  
reassembly. 24692

(I) "Repair" means to restore an amusement ride to a condition equal to or better than original design specifications.

(J) "Maintenance" means the preservation and upkeep of an amusement ride for the purpose of maintaining its designed operational capability.

(K) "Inspection" means a physical examination of an amusement ride by an inspector for the purpose of approving the application for a permit. "Inspection" includes a reinspection.

(L) "Accident" means an occurrence during the operation of an amusement ride that results in death or injury requiring immediate hospital admission.

(M) "Serious injury" means an injury that does not require immediate hospital admission but does require medical treatment, other than first aid, by a physician.

(N) "First aid" means the one-time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, and contusions or a diagnostic procedure, including examinations and x-rays, that does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.

(O) "Advisory council" means the advisory council on amusement ride safety created by section 993.02 of the Revised Code.

(P) "Safe operation" means, except as provided in section 993.10 of the Revised Code, the practical application of maintenance, inspection, and operational processes, as indicated by the manufacturer, owner, or advisory council, that secures a rider from threat of physical danger, harm, or loss.



(Q) "Private facility" means any facility that is 24722  
accessible only to members of the facility and not accessible to 24723  
the general public, even upon payment of a fee or charge, and 24724  
that requires approval for membership by a membership committee 24725  
representing the current members who have a policy requiring 24726  
monetary payment to belong to the facility. 24727

(R) "Bungee jumping" means a fall or jump from a height by 24728  
an individual who is attached to an elastic cord that prevents 24729  
the individual from hitting the ground, water, or other solid, 24730  
semi-solid, liquid, or elastic surface. 24731

(S) "Bungee jumping facility" means a device or structure 24732  
utilized for bungee jumping. 24733

~~(T) "Kiddie ride" means an amusement ride designed for use 24734  
by children under thirteen years of age who are unaccompanied by 24735  
another person. "Kiddie ride" includes a roller coaster that is 24736  
not more than forty feet in elevation at any point on the ride. 24737~~

~~(U) "Climbing facility" has the same meaning as in section 24738  
4175.01 of the Revised Code. 24739~~

**Sec. 993.04.** (A) (1) No person shall operate an amusement 24740  
ride within the state without a permit issued by the director of 24741  
agriculture under division (A) (2) of this section. The owner of 24742  
an amusement ride, whether the ride is a temporary amusement 24743  
ride or a permanent amusement ride, who desires to operate the 24744  
amusement ride within the state shall, prior to the operation of 24745  
the amusement ride and annually thereafter, submit to the 24746  
department of agriculture an application for a permit, together 24747  
with the appropriate permit and inspection fee, on a form to be 24748  
furnished by the department. Prior to issuing any permit the 24749  
department shall, within thirty days after the date on which it 24750

receives the application, inspect each amusement ride described 24751  
in the application. The owner of an amusement ride shall have 24752  
the amusement ride ready for inspection not later than two hours 24753  
after the time that is requested by the person for the 24754  
inspection. 24755

(2) For each amusement ride found to comply with the rules 24756  
adopted by the director under division (B) of this section and 24757  
division (B) of section 993.08 of the Revised Code, the director 24758  
shall issue an annual permit, provided that evidence of 24759  
liability insurance coverage for the amusement ride as required 24760  
by section 993.06 of the Revised Code is on file with the 24761  
department. 24762

(3) The director shall issue with each permit a decal 24763  
indicating that the amusement ride has been issued the permit. 24764  
The owner of the amusement ride shall affix the decal on the 24765  
ride at a location where the decal is easily visible to the 24766  
patrons of the ride. A copy of the permit shall be kept on file 24767  
at the same address as the location of the amusement ride 24768  
identified on the permit, and shall be made available for 24769  
inspection, upon reasonable demand, by any person. An owner may 24770  
operate an amusement ride prior to obtaining a permit, provided 24771  
that the operation is for the purpose of testing the amusement 24772  
ride or training amusement ride operators and other employees of 24773  
the owner and the amusement ride is not open to the public. 24774

(B) (1) The director, in accordance with Chapter 119. of 24775  
the Revised Code, shall adopt rules providing for both of the 24776  
following: 24777

(a) A schedule of fines, with no fine exceeding five 24778  
thousand dollars, for violations of this chapter or any rules 24779  
adopted under this division; 24780

(b) The classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. The classification of amusement rides must identify those rides that need more comprehensive inspection and testing in addition to regular state inspections, taking into account hidden components integral to the safety of the ride.

(2) (a) Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and shall be based upon generally accepted engineering standards and practices. The rules shall establish a minimum number of inspections to be conducted on each ride depending on the size, complexity, nature of the ride, and the number of days the ride is in operation during the year for which the applicable permit is valid. The rules also shall require the minimum number of inspectors assigned to inspect a ride or rides to be reasonable and adequate given the number, size, complexity, and nature of the ride or rides.

(b) In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or scientific authorities.

(c) In adopting rules under this section, the director shall adopt, by reference, the following chapters of the American society for testing and materials (ASTM) international regarding amusement ride safety standards and any other equivalent national standard:

(i) ASTM F1193-18;

(ii) ASTM F770-18;	24811
(iii) ASTM F2291-18.	24812
(d) Insofar as is practicable and consistent with this chapter, rules adopted under this division shall be consistent with the rules of other states.	24813 24814 24815
(3) The department shall cause this chapter and the rules adopted in accordance with this division and division (B) of section 993.08 of the Revised Code to be published in pamphlet form and a copy to be furnished without charge to each owner of an amusement ride who holds a current permit or is an applicant therefor.	24816 24817 24818 24819 24820 24821
(C) With respect to an application for a permit for an amusement ride, an owner may apply to the director for a waiver or modification of any rule adopted under division (B) of this section if there are practical difficulties or unnecessary hardships for the amusement ride to comply with the rules. Any application shall set forth the reasons for the request. The director, with the approval of the advisory council on amusement ride safety, may waive or modify the application of a rule to any amusement ride if the public safety is secure. Any authorization by the director under this division shall be in writing and shall set forth the conditions under which the waiver or modification is authorized, and the department shall retain separate records of all proceedings under this division.	24822 24823 24824 24825 24826 24827 24828 24829 24830 24831 24832 24833 24834
(D) (1) The director shall employ and provide for training of a chief inspector and additional inspectors and employees as may be necessary to administer and enforce this chapter. The director may appoint or contract with other persons to perform inspections of amusement rides, provided that the persons meet	24835 24836 24837 24838 24839

the qualifications for inspectors established by rules adopted 24840  
under division (B) of this section and are not owners, or 24841  
employees of owners, of any amusement ride subject to inspection 24842  
under this chapter. When employing a new chief inspector or an 24843  
additional inspector after November 6, 2019, the director shall 24844  
give preference to the following: 24845

(a) An individual holding a level one or higher inspector 24846  
certification from either the national association of amusement 24847  
ride safety officials (NAARSO), the amusement industry 24848  
manufacturers and suppliers (AIMS) international, or another 24849  
substantially equivalent organization as determined by the 24850  
director; and 24851

(b) An individual who intends, within one year of being 24852  
hired as an inspector, to complete the requirements for issuance 24853  
of a level one or higher inspector certification from NAARSO, 24854  
AIMS International, or another substantially equivalent 24855  
organization as determined by the director. 24856

(2) No person shall inspect an amusement ride who, within 24857  
six months prior to the date of inspection, was an employee of 24858  
the owner of the ride. 24859

(3) Before the director contracts with other persons to 24860  
inspect amusement rides, the director shall seek the advice of 24861  
the advisory council on amusement ride safety on whether to 24862  
contract with those persons. The advice shall not be binding 24863  
upon the director. After having received the advice of the 24864  
council, the director may proceed to contract with inspectors in 24865  
accordance with the procedures specified in division (E) (2) of 24866  
section 1711.11 of the Revised Code. 24867

(4) With the advice and consent of the advisory council on 24868

amusement ride safety, the director may employ a special 24869  
consultant to conduct an independent investigation of an 24870  
amusement ride accident. This consultant need not be in the 24871  
civil service of the state, but shall have qualifications to 24872  
conduct the investigation acceptable to the council. 24873

(E) (1) Except as otherwise provided in division (E) (1) of 24874  
this section, the department shall charge the following 24875  
amusement ride fees: 24876  
24877

1

2

A	<u>Permit, non-inflatable ride</u>	\$225
B	<u>Permit, inflatable ride</u>	<u>\$100</u>
C	Annual inspection and reinspection per ride:	
D	Kiddie rides	\$100
E	<u>Family rides</u>	<u>\$200</u>
F	<u>Major rides</u>	<u>\$300</u>
G	<u>Spectacular rides</u>	<u>\$400</u>
H	<u>Family/portable roller coasters</u>	<u>\$1,200</u>
I	<u>Tower rides</u>	<u>\$1,800</u>
J	<del>Roller coaster</del> <u>Large roller coasters</u>	<del>\$1,200</del> <u>\$4,000</u>

K	<del>Aerial lifts or bungee jumping facilities</del>	<del>\$450</del>
L	Go karts, per kart	\$5
M	<u>Inflatable rides, three or fewer that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$100 per inflatable ride</u>
N	<u>Inflatable rides, four to ten that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$75 per inflatable ride</u>
O	<u>Inflatable rides, eleven or more that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$50 per inflatable ride</u>
P	<del>Other rides</del>	<del>\$160</del>
Q	Midseason operational inspection per ride	\$25
R	Expedited inspection per ride	\$100
S	Failure to cancel scheduled inspection per ride	\$100
T	Failure to have amusement ride ready for inspection per ride	\$100

The go kart inspection fee is in addition to the inspection fee for the go kart track. 24878  
24879

~~The director shall adopt rules in accordance with Chapter~~ 24880

~~119. of the Revised Code establishing an annual fee that is less 24881  
than one hundred five dollars for an inspection and reinspection 24882  
of an inflatable ride. In adopting the rules, the director shall 24883  
ensure that the fee reasonably reflects the costs of inspection- 24884  
and reinspection of an inflatable ride. If the director issues a 24885  
permit for an inflatable ride for a time period of less than one 24886  
year, the director shall charge a prorated fee for the permit- 24887  
equal to one twelfth of the annual permit fee multiplied by the 24888  
number of full months for which the permit is issued. 24889~~

The fees for an expedited inspection, failure to cancel a 24890  
scheduled inspection, and failure to have an amusement ride 24891  
ready for inspection do not apply to go karts. 24892

As used in division (E) (1) of this section, "expedited 24893  
inspection" means an inspection of an amusement ride by the 24894  
department not later than ten days after the owner of the 24895  
amusement ride files an application for a permit under this 24896  
section. 24897

(2) All fees and fines collected by the department under 24898  
this chapter shall be deposited in the state treasury to the 24899  
credit of the amusement ride inspection fund, which is hereby 24900  
created, and shall be used only for the purpose of administering 24901  
and enforcing section 1711.11 of the Revised Code and this 24902  
chapter. 24903

(3) The owner of an amusement ride shall be required to 24904  
pay a reinspection fee only if the reinspection is required by 24905  
division (B) (2) of this section or rules adopted under that 24906  
division, if the reinspection was conducted at the owner's 24907  
request under division (F) of this section, if the reinspection 24908  
is required by division (F) of this section because of an 24909  
accident, or if the reinspection is required by division (F) of 24910



section 993.07 of the Revised Code. If a reinspection is 24911  
conducted at the request of the chief officer of a fair, 24912  
festival, or event where the ride is operating, the reinspection 24913  
fee shall be charged to the fair, festival, or event. 24914

(4) The rules adopted under division (B) of this section 24915  
shall define ~~"roller coaster," "aerial lifts," "inflatable ride,"~~ 24916  
~~"go karts," and "other rides"~~ "kiddie ride," "family ride," 24917  
"major ride," "spectacular ride," "family/portable roller 24918  
coaster," "tower ride," and "large roller coaster" for purposes 24919  
of determining the fees under division (E) of this section. ~~The~~ 24920  
~~rules shall define "other rides" to include go kart tracks.~~ 24921

(F) A reinspection of an amusement ride shall take place 24922  
if an accident occurs, if the owner of the ride or the chief 24923  
officer of the fair, festival, or event where the ride is 24924  
operating requests a reinspection, if the chief inspector 24925  
determines reinspection is necessary in accordance with section 24926  
993.042 of the Revised Code, or if the reinspection is required 24927  
by division (F) of section 993.07 of the Revised Code. 24928

(G) As a supplement to its annual inspection of a 24929  
temporary amusement ride, the department may inspect the ride 24930  
during each scheduled event, as listed in the schedule of events 24931  
provided to the department by the owner pursuant to division (C) 24932  
of section 993.07 of the Revised Code, at which the ride is 24933  
operated in this state. These supplemental inspections are in 24934  
addition to any other inspection or reinspection of the ride as 24935  
may be required under this chapter or rules adopted under it, 24936  
and the owner of the temporary amusement ride is not required to 24937  
pay an inspection or reinspection fee for this supplemental 24938  
inspection unless the supplemental inspection is being conducted 24939  
pursuant to division (B) (2) of this section or rules adopted 24940

under that division. Nothing in this division shall be construed 24941  
to prohibit the owner of a temporary amusement ride having a 24942  
valid permit to operate in this state from operating the ride at 24943  
a scheduled event before the department conducts a supplemental 24944  
inspection. 24945

(H) The department may annually conduct a midseason 24946  
operational inspection of every amusement ride upon which it 24947  
conducts an annual inspection pursuant to division (A) of this 24948  
section. The midseason operational inspection is in addition to 24949  
any other inspection or reinspection of the amusement ride as 24950  
may be required pursuant to this chapter. The owner of an 24951  
amusement ride shall submit to the department, at the time 24952  
determined by the department, the midseason operational 24953  
inspection fee specified in division (E) of this section. The 24954  
director, in accordance with Chapter 119. of the Revised Code, 24955  
shall adopt rules specifying the time period during which the 24956  
department will conduct midseason operational inspections. 24957

**Sec. 1311.04.** (A) (1) Prior to the performance of any labor 24958  
or work or the furnishing of any materials for an improvement on 24959  
real property which may give rise to a mechanics' lien under 24960  
sections 1311.01 to 1311.22 of the Revised Code, the owner, part 24961  
owner, or lessee who contracts for the labor, work, or materials 24962  
shall record in the office of the county recorder for each 24963  
county in which the real property to be improved is located a 24964  
notice of commencement in substantially the form specified in 24965  
division (B) of this section. 24966

(2) Only one notice of commencement is required to be 24967  
filed for a single improvement and if more than one notice of 24968  
commencement is filed for a single improvement, all notices 24969  
filed after the original notice shall be deemed to be amendments 24970

to the original notice. If an owner, part owner, or lessee 24971  
contracts with additional original contractors, lenders, or 24972  
sureties not identified in the original notice of commencement 24973  
filed for the improvement, the owner, part owner, or lessee 24974  
shall amend the original notice of commencement to identify the 24975  
additional original contractors, lenders, and sureties. The date 24976  
of the filing of the amended notice is the date of the filing of 24977  
the original notice of commencement. 24978

(B) The notice of commencement required under division (A) 24979  
of this section shall contain, in affidavit form, all of the 24980  
following information: 24981

(1) The legal description of the real property on which 24982  
the improvement is to be made. For purposes of this division, a 24983  
description sufficient to describe the real property for the 24984  
purpose of conveyance, or contained in the instrument by which 24985  
the owner, part owner, or lessee took title, is a legal 24986  
description. 24987

(2) A brief description of the improvement to be performed 24988  
on the property containing sufficient specificity to permit lien 24989  
claimants to identify the improvement; 24990

(3) The name, address, and capacity of the owner, part 24991  
owner, or lessee of the real property contracting for the 24992  
improvement; 24993

(4) The name and address of the fee owner of the real 24994  
property, if the person contracting for the improvement is a 24995  
land contract vendee or lessee; 24996

(5) The name and address of the owner's, part owner's, or 24997  
lessee's designee, if any; 24998

(6) The name and address of all original contractors, 24999

except that if the notice of commencement is recorded for an 25000  
improvement involving a single- or double-family dwelling and if 25001  
more than one original contractor is involved, instead of 25002  
listing each original contractor, the owner shall state that 25003  
multiple original contractors are involved in the improvement; 25004

(7) The date the owner, part owner, or lessee first 25005  
executed a contract with an original contractor for the 25006  
improvement; 25007

(8) The name and address of all lending institutions which 25008  
provide financing for the improvements, if any; 25009

(9) The name and address of all sureties on any bond which 25010  
guarantee payment of the original contractor's obligations under 25011  
the contract for the improvement, if any; 25012

(10) The following statement: 25013

"To Lien Claimants and Subsequent Purchasers: 25014

Take notice that labor or work is about to begin on or 25015  
materials are about to be furnished for an improvement to the 25016  
real property described in this instrument. A person having a 25017  
mechanics' lien may preserve the lien by providing a notice of 25018  
furnishing to the above-named designee and the above-named 25019  
designee's original contractor, if any, and by timely recording 25020  
an affidavit pursuant to section 1311.06 of the Revised Code. 25021

A copy of this notice may be obtained upon making a 25022  
written request by certified mail to the above-named owner, part 25023  
owner, lessee, designee, or the person with whom you have 25024  
contracted." 25025

(11) The name and address of the person preparing the 25026  
notice; 25027

(12) The following statement: 25028

"The expiration date for this notice of commencement is 25029  
four years from the date of recording unless a different date is 25030  
specified herein." 25031

~~(12)~~ (13) An affidavit of the owner, part owner, or lessee 25032  
or the agent of the owner, part owner, or lessee which verifies 25033  
the notice. 25034

(C) If the notice of commencement furnished by or for an 25035  
owner, part owner, or lessee contains incorrect information, the 25036  
owner, part owner, or lessee is liable for any loss of lien 25037  
rights of a lien claimant and any actual expenses incurred by 25038  
the lien claimant in maintaining lien rights, including 25039  
attorney's fees, if the loss and expenses incurred are a direct 25040  
result of the lien claimant's reliance on the incorrect 25041  
information. 25042

Any lien claimant who has included incorrect information 25043  
in the claimant's affidavit for a lien under section 1311.06 of 25044  
the Revised Code, as a result of incorrect information contained 25045  
in the notice of commencement, may file for record an amended 25046  
affidavit for a lien. The amended affidavit shall contain all of 25047  
the information required by section 1311.06 of the Revised Code 25048  
for an original affidavit. The lien claimant shall serve a copy 25049  
of the amended affidavit on the owner, part owner, or lessee as 25050  
provided in section 1311.07 of the Revised Code. The lien 25051  
claimant may file the amended affidavit for record at any time 25052  
during the time that the lien acquired by the original affidavit 25053  
continues in effect under section 1311.13 of the Revised Code. 25054  
In no event shall the amended affidavit extend such time period. 25055  
The filing of an amended affidavit does not constitute a waiver 25056  
of the rights granted by this division. 25057

(D) Within ten days after the date a subcontractor, 25058  
material supplier, or laborer serves a written request upon the 25059  
owner, part owner, or lessee, or designee for a copy of the 25060  
notice of commencement, the owner, part owner, lessee, or 25061  
designee shall serve a copy of the notice of commencement to the 25062  
requesting subcontractor, material supplier, or laborer. 25063

(E) Within ten days after the date a subcontractor, 25064  
material supplier, or laborer serves a written request for a 25065  
copy of the notice of commencement upon the original contractor 25066  
who has been provided with a notice of commencement from the 25067  
owner, part owner, or lessee, or designee and with whom the 25068  
subcontractor, material supplier, or laborer has a direct 25069  
contract, the original contractor shall serve a copy of the 25070  
notice of commencement to the requesting subcontractor, material 25071  
supplier, or laborer. 25072

(F) Within ten days after the date a subcontractor, 25073  
material supplier, or laborer serves a written request for a 25074  
copy of the notice of commencement upon the subcontractor who 25075  
has been provided with a notice of commencement from the owner, 25076  
part owner, lessee, designee, or original contractor and with 25077  
whom the subcontractor, material supplier, or laborer has a 25078  
direct contract, the subcontractor shall serve a copy of the 25079  
notice of commencement upon the requesting subcontractor, 25080  
material supplier, or laborer. 25081

(G) (1) Except as provided in division (G) (2) of this 25082  
section, the owner, part owner, lessee, or designee shall post 25083  
and maintain posted a copy of the notice of commencement in a 25084  
conspicuous place on the real property described in the notice 25085  
during the course of the actual physical improvement to the real 25086  
property. 25087

(2) No owner, part owner, lessee, or designee, has to post 25088  
a copy of the notice of commencement on the real property 25089  
described in the notice for an improvement that is the subject 25090  
of a home purchase contract. 25091

(H) The owner, part owner, lessee, or designee shall serve 25092  
a copy of the notice of commencement upon the original 25093  
contractor. If the owner, part owner, lessee, or designee fails 25094  
to serve a copy of the notice of commencement upon the original 25095  
contractor, the owner, part owner, or lessee is liable to the 25096  
original contractor for all actual expenses incurred by the 25097  
original contractor in obtaining the information otherwise 25098  
provided by the notice of commencement. 25099

(I) If the owner, part owner, lessee, or designee fails to 25100  
record the notice of commencement in accordance with this 25101  
section, the time within which a subcontractor or material 25102  
supplier may serve a notice of furnishing as required by section 25103  
1311.05 of the Revised Code is extended until twenty-one days 25104  
after the notice of commencement has been recorded. A 25105  
subcontractor or material supplier need not serve a notice of 25106  
furnishing to preserve lien rights for the period before the 25107  
notice of commencement is recorded. 25108

(J) If the owner, part owner, lessee, or designee fails to 25109  
serve, upon written request, the notice of commencement in 25110  
accordance with this section, the time within which a 25111  
subcontractor or material supplier may serve a notice of 25112  
furnishing as required by section 1311.05 of the Revised Code is 25113  
extended until twenty-one days after the notice of commencement 25114  
actually has been served to the subcontractor or material 25115  
supplier. The owner, part owner, or lessee who fails to serve 25116  
the notice pursuant to this section is liable to any 25117

subcontractor or material supplier who becomes a lien claimant 25118  
for all actual expenses incurred by the lien claimant in 25119  
obtaining the information that would have been contained in the 25120  
notice. 25121

(K) If an owner, part owner, lessee, or designee fails to 25122  
post or maintain a copy of the notice of commencement as 25123  
required by division (G) (1) of this section, the owner, part 25124  
owner, or lessee is liable to a subcontractor, material 25125  
supplier, or laborer who becomes a lien claimant for all actual 25126  
expenses incurred by the lien claimant in obtaining the 25127  
information otherwise provided by the posting. 25128

(L) If an original contractor or subcontractor who has 25129  
been provided with a notice of commencement fails to serve a 25130  
copy of the notice of commencement to any subcontractor, 25131  
material supplier, or laborer who requests it, the original 25132  
contractor or subcontractor who fails to serve the copy of the 25133  
notice is liable to the subcontractor, material supplier, or 25134  
laborer who made the request for all costs incurred by the 25135  
subcontractor, material supplier, or laborer in obtaining the 25136  
information contained in the notice of commencement, provided 25137  
that an original contractor or subcontractor who fails to 25138  
provide the notice upon request is not liable under this 25139  
division to any subcontractor, material supplier, or laborer 25140  
with whom the original contractor or subcontractor is not in 25141  
direct privity of contract. 25142

(M) (1) If after the first work, labor, or material has 25143  
been performed on or furnished to the improvement, the owner, 25144  
part owner, lessee, or designee fails to serve, record, or post 25145  
a notice of commencement as required by this section, the 25146  
original contractor may, in writing, request the owner, part 25147



owner, lessee, or designee to serve, record, or post the notice. 25148  
If an owner, part owner, lessee, or the designee of an owner, 25149  
part owner, or lessee fails or refuses to serve, record, or post 25150  
a notice of commencement within ten days of receipt of a 25151  
request, the owner, part owner, or lessee is liable for the 25152  
owner's, part owner's, or lessee's failure or refusal and for 25153  
the designee's failure or refusal, without recourse to the 25154  
original contractor for all damages, costs, and expenses which 25155  
result from the filing of a valid mechanics' lien to the extent 25156  
that the lien, damages, costs, and expenses could have been 25157  
avoided through proper payment. 25158

(2) Nothing in this division shall be interpreted as to 25159  
either of the following: 25160

(a) Relieving an original contractor from the duty to pay 25161  
the original contractor's subcontractors, material suppliers, 25162  
and laborers for labor or work performed or materials furnished 25163  
pursuant to a contract directly with the original contractor; 25164

(b) Obligating an owner, part owner, or lessee to pay for 25165  
work or labor performed or materials furnished by 25166  
subcontractors, material suppliers, or laborers pursuant to 25167  
direct contracts with the original contractor. 25168

(N) (1) If the owner, part owner, or lessee fails to record 25169  
a notice of commencement or an amended notice, any person 25170  
holding a mortgage on the real property to be improved may 25171  
record a notice of commencement or an amended notice on behalf 25172  
of the owner, part owner, or lessee. If the owner, part owner, 25173  
or lessee fails to record a notice of commencement or an amended 25174  
notice within the later of ten days after the performance of any 25175  
labor or work or the furnishing of any material for an 25176  
improvement on real property which gives rise to a mechanics' 25177

lien under sections 1311.01 to 1311.22 of the Revised Code or 25178  
three days after service of a demand to record the notice or 25179  
amended notice by the original contractor, the original 25180  
contractor may record a notice of commencement or an amended 25181  
notice on behalf of the owner, part owner, or lessee. 25182

(2) If the original contractor or a mortgage holder has 25183  
recorded a notice of commencement or an amended notice on behalf 25184  
of the owner, part owner, or lessee, the owner, part owner, or 25185  
lessee is liable to the original contractor or mortgage holder 25186  
for all costs and expenses incurred in obtaining the information 25187  
contained in the notice of commencement or an amended notice and 25188  
all costs incurred in the preparation and recording of the 25189  
notice of commencement or an amended notice. 25190

(3) Unless required to file the notice of commencement or 25191  
an amended notice on behalf of the owner, part owner, or lessee, 25192  
the party filing a written notice of commencement or amended 25193  
notice on behalf of the owner, part owner, or lessee is not 25194  
liable to the owner, part owner, or lessee for any errors 25195  
contained in the notice of commencement or amended notice. 25196

(4) If a mortgage holder or an original contractor records 25197  
a notice of commencement or amended notice on behalf of an 25198  
owner, part owner, or lessee, such fact must be included on the 25199  
notice or amended notice. 25200

(O) This section does not apply to a home construction 25201  
contract as defined in section 1311.011 of the Revised Code, 25202  
except that when a lending institution as defined in division 25203  
(A) (3) of section 1311.011 of the Revised Code requires that a 25204  
notice of commencement be recorded as part of the financing for 25205  
a home construction contract, which is secured in whole or in 25206  
part by a mortgage on real estate upon which the improvements 25207

are to be constructed, the owner, part owner, or lessee may file 25208  
a notice of commencement pursuant to this section by recording 25209  
the notice of commencement in the county recorder's office of 25210  
the county where the owner, part owner, or lessee's property is 25211  
located. If the property is located in more than one county, the 25212  
owner, part owner, or lessee shall record the notice of 25213  
commencement in the county recorders' office of each county in 25214  
which the property is located. 25215

If the owner, part owner, or lessee files a notice of 25216  
commencement pursuant to this division, the attachment, 25217  
continuance, and priority provisions of section 1311.13 of the 25218  
Revised Code apply to that improvement, but the notice of 25219  
furnishing requirements specified in section 1311.05 of the 25220  
Revised Code do not apply to that improvement. 25221

(P) The county recorder of the county where a notice of 25222  
commencement is filed for record shall endorse the date and hour 25223  
of its filing and cause it to be recorded as mechanics' liens 25224  
are recorded, and collect the same fees for recording the notice 25225  
of commencement as are provided in section 317.32 of the Revised 25226  
Code. The recorder shall index the real property described in 25227  
the notice of commencement and shall index the names of all 25228  
owners, part owners, lessees, and land contract vendees in the 25229  
direct index and the names of all original contractors in the 25230  
reverse index as provided for in section 317.18 of the Revised 25231  
Code. 25232

(Q) Notwithstanding this section, if the owner, part 25233  
owner, or lessee is a telephone company, an electric light 25234  
company, a gas company, a water works company, all as defined in 25235  
section 4905.03 of the Revised Code, or a subsidiary or 25236  
affiliate thereof, the owner, part owner, or lessee may, but is 25237

not required to, record a notice of commencement pursuant to 25238  
division (A) of this section, and is not required to serve, 25239  
post, and provide copies of a notice of commencement pursuant to 25240  
divisions (D), (G), and (H) of this section unless such owner, 25241  
part owner, or lessee elects to record the notice of 25242  
commencement. If the owner, part owner, or lessee elects to 25243  
record the notice of commencement and the improvement extends 25244  
beyond one parcel of real property or one county, the owner, 25245  
part owner, or lessee may, in lieu of using the legal 25246  
description required in division (B)(1) of this section, use a 25247  
description which reasonably describes the real property on 25248  
which the improvement is to be made. Any description used other 25249  
than the description specified in division (B)(1) of this 25250  
section shall refer to the township and county in which the 25251  
improvement is located, the name and route number of any local, 25252  
state, or federal highway near the improvement, if any, the post 25253  
office address of the real property, if any, and the name by 25254  
which the owner, part owner, or lessee refers to the 25255  
improvement. 25256

If an owner, part owner, or lessee elects not to record, 25257  
serve, post, or provide copies of a notice of commencement 25258  
pursuant to divisions (A), (D), (G)(1), and (H) of this section, 25259  
the owner, part owner, or lessee is subject to all applicable 25260  
liabilities pursuant to divisions (C), (H), (J), (K), (M), and 25261  
(N) of this section. 25262

(R) If an owner, part owner, lessee, or designee fails to 25263  
record a notice of commencement in accordance with this section, 25264  
no subcontractor or material supplier who performs labor or work 25265  
upon or furnishes material in furtherance of that improvement 25266  
has to serve a notice of furnishing in accordance with section 25267  
1311.05 of the Revised Code in order to preserve the 25268

subcontractor's or material supplier's lien rights.	25269
(S) A notice of commencement filed as provided herein	25270
expires <del>six</del> <u>four</u> years after its filing date unless the notice	25271
of commencement or amendments made to the notice of commencement	25272
specify otherwise.	25273
<u>(T) (1) An owner, part owner, or lessee of real property</u>	25274
<u>who contracts for an improvement, or that person's agent may,</u>	25275
<u>upon completion of the improvement, submit an affidavit to the</u>	25276
<u>office of the county recorder for each county in which the real</u>	25277
<u>property that was improved is located stating all of the</u>	25278
<u>following:</u>	25279
<u>(a) The name, address, and capacity of the owner, part</u>	25280
<u>owner, or lessee, or the agent of the owner, part owner, or</u>	25281
<u>lessee of the real property;</u>	25282
<u>(b) The recording reference for the previously filed</u>	25283
<u>notice of commencement;</u>	25284
<u>(c) That the improvement is complete.</u>	25285
<u>(2) Upon receipt of an affidavit described in division (T)</u>	25286
<u>(1) of this section, the county recorder of the county where the</u>	25287
<u>affidavit is submitted shall indicate in the official records</u>	25288
<u>that the notice of commencement has expired.</u>	25289
<u>(3) The owner, part owner, or lessee of the real property</u>	25290
<u>who contracted for the improvement shall serve a copy of the</u>	25291
<u>recorded affidavit submitted pursuant to division (T) (1) of this</u>	25292
<u>section, by regular mail, upon the original contractor as well</u>	25293
<u>as any subcontractor or lower tier project participant that</u>	25294
<u>served a notice of furnishing pursuant to section 1311.05 of the</u>	25295
<u>Revised Code.</u>	25296

<u>(4) Service, lack of service, or a deficiency in service</u>	25297
<u>of the recorded affidavit under division (T) (3) of this section</u>	25298
<u>does not:</u>	25299
<u>(a) Affect the expiration of the notice of commencement;</u>	25300
<u>(b) Extend the rights of any party seeking to file an</u>	25301
<u>affidavit of mechanic's lien;</u>	25302
<u>(c) Affect any time periods or other rights, requirements,</u>	25303
<u>or limitations that are set forth in this chapter.</u>	25304
<u>(U) The expiration of a notice of commencement pursuant to</u>	25305
<u>division (S) or (T) (2) of this section does not affect the</u>	25306
<u>attachment, continuance, or priority of any lien under sections</u>	25307
<u>1311.13, 1311.14, and 1311.15 of the Revised Code.</u>	25308
<b>Sec. 1311.252.</b> (A) Prior to the performance of any labor	25309
or work or the furnishing of any materials in furtherance of a	25310
public improvement, the public authority shall prepare a notice	25311
of commencement in substantially the form specified in division	25312
(B) of this section which shall be made readily available to the	25313
public upon request.	25314
(B) The notice of commencement required under division (A)	25315
of this section shall contain <del>in affidavit form</del> all of the	25316
following information:	25317
(1) The name, location, and a number, if any, used by the	25318
public authority to identify the public improvement sufficient	25319
to permit the public improvement to be identified;	25320
(2) The name and address of the public authority;	25321
(3) The name, address, and trade of all principal	25322
contractors;	25323

(4) The date the public authority first executed a contract with a principal contractor for the public improvement; 25324  
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(5) The name and address of the sureties for all principal contractors; 25326  
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(6) The name and address of the representative of the public authority upon whom service shall be made for the purposes of serving an affidavit pursuant to section 1311.26 of the Revised Code. 25328  
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(C) If the notice of commencement is not made available to the public prior to the commencement of work on the public improvement or if the notice of commencement furnished by the public authority contains incorrect information which the claimant relies upon to ~~his~~ the claimant's detriment, the unavailability of the notice or the incorrect notice shall not adversely affect the rights of any claimant under sections 1311.25 to 1311.32 of the Revised Code. 25332  
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**Sec. 1320.01.** As used in this chapter: 25340

(A) "Certificate" means a certificate of registration issued under this chapter. 25341  
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(B) "Company" means a business entity other than an individual or sole proprietorship, including a firm, business trust, partnership, limited liability company, association, corporation, or general partnership. 25343  
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(C) "Consumer" means any individual who resides in this state and has accrued earned but unpaid income. A provider may use the mailing address or state of residence provided by a consumer to determine the consumer's state of residence for purposes of this chapter. 25347  
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(D) "Consumer-directed wage access services" means the 25352  
business of delivering to consumers access to earned but unpaid 25353  
income based on the consumer's representation, and the 25354  
provider's reasonable determination, of the consumer's earned 25355  
but unpaid income. 25356

(E) "Earned but unpaid income" means salary, wages, 25357  
compensation, or other income that an individual or an employer 25358  
has represented, and that a provider has reasonably determined, 25359  
has been earned or has accrued to the benefit of the individual 25360  
in exchange for the individual's provision of services to the 25361  
employer or on behalf of the employer, including services 25362  
provided on an hourly, project-based, piecework, or other basis, 25363  
and where the individual acts as an independent contractor of 25364  
the employer, for which the individual has not been paid by the 25365  
employer at the time of the payment of proceeds. 25366

(F) "Earned wage access services" means the business of 25367  
providing consumer-directed wage access services, employer- 25368  
integrated wage access services, or both. 25369

(G) (1) "Employer" means a person that employs a consumer, 25370  
or any other person who is contractually obligated to pay a 25371  
consumer earned but unpaid income in exchange for a consumer's 25372  
provision of services to the employer or on behalf of the 25373  
employer, including services provided on an hourly, project- 25374  
based, piecework, or other basis and where the consumer acts as 25375  
an independent contractor with respect to the employer. 25376

(2) "Employer" does not mean a customer of an employer or 25377  
any other person whose obligation to make a payment of salary, 25378  
wages, compensation, or other income to a consumer is not based 25379  
on the provision of services by that consumer for or on behalf 25380  
of such person. 25381



(H) "Employer-integrated wage access services" means the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer. 25382  
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(I) "Fee" means any of the following: 25386

(1) An amount charged by a provider for delivery or expedited delivery of proceeds to a consumer; 25387  
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(2) A subscription or membership charge imposed by a provider for a bona fide group of services that includes earned wage access services; 25389  
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(3) An amount paid by an employer to a provider on a consumer's behalf, which entitles the consumer to receive proceeds at reduced or no cost to the consumer. 25392  
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(J) "Key officer" means a chief executive officer, chief financial officer, or chief compliance officer. 25395  
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(K) "Outstanding proceeds" means a payment of proceeds to a consumer by a provider that has not yet been repaid to that provider. 25397  
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(L) "Proceeds" means a payment of money to a consumer by a provider pursuant to an agreement to provide earned wage access services to that consumer. 25400  
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(M) "Provider" means a company who is in the business of offering and providing earned wage access services to consumers. 25403  
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(N) "Registrant" means a company to whom one or more certificates of registration have been issued under this chapter. 25405  
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(O) "Superintendent of financial institutions" includes 25408

<u>the deputy superintendent for consumer finance as provided in</u>	25409
<u>section 1181.21 of the Revised Code.</u>	25410
<u>Sec. 1320.02. (A) No person shall offer or provide earned</u>	25411
<u>wage access services in this state without having a valid</u>	25412
<u>certificate of registration under this chapter. Each company</u>	25413
<u>issued a certificate of registration is subject to all</u>	25414
<u>provisions of this chapter and any associated rules.</u>	25415
<u>(B) For the purpose of registering companies under and</u>	25416
<u>requiring compliance with this chapter, the superintendent of</u>	25417
<u>financial institutions may do both of the following:</u>	25418
<u>(1) Require any company registered, or applying for</u>	25419
<u>registration, under this chapter to do both of the following:</u>	25420
<u>(a) Utilize the nationwide multistate licensing system for</u>	25421
<u>application, renewal, amendment, or surrender of a certificate</u>	25422
<u>of registration or for any other activity as the superintendent</u>	25423
<u>may require;</u>	25424
<u>(b) Pay all applicable charges to utilize the nationwide</u>	25425
<u>multistate licensing system.</u>	25426
<u>(2) Establish requirements as necessary for the use of the</u>	25427
<u>nationwide multistate licensing system to meet the purposes of</u>	25428
<u>these sections, including:</u>	25429
<u>(a) Background checks of key officers for any of the</u>	25430
<u>following:</u>	25431
<u>(i) Criminal history through fingerprint or other</u>	25432
<u>databases;</u>	25433
<u>(ii) Civil or administrative records;</u>	25434
<u>(iii) Credit history;</u>	25435

<u>(iv) Any other information considered necessary by the</u>	25436
<u>nationwide multistate licensing system or the superintendent.</u>	25437
<u>(b) Payment of fees to apply for or renew registrations</u>	25438
<u>through the nationwide multistate licensing system;</u>	25439
<u>(c) Setting or resetting of renewal or reporting dates;</u>	25440
<u>(d) Requirements for amending or surrendering a</u>	25441
<u>registration or any other such activities as the superintendent</u>	25442
<u>considers necessary for participation in the nationwide</u>	25443
<u>multistate licensing system.</u>	25444
<u>Sec. 1320.03. (A) (1) An application for a certificate of</u>	25445
<u>registration under this chapter shall be in writing, under oath,</u>	25446
<u>and in the form prescribed by the division of financial</u>	25447
<u>institutions. The application shall include an affirmation that</u>	25448
<u>the applicant will abide by this chapter and shall contain any</u>	25449
<u>information that the division may require. The division shall</u>	25450
<u>not issue or renew a certificate of registration under this</u>	25451
<u>chapter for an applicant that is a foreign corporation unless</u>	25452
<u>that applicant first obtains and maintains a license pursuant to</u>	25453
<u>Chapter 1703. of the Revised Code.</u>	25454
<u>(2) Upon the filing of the application and the payment by</u>	25455
<u>the applicant of a nonrefundable two-hundred-dollar</u>	25456
<u>investigation fee and a nonrefundable three-hundred-dollar</u>	25457
<u>annual registration fee, the division shall investigate the</u>	25458
<u>applicant. If the application involves investigation outside</u>	25459
<u>this state, and it appears that the actual expenses of the</u>	25460
<u>investigation will exceed two hundred dollars, the division may</u>	25461
<u>require the applicant to advance sufficient funds to pay for</u>	25462
<u>those actual expenses. The division shall furnish to the</u>	25463
<u>applicant an itemized statement of any expenses in excess of the</u>	25464

standard two-hundred-dollar investigation fee which the 25465  
applicant is required to pay. The division shall not issue a 25466  
certificate unless all the required fees have been submitted to 25467  
the division. 25468

(3) The investigation required by this section shall 25469  
include both a civil and criminal records check of the key 25470  
officers of the applicant and any individual whose identity is 25471  
required to be disclosed in the application. Where the applicant 25472  
is a business entity, the superintendent of financial 25473  
institutions may require a civil and criminal background check 25474  
of any persons that the superintendent determines have the 25475  
authority to direct and control the operations of the applicant. 25476

(4) (a) Notwithstanding division (L) of section 121.08 of 25477  
the Revised Code, the superintendent shall obtain a criminal 25478  
history records check and, as part of that records check, 25479  
request that criminal record information from the federal bureau 25480  
of investigation be obtained. To fulfill this requirement, the 25481  
superintendent of financial institutions shall request the 25482  
superintendent of the bureau of criminal identification and 25483  
investigation, or a vendor approved by the bureau, to conduct a 25484  
criminal records check based on the applicant's fingerprints or, 25485  
if the fingerprints are unreadable, based on the applicant's 25486  
social security number, in accordance with section 109.572 of 25487  
the Revised Code. 25488

(b) Any fee required under division (C) (3) of section 25489  
109.572 of the Revised Code shall be paid by the applicant. 25490

(5) If an application for a certificate of registration 25491  
does not contain all of the information required under division 25492  
(A) of this section, and if such information is not submitted to 25493  
the division within ninety days after the superintendent of 25494

financial institutions requests the information in writing, 25495  
including by electronic transmission or facsimile, the 25496  
superintendent may consider the application withdrawn. 25497

(6) If the division finds that the financial 25498  
responsibility, experience, and general fitness of the applicant 25499  
command the confidence of the public and warrant the belief that 25500  
the business will be operated honestly and fairly in compliance 25501  
with the purposes of this chapter and the rules adopted 25502  
thereunder, and that the applicant has the applicable net worth 25503  
and assets required by division (D) of this section, the 25504  
division shall issue a certificate of registration to the 25505  
applicant. The superintendent shall not use a credit score as 25506  
the sole basis for denying registration under this chapter. 25507

(7) Certificates of registration annually expire on the 25508  
last day of December, unless renewed by the filing of a renewal 25509  
application and payment of a three-hundred-dollar nonrefundable 25510  
annual registration fee on or before that date. 25511

(8) Registrants shall timely file renewal applications on 25512  
forms prescribed by the division and provide any further 25513  
information that the division may require. If a renewal 25514  
application does not contain all of the information required 25515  
under this section, and if that information is not submitted to 25516  
the division within ninety days after the superintendent 25517  
requests the information in writing, including by electronic 25518  
transmission or facsimile, the superintendent may consider the 25519  
application withdrawn. 25520

(9) The superintendent shall not grant a renewal if the 25521  
applicant's certificate of registration is subject to an order 25522  
of suspension, revocation, or an unpaid and past due fine or 25523  
assessment imposed by the superintendent. 25524

(10) If the division finds the applicant does not meet the 25525  
conditions set forth in this section, the division shall issue 25526  
notice to the applicant of the denial, the grounds for the 25527  
denial, and the applicant's reasonable opportunity to be heard 25528  
on the action in accordance with Chapter 119. of the Revised 25529  
Code. 25530

(11) If there is a change of five per cent or more in the 25531  
ownership of a registrant, the division may make any 25532  
investigation necessary to determine whether any fact or 25533  
condition exists that, if it had existed at the time of the 25534  
original application for a certificate of registration, the fact 25535  
or condition would have warranted the division to deny the 25536  
application under division (A) (6) of this section. If such a 25537  
fact or condition is found, the division may, in accordance with 25538  
Chapter 119. of the Revised Code, revoke the registrant's 25539  
certificate. 25540

(B) (1) If the annual registration fees collected by the 25541  
superintendent pursuant to division (A) of this section are less 25542  
than the estimated expenditures of the consumer finance section 25543  
of the division of financial institutions in administering this 25544  
chapter for the following fiscal year, as determined by the 25545  
superintendent, the superintendent may assess each registrant an 25546  
additional fee at a rate sufficient to equal in the aggregate 25547  
the difference between the renewal fees billed and the estimated 25548  
expenditures. 25549

(2) Each registrant shall pay the assessed amount to the 25550  
superintendent prior to the last day of June. 25551

(3) In no case shall the assessment exceed ten cents for 25552  
each one hundred dollars of fees, tips, gratuities, and 25553  
donations received by that registrant during the previous 25554

calendar year. 25555

(4) Subject to division (B) (3) of this section, the 25556  
assessment shall not be less than two hundred fifty dollars per 25557  
registrant and shall not exceed two thousand dollars per 25558  
registrant. 25559

(C) Notwithstanding any contrary provision of division (A) 25560  
of this section, the division shall issue a certificate of 25561  
registration in accordance with Chapter 4796. of the Revised 25562  
Code to an applicant if the applicant holds a license or 25563  
registration to offer earned wage access services in another 25564  
state. Issuance of a license to such an applicant is contingent 25565  
upon the applicant's payment of the three-hundred-dollar annual 25566  
registration fee and any assessment charged under division (B) 25567  
of this section. 25568

(D) Each registrant that offers or provides earned wage 25569  
access services under this chapter shall maintain both of the 25570  
following: 25571

(1) A net worth of at least fifty thousand dollars; 25572

(2) For each certificate of registration, assets of at 25573  
least fifty thousand dollars either in use or readily available 25574  
for use in the conduct of the business. 25575

(E) A registrant may operate in this state online or at 25576  
one or more physical places of business. Not more than one place 25577  
of business shall be maintained under the same certificate, but 25578  
the division may issue additional certificates to the same 25579  
registrant. No change in the place of business of a registrant 25580  
to a location outside the original municipal corporation or 25581  
township shall be permitted under the same certificate without 25582  
the approval of a new application, the payment of the 25583

registration fee, and, if required by the superintendent, the 25584  
payment of an investigation fee of two hundred dollars. When a 25585  
registrant wishes to change its place of business within the 25586  
same municipal corporation or township, it shall give written 25587  
notice of the change in advance to the division, which shall 25588  
provide a certificate for the new address without cost. If a 25589  
registrant changes its name, prior to offering or providing 25590  
earned wage access services under the new name, it shall give 25591  
written notice of the change to the division, which shall 25592  
provide a certificate in the new name without cost. This chapter 25593  
does not limit the services of any registrant to residents of 25594  
the municipal corporation or township in which the registrant's 25595  
place of business is situated. A registrant that operates online 25596  
shall post evidence of its registration on its internet web 25597  
site. A registrant that operates at one or more physical places 25598  
of business shall conspicuously post its registration in its 25599  
places of business. Registrations are not transferable or 25600  
assignable. 25601

(F) This chapter does not apply to any entities chartered 25602  
and lawfully doing business under the authority of any law of 25603  
this state, another state, or the United States as a bank, 25604  
savings bank, trust company, savings and loan association, or 25605  
credit union, or a subsidiary of any such entity, which 25606  
subsidiary is regulated by a federal banking agency and is owned 25607  
and controlled by such a depository institution. 25608

(G) Neither the state nor any political subdivision of the 25609  
state shall require a registrant to pay any fee or assessment, 25610  
other than those expressly authorized by this section, as a 25611  
condition of providing earned wage access services in this 25612  
state. 25613



Sec. 1320.04. As often as the superintendent of financial institutions considers it necessary, the superintendent may examine the records of a registrant. 25614  
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Sec. 1320.05. A provider subject to this chapter shall do all of the following: 25617  
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(A) Develop and implement policies and procedures to respond to questions raised by consumers and address complaints from consumers in an expedient manner; 25619  
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(B) Offer to consumers at least one reasonable option to obtain proceeds at no cost and clearly explain how to elect that no-cost option; 25622  
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(C) Before entering into an agreement with a consumer for the provision of earned wage access services, do both of the following: 25625  
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(1) Inform the consumer of the consumer's rights under the agreement; 25628  
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(2) Fully and clearly disclose all fees associated with the earned wage access services. 25630  
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(D) Inform the consumer of any material changes to the terms and conditions of the earned wage access services before implementing those changes for that consumer; 25632  
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(E) Allow the consumer to cancel use of the provider's earned wage access services at any time, without incurring a cancellation fee or penalty imposed by the provider; 25635  
25636  
25637

(F) Comply with all applicable local, state, and federal privacy and information security laws; 25638  
25639

(G) If a provider solicits, charges, or receives a tip, 25640

gratuity, or other donation from a consumer, both of the 25641  
following: 25642

(1) Clearly and conspicuously disclose to the consumer 25643  
immediately prior to each transaction that a tip, gratuity, or 25644  
other donation amount may be zero and is voluntary; 25645

(2) Clearly and conspicuously disclose in its service 25646  
contract with the consumer and elsewhere that tips, gratuities, 25647  
or donations are voluntary and that the offering of earned wage 25648  
access services, including the amount of proceeds a consumer is 25649  
eligible to request and the frequency with which proceeds are 25650  
provided to a consumer, is not contingent on whether the 25651  
consumer pays any tip, gratuity, or other donation or on the 25652  
size of the tip, gratuity, or other donation. 25653

(H) Provide proceeds to a consumer by any means mutually 25654  
agreed upon by the consumer and the provider; 25655

(I) If the provider will seek repayment of outstanding 25656  
proceeds or payment of fees or other amounts owed in connection 25657  
with the activities covered by this chapter, including voluntary 25658  
tips, gratuities, or other donations, from a consumer's 25659  
depository institution, including by means of electronic funds 25660  
transfer, do both of the following: 25661

(1) Comply with applicable provisions of the "Electronic 25662  
Funds Transfer Act," 15 U.S.C. 1693 to 1693r, and regulations 25663  
adopted under that act; 25664

(2) Reimburse the consumer for the full amount of any 25665  
overdraft or nonsufficient funds fees imposed on a consumer by 25666  
the consumer's depository institution that were caused by the 25667  
provider attempting to seek payment of any outstanding proceeds, 25668  
fees, or other payments in connection with the activities 25669

covered by this chapter, including voluntary tips, gratuities, 25670  
or other donations, on a date before, or in an incorrect amount 25671  
from, the date or amount disclosed to the consumer. The provider 25672  
is not subject to the requirements of division (I) (2) of this 25673  
section with respect to payments of outstanding amounts or fees 25674  
incurred by a consumer through fraudulent or other unlawful 25675  
means. 25676

Sec. 1320.06. A provider subject to this chapter shall not 25677  
do any of the following: 25678

(A) Share with an employer a portion of any fees, 25679  
voluntary tips, gratuities, or other donations that were 25680  
received from or charged to a consumer for earned wage access 25681  
services; 25682

(B) Require a consumer's credit report or credit score 25683  
provided or issued by a consumer reporting agency to determine a 25684  
consumer's eligibility for earned wage access services; 25685

(C) Accept payment of outstanding proceeds, fees, 25686  
voluntary tips, gratuities, or other donations from a consumer 25687  
by means of a credit card or charge card; 25688

(D) Charge a late fee, deferral fee, interest, or any 25689  
other penalty or charge for failure to pay outstanding proceeds, 25690  
fees, voluntary tips, gratuities, or other donations; 25691

(E) Report to a consumer reporting agency or debt 25692  
collector any information about a consumer regarding the 25693  
consumer's inability to repay outstanding proceeds, fees, 25694  
voluntary tips, gratuities, or other donations to a provider; 25695

(F) (1) Compel or attempt to compel payment by a consumer 25696  
of outstanding proceeds, fees, voluntary tips, gratuities, or 25697  
other donations to the provider through any of the following 25698

<u>means:</u>	25699
<u>(a) An action against the consumer in a court of competent jurisdiction;</u>	25700 25701
<u>(b) Use of a third party to pursue collection from the consumer on the provider's behalf;</u>	25702 25703
<u>(c) Sale of outstanding amounts to a third-party debt collector or debt buyer for collection from the consumer.</u>	25704 25705
<u>(2) Nothing in this section shall be interpreted as doing either of the following:</u>	25706 25707
<u>(a) Precluding the use by a provider of any of the methods described in division (F) (1) of this section to compel payment of outstanding proceeds or fees incurred by a consumer through fraudulent or other unlawful means;</u>	25708 25709 25710 25711
<u>(b) Precluding a provider from pursuing an employer for breach of its contractual obligations to the provider.</u>	25712 25713
<u>(G) If the provider solicits, charges, or receives tips, gratuities, or other donations from a consumer, mislead or deceive consumers about the voluntary nature of the tips, gratuities, or donations or make representations that tips, gratuities, or other donations will benefit any specific individuals.</u>	25714 25715 25716 25717 25718 25719
<u>Sec. 1320.07. (A) Every registered provider shall keep and use in the provider's business such books, accounts, and records as will enable the division of financial institutions to determine whether the provider is complying with this chapter and with the orders and rules made by the division under this chapter. Such books, accounts, and records shall be segregated from those pertaining to transactions that are not subject to</u>	25720 25721 25722 25723 25724 25725 25726

this chapter. Every provider shall preserve the books, accounts, 25727  
and records pertaining to earned wage access services 25728  
transactions made under this chapter for at least two years 25729  
after extending proceeds to a consumer. Accounting systems 25730  
maintained in whole or in part by mechanical or electronic data 25731  
processing methods that provide information equivalent to that 25732  
otherwise required are acceptable for the purposes of this 25733  
division. 25734

(B) (1) Each registered provider shall file with the 25735  
division of financial institutions each year a report under oath 25736  
or affirmation, on forms supplied by the division, concerning 25737  
the business and its operations for the preceding calendar year. 25738  
If a provider has more than one place of business in this state, 25739  
the provider shall furnish a report for each location. 25740

(2) The division shall annually publish and make available 25741  
to the public an analysis of the information reported under 25742  
division (B) (1) of this section, but the individual reports are 25743  
not public records for the purposes of Chapter 149. of the 25744  
Revised Code and shall not be open to public inspection. 25745

(3) The published analysis shall include all of the 25746  
following: 25747

(a) Gross revenue attributable to earned wage access 25748  
services; 25749

(b) The total number of transactions in which proceeds 25750  
were remitted to consumers; 25751

(c) The total number of unique consumers to whom proceeds 25752  
were remitted; 25753

(d) The total dollar amount of proceeds remitted to 25754  
consumers; 25755

<u>(e) The total dollar amount of fees, tips, gratuities, and donations received from consumers;</u>	25756
	25757
<u>(f) The total number of transactions in which proceeds were remitted to consumers for which providers did not receive repayment of any outstanding proceeds;</u>	25758
	25759
	25760
<u>(g) The total dollar amount of transactions described in division (B) (3) (f) of this section;</u>	25761
	25762
<u>(h) The total number of transactions in which proceeds were remitted to consumers, for which providers received partial repayment of outstanding proceeds;</u>	25763
	25764
	25765
<u>(i) The total dollar amount of transactions described in division (B) (3) (h) of this section and the total dollar amount of unpaid, outstanding proceeds attributable to those transactions;</u>	25766
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<u>(j) The total number of transactions in which outstanding proceeds were repaid after the original, scheduled repayment date;</u>	25770
	25771
	25772
<u>(k) The total dollar amount of transactions described in division (B) (3) (j) of this section;</u>	25773
	25774
<u>(l) Any other nonprivate information required by the superintendent.</u>	25775
	25776
<b>Sec. 1320.08.</b> <u>(A) The superintendent of financial institutions shall, in accordance with Chapter 119. of the Revised Code, suspend or revoke a certificate of registration issued pursuant to this chapter if the superintendent determines that either of the following apply:</u>	25777
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	25781
<u>(1) The registrant has failed to comply with any order issued by the superintendent pursuant to section 1320.10 of the</u>	25782
	25783

Revised Code; 25784

(2) Any fact or condition exists that, if it had existed 25785  
or had been known to exist at the time the original or renewal 25786  
certificate of registration was issued, the fact or condition 25787  
clearly would have warranted the superintendent to refuse to 25788  
issue a certificate of registration. 25789

(B) The superintendent may make any investigation and 25790  
conduct any hearing the superintendent considers necessary to 25791  
determine whether any company or individual has violated this 25792  
chapter or any rule or order adopted in accordance with this 25793  
chapter, or has otherwise engaged in conduct that would justify 25794  
the suspension, revocation, or refusal of an original or renewal 25795  
certificate of registration, or the imposition of a fine. The 25796  
superintendent may impose a monetary fine of not more than one 25797  
thousand dollars for each such violation. 25798

(C) In making any investigation or conducting any hearing 25799  
pursuant to this section, the superintendent, or any person 25800  
designated by the superintendent, at any time may compel by 25801  
subpoena witnesses, may take depositions of witnesses residing 25802  
within this state in the manner provided for in civil actions, 25803  
pay any witnesses the fees and mileage for their attendance 25804  
provided under section 119.094 of the Revised Code, and 25805  
administer oaths. The superintendent also may compel by order or 25806  
subpoena duces tecum the production of, and examine, all 25807  
relevant books, records, accounts, and other documents. If a 25808  
company or individual does not comply with a subpoena or 25809  
subpoena duces tecum, the superintendent may apply to the court 25810  
of common pleas of Franklin county for an order compelling the 25811  
company or individual to comply with the subpoena or subpoena 25812  
duces tecum or, for failure to do so, an order to be held in 25813

contempt of court. 25814

(D) In connection with any investigation under this 25815  
section, the superintendent may file an action in the court of 25816  
common pleas of Franklin county or the court of common pleas of 25817  
the county in which the company or individual who is the subject 25818  
of the investigation resides, or is engaging in or proposing to 25819  
engage in actions in violation of this chapter, to obtain an 25820  
injunction, temporary restraining order, or other appropriate 25821  
relief. 25822

**Sec. 1320.09.** (A) (1) Earned wage access services provided 25823  
by a registrant in accordance with this chapter shall not be 25824  
considered to be any of the following: 25825

(a) A loan or other form of credit or debit; 25826

(b) A money transmission; 25827

(c) A violation of, or noncompliant with, any other 25828  
provision of the Revised Code governing the sale or assignment 25829  
of, or an order for, earned but unpaid income. 25830

(2) A registrant providing earned wage access services in 25831  
accordance with this chapter shall not be considered to be a 25832  
creditor, debt collector, lender, or money transmitter. 25833

(B) Notwithstanding any contrary provision of the Revised 25834  
Code, earned wage access services offered or provided by a 25835  
provider in accordance with this chapter are not subject to 25836  
Chapter 1315., 1319., or 1321. of the Revised Code. 25837

(C) Notwithstanding any contrary provision of the Revised 25838  
Code, fees, voluntary tips, gratuities, or other donations paid 25839  
by a consumer to a registrant in accordance with this chapter 25840  
are not interest or finance charges. 25841



(D) If there is a conflict between the provisions of this chapter and any other provision of the Revised Code, the provisions of this chapter control. 25842  
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**Sec. 1320.10.** (A) The division of financial institutions shall administer this chapter. Neither the superintendent of financial institutions nor any deputy, assistant, clerk, examiner, or other person employed by the division to assist in the administration of this chapter shall be interested, directly or indirectly, in a business registered under this chapter. Any person so interested or who becomes so interested shall not be eligible to hold or retain such position. 25845  
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(B) The superintendent of financial institutions, in accordance with Chapter 119. of the Revised Code, may adopt rules and issue specific orders to enforce and carry out the purposes of this chapter. 25853  
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(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 25857  
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**Sec. 1321.21.** All fees, charges, penalties, and forfeitures collected under Chapters 1320., 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code shall be paid to the superintendent of financial institutions and shall be deposited by the superintendent into the state treasury to the credit of the consumer finance fund, which is hereby created. The fund may be expended or obligated by the superintendent for the defrayment of the costs of administration of Chapters 1320., 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code by 25861  
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the division of financial institutions. All actual and necessary 25872  
expenses incurred by the superintendent, including any services 25873  
rendered by the department of commerce for the division's 25874  
administration of Chapters 1320., 1321., 1322., 4712., 4727., 25875  
and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 25876  
1349.37 of the Revised Code, shall be paid from the fund. The 25877  
fund shall be assessed a proportionate share of the 25878  
administrative costs of the department and the division. The 25879  
proportionate share of the administrative costs of the division 25880  
of financial institutions shall be determined in accordance with 25881  
procedures prescribed by the superintendent. Such assessment 25882  
shall be paid from the consumer finance fund to the division of 25883  
administration fund or the financial institutions fund. 25884

~~Periodically, in accordance with a schedule the director 25885  
establishes by rule, but at least once every three months, the 25886  
director of budget and management shall transfer five per cent 25887  
of all charges, penalties, and forfeitures received into the 25888  
consumer finance fund to the financial literacy education fund 25889  
created under section 121.085 of the Revised Code.— 25890~~

**Sec. 1347.08.** (A) Every state or local agency that 25891  
maintains a personal information system, upon the request and 25892  
the proper identification of any person who is the subject of 25893  
personal information in the system, shall: 25894

(1) Inform the person of the existence of any personal 25895  
information in the system of which the person is the subject; 25896

(2) Except as provided in divisions (C) and (E) (2) of this 25897  
section, permit the person, the person's legal guardian, or an 25898  
attorney who presents a signed written authorization made by the 25899  
person, to inspect all personal information in the system of 25900  
which the person is the subject; 25901

(3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system.

(B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice.

(C) (1) A state or local agency, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless one of the following determines for the agency that the disclosure of the information is likely to have an adverse effect on the person: a physician, including such a person who specializes as a psychiatrist; an advanced practice registered nurse, including such a person who specializes as a psychiatric-mental health nurse practitioner or psychiatric clinical nurse specialist; or a psychologist. If such a determination is made, the information shall be released to one of the following who is designated by the person or by the person's legal guardian: a physician, including such a person who specializes as a psychiatrist; an advanced practice registered nurse, including such a person who specializes as a psychiatric-mental health nurse practitioner or psychiatric clinical nurse specialist; or a psychologist.

(2) Upon the signed written request of a licensed attorney at law, a licensed physician, or an advanced practice registered nurse designated by the inmate, together with the signed written request of an inmate of a correctional institution under the administration of the department of rehabilitation and correction, the department shall disclose medical information to the designated attorney, physician, or advanced practice

registered nurse as provided in division (C) of section 5120.21 25932  
of the Revised Code. 25933

(D) If an individual who is authorized to inspect personal 25934  
information that is maintained in a personal information system 25935  
requests the state or local agency that maintains the system to 25936  
provide a copy of any personal information that the individual 25937  
is authorized to inspect, the agency shall provide a copy of the 25938  
personal information to the individual. Each state and local 25939  
agency may establish reasonable fees for the service of copying, 25940  
upon request, personal information that is maintained by the 25941  
agency. 25942

(E) (1) This section regulates access to personal 25943  
information that is maintained in a personal information system 25944  
by persons who are the subject of the information, but does not 25945  
limit the authority of any person, including a person who is the 25946  
subject of personal information maintained in a personal 25947  
information system, to inspect or have copied, pursuant to 25948  
section 149.43 of the Revised Code, a public record as defined 25949  
in that section. 25950

(2) This section does not provide a person who is the 25951  
subject of personal information maintained in a personal 25952  
information system, the person's legal guardian, or an attorney 25953  
authorized by the person, with a right to inspect or have 25954  
copied, or require an agency that maintains a personal 25955  
information system to permit the inspection of or to copy, a 25956  
confidential law enforcement investigatory record or trial 25957  
preparation record, as defined in divisions (A) (2) and (4) of 25958  
section 149.43 of the Revised Code. 25959

(F) This section does not apply to any of the following: 25960

- (1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code; 25961  
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- (2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of ~~job and family services~~ children and youth or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department of job and family services or a child support enforcement agency; 25964  
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- (3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code; 25971  
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- (4) Records specified in division (A) of section 3107.52 of the Revised Code; 25974  
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- (5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual; 25976  
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- (6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code; 25979  
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- (7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual; 25981  
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- (8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual; 25984  
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- (9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator 25987  
25988

that the board of executives of long-term services and supports 25989  
administers under section 4751.15 of the Revised Code or 25990  
contracts under that section with a private or government entity 25991  
to administer; 25992

(10) Information contained in a database established and 25993  
maintained pursuant to section ~~5101.13~~5180.40 of the Revised 25994  
Code; 25995

(11) Information contained in a database established and 25996  
maintained pursuant to section 5101.631 of the Revised Code. 25997

Sec. 1501.46. Except as otherwise provided in federal law, 25998  
in circumstances in which the department of natural resources 25999  
conducts, or contracts with a third party to conduct, dredging 26000  
operations in the waters of the state, no license, registration, 26001  
or certification is required for an individual to operate the 26002  
dredging equipment or watercraft associated with such 26003  
operations. No state agency or other public body shall impose 26004  
licensing, registration, or certification requirements on an 26005  
individual operating such dredging equipment or watercraft. 26006

Sec. 1501.47. The program support fund is created in the 26007  
state treasury. The fund shall consist of payments from 26008  
divisions within the department of natural resources and any 26009  
other payments received by the department related to the 26010  
purposes of the fund. The director of natural resources shall 26011  
use the money in the fund to support centralized service support 26012  
offices of the department. 26013

Sec. 1509.02. There is hereby created in the department of 26014  
natural resources the division of oil and gas resources 26015  
management, which shall be administered by the chief of the 26016  
division of oil and gas resources management. The division has 26017

sole and exclusive authority to regulate the permitting, 26018  
location, and spacing of oil and gas wells and production 26019  
operations within the state, excepting only those activities 26020  
regulated under federal laws for which oversight has been 26021  
delegated to the environmental protection agency and activities 26022  
regulated under sections 6111.02 to 6111.028 of the Revised 26023  
Code. The regulation of oil and gas activities is a matter of 26024  
general statewide interest that requires uniform statewide 26025  
regulation, and this chapter and rules adopted under it 26026  
constitute a comprehensive plan with respect to all aspects of 26027  
the locating, drilling, well stimulation, completing, and 26028  
operating of oil and gas wells within this state, including site 26029  
construction and restoration, permitting related to those 26030  
activities, and the disposal of wastes from those wells. In 26031  
order to assist the division in the furtherance of its sole and 26032  
exclusive authority as established in this section, the chief 26033  
may enter into cooperative agreements with other state agencies 26034  
for advice and consultation, including visitations at the 26035  
surface location of a well on behalf of the division. Such 26036  
cooperative agreements do not confer on other state agencies any 26037  
authority to administer or enforce this chapter and rules 26038  
adopted under it. In addition, such cooperative agreements shall 26039  
not be construed to dilute or diminish the division's sole and 26040  
exclusive authority as established in this section. Nothing in 26041  
this section affects the authority granted to the director of 26042  
transportation and local authorities in section 723.01 or 26043  
4513.34 of the Revised Code, provided that the authority granted 26044  
under those sections shall not be exercised in a manner that 26045  
discriminates against, unfairly impedes, or obstructs oil and 26046  
gas activities and operations regulated under this chapter. 26047

The chief shall not hold any other public office, nor 26048

shall the chief be engaged in any occupation or business that 26049  
might interfere with or be inconsistent with the duties as 26050  
chief. 26051

Money collected by the chief pursuant to sections 1509.06, 26052  
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 26053  
1509.28, 1509.34, 1509.50, and 5749.02 of the Revised Code, all 26054  
civil penalties paid under section 1509.33 of the Revised Code, 26055  
and, notwithstanding any section of the Revised Code relating to 26056  
the distribution or crediting of fines for violations of the 26057  
Revised Code, all fines imposed under divisions (A) and (B) of 26058  
section 1509.99 of the Revised Code and fines imposed under 26059  
divisions (C) and (D) of section 1509.99 of the Revised Code for 26060  
all violations prosecuted by the attorney general and for 26061  
violations prosecuted by prosecuting attorneys that do not 26062  
involve the transportation of brine by vehicle shall be 26063  
deposited into the state treasury to the credit of the oil and 26064  
gas well fund, which is hereby created. Fines imposed under 26065  
divisions (C) and (D) of section 1509.99 of the Revised Code for 26066  
violations prosecuted by prosecuting attorneys that involve the 26067  
transportation of brine by vehicle and penalties associated with 26068  
a compliance agreement entered into pursuant to this chapter 26069  
shall be paid to the county treasury of the county where the 26070  
violation occurred. 26071

The fund shall be used solely and exclusively for the 26072  
purposes enumerated in division (B) of section 1509.071 of the 26073  
Revised Code, payments to the oil and gas resolution and 26074  
remediation fund created in section 1509.075 of the Revised 26075  
Code, for the expenses of the division associated with the 26076  
administration of this chapter and Chapter 1571. of the Revised 26077  
Code and rules adopted under them, and for expenses that are 26078  
critical and necessary for the protection of human health and 26079



safety and the environment related to oil and gas production in 26080  
this state. The expenses of the division in excess of the moneys 26081  
available in the fund shall be paid from general revenue fund 26082  
appropriations to the department. 26083

**Sec. 1509.07.** (A) (1) (a) Except as provided in division (A) 26084  
(1) (b) or (A) (2) of this section, an owner of any well, except 26085  
an exempt Mississippian well or an exempt domestic well, shall 26086  
obtain liability insurance coverage from a company authorized or 26087  
approved to do business in this state in an amount of not less 26088  
than one million dollars bodily injury coverage and property 26089  
damage coverage to pay damages for injury to persons or damage 26090  
to property caused by the drilling, operation, or plugging of 26091  
all the owner's wells in this state. However, if any well is 26092  
located within an urbanized area, the owner shall obtain 26093  
liability insurance coverage in an amount of not less than three 26094  
million dollars for bodily injury coverage and property damage 26095  
coverage to pay damages for injury to persons or damage to 26096  
property caused by the drilling, operation, or plugging of all 26097  
of the owner's wells in this state. 26098

(b) A board of county commissioners of a county that is an 26099  
owner of a well or a board of township trustees of a township 26100  
that is an owner of a well may elect to satisfy the liability 26101  
coverage requirements specified in division (A) (1) (a) of this 26102  
section by participating in a joint self-insurance pool in 26103  
accordance with the requirements established under section 26104  
2744.081 of the Revised Code. Nothing in division (A) (1) (b) of 26105  
this section shall be construed to allow an entity, other than a 26106  
county or township, to participate in a joint self-insurance 26107  
pool to satisfy the liability coverage requirements specified in 26108  
division (A) (1) (a) of this section. 26109

(2) An owner of a horizontal well shall obtain liability insurance coverage from an insurer authorized to write such insurance in this state or from an insurer approved to write such insurance in this state under section 3905.33 of the Revised Code in an amount of not less than five million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the production operations of all the owner's wells in this state. The insurance policy shall include a reasonable level of coverage available for an environmental endorsement.

(3) An owner shall maintain the coverage required under division (A) (1) or (2) of this section until all the owner's wells are plugged and abandoned or are transferred to an owner who has obtained insurance as required under this section and who is not under a notice of material and substantial violation or under a suspension order. The owner shall provide proof of liability insurance coverage to the chief of the division of oil and gas resources management upon request. Upon failure of the owner to provide that proof when requested, the chief may order the suspension of any outstanding permits and operations of the owner until the owner provides proof of the required insurance coverage.

(B) (1) Except as otherwise provided in this section, an owner of any well, before being issued a permit under section 1509.06 of the Revised Code or before operating or producing from a well, shall execute and file with the division of oil and gas resources management a surety bond conditioned on compliance with the restoration requirements of section 1509.072, the plugging requirements of section 1509.12, the permit provisions of section 1509.13 of the Revised Code, and all rules and orders of the chief relating thereto, in an amount set by rule of the

chief. 26141

(2) The owner may deposit with the chief, instead of a 26142  
surety bond, cash in an amount equal to the surety bond as 26143  
prescribed pursuant to this section or negotiable certificates 26144  
of deposit or irrevocable letters of credit, issued by any bank 26145  
organized or transacting business in this state, having a cash 26146  
value equal to or greater than the amount of the surety bond as 26147  
prescribed pursuant to this section. Cash or certificates of 26148  
deposit shall be deposited upon the same terms as those upon 26149  
which surety bonds may be deposited. If the owner deposits cash, 26150  
the cash shall be credited to the performance cash bond refunds 26151  
fund created in section 1501.16 of the Revised Code. If the 26152  
owner deposits certificates of deposit, the chief shall require 26153  
the bank that issued any such certificate to pledge securities 26154  
of a cash value equal to the amount of the certificate that is 26155  
in excess of the amount insured by the federal deposit insurance 26156  
corporation. The securities shall be security for the repayment 26157  
of the certificate of deposit. 26158

Upon a deposit of cash, certificates of deposit, or 26159  
letters of credit with the chief, the chief shall hold them in 26160  
trust for the purposes for which they have been deposited. 26161

(3) Instead of a surety bond, the chief may accept proof 26162  
of financial responsibility consisting of a sworn financial 26163  
statement showing a net financial worth within this state equal 26164  
to twice the amount of the bond for which it substitutes and, as 26165  
may be required by the chief, a list of producing properties of 26166  
the owner within this state or other evidence showing ability 26167  
and intent to comply with the law and rules concerning 26168  
restoration and plugging that may be required by rule of the 26169  
chief. The owner of an exempt Mississippian well is not required 26170

to file scheduled updates of the financial documents, but shall 26171  
file updates of those documents if requested to do so by the 26172  
chief. The owner of a nonexempt Mississippian well shall file 26173  
updates of the financial documents in accordance with a schedule 26174  
established by rule of the chief. The chief, upon determining 26175  
that an owner for whom the chief has accepted proof of financial 26176  
responsibility instead of bond cannot demonstrate financial 26177  
responsibility, shall order that the owner execute and file a 26178  
bond or deposit cash, certificates of deposit, or irrevocable 26179  
letters of credit as required by this section for the wells 26180  
specified in the order within ten days of receipt of the order. 26181  
If the order is not complied with, all wells of the owner that 26182  
are specified in the order and for which no bond is filed or 26183  
cash, certificates of deposit, or letters of credit are 26184  
deposited shall be plugged. No owner shall fail or refuse to 26185  
plug such a well. Each day on which such a well remains 26186  
unplugged thereafter constitutes a separate offense. 26187

(4) The surety bond provided for in this section shall be 26188  
executed by a surety company authorized to do business in this 26189  
state. 26190

The chief shall not approve any bond until it is 26191  
personally signed and acknowledged by both principal and surety, 26192  
or as to either by the principal's or surety's attorney in fact, 26193  
with a certified copy of the power of attorney attached thereto. 26194  
The chief shall not approve a bond unless there is attached a 26195  
certificate of the superintendent of insurance that the company 26196  
is authorized to transact a fidelity and surety business in this 26197  
state. 26198

All bonds shall be given in a form to be prescribed by the 26199  
chief and shall run to the state as obligee. 26200

(5) An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas ~~well plugging~~ resolution and remediation fund created in section ~~1509.071~~ 1509.075 of the Revised Code.

(C) An owner, operator, producer, or other person shall not operate a well or produce from a well at any time if the owner, operator, producer, or other person has not satisfied the requirements established in this section.

**Sec. 1509.071.** (A) When the chief of the division of oil and gas resources management finds that an owner has failed to comply with a final nonappealable order issued or compliance agreement entered into under section 1509.04, the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety bond filed to ensure compliance with those sections and rules forfeited in the amount set by rule of the chief. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the forfeiture. In addition, the chief may require an owner, operator, producer, or other person who forfeited a surety bond to post a new surety bond in the amount of fifteen thousand dollars for a single well, thirty thousand dollars for two wells, or fifty thousand dollars for three or more wells.

In lieu of total forfeiture, the surety or owner, at the

surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) (1) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

For purposes of promoting the competent management and conservation of the state's oil and natural gas resources and the proper and lawful plugging of historic oil and gas wells for which there is no known responsible owner, the chief annually shall spend not less than thirty per cent of the revenue credited to the oil and gas well fund during the previous fiscal year for both of the following purposes:

(a) In accordance with division (E) of this section, to plug orphaned wells or to restore the land surface properly as required in section 1509.072 of the Revised Code;

(b) In accordance with division (F) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks at an orphaned well or associated with a well for which the owner has not initiated a corrective action within a reasonable period of time as determined by the chief after the chief has attempted to notify the owner.

(2) Expenditures from the oil and gas well fund and oil and gas resolution and remediation fund shall be made only for lawful purposes. ~~In addition~~ Except as otherwise provided in divisions (B) (2) and (D) of section 1509.075 of the Revised Code, expenditures from ~~the fund~~ those funds shall not be made

to purchase real property or to remove a structure in order to 26260  
access a well. 26261

~~The director of budget and management, in consultation 26262  
with the chief, shall establish an accounting code for purposes 26263  
of tracking expenditures made as required under this division. 26264~~

(C) (1) If a landowner discovers a well on the landowner's 26265  
real property and the landowner is not the owner of the well, 26266  
the landowner may report the existence of the well in writing to 26267  
the chief. 26268

(2) If the chief receives a written report from a 26269  
landowner of the discovery of a well previously unknown to the 26270  
division, the chief shall inspect the well not later than thirty 26271  
days after the date of receipt of the landowner's report. 26272

(3) The chief shall establish a scoring matrix for use in 26273  
determining the priority of plugging wells or restoring land 26274  
surfaces at orphaned well sites for purposes of this section. 26275  
The matrix shall include a classification system that 26276  
categorizes orphaned wells as high priority, medium priority, 26277  
and low priority. 26278

(4) The chief shall use the matrix developed under 26279  
division (C) (3) of this section to prioritize plugging and land 26280  
restoration projects under this section. The chief may add 26281  
additional orphaned wells to a project regardless of 26282  
classification. 26283

(D) (1) After determining that a well is an orphaned well, 26284  
the chief shall do all of the following: 26285

(a) Make a reasonable attempt to determine from the 26286  
records in the office of the county recorder of the county in 26287  
which the well is located the identity of the current owner of 26288

the land on which the well is located, the identity of each 26289  
person owning a right or interest in the oil or gas mineral 26290  
interests, and the identities of the persons having a lien upon 26291  
any of the equipment appurtenant to the well. For purposes of 26292  
division (D) (1) (a) of this section, the chief is not required to 26293  
review records in the office of the county recorder that are 26294  
older than forty years from the date on which the chief made the 26295  
determination that the well is an orphaned well. 26296

(b) Mail notice to each person identified in division (D) 26297  
(1) (a) of this section; 26298

(c) Include in the notice to each person having a lien 26299  
upon any equipment appurtenant to the well, a statement 26300  
informing the person that the well is to be plugged and offering 26301  
the person the opportunity to remove that equipment from the 26302  
well site at the person's own expense in order to avoid 26303  
forfeiture of the equipment to this state; 26304

(d) Publish notice in a newspaper of general circulation 26305  
in the county where the well is located that the well is to be 26306  
plugged or post the notice on the department of natural 26307  
resources web site. 26308

(2) If the current address of a person identified in 26309  
division (D) (1) (a) of this section cannot be determined, or if a 26310  
notice provided by mail to a person under division (D) (1) (b) of 26311  
this section is returned undeliverable, the notice published 26312  
under division (D) (1) (d) of this section constitutes sufficient 26313  
notice to the person. 26314

(3) If none of the persons described in division (D) (1) (a) 26315  
of this section removes equipment from the well within thirty 26316  
days after the mailing of the notice or publication or posting 26317



of notice described in division (D) (1) (d) of this section, 26318  
whichever is later, all equipment appurtenant to the well is 26319  
hereby declared to be forfeited to this state without 26320  
compensation and without the necessity for any action by the 26321  
state for use to defray the cost of plugging the well and 26322  
restoring the land surface at the well site. 26323

(E) The chief may expend money from the oil and gas well 26324  
fund and the oil and gas resolution and remediation fund for the 26325  
purpose of division (B) (1) (a) of this section, and such 26326  
expenditures shall be made in accordance with either of the 26327  
following: 26328

(1) The chief may make expenditures pursuant to contracts 26329  
entered into by either the chief or another agency of the state 26330  
with persons who agree to furnish the materials, equipment, 26331  
work, and labor as specified and provided in such a contract for 26332  
activities associated with the restoration or plugging of an 26333  
orphaned well as determined by the chief. If another agency of 26334  
the state enters into the contract, the chief shall prepare the 26335  
scope of work for the restoration or plugging of the well. The 26336  
activities may include excavation to uncover a well, methods to 26337  
locate a well, analyzing the well, stabilizing or other work 26338  
conducted prior to plugging the well, drilling out or cleanout 26339  
of wellbores to remove material from a well, plugging 26340  
operations, installation of vault and vent systems, including 26341  
associated engineering certifications and permits, removal of 26342  
associated equipment, restoration of property, replugging of 26343  
previously plugged orphaned wells or wells for which final 26344  
restoration was completed under section 1509.072 of the Revised 26345  
Code and rules adopted under it, and repair of damage to 26346  
property that is caused by such activities. The chief may make 26347  
expenditures for salaries, maintenance, equipment, or other 26348

administrative purposes, for costs directly attributed to 26349  
locating, analyzing, stabilizing, designing, plugging, 26350  
remediating, or restoring an orphaned well, and for determining 26351  
if a well is an orphaned well. 26352

Agents or employees of persons contracting with the chief 26353  
to locate, analyze, stabilize, design, plug, remediate, or 26354  
restore a well may enter upon any land, public or private, on 26355  
which the well is located, or on adjacent parcels needed for 26356  
access, for the purpose of performing the work. Prior to such 26357  
entry, the chief shall give to the following persons written 26358  
notice of the existence of a contract to locate, analyze, 26359  
stabilize, design, plug, remediate, or restore a well, the names 26360  
of the persons with whom the contract is made, and the date that 26361  
the project will commence: the owner of the well, the owner of 26362  
the land upon which the well is located, the owner of the land 26363  
of an adjacent parcel that will be entered upon, and, if the 26364  
well is located in the same township as or in a township 26365  
adjacent to the excavations and workings of a mine and the owner 26366  
or lessee of that mine has provided written notice identifying 26367  
those townships to the chief at any time during the immediately 26368  
preceding three years, the owner or lessee of the mine. The 26369  
chief may include in the notice to the owner or lessee of the 26370  
mine additional information, such as authorization to plug an 26371  
orphaned well under section 1509.151 of the Revised Code. 26372

(2) (a) The owner of the land on which at least one 26373  
orphaned well is located who has received notice under division 26374  
(D) (1) (b) of this section may plug any such orphaned well and be 26375  
reimbursed by the division of oil and gas resources management 26376  
for the reasonable cost of plugging such wells. In order to plug 26377  
the orphaned wells, the landowner shall submit an application to 26378  
the chief on a form prescribed by the chief and approved by the 26379

technical advisory council on oil and gas created in section 26380  
1509.38 of the Revised Code. The application, at a minimum, 26381  
shall require the landowner to provide the same information as 26382  
is required to be included in the application for a permit to 26383  
plug and abandon under section 1509.13 of the Revised Code. 26384

The application shall be accompanied by a copy of a 26385  
proposed contract to plug and abandon the orphaned wells 26386  
prepared by a contractor regularly engaged in the business of 26387  
plugging oil and gas wells. The proposed contract shall require 26388  
the contractor to furnish all of the materials, equipment, work, 26389  
and labor necessary to plug the orphaned wells properly and 26390  
restore the site including the removal of all associated 26391  
equipment and shall specify the price for doing the work. The 26392  
contractor shall be insured. 26393

Expenditures made under division (E) (2) (a) of this section 26394  
shall be consistent with the expenditures for activities 26395  
described in division (E) (1) of this section. In addition, 26396  
expenditures made under division (E) (2) of this section are not 26397  
subject to section 127.16 of the Revised Code. The application 26398  
constitutes an application for a permit to plug the well for the 26399  
purposes of section 1509.13 of the Revised Code ~~and the~~ 26400  
~~applicant is not required to submit the fee otherwise required~~ 26401  
~~under that section.~~ 26402

(b) Within thirty days after receiving an application and 26403  
accompanying proposed contract under division (E) (2) (a) of this 26404  
section, the chief shall determine whether the plugging would 26405  
comply with the applicable requirements of this chapter and 26406  
applicable rules adopted and orders issued under it and whether 26407  
the cost of the plugging under the proposed contract is 26408  
reasonable. If the chief determines that the proposed plugging 26409

would comply with those requirements and that the proposed cost 26410  
of the plugging is reasonable, the chief shall notify the 26411  
landowner of that determination and issue to the landowner a 26412  
permit to plug the well under section 1509.13 of the Revised 26413  
Code. The chief may disapprove an application submitted under 26414  
division (E) (2) (a) of this section if the chief determines that 26415  
the proposed plugging would not comply with the applicable 26416  
requirements of this chapter and applicable rules adopted and 26417  
orders issued under it, that the cost of the plugging under the 26418  
proposed contract is unreasonable, or that the proposed contract 26419  
is not a bona fide, arm's length contract. 26420

(c) After receiving the chief's notice of the approval of 26421  
the application and permit to plug and abandon a well under 26422  
division (E) (2) (b) of this section, the landowner may enter into 26423  
the proposed contract to plug the well. 26424

(d) Upon determining that the plugging has been completed 26425  
in compliance with the applicable requirements of this chapter 26426  
and applicable rules adopted and orders issued under it, the 26427  
chief shall pay the contractor for the cost of the plugging and 26428  
restoration as set forth in the proposed contract approved by 26429  
the chief and changes or costs approved by the chief. The 26430  
payment shall be paid from the oil and gas well fund or the oil 26431  
and gas resolution and remediation fund. The chief shall only 26432  
make payments for purposes of division (E) (2) of this section 26433  
pursuant to a proper invoice as defined under section 125.01 of 26434  
the Revised Code. 26435

(e) If the chief determines that the plugging was not 26436  
completed in accordance with the applicable requirements, the 26437  
chief shall not pay the contractor or landowner for the cost of 26438  
the plugging. 26439

(f) If any equipment was removed from the well during the plugging and sold, the chief shall deduct the sale amount of the equipment from the payment to the contractor.

(g) Changes made to a contract executed under division (E) (2) of this section due to unanticipated conditions may be presented to the chief in the form of a written request for approval of the additional costs prior to completion of the work. The chief shall determine if the changes are necessary to comply with this chapter and rules adopted and orders issued under it and if the cost of the changes are reasonable. The chief shall provide to the contractor a written decision regarding the proposed changes. If the chief determines that the changes are not necessary or that the costs are not reasonable, the chief may either deny the request or establish the amount of the cost that the chief approves. Work completed prior to receipt of written approval from the chief is not eligible for payment, unless waived by the chief.

(3) The chief may establish an annual limit on the number of wells that may be plugged under division (E) (2) of this section or an annual limit on the expenditures to be made under that division. The chief may reject an application submitted under division (E) (2) of this section if the chief determines that the plugging of other wells take priority.

(4) As used in division (E) (2) of this section, "plug" and "plugging" include the plugging of the well, replugging of a previously plugged orphaned well or a well for which final restoration was completed under section 1509.072 of the Revised Code and rules adopted under it, drilling out or cleanout of a well bore to remove material from a well, installation of casings, installation of a vault and vent, restoration, and the

restoration of the land surface disturbed by the plugging. 26470

(F) (1) Expenditures from the oil and gas well fund or the 26471  
oil and gas resolution and remediation fund for the purpose of 26472  
division (B) (1) (b) of this section may be made pursuant to 26473  
contracts entered into by either the chief or another agency of 26474  
the state with persons who agree to furnish the materials, 26475  
equipment, work, and labor as specified and provided in such a 26476  
contract. The competitive bidding requirements of Chapter 153. 26477  
of the Revised Code do not apply if the chief reasonably 26478  
determines that a situation exists requiring immediate action 26479  
for the correction of the applicable health or safety risk. A 26480  
contract or purchase of materials for purposes of addressing the 26481  
emergency situation is not subject to division (B) of section 26482  
127.16 of the Revised Code. The chief, designated 26483  
representatives of the chief, and agents or employees of persons 26484  
contracting with the chief to locate, analyze, stabilize, 26485  
design, plug, remediate, or restore a well under this division 26486  
may enter upon any land, public or private, on which the well is 26487  
located, or on parcels needed for access, for the purpose of 26488  
performing the work. 26489

(2) The chief shall issue an order that requires the owner 26490  
of a well to pay the actual documented costs of a corrective 26491  
action that is described in division (B) (1) (b) of this section 26492  
concerning the well. The chief shall transmit the money so 26493  
recovered to the treasurer of state who shall deposit the money 26494  
in the ~~state treasury to the credit of the oil and gas well~~ 26495  
resolution and remediation fund. 26496

(G) Contracts entered into by either the chief or another 26497  
agency of the state under this section are not subject to any of 26498  
the following: 26499

(1) Chapter 4115. of the Revised Code;	26500
(2) Chapter 153. of the Revised Code;	26501
(3) Section 4733.17 of the Revised Code.	26502
(H) The owner of land on which a well is located who has received notice under division (D) (1) (b) of this section, in lieu of plugging the well in accordance with division (E) (2) of this section, may cause ownership of the well to be transferred in accordance with section 1509.31 of the Revised Code.	26503 26504 26505 26506 26507
If a well is transferred, the owner to whom it is transferred shall comply with this chapter and rules adopted under it and shall take title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner of the well.	26508 26509 26510 26511 26512
(I) The chief may engage in cooperative projects under this section with any agency of this state, another state, or the United States; any other governmental agencies; any state university or college as defined in section 3345.27 of the Revised Code; or a nonprofit corporation that is exempt from federal income taxation under section 501(c) (3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract entered into for purposes of a cooperative project is not subject to division (B) of section 127.16 of the Revised Code.	26513 26514 26515 26516 26517 26518 26519 26520 26521
(J) (1) On or before the close of each calendar quarter, the chief shall submit a written report to the technical advisory council established under section 1509.38 of the Revised Code describing the efforts of the division of oil and gas resources management to plug orphaned wells during the immediately preceding calendar quarter. The chief also shall include in the report all of the following information:	26522 26523 26524 26525 26526 26527 26528

(a) The total number of known orphaned wells in the state	26529
and the total number in each county of the state;	26530
(b) The total number of newly discovered orphaned wells	26531
during the immediately preceding calendar quarter;	26532
(c) The total number of wells plugged in accordance with	26533
this section during the immediately preceding calendar quarter;	26534
(d) The total number of wells plugged in accordance with	26535
this section and the estimated average and indirect costs of	26536
plugging activities conducted under this section prior to the	26537
date of the report;	26538
(e) The number of wells approved for plugging in	26539
accordance with this section and the estimated average and	26540
indirect costs of plugging activities conducted under this	26541
section during the immediately preceding calendar quarter.	26542
(2) Not later than the thirty-first day of March of each	26543
year, the chief and the technical advisory council shall jointly	26544
provide a report containing, at a minimum, the information	26545
required to be included in the quarterly reports during the	26546
previous one-year period to all of the following:	26547
(a) The speaker of the house of representatives;	26548
(b) The president of the senate;	26549
(c) The chair of the committee of the house of	26550
representatives responsible for energy and natural resources	26551
issues;	26552
(d) The chair of the committee of the senate responsible	26553
for energy and natural resources issues.	26554
<b><u>Sec. 1509.075.</u></b> (A) There is hereby created the oil and gas	26555



resolution and remediation fund, which shall be in the custody 26556  
of the treasurer of state but shall not be part of the state 26557  
treasury. The fund shall consist of moneys transferred to it 26558  
from the oil and gas well fund and any money deposited into it 26559  
under sections 1509.07 and 1509.071 of the Revised Code. 26560

Notwithstanding any provision of law to the contrary, at the 26561  
beginning of each fiscal year, the treasurer of state shall 26562  
transfer to the oil and gas resolution and remediation fund the 26563  
amount of money in the oil and gas well fund that is in excess 26564  
of the total amount appropriated to the oil and gas well fund 26565  
for that fiscal year. 26566

(B) (1) Money in the oil and gas resolution and remediation 26567  
fund shall be used by the chief of the division of oil and gas 26568  
resources management for the plugging of orphaned wells under 26569  
this chapter. 26570

(2) The chief may use money in the fund for expenses that 26571  
are critical and necessary for the protection of human health 26572  
and safety and the environment related to oil and gas production 26573  
in this state. 26574

(3) The treasurer of state shall disburse moneys from the 26575  
fund quarterly on order of the chief. 26576

(C) The treasurer of state may invest any portion of the 26577  
oil and gas resolution and remediation fund not needed for 26578  
immediate use in the same manner as, and subject to all 26579  
provisions of law with respect to the investment of, state 26580  
funds. 26581

(D) Interest earned on the fund shall be credited to the 26582  
fund and reserved for use by the director of natural resources. 26583  
The director may order the treasurer of state to disburse 26584

interest from the fund for any purpose of the department of 26585  
natural resources, subject to the approval of the technical 26586  
advisory council on oil and gas, as provided in section 1509.38 26587  
of the Revised Code. The director shall provide the treasurer of 26588  
state with written notice of the council's approval before the 26589  
treasurer of state may disburse money from the fund. 26590

**Sec. 1509.13.** (A) (1) Except as otherwise provided in 26591  
division (A) (2) of this section and division (E) (1) of section 26592  
1509.071 of the Revised Code, no person shall plug and abandon a 26593  
well without having a permit to do so issued by the chief of the 26594  
division of oil and gas resources management. The permit shall 26595  
be issued by the chief in accordance with this chapter and shall 26596  
be valid for a period of twenty-four months from the date of 26597  
issue. 26598

(2) The holder of a valid permit issued under section 26599  
1509.06 of the Revised Code may receive approval from an oil and 26600  
gas resources inspector to plug and abandon the well associated 26601  
with that permit, without obtaining the permit required under 26602  
division (A) of this section, if either of the following apply: 26603

(a) The well was drilled to total depth and the well 26604  
cannot or will not be completed. 26605

(b) The well is a lost hole or dry hole. 26606

(3) A permit holder plugging a well pursuant to division 26607  
(A) (2) (a) of this section shall plug the well within thirty days 26608  
of receipt of approval from the oil and gas resources inspector. 26609

(4) A permit holder plugging a well pursuant to division 26610  
(A) (2) (b) of this section shall plug the well immediately after 26611  
determining that the well is a lost hole or dry hole in 26612  
accordance with rules adopted under this chapter. 26613

(B) The application for a permit to plug and abandon shall be filed as many days in advance as will be necessary for an oil and gas resources inspector or, if the well is located in a coal bearing township, both a deputy mine inspector and an oil and gas resources inspector to be present at the plugging. The application shall be filed with the chief upon a form that the chief prescribes and shall contain the following information:

(1) The name and address of the applicant;

(2) The signature of the applicant or the applicant's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as that agent.

(3) The location of the well identified by section or lot number, city, village, township, and county;

(4) Designation of well by name and number;

(5) The total depth of the well to be plugged;

(6) The date and amount of last production from the well;

(7) Other information that the chief may require.

(C) ~~Except as otherwise provided in division (E) (2) (a) of section 1509.071 of the Revised Code, the application shall be accompanied by a nonrefundable fee of two hundred fifty dollars.~~ Unless waived by an oil and gas resources inspector, the owner of a well or the owner's authorized representative shall notify an oil and gas resources inspector at least twenty-four hours prior to the commencement of the plugging of a well. No well shall be plugged and abandoned without an oil and gas resources inspector present unless permission has been granted by the chief. The owner of a well that has produced oil or gas shall

give written notice at the same time to the owner of the land 26642  
upon which the well is located and to all lessors that receive 26643  
gas from the well pursuant to an agreement. If the well 26644  
penetrates or passes within one hundred feet of the excavations 26645  
and workings of a mine, the owner of the well shall give written 26646  
notice to the owner or lessee of that mine of the intention to 26647  
abandon the well and of the time when the owner of the well will 26648  
be prepared to commence plugging it. 26649

(D) An applicant may file a request with the chief for 26650  
expedited review of an application for a permit to plug and 26651  
abandon a well. The chief may refuse to accept a request for 26652  
expedited review if, in the chief's judgment, acceptance of the 26653  
request will prevent the issuance, within twenty-one days of 26654  
filing, of permits for which applications filed under section 26655  
1509.06 of the Revised Code are pending. In addition to a 26656  
complete application for a permit that meets the requirements of 26657  
this section ~~and the permit fee prescribed by this section, if~~ 26658  
~~applicable~~, a request for expedited review shall be accompanied 26659  
by a nonrefundable filing fee of five hundred dollars unless the 26660  
chief has ordered the applicant to plug and abandon the well. 26661  
When a request for expedited review is filed, the chief shall 26662  
immediately begin to process the application and shall issue a 26663  
permit within seven days of the filing of the request unless the 26664  
chief, by order, denies the application. 26665

(E) (1) Except as otherwise provided in division (E) (2) of 26666  
this section, any person undertaking the plugging of a well for 26667  
which a permit has been issued under this section shall obtain 26668  
insurance for bodily injury coverage and property damage 26669  
coverage in the amount established under section 1509.07 of the 26670  
Revised Code to pay for damages or injury to property or person, 26671  
including damages caused by the plugging of the well. The person 26672

shall electronically submit proof of insurance to the chief upon 26673  
the chief's request. 26674

(2) Division (E) (1) of this section does not apply to a 26675  
person already required to maintain an insurance policy under 26676  
section 1509.07 of the Revised Code. 26677

(F) This section does not apply to a well plugged or 26678  
abandoned in compliance with section 1571.05 of the Revised 26679  
Code. 26680

**Sec. 1509.38.** (A) There is hereby created in the division 26681  
of oil and gas resources management a technical advisory council 26682  
on oil and gas, which shall consist of eight members to be 26683  
appointed by the governor with the advice and consent of the 26684  
senate. Three members shall be independent oil or gas producers, 26685  
operators, or their representatives, operating and producing 26686  
primarily in this state, three members shall be oil or gas 26687  
producers, operators, or their representatives having 26688  
substantial oil and gas producing operations in this state and 26689  
at least one other state, one member shall represent the public, 26690  
and one member shall represent persons having landowners' 26691  
royalty interests in oil and gas production. All members shall 26692  
be residents of this state, and all members, except the members 26693  
representing the public and persons having landowners' royalty 26694  
interests, shall have at least five years of practical or 26695  
technical experience in oil or gas drilling and production. Not 26696  
more than one member may represent any one company, producer, or 26697  
operator. 26698

(B) Terms of office shall be for three years, commencing 26699  
on the first day of February and ending on the thirty-first day 26700  
of January. Each member shall hold office from the date of 26701  
appointment until the end of the term for which the member was 26702

appointed. A vacancy in the office of a member shall be filled 26703  
by the governor, with the advice and consent of the senate. Any 26704  
member appointed to fill a vacancy occurring prior to the 26705  
expiration of the term for which the member's predecessor was 26706  
appointed shall hold office for the remainder of that term. Any 26707  
member shall continue in office subsequent to the expiration 26708  
date of the member's term until the member's successor takes 26709  
office, or until a period of sixty days has elapsed, whichever 26710  
occurs first. 26711

(C) The council shall select from among its members a 26712  
chairperson, a vice-chairperson, and a secretary. All members 26713  
are entitled to their actual and necessary expenses incurred in 26714  
the performance of their duties as members, payable from the 26715  
appropriations for the division. 26716

(D) The governor may remove any member for inefficiency, 26717  
neglect of duty, or malfeasance in office. 26718

(E) The council shall hold at least one regular meeting in 26719  
each quarter of a calendar year and shall keep a record of its 26720  
proceedings. Special meetings may be called by the chairperson 26721  
and shall be called by the chairperson upon receipt of a written 26722  
request signed by two or more members of the council. A written 26723  
notice of the time and place of each meeting shall be sent to 26724  
each member of the council. Five members constitute a quorum, 26725  
and no action of the council is valid unless five members 26726  
concur. 26727

(F) The council, when requested by the chief of the 26728  
division of oil and gas resources management, shall consult with 26729  
and advise the chief and perform other duties that may be 26730  
lawfully delegated to it by the chief. The council may 26731  
participate in hearings held by the chief under this chapter and 26732

has powers of approval as provided in sections 1509.24 and 26733  
1509.25 of the Revised Code. The council shall conduct the 26734  
activities required, and exercise the authority granted, under 26735  
Chapter 1510. of the Revised Code. 26736

(G) If the council receives a request from the director of 26737  
natural resources to approve an expenditure from the oil and gas 26738  
resolution and remediation fund for purposes of division (D) of 26739  
section 1509.075 of the Revised Code, the council shall vote to 26740  
approve or deny that expenditure. The council shall notify the 26741  
director in writing of the approval or denial. 26742

(H) The council, upon receiving a request from the 26743  
chairperson of the oil and gas commission under division (C) of 26744  
section 1509.35 of the Revised Code, immediately shall prepare 26745  
and provide to the chairperson a list of its members who may 26746  
serve as temporary members of the oil and gas commission as 26747  
provided in that division. 26748

**Sec. 1513.371.** The long-term abandoned mine reclamation 26749  
fund is created in the state treasury. The fund shall be 26750  
administered by the chief of the division of mineral resources 26751  
management and consist of grants awarded by the United States 26752  
secretary of the interior from the federal abandoned mine 26753  
reclamation fund pursuant to the federal "Infrastructure 26754  
Investment and Jobs Act," Pub. L. No. 177-58. All investment 26755  
earnings of the fund shall be credited to the fund. 26756

The fund shall be used for abatement of the causes and 26757  
treatment of the effects of acid mine drainage resulting from 26758  
coal mine practices, including the following: 26759

(A) The costs of building, operating, maintaining, and 26760  
rehabilitating acid mine drainage treatment systems; 26761

<u>(B) The prevention, abatement, and control of subsidence;</u>	26762
<u>(C) The prevention, abatement, and control of coal mine fires.</u>	26763 26764
<b>Sec. 1517.11.</b> <u>(A)</u> There is hereby created in the state treasury the natural areas and preserves fund, which shall consist of moneys transferred into it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in that section.	26765 26766 26767 26768 26769 26770 26771
<u>(B)</u> Moneys in the fund shall be disbursed pursuant to vouchers approved by the director of natural resources for use by the division of natural areas and preserves solely for the following purposes:	26772 26773 26774 26775
<del>(A)</del> <u>(1)</u> The acquisition of new or expanded natural areas and nature preserves and scenic river lands;	26776 26777
<del>(B)</del> <u>(2)</u> Facility development in natural areas and nature preserves and scenic river lands;	26778 26779
<del>(C)</del> <u>(3)</u> Special projects, including, but not limited to, biological inventories, research grants, and the production of interpretive material related to natural areas and nature preserves and scenic river lands;	26780 26781 26782 26783
<del>(D)</del> <u>(4)</u> Routine maintenance for health and safety purposes.	26784
<u>(C)</u> Money in the fund also may be used for the purposes of administering a system of wild, scenic, and recreational rivers, scenic river lands, and facilities or improvements associated with such rivers and lands.	26785 26786 26787 26788
<u>(D)</u> Moneys appropriated from the fund shall not be used to	26789



fund salaries of permanent employees or administrative costs. 26790

(E) All investment earnings of the fund shall be credited 26791  
to the fund. 26792

(F) The chief of the division of natural areas and 26793  
preserves may sell any of the following: 26794

(1) Items related to or that promote Ohio's native plants 26795  
and animals, unique ecology and geology, and general ecological 26796  
preservation and conservation such as pins, apparel, stickers, 26797  
books, bulletins, maps, publications, calendars, and other 26798  
educational articles and division branded merchandise; 26799

(2) Items pertaining to Ohio's ecology including native 26800  
plants and seeds of native plants. 26801

(G) All moneys received under division (F) of this section 26802  
shall be paid into the state treasury to the credit of the 26803  
natural areas and preserves fund created under this section. 26804

**Sec. 1521.16.** (A) Any person who owns a facility that has 26805  
the capacity to withdraw waters of the state in an amount 26806  
greater than one hundred thousand gallons per day from all 26807  
sources and whose construction is completed before January 1, 26808  
1990, shall register the facility by January 1, 1991, with the 26809  
chief of the division of water resources, and any person who 26810  
owns a facility that has the capacity to withdraw waters of the 26811  
state in such an amount and whose construction is completed on 26812  
or after January 1, 1990, shall register the facility with the 26813  
chief within three months after the facility is completed. The 26814  
person shall register the facility using a form prescribed by 26815  
the chief that shall include, without limitation, the name and 26816  
address of the registrant and date of registration; the 26817  
locations and sources of the facility's water supply; the 26818

facility's withdrawal capacity per day and the amount withdrawn 26819  
from each source; the uses made of the water, places of use, and 26820  
places of discharge; and such other information as the chief may 26821  
require by rule. 26822

The registration date of any facility whose construction 26823  
was completed prior to January 1, 1990, and that is registered 26824  
under this division prior to January 1, 1991, shall be January 26825  
1, 1990. The registration date of any facility whose 26826  
construction was completed prior to January 1, 1990, and that is 26827  
required to register under this division prior to January 1, 26828  
1991, but that is not registered prior to that date, and the 26829  
registration date of any facility whose construction was 26830  
completed after January 1, 1990, and that is required to 26831  
register under this division shall be the date on which the 26832  
registration is received by the chief. 26833

(B) In accordance with division (D) of this section, the 26834  
chief shall adopt rules establishing standards and criteria for 26835  
determining when an area of ground water is a ground water 26836  
stress area, the geographic limits of such an area, and a 26837  
threshold withdrawal capacity for the area below which 26838  
registration under this division shall not be required. At any 26839  
time following the adoption of those rules, the chief may by 26840  
order designate an area of ground water as a ground water stress 26841  
area and shall establish in any such order a threshold 26842  
withdrawal capacity for the area below which registration under 26843  
this division shall not be required. 26844

Following the designation of a ground water stress area, 26845  
the chief immediately shall give notice by publication in a 26846  
newspaper of general circulation in the designated area that 26847  
shall include a map delineating the designated ground water 26848

stress area and a statement of the threshold withdrawal capacity 26849  
established for the area below which registration under this 26850  
division shall not be required. The notice shall not appear in 26851  
the legal notices section of the newspaper. Any person who owns 26852  
a facility in the designated ground water stress area that is 26853  
not registered under division (A) of this section and that has 26854  
the capacity to withdraw waters of the state in an amount 26855  
greater than the threshold withdrawal capacity for the area from 26856  
all sources shall register the facility with the chief not later 26857  
than thirty days after publication of the notice. A person 26858  
registering a facility under this division shall do so using a 26859  
form prescribed by the chief. The form shall include the 26860  
information specified in division (A) of this section. 26861

~~(C)~~(C) (1) Any person who owns a facility registered under 26862  
division (A) or (B) of this section shall file a report annually 26863  
with the chief listing the amount of water withdrawn per day by 26864  
the facility, the return flow per day, and any other information 26865  
the chief may require by rule. 26866

(2) Any person who owns a facility registered under 26867  
division (A) of this section shall pay an annual fee when filing 26868  
the report under division (C) (1) of this section that is based 26869  
on the registered withdrawal capacity of the facility in 26870  
accordance with the following amounts: 26871

(a) For a facility with a registered capacity of one 26872  
hundred thousand to two hundred forty-nine thousand, nine 26873  
hundred ninety-nine gallons per day, seventy-five dollars; 26874

(b) For a facility with a registered capacity of two 26875  
hundred fifty thousand to four hundred ninety-nine thousand, 26876  
nine hundred ninety-nine gallons per day, one hundred dollars; 26877

(c) For a facility with a registered capacity of five 26878  
hundred thousand to nine hundred ninety-nine thousand, nine 26879  
hundred ninety-nine gallons per day, one hundred fifty dollars; 26880

(d) For a facility with a registered capacity of one 26881  
million to nine million, nine hundred ninety-nine thousand, nine 26882  
hundred ninety-nine gallons per day, two hundred fifty dollars; 26883

(e) For a facility with a registered capacity of ten 26884  
million to forty nine million, nine hundred ninety-nine 26885  
thousand, nine hundred ninety-nine gallons per day, five hundred 26886  
fifty dollars; 26887

(f) For a facility with a registered capacity of fifty 26888  
million gallons per day or greater, one thousand fifty dollars. 26889

(3) All fees collected under division (C)(2) of this 26890  
section shall be credited to the water management fund created 26891  
in section 1521.22 of the Revised Code. 26892

(D) The chief shall adopt, and may amend or rescind, rules 26893  
in accordance with Chapter 119. of the Revised Code to carry out 26894  
this section. 26895

(E) (1) No person knowingly shall fail to register a 26896  
facility or file a report as required under this section. 26897

(2) No person shall file a false registration or report 26898  
under this section. Violation of division (E) (2) of this section 26899  
is falsification under section 2921.13 of the Revised Code. 26900

**Sec. 1521.23.** (A) Except as provided in divisions (D) and 26901  
(E) of this section, no person shall allow a facility that the 26902  
person owns or operates to withdraw waters of the state in an 26903  
amount that would result in a new or increased consumptive use 26904  
of more than an average of two million gallons of water per day 26905

in any thirty-day period without first obtaining a permit from 26906  
the chief of the division of water resources under section 26907  
1521.29 of the Revised Code. 26908

(B) Prior to developing a new or increased withdrawal or 26909  
consumptive use capacity that would facilitate a withdrawal 26910  
requiring a permit under section 1521.29 of the Revised Code, an 26911  
owner or operator of a facility shall submit an application for 26912  
a permit to the chief on a form the chief prescribes. The 26913  
applicant shall declare and document all of the following in the 26914  
application: 26915

(1) The facility's current withdrawal capacity per day if 26916  
the withdrawal is to occur at a facility already in operation; 26917

(2) The total new or increased daily withdrawal capacity 26918  
proposed for the facility; 26919

(3) The locations and sources of water proposed to be 26920  
withdrawn; 26921

(4) The locations of proposed discharges or return flows; 26922

(5) The locations and nature of proposed consumptive uses; 26923

(6) The estimated average annual and monthly volumes and 26924  
rates of withdrawal; 26925

(7) The estimated average annual and monthly volumes and 26926  
rates of consumptive use; 26927

(8) The effects the withdrawal is anticipated to have with 26928  
respect to existing uses of water resources; 26929

(9) A description of other ways the applicant's need for 26930  
water may be satisfied if the application is denied or modified; 26931

(10) A description of the conservation practices the 26932

applicant intends to follow; 26933

(11) All information required under sections 1521.24 to 26934  
1521.27 of the Revised Code if the sources of water for the 26935  
proposed withdrawal are ground water; 26936

(12) Any other information the chief may require by rule. 26937

(C) Each application shall be accompanied by a 26938  
nonrefundable fee of ~~one~~five thousand dollars, which shall be 26939  
credited to the water management fund created under section 26940  
1521.22 of the Revised Code. 26941

(D) A major utility facility that is subject to regulation 26942  
under Chapter 4906. of the Revised Code, a facility that is 26943  
subject to regulation under Chapter 1514. of the Revised Code, 26944  
or a facility that is required to obtain a permit under sections 26945  
1522.10 to 1522.30 of the Revised Code need not obtain a permit 26946  
under section 1521.29 of the Revised Code. 26947

(E) A public water system, as defined in section 6109.01 26948  
of the Revised Code, that withdraws waters of the state in an 26949  
amount that would result in a new or increased consumptive use 26950  
of more than two million gallons per day need not obtain a 26951  
permit under section 1521.29 of the Revised Code if one of the 26952  
following applies: 26953

(1) The public water system was in operation on June 29, 26954  
1988, and no substantial changes in the design capacity are 26955  
proposed for that system. 26956

(2) A public water system that is proposed to be 26957  
constructed or installed, or an existing system for which 26958  
changes are proposed, encompasses only water distribution 26959  
facilities. 26960

**Sec. 1522.12.** (A) For purposes of the compact, the owner 26961  
or operator of a facility within the Lake Erie watershed that is 26962  
not otherwise exempt under section 1522.14 of the Revised Code 26963  
shall obtain a withdrawal and consumptive use permit from the 26964  
chief of the division of water resources if the facility meets 26965  
any of the following threshold criteria: 26966

(1) The facility has a new or increased capacity for 26967  
withdrawals or consumptive uses from Lake Erie or a recognized 26968  
navigation channel of at least two and one-half million gallons 26969  
per day. 26970

(2) Except as provided in division (A) (3) of this section, 26971  
the facility has a new or increased capacity for withdrawals or 26972  
consumptive uses from any river or stream or from ground water 26973  
in the Lake Erie watershed of at least one million gallons per 26974  
day. 26975

(3) (a) Except as provided in division (A) (3) (b) of this 26976  
section, the facility has a new or increased capacity for 26977  
withdrawals or consumptive uses from any river or stream in the 26978  
Lake Erie watershed that is a high quality water of at least one 26979  
hundred thousand gallons per day. Division (A) (3) of this 26980  
section does not apply to withdrawals and consumptive uses from 26981  
outstanding state waters that are designated as such by the 26982  
environmental protection agency due to their exceptional 26983  
recreational values. 26984

(b) If a river or stream or segment thereof is designated 26985  
as a high quality water as of September 4, 2012, the threshold 26986  
established in division (A) (3) (a) of this section applies to the 26987  
river or stream or segment thereof and the entire watershed 26988  
upstream of that river, stream, or segment. If a river or stream 26989  
or segment thereof is designated as a high quality water after 26990

September 4, 2012, the threshold established in division (A) (3) 26991  
(a) of this section applies to the river or stream or segment 26992  
thereof and the entire watershed upstream of that river, stream, 26993  
or segment, provided that the director of environmental 26994  
protection and the director of natural resources, or their 26995  
designees, jointly determine that the proposed withdrawal or 26996  
consumptive use would cause the high quality water to lose its 26997  
designation as a high quality water. If the directors determine 26998  
that the proposed withdrawal or consumptive use would not cause 26999  
the high quality water to lose that designation, the threshold 27000  
established in division (A) (2) of this section applies to the 27001  
withdrawal or consumptive use at a point beginning one thousand 27002  
feet upstream of the upstream end of the designated high quality 27003  
water segment or at a point beginning two times the length of 27004  
the river, stream, or segment that has been designated as a high 27005  
quality water, whichever is greater. 27006

(B) An owner or operator of a facility that is not 27007  
otherwise exempt under section 1522.14 of the Revised Code and 27008  
that is subject to a threshold specified in division (A) of this 27009  
section shall not install or operate the facility or equipment 27010  
that will result in a new or increased withdrawal or consumptive 27011  
use of water in the Lake Erie watershed without first obtaining 27012  
a withdrawal and consumptive use permit. 27013

(C) Permits issued under this section shall be issued only 27014  
for the amount of withdrawal or consumptive use capacity of a 27015  
facility that meets or exceeds threshold amounts established in 27016  
division (A) of this section. A permit shall not be required for 27017  
the portion of the withdrawal and consumptive use capacity of 27018  
the facility below that threshold amount. 27019

(D) An applicant for a permit shall submit an application 27020



to the chief on a form that the chief prescribes. The applicant 27021  
shall include with the application all of the following: 27022

(1) The name, address, and telephone number of the 27023  
applicant and of a contact person for the applicant; 27024

(2) The names, addresses, and other necessary contact 27025  
information of any other owners and operators of the facility; 27026

(3) A description of all of the following: 27027

(a) The facility's current withdrawal capacity per day if 27028  
the withdrawal is to occur at a facility already in operation; 27029

(b) The total new or increased daily withdrawal capacity 27030  
proposed for the facility; 27031

(c) The locations and sources of water proposed to be 27032  
withdrawn; 27033

(d) The locations of proposed discharges or return flows; 27034

(e) The locations and nature of proposed consumptive uses 27035  
and the applicable consumptive use coefficient for the facility; 27036

(f) The estimated average annual and monthly volumes and 27037  
rates of withdrawal; 27038

(g) The estimated average annual and monthly volumes and 27039  
rates of consumptive use; 27040

(h) The environmentally sound and economically feasible 27041  
water conservation measures to be undertaken by the applicant; 27042

(i) Other ways the applicant's need for water may be 27043  
satisfied if the application is denied or modified; 27044

(4) All information required in sections 1522.121 to 27045  
1522.124 of the Revised Code if the source of water for the 27046

proposed withdrawal is ground water; 27047

(5) Any other information the chief may require to 27048  
adequately consider the application; 27049

(6) A nonrefundable application fee of ~~one~~five thousand 27050  
dollars, the proceeds of which shall be credited to the water 27051  
management fund created in section 1521.22 of the Revised Code. 27052

(E) Provided that a facility meets all applicable permit 27053  
conditions, a permit for the facility is valid until the 27054  
facility is the subject of facility abandonment. Once every five 27055  
years, the owner or operator of a facility shall certify to the 27056  
chief that the facility is in compliance with the permit that 27057  
has been issued for the facility. 27058

(F) No person that is required to do so shall fail to 27059  
apply for and receive a withdrawal and consumptive use permit. 27060

(G) A permit issued under this section shall include terms 27061  
and conditions restricting the withdrawal and consumptive use by 27062  
a facility to amounts not exceeding the capacity of the 27063  
facility. 27064

(H) The chief shall issue or deny a permit not later than 27065  
ninety days after receipt of a complete application. If 27066  
applicable, the chief shall comply with the requirements 27067  
regarding prior notice established in Section 4.6 of the 27068  
compact. The chief shall issue or deny a permit through issuance 27069  
of an order. The chief shall issue a permit if all applicable 27070  
criteria for receiving the permit are met as provided in 27071  
sections 1522.10 to 1522.30 of the Revised Code and neither of 27072  
the following applies: 27073

(1) A withdrawal or consumptive use will result in a 27074  
significant lowering of the water level within an aquifer, the 27075

overdrafting of an aquifer, a significant diminution in the 27076  
amount of water available in existing wells, or the interruption 27077  
of existing ground water supplies within the geographic area 27078  
established by the chief pursuant to section 1522.125 of the 27079  
Revised Code without a suitable replacement water supply source. 27080

(2) A withdrawal or consumptive use would cause 27081  
irreparable material damage to an aquifer such that the aquifer 27082  
could no longer yield the amount of water it did before the 27083  
withdrawal or consumptive use proposed in the application. 27084

(I) If the facility for which a permit has been issued 27085  
under this section withdraws ground water, the chief may require 27086  
the continued monitoring and reporting of water levels in each 27087  
aquifer via existing wells or new monitoring wells drilled by 27088  
the permittee. 27089

**Sec. 1533.10.** (A) Except as provided in this section or 27090  
division (A) (2) of section 1533.12 or section 1533.73 or 27091  
1533.731 of the Revised Code, no person shall hunt any wild bird 27092  
or wild quadruped without a hunting license. Each day that any 27093  
person hunts within the state without procuring such a license 27094  
constitutes a separate offense. 27095

(B) (1) Except as otherwise provided in this section, 27096  
division (A) of section 1533.12 of the Revised Code, or in rules 27097  
adopted under division (B) of that section, each applicant for a 27098  
hunting license shall pay an annual fee for each annual license 27099  
in accordance with the following schedule: 27100  
27101

1

2

A Hunting license - resident

\$18.00

B	Hunting license - nonresident that is not a resident of a reciprocal state, ages 18 and older	\$174.00
C	Hunting license - nonresident that is a resident of a reciprocal state, ages 18 and older	\$18.00
D	Apprentice hunting license - resident	\$18.00
E	Apprentice hunting license - nonresident that is not a resident of a reciprocal state	\$174.00
F	Apprentice hunting license - nonresident that is a resident of a reciprocal state	\$18.00
G	Youth hunting license - resident and nonresident	\$9.00
H	Apprentice youth hunting license - resident	\$9.00
I	Senior hunting license - resident	\$9.00
J	Apprentice senior hunting license - resident	\$9.00

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B)(1) of this section: 27107

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license. 27108  
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(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license. 27110  
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(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code. 27112  
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(C) A resident of this state who owns lands in the state 27114  
and the owner's parents, children of any age, and grandchildren 27115  
under eighteen years of age may hunt on the lands without a 27116  
hunting license. A resident of any other state who owns real 27117  
property in this state, and the spouse and children living with 27118  
the property owner, may hunt on that property without a license, 27119  
provided that the state of residence of the real property owner 27120  
allows residents of this state owning real property in that 27121  
state, and the spouse and children living with the property 27122  
owner, to hunt without a license. If the owner of land in this 27123  
state is a limited liability company or a limited liability 27124  
partnership that consists of three or fewer individual members 27125  
or partners, as applicable, an individual member or partner who 27126  
is a resident of this state and the member's or partner's 27127  
parents, children of any age, and grandchildren under eighteen 27128  
years of age may hunt on the land owned by the limited liability 27129  
company or limited liability partnership without a hunting 27130  
license. In addition, if the owner of land in this state is a 27131  
trust that has a total of three or fewer trustees and 27132  
beneficiaries, an individual who is a trustee or beneficiary and 27133  
who is a resident of this state and the individual's parents, 27134  
children of any age, and grandchildren under eighteen years of 27135  
age may hunt on the land owned by the trust without a hunting 27136  
license. The tenant and children of the tenant, residing on 27137  
lands in the state, may hunt on them without a hunting license. 27138

(D) The chief of the division of wildlife may issue a 27139  
small game hunting license expiring three days from the 27140  
effective date of the license to a nonresident of the state, the 27141  
fee for which is thirty-nine dollars. No person shall take or 27142

possess deer, wild turkeys, fur-bearing animals, ducks, geese, 27143  
brant, or any nongame animal while possessing only a small game 27144  
hunting license. 27145

A small game hunting license or an apprentice nonresident 27146  
hunting license does not authorize the taking or possessing of 27147  
ducks, geese, or brant without having obtained, in addition to 27148  
the small game hunting license or the apprentice nonresident 27149  
hunting license, a wetlands habitat stamp as provided in section 27150  
1533.112 of the Revised Code. A small game hunting license or an 27151  
apprentice nonresident hunting license does not authorize the 27152  
taking or possessing of deer, wild turkeys, or fur-bearing 27153  
animals. A nonresident of the state who wishes to take or 27154  
possess deer, wild turkeys, or fur-bearing animals in this state 27155  
shall procure, respectively, a deer or wild turkey permit as 27156  
provided in section 1533.11 of the Revised Code or a fur taker 27157  
permit as provided in section 1533.111 of the Revised Code in 27158  
addition to a nonresident hunting license, an apprentice 27159  
nonresident hunting license, a special youth hunting license, or 27160  
an apprentice youth hunting license, as applicable, as provided 27161  
in this section. 27162

(E) No person shall procure or attempt to procure a 27163  
hunting license by fraud, deceit, misrepresentation, or any 27164  
false statement. 27165

(F) (1) This section does not authorize the taking and 27166  
possessing of deer or wild turkeys without first having 27167  
obtained, in addition to the hunting license required by this 27168  
section, a deer or wild turkey permit as provided in section 27169  
1533.11 of the Revised Code or the taking and possessing of 27170  
ducks, geese, or brant without first having obtained, in 27171  
addition to the hunting license required by this section, a 27172

wetlands habitat stamp as provided in section 1533.112 of the Revised Code. 27173  
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(2) This section does not authorize the hunting or trapping of fur-bearing animals without first having obtained, in addition to a hunting license required by this section, a fur taker permit as provided in section 1533.111 of the Revised Code. 27175  
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(G) (1) No hunting license shall be issued unless it is accompanied by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed. 27180  
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(2) No hunting license, other than an apprentice hunting license, shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license does not satisfy the requirement concerning the presentation of a previously held hunting license or evidence of it. 27185  
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(3) No person shall issue a hunting license, except an apprentice hunting license, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license, other than an apprentice hunting license, without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this section is an offense by 27196  
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both the purchaser of the illegally obtained hunting license and 27203  
the clerk or agent who issued the hunting license. Any hunting 27204  
license issued in violation of this section is void. 27205

(H) The chief, with approval of the wildlife council, 27206  
shall adopt rules prescribing a hunter education and 27207  
conservation course for first-time hunting license buyers, other 27208  
than buyers of apprentice hunting licenses, and for volunteer 27209  
instructors. The course shall consist of subjects including, but 27210  
not limited to, hunter safety and health, use of hunting 27211  
implements, hunting tradition and ethics, the hunter and 27212  
conservation, the law in section 1533.17 of the Revised Code 27213  
along with the penalty for its violation, including a 27214  
description of terms of imprisonment and fines that may be 27215  
imposed, and other law relating to hunting. Authorized personnel 27216  
of the division or volunteer instructors approved by the chief 27217  
shall conduct such courses with such frequency and at such 27218  
locations throughout the state as to reasonably meet the needs 27219  
of license applicants. The chief shall issue a certificate of 27220  
completion to each person who successfully completes the course 27221  
and passes an examination prescribed by the chief. 27222

**Sec. 1533.11.** (A) (1) Except as provided in this section or 27223  
section 1533.731 of the Revised Code, no person shall hunt deer 27224  
on lands of another without first obtaining an annual deer 27225  
permit. Except as provided in this section, no person shall hunt 27226  
wild turkeys on lands of another without first obtaining an 27227  
annual wild turkey permit. A deer or wild turkey permit is valid 27228  
during the hunting license year in which the permit is 27229  
purchased. Except as provided in rules adopted under division 27230  
(B) of section 1533.12 of the Revised Code, each applicant for a 27231  
deer or wild turkey permit shall pay an annual fee for each 27232  
permit in accordance with the following schedule: 27233



27234

	1	2
A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	<del>\$74.00</del>
		<u>\$210.00</u>
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00

(2) As used in division (A) (1) of this section: 27235

(a) "Youth" means an applicant who is under the age of 27236  
eighteen years at the time of application for a permit. 27237

(b) "Senior" means an applicant who is sixty-six years of 27238  
age or older at the time of application for a permit. 27239

(3) The money received shall be paid into the state 27240  
treasury to the credit of the wildlife fund, created in section 27241  
1531.17 of the Revised Code, exclusively for the use of the 27242  
division of wildlife in the acquisition and development of land 27243  
for deer or wild turkey management, for investigating deer or 27244  
wild turkey problems, and for the stocking, management, and 27245  
protection of deer or wild turkey. 27246

(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section.

(5) The chief of the division of wildlife shall adopt any additional rules the chief considers necessary to carry out this section and section 1533.10 of the Revised Code.

(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the parents, children of any age, and grandchildren under eighteen years of age of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's parents, children of any age, and grandchildren under eighteen years of age may hunt deer or wild turkey on the land owned by the limited liability company or limited liability partnership without a deer or wild turkey permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's parents, children of any age, and grandchildren under eighteen years of age may hunt deer or wild turkey on the land owned by the trust without a deer or wild turkey permit. The tenant and children of the tenant may hunt deer or wild turkey on lands where they reside without a deer or wild turkey permit.

(B) A deer or wild turkey permit is not transferable. No 27278  
person shall carry a deer or wild turkey permit issued in the 27279  
name of another person. 27280

(C) The wildlife refunds fund is hereby created in the 27281  
state treasury. The fund shall consist of money received from 27282  
application fees for deer permits that are not issued. Money in 27283  
the fund shall be used to make refunds of such application fees. 27284

(D) If the division establishes a system for the 27285  
electronic submission of information regarding deer or wild 27286  
turkey that are taken, the division shall allow the owner and 27287  
the children of the owner of lands in this state to use the 27288  
owner's name or address for purposes of submitting that 27289  
information electronically via that system. 27290

**Sec. 1533.111.** (A) Except as provided in this section or 27291  
division (A) (2) of section 1533.12 of the Revised Code, no 27292  
person shall hunt or trap fur-bearing animals on land of another 27293  
without first obtaining some type of an annual fur taker permit. 27294

(B) (1) Except as otherwise provided in rules adopted under 27295  
division (B) of section 1533.12 of the Revised Code, each 27296  
applicant for a fur taker permit or an apprentice fur taker 27297  
permit shall pay an annual fee for each annual permit in 27298  
accordance with the following schedule: 27299  
27300

	1	2
A	Fur taker permit	\$14.00
B	Apprentice fur taker permit	\$14.00
C	Senior fur taker permit - resident only	\$7.00

D	Apprentice senior fur taker permit - resident only	\$7.00
E	Special youth fur taker permit	\$7.00
F	Apprentice youth fur taker permit	\$7.00

(2) As used in division (B) (1) of this section: 27301

(a) "Youth" means an applicant who is under the age of 27302  
eighteen years at the time of application for a permit. 27303

(b) "Senior" means an applicant who is sixty-six years of 27304  
age or older at the time of application for a permit. 27305

(C) Each type of fur taker permit is valid during the 27306  
hunting license year in which the permit is purchased. The money 27307  
received shall be paid into the state treasury to the credit of 27308  
the fund established in section 1533.15 of the Revised Code. 27309  
Apprentice fur taker permits and apprentice youth fur taker 27310  
permits are subject to the requirements established under 27311  
section 1533.102 of the Revised Code and rules adopted pursuant 27312  
to it. 27313

(D) (1) No person shall issue a fur taker permit to an 27314  
applicant unless it is accompanied by a written explanation of 27315  
the law in section 1533.17 of the Revised Code and the penalty 27316  
for its violation, including a description of terms of 27317  
imprisonment and fines that may be imposed. 27318

(2) No person shall issue a fur taker permit, other than 27319  
an apprentice fur taker permit or an apprentice youth fur taker 27320  
permit, to an applicant unless the applicant presents to the 27321  
agent authorized to issue a fur taker permit a previously held 27322  
hunting license or trapping or fur taker permit or evidence of 27323  
having held such a license or permit in content and manner 27324

approved by the chief of the division of wildlife, a certificate 27325  
of completion issued upon completion of a trapper education 27326  
course approved by the chief, or evidence of equivalent training 27327  
in content and manner approved by the chief. A previously held 27328  
apprentice hunting license, apprentice fur taker permit, or 27329  
apprentice youth fur taker permit does not satisfy the 27330  
requirement concerning the presentation of a previously held 27331  
hunting license or fur taker permit or evidence of such a 27332  
license or permit. 27333

(3) No person shall issue a fur taker permit, other than 27334  
an apprentice fur taker permit or an apprentice youth fur taker 27335  
permit, to any person who fails to present the evidence required 27336  
by this section. No person shall purchase or obtain a fur taker 27337  
permit, other than an apprentice fur taker permit or an 27338  
apprentice youth fur taker permit, without presenting to the 27339  
issuing agent the evidence required by this section. Issuance of 27340  
a fur taker permit in violation of the requirements of this 27341  
section is an offense by both the purchaser of the illegally 27342  
obtained permit and the clerk or agent who issued the permit. 27343  
Any fur taker permit issued in violation of this section is 27344  
void. 27345

(E) The chief, with approval of the wildlife council, 27346  
shall adopt rules prescribing a trapper education course for 27347  
first-time fur taker permit buyers, other than buyers of 27348  
apprentice fur taker permits or apprentice youth fur taker 27349  
permits, and for volunteer instructors. The course shall consist 27350  
of subjects that include, but are not limited to, trapping 27351  
techniques, animal habits and identification, trapping tradition 27352  
and ethics, the trapper and conservation, the law in section 27353  
1533.17 of the Revised Code along with the penalty for its 27354  
violation, including a description of terms of imprisonment and 27355

27356 fines that may be imposed, and other law relating to trapping.  
27357 Authorized personnel of the division of wildlife or volunteer  
27358 instructors approved by the chief shall conduct the courses with  
27359 such frequency and at such locations throughout the state as to  
27360 reasonably meet the needs of permit applicants. The chief shall  
27361 issue a certificate of completion to each person who  
27362 successfully completes the course and passes an examination  
27363 prescribed by the chief.

27364 (F) Every person, while hunting or trapping fur-bearing  
27365 animals on lands of another, shall carry the person's fur taker  
27366 permit with the person's signature written on the permit.  
27367 Failure to carry such a signed permit constitutes an offense  
27368 under this section. The chief shall adopt any additional rules  
27369 the chief considers necessary to carry out this section.

27370 (G) An owner who is a resident of this state or an owner  
27371 who is exempt from obtaining a hunting license under section  
27372 1533.10 of the Revised Code and the parents, children of any  
27373 age, and grandchildren under eighteen years of age of the owner  
27374 of lands in this state may hunt or trap fur-bearing animals  
27375 thereon without a fur taker permit. If the owner of land in this  
27376 state is a limited liability company or a limited liability  
27377 partnership that consists of three or fewer individual members  
27378 or partners, as applicable, an individual member or partner who  
27379 is a resident of this state and the member's or partner's  
27380 parents, children of any age, and grandchildren under eighteen  
27381 years of age may hunt or trap fur-bearing animals on the land  
27382 owned by the limited liability company or limited liability  
27383 partnership without a fur taker permit. In addition, if the  
27384 owner of land in this state is a trust that has a total of three  
27385 or fewer trustees and beneficiaries, an individual who is a  
27386 trustee or beneficiary and who is a resident of this state and

the individual's parents, children of any age, and grandchildren 27387  
under eighteen years of age may hunt or trap fur-bearing animals 27388  
on the land owned by the trust without a fur taker permit. The 27389  
tenant and children of the tenant may hunt or trap fur-bearing 27390  
animals on lands where they reside without a fur taker permit. 27391

(H) A fur taker permit is not transferable. No person 27392  
shall carry a fur taker permit issued in the name of another 27393  
person. 27394

(I) A fur taker permit entitles a nonresident to take from 27395  
this state fur-bearing animals taken and possessed by the 27396  
nonresident as provided by law or division rule. 27397

**Sec. 1533.131.** The chief of the division of wildlife may 27398  
sell gift certificates that may be used to obtain ~~hunting and~~ 27399  
~~fishing, pay for, or purchase licenses, fur taker, deer, and~~ 27400  
~~wild turkey permits, and wetlands habitat stamps, user fees, and~~ 27401  
conservation-related items provided for under this chapter or 27402  
Chapter 1531. of the Revised Code. For the purposes of this 27403  
~~section, the~~ The chief shall may adopt rules in accordance with 27404  
section 1531.10 of the Revised Code ~~doing necessary to~~ 27405  
administer this section, including all of the following: 27406

(A) ~~Providing that a gift certificate may be used to~~ 27407  
~~obtain a resident or nonresident hunting license under section~~ 27408  
~~1533.10 of the Revised Code, a resident or nonresident fishing~~ 27409  
~~license under section 1533.32 of the Revised Code, a fur taker~~ 27410  
~~permit under section 1533.111 of the Revised Code, a deer or~~ 27411  
~~wild turkey permit under section 1533.11 of the Revised Code, a~~ 27412  
~~wetlands habitat stamp under section 1533.112 of the Revised~~ 27413  
~~Code, or a combination of those licenses, permits, and~~ 27414  
~~stamps~~ Designating which licenses, permits, stamps, user fees, 27415  
and conservation-related items may be obtained, paid for, or 27416

<u>purchased with a gift certificate;</u>	27417
(B) Prescribing the form for the gift certificates;	27418
(C) Authorizing persons who are designated and authorized under section 1533.13 of the Revised Code to sell licenses and permits under this chapter also to sell gift certificates under this section;	27419 27420 27421 27422
<del>(D) Establishing fees for the gift certificates, which shall equal the total of the fee for a resident or nonresident hunting license, a resident or nonresident fishing license, a fur taker permit, a deer or wild turkey permit, a wetlands habitat stamp, or a combination of those licenses, permits, and stamp, as applicable, and the fee established under section 1533.13 of the Revised Code;</del>	27423 27424 27425 27426 27427 27428 27429
<del>(E) Requiring gift certificates to expire one year after the date of purchase.</del>	27430 27431
Nothing in this section or rules adopted under it relieves an individual who receives a gift certificate for a hunting license from complying with the requirement established under section 1533.10 of the Revised Code to present, when applying for the license, a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief.	27432 27433 27434 27435 27436 27437 27438 27439 27440 27441
Nothing in this section or rules adopted under it relieves an individual who receives a gift certificate for a fur taker permit from complying with the requirements established under section 1533.111 of the Revised Code to present, when applying	27442 27443 27444 27445



for the permit, a previously held hunting license or trapping or 27446  
fur taker permit or evidence of having held such a license or 27447  
permit in content and manner approved by the chief, a 27448  
certificate of completion issued upon completion of a trapper 27449  
education course approved by the chief, or evidence of 27450  
equivalent training in content and manner approved by the chief. 27451

**Sec. 1533.32.** (A) Except as provided in this section or 27452  
division (A) (2) or (C) of section 1533.12 of the Revised Code or 27453  
as exempted at the discretion of the chief of the division of 27454  
wildlife, no person, including nonresidents, shall take or catch 27455  
any fish by angling in any of the waters in the state or engage 27456  
in fishing in those waters without a license. No person shall 27457  
take or catch frogs or turtles without a valid fishing license, 27458  
except as provided in this section. Persons fishing in privately 27459  
owned ponds, lakes, or reservoirs to or from which fish are not 27460  
accustomed to migrate are exempt from the license requirements 27461  
set forth in this section. Persons fishing in privately owned 27462  
ponds, lakes, or reservoirs that are open to public fishing 27463  
through an agreement or lease with the division of wildlife 27464  
shall comply with the license requirements set forth in this 27465  
section. 27466

(B) (1) Except as otherwise provided in rules adopted under 27467  
division (B) of section 1533.12 of the Revised Code, each 27468  
applicant for a fishing license shall pay a fee for each license 27469  
in accordance with the following schedule: 27470  
27471

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A	Annual fishing license - resident	\$24.00
B	Annual fishing license - nonresident that is	<del>\$49.00</del>

	not a resident of a reciprocal state	<u>\$74.00</u>
C	Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00
D	Annual senior fishing license - resident	\$9.00
E	Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	<del>\$24.00</del> <u>\$50.00</u>
F	One-day fishing license - <u>resident</u>	\$13.00
G	<u>One-day fishing license - nonresident that is not a resident of a reciprocal state</u>	<u>\$26.00</u>
H	<u>One-day fishing license - nonresident that is a resident of a reciprocal state</u>	<u>\$13.00</u>

- (2) As used in division (B) (1) of this section: 27472
- (a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code. 27473  
27474
- (b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license. 27475  
27476
- (3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license. 27477  
27478  
27479
- (C) (1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. 27480  
27481  
27482  
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(2) The chief shall adopt rules under section 1531.10 of 27484  
the Revised Code providing for the issuance of a one-day fishing 27485  
license to a resident of this state or of any other state. A 27486  
one-day fishing license shall allow the holder to take or catch 27487  
fish by angling in the waters in the state, engage in fishing in 27488  
those waters, or take or catch frogs or turtles in those waters 27489  
for one day without obtaining an annual license or a tourist's 27490  
license under this section. At the request of a holder of a one- 27491  
day fishing license who wishes to obtain an annual license, a 27492  
clerk or agent authorized to issue licenses under section 27493  
1533.13 of the Revised Code, not later than the last day on 27494  
which the one-day license would be valid if it were an annual 27495  
license, shall credit the amount of the fee paid for the one-day 27496  
license toward the fee charged for the annual license if so 27497  
authorized by the chief. The clerk or agent shall issue the 27498  
annual license upon presentation of the one-day license and 27499  
payment of a fee in an amount equal to the difference between 27500  
the fee for the annual license and the fee for the one-day 27501  
license. 27502

(3) Unless otherwise provided by division rule, each 27503  
annual license shall begin on the date of issuance and expire a 27504  
year from the date of issuance. 27505

(4) Unless otherwise provided by division rule, each 27506  
multi-year license issued in accordance with section 1533.321 of 27507  
the Revised Code shall begin on the date of issuance and expire 27508  
three years, five years, or ten years from the date of issuance, 27509  
as applicable. 27510

(5) No person shall alter a fishing license or possess a 27511  
fishing license that has been altered. 27512

(6) No person shall procure or attempt to procure a 27513

fishing license by fraud, deceit, misrepresentation, or any 27514  
false statement. 27515

(7) A resident of this state who owns land over, through, 27516  
upon, or along which any water flows or stands, except where the 27517  
land is in or borders on state parks or state-owned lakes, 27518  
together with the members of the immediate families of such 27519  
owners, may take frogs and turtles and may take or catch fish of 27520  
the kind permitted to be taken or caught therefrom without 27521  
procuring a license provided for in this section. This exemption 27522  
extends to tenants actually residing upon such lands and to the 27523  
members of the immediate families of the tenants. A resident of 27524  
any other state who owns land in this state over, through, upon, 27525  
or along which any water flows or stands, except where the land 27526  
is in or borders on state parks or state-owned lakes, and the 27527  
spouse and children living with the owner, may take frogs and 27528  
turtles and may take or catch fish of the kind permitted to be 27529  
taken or caught from that water without obtaining a license 27530  
under this section, provided that the state of residence of the 27531  
owner allows residents of this state owning real property in 27532  
that state, and the spouse and children living with such a 27533  
property owner, to take frogs and turtles and take or catch fish 27534  
without a license. If the owner of such land in this state is a 27535  
limited liability company or a limited liability partnership 27536  
that consists of three or fewer individual members or partners, 27537  
as applicable, an individual member or partner who is a resident 27538  
of this state and the member's or partner's children of any age 27539  
may take frogs and turtles and may take or catch fish of the 27540  
kind permitted to be taken or caught therefrom without procuring 27541  
a license provided for in this section. In addition, if the 27542  
owner of such land in this state is a trust that has a total of 27543  
three or fewer trustees and beneficiaries, an individual who is 27544

a trustee or beneficiary and who is a resident of this state and 27545  
the individual's children of any age may take frogs and turtles 27546  
and may take or catch fish of the kind permitted to be taken or 27547  
caught therefrom without procuring a license provided for in 27548  
this section. Residents of state or county institutions, 27549  
charitable institutions, and military homes in this state may 27550  
take frogs and turtles without procuring the required license, 27551  
provided that a member of the institution or home has an 27552  
identification card, which shall be carried on that person when 27553  
fishing. 27554

(8) Every fisher required to be licensed, while fishing or 27555  
taking or attempting to take frogs or turtles, shall carry the 27556  
license and exhibit it to any person. Failure to so carry and 27557  
exhibit the license constitutes an offense under this section. 27558

**Sec. 1533.71.** (A) Unless otherwise provided in this 27559  
section or by division rule, any person desiring to engage in 27560  
the business of raising and selling game birds, game quadrupeds, 27561  
reptiles, amphibians, or fur-bearing animals in a wholly 27562  
enclosed preserve of which the person is the owner or lessee, or 27563  
to have game birds, game quadrupeds, reptiles, amphibians, or 27564  
fur-bearing animals in captivity, shall submit an application to 27565  
the division of wildlife for a license to do so. This section 27566  
does not apply to a person who possesses wild animals under the 27567  
authority of a license for a wild animal hunting preserve or a 27568  
commercial bird shooting preserve. 27569

The division, when it appears that the application is made 27570  
in good faith and the applicant is in compliance with division 27571  
(B) of this section, if applicable, and upon the payment of the 27572  
fee for each license, may issue to the applicant any of the 27573  
following licenses that may be applied for: 27574

(1) "Commercial propagating license" permitting the 27575  
licensee to propagate game birds, game quadrupeds except captive 27576  
white-tailed deer, reptiles, amphibians, or fur-bearing animals 27577  
in the wholly enclosed preserve the location of which is stated 27578  
in the license and the application therefor, and to sell the 27579  
propagated game birds, game quadrupeds except captive white- 27580  
tailed deer, reptiles, amphibians, or fur-bearing animals and 27581  
ship them from the state alive at any time, and permitting the 27582  
licensee and the licensee's employees to kill the propagated 27583  
game birds, game quadrupeds except captive white-tailed deer, or 27584  
fur-bearing animals and sell the carcasses for food subject to 27585  
sections 1533.71 to 1533.79 of the Revised Code. The fee for 27586  
such a license is forty dollars per annum. 27587

(2) "Noncommercial propagating license" permitting the 27588  
licensee to propagate game birds, game quadrupeds except captive 27589  
white-tailed deer, reptiles, amphibians, or fur-bearing animals 27590  
and to hold the animals in captivity. Game birds, game 27591  
quadrupeds except captive white-tailed deer, reptiles, 27592  
amphibians, and fur-bearing animals propagated or held in 27593  
captivity by authority of a noncommercial propagating license 27594  
are for the licensee's own use and shall not be sold. The fee 27595  
for such a license is twenty-five dollars per annum. 27596

(3) "Captive white-tailed deer propagation license" 27597  
permitting the licensee to propagate captive white-tailed deer, 27598  
hold the animals in captivity, and sell the animals and 27599  
carcasses. The fee for such a license is forty dollars. The 27600  
license is valid until a licensee ceases to hold captive white- 27601  
tailed deer or the license is revoked, whichever occurs earlier. 27602

(B) (1) A person who wishes to obtain a captive white- 27603  
tailed deer propagation license, prior to applying for the 27604

license, shall construct an authorized enclosure that is 27605  
surrounded by a fence that is eight feet in height with a 27606  
minimal deviation not to exceed four per cent, is constructed in 27607  
a manner that prevents ingress and egress of deer, and is 27608  
constructed of materials that are approved by the chief of the 27609  
division of wildlife in consultation with the animal and plant 27610  
health inspection service in the United States department of 27611  
agriculture, the department of agriculture, and representatives 27612  
of the cervid industry in this state. 27613

(2) After constructing an authorized enclosure in 27614  
accordance with division (B)(1) of this section and division 27615  
rules, the person may submit an application for a captive white- 27616  
tailed deer propagation license. 27617

(3) Not later than thirty days after the submission of the 27618  
application, a representative from the division shall inspect 27619  
the authorized enclosure to ensure compliance with division (B) 27620  
(1) of this section and division rules. If the applicant's 27621  
authorized enclosure is not in compliance with all of the 27622  
applicable requirements, the representative shall inform the 27623  
applicant in writing of the deficiencies not later than ten 27624  
business days after the inspection. If the applicant corrects 27625  
the deficiencies, the applicant shall request a reinspection. 27626  
The reinspection shall be conducted in accordance with this 27627  
division not later than thirty days after the request for 27628  
reinspection. 27629

If the applicant's authorized enclosure complies with all 27630  
of the applicable requirements, the chief shall review the 27631  
application and shall issue or deny the license. If the chief 27632  
denies the license, the chief shall return the application to 27633  
the applicant with an explanation of the reasons for denial. The 27634

applicant may correct the deficiencies in the application and 27635  
submit a revised application. If the applicant corrects the 27636  
deficiencies, the chief shall issue the license as provided in 27637  
this section. 27638

(4) Upon receipt of a captive white-tailed deer 27639  
propagation license, receipt of a license under section ~~943.03-~~ 27640  
~~or 943.031-~~ 944.02 of the Revised Code, and a demonstration to 27641  
the chief or the chief's designee that each captive white-tailed 27642  
deer held by the licensee was legally acquired, the licensee may 27643  
place all of the licensee's deer in the authorized enclosure. 27644  
The licensee thereafter shall comply with this chapter and 27645  
Chapter 1531. of the Revised Code, division rules, ~~sections-~~ 27646  
~~943.20 to 943.26~~ and Chapter 944. of the Revised Code, and rules 27647  
adopted under ~~section 943.24 of the Revised Code~~ it. 27648

(C) The division may inspect a facility to which a captive 27649  
white-tailed deer propagation license has been issued only at 27650  
reasonable times and when the inspection is in connection with a 27651  
criminal investigation. 27652

(D) The chief, with the approval of the director of 27653  
agriculture, may suspend or revoke a captive white-tailed deer 27654  
propagation license issued to a person who also has been issued 27655  
a valid license under section ~~943.03 or 943.031-~~ 944.02 of the 27656  
Revised Code for the same facility if the person fails to comply 27657  
with this chapter and Chapter 1531. of the Revised Code, 27658  
division rules, ~~sections 943.20 to 943.26~~ and Chapter 944. of 27659  
the Revised Code, and rules adopted under ~~section 943.24 of the-~~ 27660  
~~Revised Code~~ it. 27661

(E) Except as provided by law, no person shall possess 27662  
game birds, game quadrupeds, or fur-bearing animals in closed 27663  
season, provided that municipal or governmental zoological parks 27664



are not required to obtain the licenses provided for in this section. 27665  
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(F) Except for a captive white-tailed deer propagation license, all licenses issued under this section shall expire on the fifteenth day of March of each year. 27667  
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27669

(G) The chief shall pay all moneys received as fees for the issuance of licenses under this section into the state treasury to the credit of the fund created by section 1533.15 of the Revised Code for the use of the division in the purchase, preservation, and protection of wild animals and for the necessary clerical help and forms required by sections 1533.71 to 1533.79 of the Revised Code. 27670  
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(H) This section does not authorize the taking or the release for taking of the following: 27677  
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(1) Game birds, without first obtaining a commercial bird shooting preserve license issued under section 1533.72 of the Revised Code; 27679  
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27681

(2) Game or nonnative wildlife, without first obtaining a wild animal hunting preserve license issued under section 1533.721 of the Revised Code. 27682  
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27684

(I) A license shall not be issued under this section to raise or sell a dangerous wild animal or restricted snake as defined in section 935.01 of the Revised Code. 27685  
27686  
27687

**Sec. 1533.721.** (A) Except as otherwise provided by division rule, no person shall offer for hunting or hunt any nonnative wildlife except in a licensed wild animal hunting preserve. No person shall operate a wild animal hunting preserve without first obtaining a wild animal hunting preserve license issued by the chief of the division of wildlife under this 27688  
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27690  
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section. 27694

(B) Application for a wild animal hunting preserve license 27695  
shall be made on a form prescribed by the chief and shall be 27696  
accompanied by a license application fee of one thousand 27697  
dollars. The application shall contain a list of which species 27698  
of game and nonnative wildlife are to be released for hunting in 27699  
the preserve and any other information required by the chief. 27700

(C) The chief, upon payment of the application fee, shall 27701  
issue to the applicant a wild animal hunting preserve license if 27702  
all of the following conditions are met: 27703

(1) The operation of the wild animal hunting preserve does 27704  
not conflict with a prior reasonable public interest. 27705

(2) The proposed wild animal hunting preserve meets the 27706  
requirements established in division (A) of section 1533.731 of 27707  
the Revised Code. 27708

(3) The applicant is the owner or lessee of the land 27709  
described in the application and maintains that status as the 27710  
owner or lessee of the land until the license expires. 27711

(4) The proposed wild animal hunting preserve has been 27712  
inspected by a representative of the division of wildlife to 27713  
ensure that all wild deer have been removed from the proposed 27714  
wild animal hunting preserve before any game or nonnative 27715  
wildlife are released into the preserve. 27716

(D) Prior to an inspection of a proposed wild animal 27717  
hunting preserve for purposes of division (C) (4) of this 27718  
section, an applicant for a wild animal hunting preserve license 27719  
shall remove all wild deer from the proposed preserve using a 27720  
method that is approved by the chief. All wild deer that cannot 27721  
be removed from the proposed wild animal hunting preserve shall 27722

be killed, and the applicant shall submit a restitution fee in 27723  
accordance with section 1531.201 of the Revised Code. 27724

(E) Inspection of a proposed wild animal hunting preserve 27725  
shall be conducted and approval or disapproval of an initial 27726  
license for such a preserve shall be made between the first day 27727  
of January through the last day of March of the year in which 27728  
the applicant first intends to operate the preserve. 27729

(F) Upon receipt of the initial license for a wild animal 27730  
hunting preserve, receipt of a license under section ~~943.03 or~~ 27731  
~~943.031-944.02~~ of the Revised Code, and a demonstration to the 27732  
chief or the chief's designee that each captive white-tailed 27733  
deer held by the licensee was legally acquired, the licensee may 27734  
place all of the licensee's deer in the wild animal hunting 27735  
preserve. A wild animal hunting preserve licensee holding 27736  
captive white-tailed deer in the preserve shall comply with this 27737  
chapter and Chapter 1531. of the Revised Code, division rules, 27738  
~~sections 943.20 to 943.26 and Chapter 944.~~ of the Revised Code, 27739  
and rules adopted under section ~~943.24-944.07~~ of the Revised 27740  
Code. 27741

(G) (1) Except as otherwise provided in division (G) (2) of 27742  
this section, all licenses issued under this section shall 27743  
expire on the thirtieth day of April of each year. Any license 27744  
holder wishing to own or operate a wild animal hunting preserve 27745  
in the year following the expiration of the license shall submit 27746  
a license renewal form prescribed by the chief and include an 27747  
annual renewal fee of two hundred dollars. 27748

(2) A license issued under this section for a wild animal 27749  
hunting preserve in which only captive white-tailed deer are 27750  
kept does not expire unless the license is revoked by the chief 27751  
under division (H) (2) of this section. 27752

(H) (1) Except as otherwise provided in division (H) (2) of this section, and in accordance with Chapter 119. of the Revised Code, the chief may suspend or revoke a wild animal hunting preserve license if the chief finds that the license holder has violated or is violating this chapter or Chapter 1531. of the Revised Code or any division rule.

(2) The chief, with the approval of the director of agriculture, may suspend or revoke a wild animal hunting preserve license issued to a person who also has been issued a valid license for that preserve under section ~~943.03 or 943.031~~ 944.02 of the Revised Code if the person fails to comply with this chapter and Chapter 1531. of the Revised Code, division rules, ~~sections 943.20 to 943.26~~ Chapter 944. of the Revised Code, and rules adopted under ~~section 943.24 of the Revised Code~~ it.

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

**Sec. 1533.731.** (A) No wild animal hunting preserve shall be less than eighty acres in area. Each such preserve shall be in one continuous block of land, except that the block of land may be intersected by highways or roads. No wild animal hunting preserve shall be located within one thousand five hundred feet of another such preserve.

The boundaries of each wild animal hunting preserve shall be clearly defined by posting, at intervals of not more than four hundred feet, with signs prescribed by the division of

wildlife. Each wild animal hunting preserve shall be surrounded 27783  
by a fence at least eight feet in height, with a minimal 27784  
deviation not to exceed four per cent, that is constructed of a 27785  
woven wire mesh, or such other enclosure approved by the chief 27786  
of the division of wildlife. 27787

(B) (1) Except as provided in divisions (B) (2), (3), and 27788  
(4) of this section, game and nonnative wildlife that have been 27789  
approved by the chief for such use and that have been legally 27790  
acquired or propagated under the authority of a propagating 27791  
license issued under section 1533.71 of the Revised Code or 27792  
propagated within the confines of a licensed wild animal hunting 27793  
preserve may be released and hunted within the confines of the 27794  
licensed wild animal hunting preserve between one-half hour 27795  
before sunrise and one-half hour after sunset, without regard to 27796  
sex, bag limit, or open season, by hunters authorized by the 27797  
holder of the wild animal hunting preserve license to hunt on 27798  
those lands. The chief shall establish, by rule, the allowable 27799  
methods of taking game and nonnative wildlife in a wild animal 27800  
hunting preserve. 27801

(2) No game or nonnative wildlife on the federal 27802  
endangered species list established in accordance with the 27803  
"Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 27804  
1531, as amended, or the state endangered species list 27805  
established in rules adopted under section 1531.25 of the 27806  
Revised Code, no bears native to North America, and no large 27807  
carnivores of the family Felidae shall be released for hunting 27808  
or hunted in any wild animal hunting preserve in this state. 27809

(3) No person shall release for hunting or hunt within a 27810  
wild animal hunting preserve any game or nonnative wildlife not 27811  
listed in the application for a license for that preserve. 27812

(4) No person shall knowingly release for hunting or hunt 27813  
wild boar or feral swine in any wild animal hunting preserve in 27814  
this state. 27815

(C) Unless otherwise specified by division rule, all game 27816  
and nonnative wildlife released on a wild animal hunting 27817  
preserve shall be identified with a tag that shall bear upon it 27818  
a symbol identifying the preserve. 27819

(D) No person shall remove living game or nonnative 27820  
wildlife from a wild animal hunting preserve unless the game or 27821  
nonnative wildlife are being transferred to another wild animal 27822  
hunting preserve in accordance with rules adopted by the 27823  
director of agriculture under section ~~943.24~~ 944.07 of the 27824  
Revised Code. 27825

(E) The holder of a wild animal hunting preserve license 27826  
shall keep a record of all animals that have been released into 27827  
the preserve. The record shall include all of the following: 27828

(1) The date on which each animal was released into the 27829  
preserve; 27830

(2) The number of each species of animals; 27831

(3) The number of males and females of each species of 27832  
animals; 27833

(4) The name and address of each person from whom each 27834  
animal was obtained. 27835

The licensee shall record in a manner specified by the 27836  
division the name and address of each person that takes any game 27837  
or nonnative wildlife from the preserve. The licensee shall 27838  
maintain those records for a period of two years and make them 27839  
available for inspection by the division at all reasonable times 27840

in conjunction with an active criminal investigation. 27841

(F) In addition to complying with the requirements 27842  
established by division (E) of this section, the holder of a 27843  
wild animal hunting preserve license who has captive white- 27844  
tailed deer in the preserve shall keep a record of all known 27845  
escapes of those deer, deaths of those deer that were not a 27846  
result of hunting, and laboratory results for testing for 27847  
chronic wasting disease of those deer that is required by 27848  
section ~~943.21~~944.04 of the Revised Code and rules adopted 27849  
under section ~~943.24~~944.07 of the Revised Code. 27850

(G) For the purposes of division (B) of section 1533.02 of 27851  
the Revised Code, the owner or operator of a wild animal hunting 27852  
preserve shall furnish each person who takes any game or 27853  
nonnative wildlife from the preserve a certificate bearing a 27854  
description of the animal, the date the animal was taken, and 27855  
the name of the preserve. 27856

(H) The holder of a wild animal hunting preserve license 27857  
prominently shall display the license at the place of business 27858  
that is specified in the license. 27859

(I) The chief shall adopt rules under section 1531.10 of 27860  
the Revised Code that provide for the safety of the public and 27861  
for the protection of the game and nonnative wildlife to be 27862  
hunted in a wild animal hunting preserve prior to their release 27863  
in the preserve. 27864

(J) No holder of a wild animal hunting preserve license 27865  
shall violate this chapter or Chapter 1531. of the Revised Code 27866  
or any division rule. 27867

(K) This section does not authorize the hunting of game 27868  
birds in a licensed wild animal hunting preserve unless the 27869

licensee also possesses a valid commercial bird shooting 27870  
preserve license issued under section 1533.72 of the Revised 27871  
Code for the same land for which the wild animal hunting 27872  
preserve license was issued. 27873

(L) A person may hunt game and nonnative wildlife in a 27874  
licensed wild animal hunting preserve without obtaining a 27875  
hunting license otherwise required by section 1533.10 of the 27876  
Revised Code or a deer permit otherwise required by section 27877  
1533.11 of the Revised Code. 27878

**Sec. 1533.77.** (A) Each holder of a noncommercial or 27879  
commercial propagating license issued under section 1533.71 of 27880  
the Revised Code shall keep the license prominently displayed at 27881  
the place of business specified in the license, and shall keep 27882  
accurate written records that shall include the total number of 27883  
game birds, game quadrupeds, or fur-bearing animals possessed on 27884  
the date of application for the license, the number subsequently 27885  
propagated or acquired by purchase or gift, the number that 27886  
escaped, the number that were released, the number that died, 27887  
and the name and address of each person or corporation from whom 27888  
or to whom game birds, game quadrupeds, or fur-bearing animals 27889  
were received as a gift or given as a gift or purchased or sold 27890  
alive or sold for food, and the date of each transaction. These 27891  
records shall be kept permanently on the premises stated in the 27892  
license, and shall be open for inspection by any authorized 27893  
representative of the division of wildlife at all reasonable 27894  
times. 27895

(B) Each holder of a captive white-tailed deer propagation 27896  
license issued under section 1533.71 of the Revised Code shall 27897  
maintain all records that are required in rules adopted under 27898  
section ~~943.24~~ 944.07 of the Revised Code. The records shall be 27899



kept permanently on the premises stated in the license and shall 27900  
be open for inspection by any authorized representative of the 27901  
department of agriculture at all reasonable times and of the 27902  
division of wildlife at all reasonable times in conjunction with 27903  
an active criminal investigation. 27904

(C) The holder of a captive white-tailed deer propagation 27905  
license shall not knowingly falsify any record or tag that is 27906  
required in rules adopted under section ~~943.24~~ 944.07 of the 27907  
Revised Code or in rules adopted under section 1531.10 of the 27908  
Revised Code. 27909

**Sec. 1545.05.** (A) ~~Upon~~ Except as otherwise provided in 27910  
division (C) of this section, upon the creation of a park 27911  
district, the probate judge shall appoint three commissioners 27912  
who shall take office immediately and whose terms shall expire 27913  
one, two, and three years, respectively, from the first day of 27914  
January next after the date of their appointment. Thereafter, 27915  
their successors shall be appointed by the probate judge for 27916  
terms of three years. Before entering upon the performance of 27917  
the duties of the office, each commissioner shall take an oath 27918  
to perform faithfully the duties of the office and, except as 27919  
otherwise provided in section 3.061 of the Revised Code, shall 27920  
give bond for that faithful performance in the sum of five 27921  
thousand dollars. The bond shall be approved by and filed with 27922  
the county auditor. The commissioners shall serve without 27923  
compensation, but shall be allowed their actual and necessary 27924  
expenses incurred in the performance of their duties. 27925

(B) Any board of park commissioners of a park district may 27926  
elect to expand the membership of the board from three members 27927  
to five members upon a majority vote of the board. Upon such a 27928  
vote, the board shall certify to the probate judge a resolution 27929

requesting the judge to appoint two additional members to the board. The probate judge shall appoint those additional members, and they shall take office immediately upon their appointment. One member shall be appointed to a term that expires on the first day of January of the year following the year of that member's appointment, and one member shall be appointed to a term that expires on the first day of January of the second year following the year of that member's appointment. Thereafter, their successors shall be appointed by the probate judge for terms of three years.

(C) (1) A park district that was a township park district created before the year 1892, and converted into a park district under section 1545.041 of the Revised Code on or before January 1, 1989, shall have a board of park commissioners with members appointed by a majority vote of the board of county commissioners of the county in which the park district is located. The board of county commissioners shall appoint five commissioners, one of whom is a member of the city council of the most populous city in the park district, one of whom is a member of the village council of the most populous village in the park district, one of whom is a member of the board of township trustees of the most populous township in the park district, one of whom is a citizen who lives in the most populous township in the park district, and one of whom is a citizen who lives in the most populous city in the park district, who shall take office immediately and whose terms shall expire one, two, three, four, and five years, respectively, from the first day of January next after the date of their appointment. Thereafter, their successors shall be appointed by the board of county commissioners for terms of three years.

(2) If a park district with members of a board of park commissioners appointed under division (C) (1) of this section does not contain a city, village, or township, the board of county commissioners shall appoint any remaining members that are otherwise unable to be appointed according to the requirements of division (C) (1) of this section in accordance with division (A) of this section. 27961  
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(3) Before entering upon the performance of the duties of the office, each commissioner shall take an oath to perform faithfully the duties of the office and, except as otherwise provided in section 3.061 of the Revised Code, shall give bond for that faithful performance in the sum of five thousand dollars. The bond shall be approved by and filed with the county auditor. The commissioners shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties. 27968  
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**Sec. 1546.25.** The park lodges, maintenance, and repair fund is created in the state treasury. The fund shall consist of money received from contractual agreements with service providers and concessionaires for state park lodges, restaurants, and marinas. The chief of the division of parks and watercraft shall use money in the fund to pay maintenance and repair costs for facilities operated by concessionaires and service providers at state park lodges, restaurants, and marinas. 27977  
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**Sec. 1546.26.** The parks and watercraft holding fund is created in the state treasury. The fund shall consist of money received by the division of parks and watercraft from gift card sales, credit card sales, and sales conducted at field locations. 27986  
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With regard to gift card sales, the chief of the division 27991  
of parks and watercraft shall transfer money in the parks and 27992  
watercraft holding fund to the appropriate fund after gift 27993  
certificates and gift cards are redeemed. 27994

**Sec. 1547.54.** (A) (1) Except as otherwise provided in 27995  
section 1547.542 of the Revised Code, the owner of every 27996  
watercraft requiring registration under this chapter shall file 27997  
an application for a triennial registration certificate with the 27998  
chief of the division of parks and watercraft on forms that 27999  
shall be provided by the chief or by an electronic means 28000  
approved by the chief. The application shall be signed by the 28001  
following: 28002

(a) If the watercraft is owned by two persons under joint 28003  
ownership with right of survivorship established under section 28004  
2131.12 of the Revised Code, by both of those persons as owners 28005  
of the watercraft. The signatures may be done by electronic 28006  
signature if the owners themselves are renewing the registration 28007  
and there are no changes in the registration information since 28008  
the issuance of the immediately preceding registration 28009  
certificate. In all other instances, the signatures shall be 28010  
done manually. 28011

(b) If the watercraft is owned by a minor, by the minor 28012  
and a parent or legal guardian. The signatures may be done by 28013  
electronic signature if the parent or legal guardian and the 28014  
minor themselves are renewing the registration and there are no 28015  
changes in the registration information since the issuance of 28016  
the immediately preceding registration certificate. In all other 28017  
instances, the signatures shall be done manually. 28018

(c) In all other cases, by the owner of the watercraft. 28019  
The signature may be done by electronic signature if the owner 28020

is renewing the registration personally and there are no changes 28021  
in the registration information since the issuance of the 28022  
immediately preceding registration certificate. In all other 28023  
instances, the signatures shall be done manually. 28024

(2) An application for a triennial registration of a 28025  
watercraft filed under division (A)(1) of this section shall be 28026  
accompanied by the following fee: 28027

(a) For canoes, rowboats, and inflatable watercraft that 28028  
are numbered under section 1547.53 of the Revised Code, twelve 28029  
dollars; 28030

(b) For canoes, row boats, and inflatable watercraft that 28031  
are not numbered under section 1547.53 of the Revised Code, 28032  
seventeen dollars; 28033

(c) For class A watercraft, including motorized 28034  
canoes,thirty dollars; 28035

(d) For class 1 watercraft, forty-five dollars; 28036

(e) For class 2 watercraft, sixty dollars; 28037

(f) For class 3 watercraft, seventy-five dollars; 28038

(g) For class 4 watercraft, ninety dollars. 28039

(3) For the purpose of registration, any watercraft 28040  
operated by means of power, sail, or any other mechanical or 28041  
electrical means of propulsion, except motorized canoes,shall be 28042  
registered by length as prescribed in this section. 28043

(4) If an application for registration is filed by two 28044  
persons as owners under division (A)(1)(a) of this section, the 28045  
person who is listed first on the title shall serve as and 28046  
perform the duties of the "owner" and shall be considered the 28047

person "in whose name the watercraft is registered" for purposes 28048  
of divisions (B) to (R) of this section and for purposes of all 28049  
other sections in this chapter. 28050

(B) All registration certificates issued under this 28051  
section are valid for three years and are renewable on a 28052  
triennial basis unless sooner terminated or discontinued in 28053  
accordance with this chapter. The renewal date shall be printed 28054  
on the registration certificate. A registration certificate may 28055  
be renewed by the owner in the manner prescribed by the chief. 28056  
All fees shall be charged according to a proration of the time 28057  
remaining in the registration cycle to the nearest year. 28058

(C) In addition to the fees set forth in this section, the 28059  
chief, or any authorized agent, shall charge an additional 28060  
writing fee of three dollars for any registration certificate 28061  
the chief or authorized agent issues. When the registration 28062  
certificate is issued by an authorized agent, the additional 28063  
writing fee of three dollars shall be retained by the issuing 28064  
agent. When the registration certificate is issued by the chief, 28065  
the additional writing fee of three dollars shall be deposited 28066  
to the credit of the waterways safety fund established in 28067  
section 1547.75 of the Revised Code. 28068

(D) In addition to the fees established in this section, 28069  
watercraft that are not powercraft shall be charged a waterways 28070  
conservation assessment fee of five dollars. The fee shall be 28071  
collected at the time of the issuance of a triennial watercraft 28072  
registration under division (A) (2) of this section and deposited 28073  
in the state treasury and credited to a distinct account in the 28074  
waterways safety fund created in section 1547.75 of the Revised 28075  
Code. 28076

(E) (1) Upon receipt of the application in approved form, 28077

the chief shall enter the same upon the records of the office of 28078  
the division of parks and watercraft, assign a number to the 28079  
watercraft if a number is required under section 1547.53 of the 28080  
Revised Code, and issue to the applicant a registration 28081  
certificate. If a number is assigned by the chief, it shall be 28082  
set forth on the certificate. The registration certificate, in 28083  
physical or digital form, shall be on the watercraft for which 28084  
it is issued and available at all times for inspection whenever 28085  
the watercraft is in operation, except that livery operators may 28086  
retain the registration certificate at the livery where it shall 28087  
remain available for inspection at all times and except as 28088  
otherwise provided in division (E) (2) of this section. 28089

(2) A person who is operating on the waters of this state 28090  
a canoe, kayak, rowboat, or inflatable watercraft meeting the 28091  
definition of a paddlecraft that has not been numbered under 28092  
section 1547.53 of the Revised Code and who is stopped by a law 28093  
enforcement officer in the enforcement of this chapter or rules 28094  
shall present to the officer, not later than seventy-two hours 28095  
after being stopped, a registration certificate, in physical or 28096  
digital form. The registration certificate shall have been 28097  
obtained under this section for the canoe, kayak, rowboat, or 28098  
inflatable watercraft meeting the definition of a paddlecraft 28099  
prior to the time that it was stopped. Failure of the person to 28100  
present the registration certificate within seventy-two hours 28101  
constitutes prima-facie evidence of a violation of this section. 28102

(F) No person shall issue or be issued a registration 28103  
certificate for a watercraft that is required to be issued a 28104  
certificate of title under Chapter 1548. of the Revised Code 28105  
except upon presentation of a certificate of title for the 28106  
watercraft as provided in that chapter, proof of current 28107  
documentation by the United States coast guard, a renewal 28108

registration form provided by the division of parks and 28109  
watercraft, or a certificate of registration issued under this 28110  
section that has expired if there is no change in the ownership 28111  
or description of the watercraft. 28112

(G) Whenever the ownership of a watercraft changes, a new 28113  
application form together with the prescribed fee shall be filed 28114  
with the chief or the chief's agent and a new registration 28115  
certificate shall be issued. The application shall be signed 28116  
manually by the person or persons specified in divisions (A)(1) 28117  
(a) to (c) of this section and shall be accompanied by a two- 28118  
dollar transfer fee. Any remaining time on the registration 28119  
shall be transferred. An authorized agent of the chief shall 28120  
charge an additional writing fee of three dollars, which shall 28121  
be retained by the issuing agent. If the certificate is issued 28122  
by the chief, an additional writing fee of three dollars for 28123  
each certificate issued shall be collected and deposited to the 28124  
credit of the waterways safety fund. 28125

(H) If an agency of the United States has in force an 28126  
overall system of identification numbering for watercraft or 28127  
certain types of watercraft within the United States, the 28128  
numbering system employed by the division shall be in conformity 28129  
with that system. 28130

(I)(1) The chief may assign any registration certificates 28131  
to any authorized agent for the assignment of the registration 28132  
certificates. If a person accepts that authorization, the person 28133  
may be assigned a block of numbers and certificates that upon 28134  
assignment, in conformity with this chapter and Chapter 1548. of 28135  
the Revised Code and with rules, shall be valid as if assigned 28136  
directly by the division. Any person so designated as an agent 28137  
by the chief shall post with the division security as may be 28138



required by the director of natural resources. The chief may 28139  
issue an order temporarily or permanently restricting or 28140  
suspending an agent's authorization without a hearing if the 28141  
chief finds that the agent has violated this chapter or Chapter 28142  
1548. of the Revised Code, rules, or any agreements prescribed 28143  
by the chief. 28144

(2) A clerk of the court of common pleas may apply for 28145  
designation as an authorized agent of the chief. The division 28146  
shall accept the clerk's bond that is required under section 28147  
2303.02 of the Revised Code for any security that is required 28148  
for agents under this division, provided that the bond includes 28149  
a rider or other provision specifically covering the clerk's 28150  
duties as an authorized agent of the chief. 28151

(J) All records of the division made or kept pursuant to 28152  
this section shall be public records. Those records shall be 28153  
available for inspection at reasonable hours and in a manner 28154  
compatible with normal operations of the division. 28155

(K) The owner shall furnish the division notice within 28156  
fifteen days of the following: 28157

(1) The transfer, other than through the creation of a 28158  
security interest in any watercraft, of all or any part of the 28159  
owner's interest or, if the watercraft is owned by two persons 28160  
under joint ownership with right of survivorship established 28161  
under section 2131.12 of the Revised Code, of all or any part of 28162  
the joint interest of either of the two persons. The transfer 28163  
shall not terminate the registration certificate. 28164

(2) Any change in the address appearing on the 28165  
certificate. As a part of the notification, the owner shall 28166  
furnish the chief with the owner's new address. 28167

(3) The destruction or abandonment of the watercraft.	28168
(L) The chief may issue duplicate registration certificates or duplicate tags to owners of currently registered watercraft, the fee for which shall be four dollars.	28169 28170 28171
(M) If the chief finds that a registration certificate previously issued to an owner is in error to a degree that would impair its basic purpose and use, the chief may issue a corrected certificate to the owner without charge.	28172 28173 28174 28175
(N) No authorized agent shall issue and no person shall receive or accept from an authorized agent a registration certificate assigned to the authorized agent under division (I) of this section unless the exact month, day, and year of issue are plainly written on the certificate by the agent. Certificates issued with incorrect dates of issue are void from the time they are issued.	28176 28177 28178 28179 28180 28181 28182
(O) The chief, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the renewal of watercraft registrations by electronic means.	28183 28184 28185
(P) As used in this section:	28186
(1) "Disabled veteran" means a person who is included in either of the following categories:	28187 28188
(a) Because of a service-connected disability, has been or is awarded funds for the purchase of a motor vehicle under the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto;	28189 28190 28191 28192
(b) Has a service-connected disability rated at one hundred per cent by the veterans administration.	28193 28194
(2) "Prisoner of war" means any regularly appointed,	28195

enrolled, enlisted, or inducted member of the military forces of 28196  
the United States who was captured, separated, and incarcerated 28197  
by an enemy of the United States at any time, and any regularly 28198  
appointed, enrolled, or enlisted member of the military forces 28199  
of Great Britain, France, Australia, Belgium, Brazil, Canada, 28200  
China, Denmark, Greece, the Netherlands, New Zealand, Norway, 28201  
Poland, South Africa, or the republics formerly associated with 28202  
the Union of Soviet Socialist Republics or Yugoslavia who was a 28203  
citizen of the United States at the time of the appointment, 28204  
enrollment, or enlistment, and was captured, separated, and 28205  
incarcerated by an enemy of this country during World War II. 28206

(Q) Any disabled veteran, congressional medal of honor 28207  
awardee, or prisoner of war may apply to the chief for a 28208  
certificate of registration, or for a renewal of the certificate 28209  
of registration, without the payment of any fee required by this 28210  
section. The application for a certificate of registration shall 28211  
be accompanied by evidence of disability or by documentary 28212  
evidence in support of a congressional medal of honor that the 28213  
chief requires by rule. The application for a certificate of 28214  
registration by any person who has been a prisoner of war shall 28215  
be accompanied by written evidence in the form of a record of 28216  
separation, a letter from one of the armed forces of a country 28217  
listed in division (P) (2) of this section, or other evidence 28218  
that the chief may require by rule, that the person was 28219  
honorably discharged or is currently residing in this state on 28220  
active duty with one of the branches of the armed forces of the 28221  
United States, or was a prisoner of war and was honorably 28222  
discharged or received an equivalent discharge or release from 28223  
one of the armed forces of a country listed in division (P) (2) 28224  
of this section. 28225

(R) Annually by the fifteenth day of January, the director 28226

of natural resources shall determine the amount of fees that 28227  
would have been collected in the prior calendar year for each 28228  
certificate of registration issued or renewed pursuant to 28229  
division (Q) of this section and shall certify the total amount 28230  
of foregone revenue to the director of budget and management for 28231  
reimbursement. The director of budget and management shall 28232  
transfer the amount certified from the general revenue fund to 28233  
the waterways safety fund. 28234

**Sec. 1548.06.** (A) (1) Application for a certificate of 28235  
title for a watercraft or outboard motor shall be made upon a 28236  
form prescribed by the chief of the division of parks and 28237  
watercraft and shall be sworn to before a notary public or other 28238  
officer empowered to administer oaths. The application shall be 28239  
filed with the clerk of any court of common pleas. An 28240  
application for a certificate of title may be filed 28241  
electronically by any electronic means approved by the chief in 28242  
any county with the clerk of the court of common pleas of that 28243  
county. The application shall be accompanied by the fee 28244  
prescribed in section 1548.10 of the Revised Code. The fee shall 28245  
be retained by the clerk who issues the certificate of title and 28246  
shall be distributed in accordance with that section. If a clerk 28247  
of a court of common pleas, other than the clerk of the court of 28248  
common pleas of an applicant's county of residence, issues a 28249  
certificate of title to the applicant, the clerk shall transmit 28250  
data related to the transaction to the automated title 28251  
processing system. 28252

(2) If a certificate of title previously has been issued 28253  
for the watercraft or outboard motor, the application for a 28254  
certificate of title also shall be accompanied by the 28255  
certificate of title duly assigned unless otherwise provided in 28256  
this chapter. If a certificate of title previously has not been 28257

issued for the watercraft or outboard motor in this state, the 28258  
application, unless otherwise provided in this chapter, shall be 28259  
accompanied by a manufacturer's or importer's certificate; by a 28260  
sworn statement of ownership if the watercraft or outboard motor 28261  
was purchased by the applicant on or before October 9, 1963, or 28262  
if the watercraft is less than fourteen feet long with a 28263  
permanently affixed mechanical means of propulsion and was 28264  
purchased by the applicant on or before January 1, 2000; or by a 28265  
certificate of title, bill of sale, or other evidence of 28266  
ownership required by the law of another state from which the 28267  
watercraft or outboard motor was brought into this state. 28268  
Evidence of ownership of a watercraft or outboard motor for 28269  
which an Ohio certificate of title previously has not been 28270  
issued and which watercraft or outboard motor does not have 28271  
permanently affixed to it a manufacturer's serial number shall 28272  
be accompanied by the certificate of assignment of a hull 28273  
identification number assigned by the chief as provided in 28274  
section 1548.07 of the Revised Code. 28275

(3) The clerk shall retain the evidence of title presented 28276  
by the applicant and on which the certificate of title is 28277  
issued, except that, if an application for a certificate of 28278  
title is filed electronically, by a vendor on behalf of a 28279  
purchaser of a watercraft or outboard motor, the clerk shall 28280  
retain the completed electronic record to which the vendor 28281  
converted the certificate of title application and other 28282  
required documents. The chief, after consultation with the 28283  
attorney general, shall adopt rules that govern the location at 28284  
which, and the manner in which, are stored the actual 28285  
application and all other documents relating to the sale of a 28286  
watercraft or outboard motor when a vendor files the application 28287  
for a certificate of title electronically on behalf of a 28288

purchaser. 28289

(B) The clerk shall use reasonable diligence in 28290  
ascertaining whether the facts in the application are true by 28291  
checking the application and documents accompanying it or the 28292  
electronic record to which a vendor converted the application 28293  
and accompanying documents with the records of watercraft and 28294  
outboard motors in the clerk's office. If the clerk is satisfied 28295  
that the applicant is the owner of the watercraft or outboard 28296  
motor and that the application is in the proper form, the clerk 28297  
shall issue a physical certificate of title over the clerk's 28298  
signature and sealed with the clerk's seal unless the applicant 28299  
specifically requests the clerk not to issue a physical 28300  
certificate of title and instead to issue an electronic 28301  
certificate of title. However, if the evidence indicates and an 28302  
investigation shows that one or more Ohio titles already exist 28303  
for the watercraft or outboard motor, the chief may cause the 28304  
redundant title or titles to be canceled. 28305

(C) In the case of the sale of a watercraft or outboard 28306  
motor by a vendor to a general purchaser or user, the 28307  
certificate of title shall be obtained in the name of the 28308  
purchaser by the vendor upon application signed by the 28309  
purchaser. In all other cases, the certificate shall be obtained 28310  
by the purchaser. In all cases of transfer of watercraft or 28311  
outboard motors, the application for certificate of title shall 28312  
be filed within thirty days after the later of the date of 28313  
purchase or assignment of ownership of the watercraft or 28314  
outboard motor. If the application for certificate of title is 28315  
not filed within thirty days after the later of the date of 28316  
purchase or assignment of ownership of the watercraft or 28317  
outboard motor, the clerk shall charge a late penalty fee of 28318  
five dollars in addition to the fee prescribed by section 28319

1548.10 of the Revised Code. The clerk shall retain the entire amount of each late penalty fee.

(D) The clerk shall refuse to accept an application for certificate of title unless the applicant either tenders with the application payment of all taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code based on the applicant's county of residence less, in the case of a sale by a vendor, any discount to which the vendor is entitled under section 5739.12 of the Revised Code, or submits any of the following:

(1) A receipt issued by the tax commissioner or a clerk of courts showing payment of the tax;

(2) A copy of the unit certificate of exemption completed by the purchaser at the time of sale as provided in section 5739.03 of the Revised Code;

(3) An exemption certificate, in a form prescribed by the tax commissioner, that specifies why the purchase is not subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code.

Payment of the tax shall be in accordance with rules issued by the tax commissioner, and the clerk shall issue a receipt in the form prescribed by the tax commissioner to any applicant who tenders payment of the tax with the application for the certificate of title.

(E) (1) For receiving and disbursing the taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent of the taxes collected, which shall be paid into the certificate of title administration fund created by section 325.33 of the

Revised Code. The clerk shall not retain a poundage fee from 28349  
payments of taxes by persons who do not reside in the clerk's 28350  
county. 28351

(2) A clerk, however, may retain from the taxes paid to 28352  
the clerk an amount equal to the poundage fees associated with 28353  
certificates of title issued by other clerks of courts of common 28354  
pleas to applicants who reside in the first clerk's county. The 28355  
chief of the division of parks and watercraft, in consultation 28356  
with the tax commissioner and the clerks of the courts of common 28357  
pleas, shall develop a report from the automated title 28358  
processing system that informs each clerk of the amount of the 28359  
poundage fees that the clerk is permitted to retain from those 28360  
taxes because of certificates of title issued by the clerks of 28361  
other counties to applicants who reside in the first clerk's 28362  
county. 28363

(F) In the case of casual sales of watercraft or outboard 28364  
motors that are subject to the tax imposed by Chapter 5739. or 28365  
5741. of the Revised Code, the purchase price for the purpose of 28366  
determining the tax shall be the purchase price on an affidavit 28367  
executed and filed with the clerk by the vendor on a form to be 28368  
prescribed by the chief, which shall be prima-facie evidence of 28369  
the price for the determination of the tax. In addition to the 28370  
information required by section 1548.08 of the Revised Code, 28371  
each certificate of title shall contain in bold lettering the 28372  
following notification and statements: "WARNING TO TRANSFEROR 28373  
AND TRANSFEREE (SELLER AND BUYER). You are required by law to 28374  
state the true selling price. A false statement is a violation 28375  
of section 2921.13 of the Revised Code and is punishable by six 28376  
months imprisonment or a fine of up to one thousand dollars, or 28377  
both. All transfers are audited by the department of taxation. 28378  
The seller and buyer must provide any information requested by 28379



the department of taxation. The buyer may be assessed any 28380  
additional tax found to be due." 28381

(G) Each county clerk of courts shall forward to the ~~tax-~~ 28382  
~~commissioner~~ registrar of motor vehicles, in a manner prescribed 28383  
by the tax commissioner, all sales and use tax collections 28384  
resulting from sales of titled watercraft and outboard motors 28385  
during a calendar week on or before the Friday following the 28386  
close of that week. If, on any Friday, the offices of the clerk 28387  
of courts or the state are not open for business, the tax shall 28388  
be forwarded to the ~~commissioner~~ registrar on or before the next 28389  
day on which the offices are open. Every remittance of tax under 28390  
this division shall be accompanied by a remittance report in 28391  
such form as the commissioner, in consultation with the director 28392  
of public safety, prescribes. If the tax due for any week is not 28393  
remitted by a clerk of courts as required under this division, 28394  
the clerk shall forfeit the poundage fees for the sales made 28395  
during that week. The commissioner may require the clerks of 28396  
courts to transmit tax collections and remittance reports 28397  
electronically. 28398

(H) For purposes of a transfer of a certificate of title, 28399  
if the clerk is satisfied that a secured party has discharged a 28400  
lien but has not canceled the lien notation with a clerk, the 28401  
clerk may cancel the lien notation on the automated title 28402  
processing system and notify the clerk of the county of origin. 28403

(I) Every clerk shall have the capability to transact by 28404  
electronic means all procedures and transactions relating to the 28405  
issuance of watercraft or outboard motor certificates of title 28406  
that are described in the Revised Code as being accomplished by 28407  
electronic means. 28408

**Sec. 1561.13.** The chief of the division of mineral 28409

resources management shall conduct examinations for offices and	28410
positions in the division of mineral resources management, and	28411
for mine forepersons, mine electricians, <del>shot firers, and</del>	28412
surface mine blasters, <del>and fire bosses,</del> as follows:	28413
(A) Division of mineral resources management:	28414
(1) Deputy mine inspectors of underground mines;	28415
(2) Deputy mine inspectors of surface mines;	28416
(3) Electrical inspectors;	28417
(4) Superintendent of rescue stations;	28418
(5) Assistant superintendents of rescue stations;	28419
(6) Mine chemists at a division laboratory if the chief	28420
chooses to operate a laboratory.	28421
(B) Mine forepersons:	28422
(1) Mine foreperson of gaseous mines;	28423
(2) Mine foreperson of nongaseous mines;	28424
(3) Mine foreperson of surface mines.	28425
(C) Forepersons:	28426
(1) Foreperson of gaseous mines;	28427
(2) Foreperson of nongaseous mines;	28428
(3) <del>Foreperson of surface maintenance facilities at</del>	28429
<del>underground or surface mines;</del>	28430
<del>(4) Foreperson of surface mines.</del>	28431
(D) <del>Fire bosses.</del>	28432
<del>(E) Mine electricians.</del>	28433

~~(F)~~ (E) Surface mine blasters. 28434

~~(G) Shot firers.~~ 28435

The chief annually shall provide for the examination of 28436  
candidates for appointment or promotion as deputy mine 28437  
inspectors and such other positions and offices set forth in 28438  
division (A) of this section as are necessary. Special 28439  
examinations may be held whenever it becomes necessary to make 28440  
appointments to any of those positions. 28441

The chief shall provide for the examination of persons 28442  
seeking certificates of competency as mine forepersons, 28443  
forepersons, mine electricians, ~~shot firers,~~ and surface mine 28444  
~~blasters, and fire bosses quarterly or more often as required,~~ 28445  
needed and at such times and places within the state as shall, 28446  
in the judgment of the chief, afford the best facilities to the 28447  
greatest number of applicants. ~~Public notice shall be given~~ 28448  
~~through the press or otherwise, not less than ten days in~~ 28449  
~~advance, announcing the time and place at which examinations~~ 28450  
~~under this section are to be held.~~ 28451

The examinations provided for in this section shall be 28452  
conducted under rules adopted under section 1561.05 of the 28453  
Revised Code and conditions prescribed by the chief. Any rules 28454  
that relate to particular candidates shall, upon application of 28455  
any candidate, be furnished to the candidate by the chief; they 28456  
shall also be of uniform application to all candidates in the 28457  
several groups. 28458

**Sec. 1561.16.** (A) As used in this section and sections 28459  
1561.17 to ~~1561.21~~ 1561.20 of the Revised Code, "actual 28460  
practical experience" means previous employment that involved a 28461  
person's regular presence in the type of mining operation in 28462

which the experience is required to exist; participation in 28463  
functions relating to the hazards involved in and the 28464  
utilization of equipment, tools, and work crews and individuals 28465  
for that type of mining; and regular exposure to the methods, 28466  
procedures, and safety laws applicable to that type of mining. 28467  
Credit of up to one year for a portion of the required 28468  
experience time may be given upon documentation to the chief of 28469  
the division of mineral resources management of an educational 28470  
degree in a field related to mining. Credit of up to two years 28471  
of the required experience time may be given upon presentation 28472  
to the chief of proof of graduation from an accredited school of 28473  
mines or mining after a four-year course of study with 28474  
employment in the mining industry during interim breaks during 28475  
the school years. 28476

(B) Except as provided in division (G) of this section, a 28477  
person who applies for a certificate as a mine foreperson of 28478  
gaseous mines shall be able to read and write the English 28479  
language; shall have had at least five years' actual practical 28480  
experience in the underground workings of a gaseous mine or the 28481  
equivalent thereof in the judgment of the chief; and shall have 28482  
had practical experience obtained by actual contact with gas in 28483  
mines and have knowledge of the dangers and nature of noxious 28484  
and explosive gases and ventilation of gaseous mines. An 28485  
applicant for a certificate as a foreperson of gaseous mines 28486  
shall meet the same requirements, except that the applicant 28487  
shall have had at least three years' actual practical experience 28488  
in the underground workings of a gaseous mine or the equivalent 28489  
thereof in the judgment of the chief. Each applicant for 28490  
examination shall pay a fee established in rules adopted under 28491  
this section to the chief on the first day of such examination. 28492

(C) A person who has been issued a certificate as a mine 28493

foreperson or a foreperson of a gaseous mine and who has not 28494  
worked in an underground coal mine for a period of more than two 28495  
calendar years shall apply for and obtain recertification from 28496  
the chief in accordance with rules adopted under this section 28497  
before performing the duties of a mine foreperson or a 28498  
foreperson of a gaseous mine. An applicant for recertification 28499  
shall pay a fee established in rules adopted under this section 28500  
at the time of application for recertification. 28501

(D) A person who has been issued a certificate as a mine 28502  
foreperson or a foreperson of a gaseous mine and who has not 28503  
worked in an underground coal mine for a period of one or more 28504  
calendar years shall successfully complete a retraining course 28505  
in accordance with rules adopted under this section before 28506  
performing the duties of a mine foreperson or a foreperson of a 28507  
gaseous mine. 28508

(E) The chief, in consultation with a statewide 28509  
association representing the coal mining industry and a 28510  
statewide association representing employees of coal mines, 28511  
shall adopt rules in accordance with Chapter 119. of the Revised 28512  
Code that do all of the following: 28513

(1) Prescribe requirements, criteria, and procedures for 28514  
the recertification of a mine foreperson or a foreperson of a 28515  
gaseous mine who has not worked in an underground coal mine for 28516  
a period of more than two calendar years; 28517

(2) Prescribe requirements, criteria, and procedures for 28518  
the retraining of a mine foreperson or a foreperson of a gaseous 28519  
mine who has not worked in an underground coal mine for a period 28520  
of one or more calendar years; 28521

(3) Establish fees for the examination and recertification 28522

of mine forepersons or forepersons of gaseous mines under this section;	28523 28524
(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section.	28525 28526 28527
(F) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.	28528 28529 28530
(G) The chief shall issue a certificate as a foreperson of gaseous mines in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:	28531 28532 28533
(1) The applicant holds a license or certificate in another state.	28534 28535
(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a foreperson of gaseous mines in a state that does not issue that license or certificate.	28536 28537 28538 28539
<b>Sec. 1561.23.</b> (A) The chief of the division of mineral resources management shall issue the following certificates to those applicants who pass their examination:	28540 28541 28542
(1) Certificates for mine forepersons of gaseous mines;	28543
(2) Certificates for mine forepersons of nongaseous mines;	28544
(3) Certificates for forepersons of gaseous mines;	28545
(4) Certificates for forepersons of nongaseous mines;	28546
<del>(5) Certificates for forepersons of surface maintenance facilities of underground or surface mines;</del>	28547 28548
<del>(6) Certificates for mine forepersons of surface mines;</del>	28549

- ~~(7)~~ (6) Certificates for forepersons of surface mines; 28550
- ~~(8)~~ Certificates for fire bosses; 28551
- ~~(9)~~ (7) Certificates for mine electricians; 28552
- ~~(10)~~ (8) Certificates for surface mine blasters; 28553
- ~~(11)~~ Certificates for shot firers. 28554

(B) Applicants for certificates shall make application to 28555  
the chief, on a form provided by the chief, for examination. All 28556  
applicants shall be able to read and write the English language 28557  
intelligently, and shall furnish the chief with a certificate as 28558  
to the length and description of their practical experience and 28559  
satisfactory evidence of their ability to perform the duties of 28560  
the position for which they make application for examination. 28561

(C) The chief may issue a certificate to an applicant for 28562  
mine foreperson, foreperson, or mine electrician who holds a 28563  
valid certification or other authorization from a state with 28564  
which the department of natural resources has a reciprocal 28565  
agreement for the certification or other authorization. However, 28566  
the applicant shall pass an examination on this chapter and 28567  
rules adopted under it or on any other relevant material that 28568  
the chief determines to be appropriate. 28569

A mine foreperson, foreperson, or mine electrician who has 28570  
been issued a temporary certificate under section 1565.06 of the 28571  
Revised Code prior to ~~the effective date of this amendment~~ 28572  
September 30, 2021, and who holds a valid certification or other 28573  
authorization from a state with which the department has a 28574  
reciprocal agreement for the certification or other 28575  
authorization may continue to operate under the temporary 28576  
certificate until it expires or the chief suspends or revokes 28577  
it. 28578

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

**Sec. 1561.46.** Fees received by the chief of the division of mineral resources management under sections 1561.16 to ~~1561.22~~ 1561.20 of the Revised Code shall be paid by the chief into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

**Sec. 1561.48.** All money collected under sections 1561.14, 1561.16, 1561.17, ~~1561.18~~, 1561.19, 1561.20, ~~1561.21~~, ~~1561.22~~, 1561.45, and 1561.46 of the Revised Code shall be paid into the state treasury to the credit of the mining regulation and safety fund created by section 1513.30 of the Revised Code. The department of natural resources shall use the money in the fund to pay the operating expenses of the division of mineral resources management.

**Sec. 1701.04.** (A) Any person, singly or jointly with others, and without regard to residence, domicile, or state of incorporation, may form a corporation by signing and filing with the secretary of state articles of incorporation that shall set forth all of the following:

(1) The name of the corporation, which shall be in compliance with division (A) of section 1701.05 of the Revised Code;

(2) The place in this state where the principal office of the corporation is to be located;

(3) The authorized number and the par value per share of



shares with par value, and the authorized number of shares 28608  
without par value, except that the articles of a banking, safe 28609  
deposit, trust, or insurance corporation shall not authorize 28610  
shares without par value; the express terms, if any, of the 28611  
shares; and, if the shares are classified, the designation of 28612  
each class, the authorized number and par value per share, if 28613  
any, of the shares of each class, and the express terms of the 28614  
shares of each class; 28615

(4) If the corporation is to have an initial stated 28616  
capital, the amount of that stated capital. 28617

(B) The articles also may set forth any of the following: 28618

(1) The names of the individuals who are to serve as 28619  
initial directors; 28620

(2) The purpose or purposes for which the corporation is 28621  
formed, but in the absence of a statement of the purpose or 28622  
purposes or except as expressly set forth in such statement, the 28623  
purpose for which any corporation is formed is to engage in any 28624  
lawful act or activity for which a corporation may be formed 28625  
under this chapter, and all lawful acts and activities of the 28626  
corporation are within the purposes of the corporation; 28627

(3) Any priority or other method for balancing the 28628  
purposes for which the corporation is formed; 28629

(4) Any lawful provision for the purpose of defining, 28630  
limiting, or regulating the exercise of the authority of the 28631  
corporation, the incorporators, the directors, the officers, the 28632  
shareholders, or the holders of any class of shares; 28633

(5) Any provision that may be set forth in the 28634  
regulations; 28635

(6) A provision specifying the period of existence of the corporation if it is to be otherwise than perpetual; 28636  
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(7) A provision eliminating the right of every shareholder to vote cumulatively in the election of directors; 28638  
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(8) Any additional provision permitted by this chapter. 28640

(C) A written appointment of a statutory agent for the purposes set forth in section 1701.07 of the Revised Code shall be filed with the articles, unless the corporation belongs to one of the classes mentioned in division ~~(O)~~(N) of that section. 28641  
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(D) The legal existence of the corporation begins upon the filing of the articles or on a later date specified in the articles that is not more than ninety days after filing, and, unless the articles otherwise provide, its period of existence shall be perpetual. 28645  
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**Sec. 1701.07.** (A) Every corporation shall have and maintain an agent, sometimes referred to as the "statutory agent," upon whom any process, notice, or demand required or permitted by statute to be served upon a corporation may be served. The agent shall be one of the following: 28650  
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(1) A natural person who is a resident of this state; 28655

(2) A domestic or foreign corporation, nonprofit corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited partnership association, professional association, business trust, or unincorporated nonprofit association that has a business address in this state. If the agent is an entity other than a domestic corporation, the agent shall meet the requirements of Title XVII of the Revised Code for an entity of the agent's type to transact business or exercise privileges in this state. 28656  
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(B) The secretary of state shall not accept original 28665  
articles for filing unless there is filed with the articles a 28666  
written appointment of an agent that is signed by the 28667  
incorporators of the corporation or a majority of them and a 28668  
written acceptance of the appointment that is signed by the 28669  
agent. In all other cases, the corporation shall appoint the 28670  
agent and shall file in the office of the secretary of state a 28671  
written appointment of the agent that is signed by any 28672  
authorized officer of the corporation and a written acceptance 28673  
of the appointment that is either the original acceptance signed 28674  
by the agent or a photocopy, facsimile, or similar reproduction 28675  
of the original acceptance signed by the agent. 28676

(C) (1) The written appointment of an agent shall set forth 28677  
the name and address in this state of the agent, including the 28678  
street and number of the agent's primary residence in this state 28679  
or, if the agent is not a natural person, the agent's usual 28680  
place of business in this state, and shall otherwise be in such 28681  
form as the secretary of state prescribes. The secretary of 28682  
state shall keep a record of the names of corporations, and the 28683  
names and addresses of their respective agents. 28684

(2) As used in division (C) (1) of this section, "usual 28685  
place of business" means a place in this state that is 28686  
customarily open during normal business hours and where an 28687  
individual is generally present who is authorized to perform the 28688  
services of a registered agent, including accepting service of 28689  
process and other notifications for the person serving as a 28690  
statutory agent. "Usual place of business" does not include a 28691  
post office box, regardless of whether that post office box has 28692  
an associated street address. 28693

(D) If any agent dies, removes from the state, or resigns, 28694

the corporation shall forthwith appoint another agent and file 28695  
with the secretary of state, on a form prescribed by the 28696  
secretary of state, a written appointment of the agent. 28697

(E) If the agent changes the agent's address from that 28698  
appearing upon the record in the office of the secretary of 28699  
state, the corporation or the agent shall forthwith file with 28700  
the secretary of state, on a form prescribed by the secretary of 28701  
state, a written statement setting forth the new address. 28702

(F) An agent may resign by filing with the secretary of 28703  
state, on a form prescribed by the secretary of state, a written 28704  
notice to that effect that is signed by the agent and by sending 28705  
a copy of the notice to the corporation at the current or last 28706  
known address of its principal office on or prior to the date 28707  
the notice is filed with the secretary of state. The notice 28708  
shall set forth the name of the corporation, the name and 28709  
current address of the agent, the current or last known address, 28710  
including the street and number or other particular description, 28711  
of the corporation's principal office, the resignation of the 28712  
agent, and a statement that a copy of the notice has been sent 28713  
to the corporation within the time and in the manner prescribed 28714  
by this division. Upon the expiration of thirty days after the 28715  
filing, the authority of the agent shall terminate. 28716

(G) A corporation may revoke the appointment of an agent 28717  
by filing with the secretary of state, on a form prescribed by 28718  
the secretary of state, a written appointment of another agent 28719  
and a statement that the appointment of the former agent is 28720  
revoked. 28721

(H) Any process, notice, or demand required or permitted 28722  
by statute to be served upon a corporation may be served upon 28723  
the corporation by delivering a copy of it to its agent, if a 28724

natural person, or by delivering a copy of it at the address of 28725  
its agent in this state, as the address appears upon the record 28726  
in the office of the secretary of state. If (1) the agent cannot 28727  
be found, or (2) the agent no longer has that address, or (3) 28728  
the corporation has failed to maintain an agent as required by 28729  
this section, and if in any such case the party desiring that 28730  
the process, notice, or demand be served, or the agent or 28731  
representative of the party, shall have filed with the secretary 28732  
of state an affidavit stating that one of the foregoing 28733  
conditions exists and stating the most recent address of the 28734  
corporation that the party after diligent search has been able 28735  
to ascertain, then service of process, notice, or demand upon 28736  
the secretary of state, as the agent of the corporation, may be 28737  
initiated by delivering to the secretary of state or at the 28738  
secretary of state's office quadruplicate copies of such 28739  
process, notice, or demand and by paying to the secretary of 28740  
state a fee of five dollars. The secretary of state shall 28741  
forthwith give notice of the delivery to the corporation at its 28742  
principal office as shown upon the record in the secretary of 28743  
state's office and at any different address shown on its last 28744  
franchise tax report filed in this state, or to the corporation 28745  
at any different address set forth in the above mentioned 28746  
affidavit, and shall forward to the corporation at said 28747  
addresses, by certified mail, with request for return receipt, a 28748  
copy of the process, notice, or demand; and thereupon service 28749  
upon the corporation shall be deemed to have been made. 28750

(I) The secretary of state shall keep a record of each 28751  
process, notice, and demand delivered to the secretary of state 28752  
or at the secretary of state's office under this section or any 28753  
other law of this state that authorizes service upon the 28754  
secretary of state, and shall record the time of the delivery 28755

and the action thereafter with respect thereto. 28756

(J) This section does not limit or affect the right to 28757  
serve any process, notice, or demand upon a corporation in any 28758  
other manner permitted by law. 28759

~~(K) Every corporation shall state in each annual report~~ 28760  
~~filed by it with the department of taxation the name and address~~ 28761  
~~of its statutory agent.~~ 28762

~~(I)~~ Except when an original appointment of an agent is 28763  
filed with the original articles, a written appointment of an 28764  
agent or a written statement filed by a corporation with the 28765  
secretary of state shall be signed by any authorized officer of 28766  
the corporation or by the incorporators of the corporation or a 28767  
majority of them if no directors have been elected. 28768

~~(M)~~ (L) For filing a written appointment of an agent other 28769  
than one filed with original articles, and for filing a 28770  
statement of change of address of an agent, the secretary of 28771  
state shall charge and collect the fee specified in division (R) 28772  
of section 111.16 of the Revised Code. 28773

~~(N)~~ (M) Upon the failure of a corporation to appoint 28774  
another agent or to file a statement of change of address of an 28775  
agent, the secretary of state shall give notice thereof by 28776  
ordinary or electronic mail to the corporation at the electronic 28777  
mail address provided to the secretary of state, or at the 28778  
address set forth in the notice of resignation or on the last 28779  
franchise tax return filed in this state by the corporation. 28780  
Unless the default is cured within thirty days after the mailing 28781  
by the secretary of state of the notice or within any further 28782  
period of time that the secretary of state grants, upon the 28783  
expiration of that period of time from the date of the mailing, 28784

the articles of the corporation shall be canceled without 28785  
further notice or action by the secretary of state. The 28786  
secretary of state shall make a notation of the cancellation on 28787  
the secretary of state's records. 28788

A corporation whose articles have been canceled may be 28789  
reinstated by filing, within two years of the cancellation, on a 28790  
form prescribed by the secretary of state, an application for 28791  
reinstatement and the required appointment of agent or required 28792  
statement, and by paying the filing fee specified in division 28793  
(Q) of section 111.16 of the Revised Code. The rights, 28794  
privileges, and franchises of a corporation whose articles have 28795  
been reinstated are subject to section 1701.922 of the Revised 28796  
Code. The secretary of state shall furnish the tax commissioner 28797  
a monthly list of all corporations canceled and reinstated under 28798  
this division. 28799

~~(O)~~ (N) This section does not apply to banks, trust 28800  
companies, insurance companies, or any corporation defined under 28801  
the laws of this state as a public utility for taxation 28802  
purposes. 28803

**Sec. 1703.041.** (A) Every foreign corporation for profit 28804  
that is licensed to transact business in this state, and every 28805  
foreign nonprofit corporation that is licensed to exercise its 28806  
privileges in this state, shall have and maintain an agent, 28807  
sometimes referred to as the "designated agent," upon whom 28808  
process against the corporation may be served within this state. 28809  
The agent shall be one of the following: 28810

(1) A natural person who is a resident of this state; 28811

(2) A domestic or foreign corporation, nonprofit 28812  
corporation, limited liability company, partnership, limited 28813

partnership, limited liability partnership, limited partnership 28814  
association, professional association, business trust, or 28815  
unincorporated nonprofit association that has a business address 28816  
in this state. If the agent is an entity other than a domestic 28817  
corporation, the agent shall meet the requirements of Title XVII 28818  
of the Revised Code for an entity of the agent's type to 28819  
transact business or exercise privileges in this state. 28820

(B) (1) The written appointment of a designated agent shall 28821  
set forth the name and address of the agent, including the 28822  
street and number of the agent's primary residence in this state 28823  
or, if the agent is not a natural person, the agent's usual 28824  
place of business in this state, and shall otherwise be in such 28825  
form as the secretary of state prescribes. The secretary of 28826  
state shall keep a record of the names of such foreign 28827  
corporations and the names and addresses of their respective 28828  
agents. 28829

(2) As used in division (B) (1) of this section, "usual 28830  
place of business" means a place in this state that is 28831  
customarily open during normal business hours and where an 28832  
individual is generally present who is authorized to perform the 28833  
services of a registered agent, including accepting service of 28834  
process and other notifications for the person serving as a 28835  
statutory agent. "Usual place of business" does not include a 28836  
post office box, regardless of whether that post office box has 28837  
an associated street address. 28838

(C) If the designated agent dies, removes from the state, 28839  
or resigns, the foreign corporation shall forthwith appoint 28840  
another agent and file in the office of the secretary of state, 28841  
on a form prescribed by the secretary of state, a written 28842  
appointment of the new agent. 28843



(D) If the designated agent changes the agent's address 28844  
from that appearing upon the record in the office of the 28845  
secretary of state, the foreign corporation or the designated 28846  
agent in its behalf shall forthwith file with the secretary of 28847  
state, on a form prescribed by the secretary of state, a written 28848  
statement setting forth the agent's new address. 28849

(E) A designated agent may resign by filing with the 28850  
secretary of state, on a form prescribed by the secretary of 28851  
state, a signed statement to that effect. The secretary of state 28852  
shall forthwith mail a copy of the statement to the foreign 28853  
corporation at its principal office as shown by the record in 28854  
the secretary of state's office. Upon the expiration of sixty 28855  
days after the filing, the authority of the agent shall 28856  
terminate. 28857

(F) A foreign corporation may revoke the appointment of a 28858  
designated agent by filing with the secretary of state, on a 28859  
form prescribed by the secretary of state, a written appointment 28860  
of another agent and a statement that the appointment of the 28861  
former agent is revoked. 28862

(G) Process may be served upon a foreign corporation by 28863  
delivering a copy of it to its designated agent, if a natural 28864  
person, or by delivering a copy of it at the address of its 28865  
agent in this state, as the address appears upon the record in 28866  
the office of the secretary of state. 28867

(H) This section does not limit or affect the right to 28868  
serve process upon a foreign corporation in any other manner 28869  
permitted by law. 28870

~~(I) Every foreign corporation for profit shall state in 28871  
each annual report filed by it with the department of taxation 28872~~

~~the name and address of its designated agent in this state.~~ 28873

**Sec. 1707.37.** (A) All fees and charges collected under 28874  
this chapter shall be paid into the state treasury to the credit 28875  
of the division of securities fund, which is hereby created. All 28876  
expenses of the division of securities, other than those 28877  
specified in division (B) of this section, shall be paid from 28878  
the fund. 28879

The fund shall be assessed a proportionate share of the 28880  
administrative costs of the department of commerce in accordance 28881  
with procedures prescribed by the director of commerce. The 28882  
assessments shall be paid from the division of securities fund 28883  
to the division of administration fund. 28884

If moneys in the division of securities fund are 28885  
determined by the director of budget and management and the 28886  
director of commerce to be in excess of those necessary to 28887  
defray all the expenses in any fiscal year, the director of 28888  
budget and management shall transfer the excess to the general 28889  
revenue fund. 28890

(B) There is hereby created in the state treasury the 28891  
division of securities investor education and enforcement 28892  
expense fund, which shall consist of all money received in 28893  
settlement of any violation of this chapter and any cash 28894  
transfers. Money in the fund shall be used to fund grants and 28895  
pay expenses of the division of securities relating to education 28896  
or enforcement for the protection of securities investors and 28897  
the public. The division may adopt rules pursuant to section 28898  
1707.20 of the Revised Code that establish what qualifies as 28899  
such an expense and qualifications for grant funded programs. 28900

**Sec. 1707.47.** (A) As used in this section and section 28901

1707.471 of the Revised Code: 28902

(1) "Claimant" means a person that files an application 28903  
for restitution assistance on behalf of a victim. 28904

(2) "Final order" means a final administrative order 28905  
issued by the division of securities or a final court order in a 28906  
civil or criminal proceeding initiated by the division. 28907

(3) "Victim" means a purchaser identified in a final order 28908  
that has suffered a pecuniary loss as the result of a violation 28909  
of this chapter or any rules adopted thereunder, or, in the case 28910  
of a deceased purchaser so identified, the purchaser's surviving 28911  
spouse or dependent children. 28912

(B) There is hereby created in the state treasury the Ohio 28913  
investor recovery fund, which shall consist of all cash 28914  
transfers from the division of securities fund, created in 28915  
section 1707.37 of the Revised Code, ~~not to exceed an aggregate~~ 28916  
~~total of two million five hundred thousand dollars in any fiscal~~ 28917  
~~year.~~ Money in the Ohio investor recovery fund shall be used for 28918  
the purposes identified in division (C) of this section. 28919

(C) The division shall use the Ohio investor recovery fund 28920  
only to pay awards of restitution assistance and any expenses 28921  
incurred in administering this section. 28922

(D) (1) If the Ohio investor recovery fund is reduced below 28923  
two hundred fifty thousand dollars due to payment in full of 28924  
restitution assistance awards that become final during a month, 28925  
the division shall suspend payment of further claims that become 28926  
final during that month and the following two months. 28927

(2) At the end of the suspension period described in 28928  
division (D) (1) of this section, the division shall pay the 28929  
suspended claims. If the Ohio investor recovery fund would be 28930

exhausted by payment in full of the suspended claims, the amount 28931  
paid to each claimant shall be prorated according to the amount 28932  
remaining in the Ohio investor recovery fund at the end of the 28933  
suspension period. 28934

(E) The state shall not be liable for a determination made 28935  
by the division under this section except to the extent that 28936  
money is available in the Ohio investor recovery fund on the 28937  
date the award is calculated. 28938

(F) The following victims are eligible for restitution 28939  
assistance: 28940

(1) A natural person who is a resident of this state; 28941

(2) A person, other than a natural person, that is 28942  
domiciled in Ohio. 28943

(G) The division shall not award restitution assistance as 28944  
follows: 28945

(1) To more than one claimant per victim; 28946

(2) To a claimant on behalf of a victim that has received 28947  
the full amount of restitution owed from the person ordered to 28948  
pay restitution to the victim in the final order before the 28949  
application for restitution assistance from the fund is filed; 28950

(3) To a claimant if the final order identifies no 28951  
pecuniary loss to the victim on whose behalf the application is 28952  
made; 28953

(4) To a claimant on behalf of a victim that assisted in 28954  
the commission of the violation of this chapter; 28955

(5) If the portion of the final order giving rise to a 28956  
restitution order or otherwise establishing a pecuniary loss to 28957

the victim is overturned on appeal. 28958

(H) If, after the division has made a restitution 28959  
assistance award from the Ohio investor recovery fund under this 28960  
section, the restitution award in the final order is overturned 28961  
on appeal and all legal remedies have been exhausted, then the 28962  
claimant shall forfeit the restitution assistance award. 28963

**Sec. 1710.06.** (A) The board of directors of a special 28964  
improvement district may develop and adopt one or more written 28965  
plans for public improvements or public services that benefit 28966  
all or any part of the district. Each plan shall set forth the 28967  
specific public improvements or public services that are to be 28968  
provided, identify the area in which they will be provided, and 28969  
specify the method of assessment to be used. Each plan for 28970  
public improvements or public services shall indicate the period 28971  
of time the assessments are to be levied for the improvements 28972  
and services and, if public services are included in the plan, 28973  
the period of time the services are to remain in effect. Plans 28974  
for public improvements may include the planning, design, 28975  
construction, reconstruction, enlargement, or alteration of any 28976  
public improvements and the acquisition of land for the 28977  
improvements. Plans for public improvements or public services 28978  
may also include, but are not limited to, provisions for the 28979  
following: 28980

(1) Creating and operating the district and the nonprofit 28981  
corporation under this chapter, including hiring employees and 28982  
professional services, contracting for insurance, and purchasing 28983  
or leasing office space and office equipment and other 28984  
requirements of the district; 28985

(2) Planning, designing, and implementing a public 28986  
improvements or public services plan, including hiring 28987

architectural, engineering, legal, appraisal, insurance, 28988  
consulting, energy auditing, and planning services, and, for 28989  
public services, managing, protecting, and maintaining public 28990  
and private facilities, including public improvements; 28991

(3) Conducting court proceedings to carry out this 28992  
chapter; 28993

(4) Paying damages resulting from the provision of public 28994  
improvements or public services and implementing the plans; 28995

(5) Paying the costs of issuing, paying interest on, and 28996  
redeeming notes and bonds issued for funding public improvements 28997  
and public services plans; 28998

(6) Sale, lease, lease with an option to purchase, 28999  
conveyance of other interests in, or other contracts for the 29000  
acquisition, construction, maintenance, repair, furnishing, 29001  
equipping, operation, or improvement of any special energy 29002  
improvement project by the special improvement district, between 29003  
a participating political subdivision and the special 29004  
improvement district, and between the special improvement 29005  
district and any owner of real property in the special 29006  
improvement district on which a special energy improvement 29007  
project has been acquired, installed, equipped, or improved; and 29008

(7) Aggregating the renewable energy credits generated by 29009  
one or more special energy improvement projects within a special 29010  
improvement district, upon the consent of the owners of the 29011  
credits and for the purpose of negotiating and completing the 29012  
sale of such credits. 29013

(B) Once the board of directors of the special improvement 29014  
district adopts a plan, it shall submit the plan to the 29015  
legislative authority of each participating political 29016

subdivision and the municipal executive of each municipal 29017  
corporation in which the district is located, if any. The 29018  
legislative authorities and municipal executives shall review 29019  
the plan and, within sixty days after receiving it, may submit 29020  
their comments and recommendations about it to the district. 29021  
After reviewing these comments and recommendations, the board of 29022  
directors may amend the plan. It may then submit the plan, 29023  
amended or otherwise, in the form of a petition to members of 29024  
the district whose property may be assessed for the plan. Once 29025  
the petition is signed by those members who own at least sixty 29026  
per cent of the front footage of property that is to be assessed 29027  
and that abuts upon a street, alley, public road, place, 29028  
boulevard, parkway, park entrance, easement, or other public 29029  
improvement, or those members who own at least seventy-five per 29030  
cent of the area to be assessed for the improvement or service, 29031  
the petition may be submitted to each legislative authority for 29032  
approval. Except as provided in division (H) of section 1710.02 29033  
of the Revised Code, if the special improvement district was 29034  
created for the purpose of developing and implementing plans for 29035  
special energy improvement projects or shoreline improvement 29036  
projects, the petition required under this division shall be 29037  
signed by one hundred per cent of the owners of the area of all 29038  
real property located within the area to be assessed for the 29039  
special energy improvement project or shoreline improvement 29040  
project. 29041

Each legislative authority shall, by resolution, approve 29042  
or reject the petition within sixty days after receiving it. If 29043  
the petition is approved by the legislative authority of each 29044  
participating political subdivision, the plan contained in the 29045  
petition shall be effective at the earliest date on which a 29046  
nonemergency resolution of the legislative authority with the 29047

latest effective date may become effective. A plan may not be 29048  
resubmitted to the legislative authorities and municipal 29049  
executives more than three times in any twelve-month period. 29050

(C) Each participating political subdivision shall levy, 29051  
by special assessment upon specially benefited property located 29052  
within the district, the costs of any public improvements or 29053  
public services plan contained in a petition approved by the 29054  
participating political subdivisions under this section or 29055  
division (F) of section 1710.02 of the Revised Code. The levy 29056  
shall be made in accordance with the procedures set forth in 29057  
Chapter 727. of the Revised Code, except that: 29058

(1) The assessment for each improvements or services plan 29059  
may be levied by any one or any combination of the methods of 29060  
assessment listed in section 727.01 of the Revised Code, 29061  
provided that the assessment is uniformly applied. 29062

(2) For the purpose of levying an assessment, the board of 29063  
directors may combine one or more improvements or services plans 29064  
or parts of plans and levy a single assessment against specially 29065  
benefited property. 29066

(3) For purposes of special assessments levied by a 29067  
township pursuant to this chapter, references in Chapter 727. of 29068  
the Revised Code to the municipal corporation shall be deemed to 29069  
refer to the township, and references to the legislative 29070  
authority of the municipal corporation shall be deemed to refer 29071  
to the board of township trustees. 29072

(4) Revenue collected from the levy of a special 29073  
assessment for the cost of a special energy improvement project 29074  
may be assigned and remitted to the ~~Ohio~~ office of air quality 29075  
development ~~authority~~ pursuant to an agreement entered into 29076



under section 3706.12 of the Revised Code. 29077

Church property or property owned by a political 29078  
subdivision, including any participating political subdivision 29079  
in which a special improvement district is located, shall be 29080  
included in and be subject to special assessments made pursuant 29081  
to a plan adopted under this section or division (F) of section 29082  
1710.02 of the Revised Code, if the church or political 29083  
subdivision has specifically requested in writing that its 29084  
property be included within the special improvement district and 29085  
the church or political subdivision is a member of the district 29086  
or, in the case of a district created by an existing qualified 29087  
nonprofit corporation, if the church is a member of the 29088  
corporation. 29089

For tax years 2020 to 2024, qualifying real property, as 29090  
defined in section 727.031 of the Revised Code, is exempt from 29091  
special assessments levied under division (C) of this section, 29092  
provided no delinquent special assessments and related interest 29093  
and penalties are levied or assessed against any property owned 29094  
by the owner and operator of the qualifying real property for 29095  
that tax year. 29096

(D) All rights and privileges of property owners who are 29097  
assessed under Chapter 727. of the Revised Code shall be granted 29098  
to property owners assessed under this chapter, including those 29099  
rights and privileges specified in sections 727.15 to 727.17 and 29100  
727.18 to 727.22 of the Revised Code and the right to notice of 29101  
the resolution of necessity and the filing of the estimated 29102  
assessment under section 727.13 of the Revised Code. Property 29103  
owners assessed for public services under this chapter shall 29104  
have the same rights and privileges as property owners assessed 29105  
for public improvements under this chapter. 29106

**Sec. 1713.03.** The chancellor of higher education shall 29107  
establish standards for certificates of authorization to be 29108  
issued to institutions as defined in section 1713.01 of the 29109  
Revised Code, to private institutions exempt from regulation 29110  
under Chapter 3332. of the Revised Code as prescribed in section 29111  
3333.046 of the Revised Code, and to schools holding 29112  
certificates of registration issued by the state board of career 29113  
colleges and schools pursuant to division (C) of section 3332.05 29114  
of the Revised Code. A certificate of authorization may permit 29115  
an institution or school to award one or more types of degrees. 29116

The standards for a certificate of authorization may 29117  
include, for various types of institutions, schools, or degrees, 29118  
minimum qualifications for faculty, library, laboratories, and 29119  
other facilities as adopted and published by the chancellor. The 29120  
standards shall be adopted by the chancellor pursuant to Chapter 29121  
119. of the Revised Code. 29122

An institution or school shall apply to the chancellor for 29123  
a certificate of authorization on forms containing such 29124  
information as is prescribed by the chancellor. Each institution 29125  
or school with a certificate of authorization shall file an 29126  
annual report with the chancellor in such form and containing 29127  
such information as the chancellor prescribes. The annual report 29128  
shall include disclosure of any online program manager, as 29129  
defined in section 1713.032 of the Revised Code, the institution 29130  
or school has contracted with to provide instruction to its 29131  
students. 29132

The chancellor shall adopt a rule under Chapter 119. of 29133  
the Revised Code establishing fees to pay the cost of reviewing 29134  
an application for a certificate of authorization, which the 29135  
institution or school shall pay when it applies for a 29136

certificate of authorization, and establishing fees, which an 29137  
institution or school shall pay, for any further reviews the 29138  
chancellor determines necessary upon examining an institution's 29139  
or school's annual report. 29140

Sec. 1713.032. (A) As used in this section: 29141

(1) "Contractual agreement" means a contract in which an 29142  
institution or school with a certificate of authorization, or 29143  
seeking a certificate of authorization, grants an online program 29144  
manager input on or authority over any of the following for an 29145  
online academic program: 29146

(a) Curriculum development, design, or maintenance; 29147

(b) Student recruitment, assessment, and grading; 29148

(c) Course assessment; 29149

(d) Admissions requirements; 29150

(e) Appointment of faculty; 29151

(f) Faculty assessment; 29152

(g) Decision to award course credit or credential; 29153

(h) Institutional governance; 29154

(i) Instruction. (2) "Online program manager" means a for- 29155  
profit entity in a contractual agreement with an institution or 29156  
school with a certificate of authorization, or seeking a 29157  
certificate of authorization, to develop or administer 29158  
curriculum on behalf of the institution or school for online 29159  
courses or programs. 29160

(B) To the extent practicable, an institution or school 29161  
with a certificate of authorization, or seeking a certificate of 29162  
authorization, that intends to enter into a contractual 29163

agreement for an academic program shall endeavor to provide to 29164  
the chancellor of higher education a notification of intent at 29165  
least thirty days before entering into a contractual agreement. 29166  
Upon entering into a contractual agreement, an institution or 29167  
school shall immediately provide a copy of the contractual 29168  
agreement to the chancellor and any other documentation 29169  
requested by the chancellor related to ensuring compliance with 29170  
standards, rules, and laws. 29171

(C) The chancellor shall develop materials regarding the 29172  
risks inherent in contractual agreements and implementation of 29173  
such agreements that relate to compliance with standards, rules, 29174  
and laws regarding program approval, including the consequences 29175  
of offering an unapproved program. An institution or school 29176  
shall attest to its review of the materials prior to entering 29177  
into a contractual agreement with an online program manager. 29178

(D) Any contractual agreement executed after the effective 29179  
date of this section shall include a provision that grants the 29180  
institution the authority to invalidate the contract if the 29181  
online program manager does not provide curricula that align 29182  
with the institution's or school's approved program. The 29183  
institution or school shall ensure that each such academic 29184  
program is offered in the manner previously approved by the 29185  
chancellor pursuant to section 3333.04 of the Revised Code or 29186  
formally request approval of a significant change to the 29187  
previously approved program or approval of a new academic 29188  
program. 29189

(E) An institution or school that enters a contractual 29190  
agreement shall post on its web site that the institution or 29191  
school utilizes an online program manager. 29192

(F) The chancellor may prescribe the form and manner by 29193

which the requirements in this section may be satisfied, 29194  
including standardized forms and timelines. 29195

(G) Contractual agreements for private nonprofit 29196  
institutions under this section are not subject to the public 29197  
records law. 29198

(H) A for-profit institution that holds a certificate of 29199  
authorization from the chancellor shall comply with this section 29200  
for any program or degree that is offered under the approval of 29201  
the chancellor. 29202

**Sec. 1713.033.** Each institution or school with a 29203  
certificate of authorization issued under this chapter annually 29204  
shall certify to the chancellor of higher education, on a date 29205  
and in the form and manner determined by the chancellor, a plan 29206  
to preserve student records indefinitely if the institution or 29207  
school was to cease operations. The plan shall include the 29208  
designation and signed confirmation of an official custodian of 29209  
student records. If the chancellor determines it necessary, the 29210  
chancellor may require an institution or school to produce an 29211  
executed agreement with the designated custodian of student 29212  
records, paid in full, to ensure the institution's or school's 29213  
plan can be implemented. 29214

The chancellor may consult with the higher learning 29215  
commission, the state board of career colleges and schools, and 29216  
other appropriate entities to establish plans, processes, and 29217  
procedures for institutions and schools to provide indefinite 29218  
access to student records. 29219

**Sec. 1713.041.** (A) Each institution or school authorized 29220  
to offer courses or degrees under a certificate of authorization 29221  
annually shall provide to the chancellor of higher education all 29222

<u>of the following:</u>	29223
<u>(1) Verification of current accreditation status and a</u>	29224
<u>copy of the most recent institutional report from the</u>	29225
<u>institution's accrediting organization;</u>	29226
<u>(2) A plan to preserve student records indefinitely in the</u>	29227
<u>event of closure of the institution or discontinuation of</u>	29228
<u>service. The plan shall include a method by which students and</u>	29229
<u>alumni of the institution may retrieve student records by</u>	29230
<u>request. The plan also shall include a designation and signed</u>	29231
<u>confirmation of an official custodian of student records.</u>	29232
<u>Student records preserved under the plan shall include, but not</u>	29233
<u>be limited to:</u>	29234
<u>(a) Academic transcripts;</u>	29235
<u>(b) Financial aid documents;</u>	29236
<u>(c) International student forms;</u>	29237
<u>(d) Tax information.</u>	29238
<u>(3) The following program information:</u>	29239
<u>(a) A list of current degree programs offered by the</u>	29240
<u>institution in this state;</u>	29241
<u>(b) The results of any external degree program evaluations</u>	29242
<u>conducted in the last year;</u>	29243
<u>(c) A list of any degree programs that have been</u>	29244
<u>eliminated in the last year;</u>	29245
<u>(4) The latest financial statement for the most recent</u>	29246
<u>fiscal year compiled and audited by an independent certified</u>	29247
<u>public accountant, including any management letters provided by</u>	29248
<u>the independent auditor;</u>	29249

<u>(5) Any other information requested by the chancellor.</u>	29250
<u>(B) If an institution or school fails to submit the</u>	29251
<u>information required under division (A) of this section or if</u>	29252
<u>the chancellor finds that the information submitted under that</u>	29253
<u>division is insufficient, the chancellor may suspend, withdraw,</u>	29254
<u>or revoke an institution or school's institutional authorization</u>	29255
<u>or a program's authorization.</u>	29256
<u>(C) Each institution or school shall immediately notify</u>	29257
<u>the chancellor if the institution or school does any of the</u>	29258
<u>following:</u>	29259
<u>(1) Receives notice from the federal government or an</u>	29260
<u>institutional accrediting organization that the institution or</u>	29261
<u>school is subject to heightened reporting standards or special</u>	29262
<u>monitoring status, such as the United States department of</u>	29263
<u>education's heightened cash monitoring process;</u>	29264
<u>(2) Receives preliminary or final accreditation findings;</u>	29265
<u>(3) Becomes the subject of an investigation by a</u>	29266
<u>government agency related to the institution's academic quality,</u>	29267
<u>financial stability, or student consumer protection;</u>	29268
<u>(4) Fails to make any payments to applicable retirement</u>	29269
<u>systems;</u>	29270
<u>(5) Fails to make any scheduled payroll payments;</u>	29271
<u>(6) Fails to make any payments to vendors when due as a</u>	29272
<u>result of a cash deficiency or a substantial deficiency in the</u>	29273
<u>payment processing system of the institution;</u>	29274
<u>(7) Fails to make any scheduled payment of principal or</u>	29275
<u>interest for short- or long-term debt;</u>	29276

<u>(8) Makes budget revisions resulting in a substantially</u>	29277
<u>reduced ending fund balance or larger deficit;</u>	29278
<u>(9) Becomes aware of significant negative variance between</u>	29279
<u>the most recently adopted annual budget and actual revenues or</u>	29280
<u>expenses as projected at the end of the fiscal year.</u>	29281
<u>(D) A document received by the chancellor under division</u>	29282
<u>(C) (1), (2), or (3) of this section that is confidential under</u>	29283
<u>federal law is not subject to release under a public record</u>	29284
<u>request until such time as the document is released publicly by</u>	29285
<u>the appropriate entity. Further, financial documentation of the</u>	29286
<u>institution or school received by the chancellor under this</u>	29287
<u>section is not a public record under section 149.43 of the</u>	29288
<u>Revised Code.</u>	29289
<b>Sec. 1923.01.</b> (A) As provided in this chapter, any judge	29290
of a county or municipal court or a court of common pleas,	29291
within the judge's proper area of jurisdiction, may inquire	29292
about persons who make unlawful and forcible entry into lands or	29293
tenements and detain them, and about persons who make a lawful	29294
and peaceable entry into lands or tenements and hold them	29295
unlawfully and by force. If, upon the inquiry, it is found that	29296
an unlawful and forcible entry has been made and the lands or	29297
tenements are detained, or that, after a lawful entry, lands or	29298
tenements are held unlawfully and by force, a judge shall cause	29299
the plaintiff in an action under this chapter to have	29300
restitution of the lands or tenements.	29301
(B) An action shall be brought under this chapter within	29302
two years after the cause of action accrues.	29303
(C) As used in this chapter:	29304
(1) "Tenant" means a person who is entitled under a rental	29305



agreement to the use or occupancy of premises, other than 29306  
premises located in a manufactured home park, to the exclusion 29307  
of others, except that as used in division (A) (6) of section 29308  
1923.02 and section 1923.051 of the Revised Code, "tenant" 29309  
includes a manufactured home park resident. 29310

(2) "Landlord" means the owner, lessor, or sublessor of 29311  
premises, or the agent or person the landlord authorizes to 29312  
manage premises or to receive rent from a tenant under a rental 29313  
agreement, except, if required by the facts of the action to 29314  
which the term is applied, "landlord" means a park operator. 29315

(3) "Resident" has the same meaning as in section 4781.01 29316  
of the Revised Code. 29317

(4) "Residential premises" has the same meaning as in 29318  
section 5321.01 of the Revised Code, except, if required by the 29319  
facts of the action to which the term is applied, "residential 29320  
premises" has the same meaning as in section 4781.01 of the 29321  
Revised Code. 29322

(5) "Rental agreement" means any agreement or lease, 29323  
written or oral, that establishes or modifies the terms, 29324  
conditions, rules, or other provisions concerning the use or 29325  
occupancy of premises by one of the parties to the agreement or 29326  
lease, except that "rental agreement," as used in division (A) 29327  
(13) of section 1923.02 of the Revised Code and where the 29328  
context requires as used in this chapter, means a rental 29329  
agreement as defined in division (D) of section 5322.01 of the 29330  
Revised Code. 29331

(6) "Controlled substance" has the same meaning as in 29332  
section 3719.01 of the Revised Code. 29333

(7) "School premises" has the same meaning as in section 29334

2925.01 of the Revised Code.	29335
(8) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	29336 29337 29338
<del>(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.</del>	29339 29340
<del>(10)</del> "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.	29341 29342
<del>(11)</del> <u>(10)</u> "Manufactured home park" has the same meaning as in section 4781.01 of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land.	29343 29344 29345 29346 29347 29348 29349
<del>(12)</del> <u>(11)</u> "Park operator" has the same meaning as in section 4781.01 of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter 4781. of the Revised Code.	29350 29351 29352 29353 29354 29355 29356 29357
<del>(13)</del> <u>(12)</u> "Personal property" means tangible personal property other than a manufactured home, <u>or</u> mobile home, <del>or</del> <del>recreational vehicle</del> that is the subject of an action under this chapter.	29358 29359 29360 29361
<del>(14)</del> <u>(13)</u> "Preschool or child care center premises" has the same meaning as in section 2950.034 of the Revised Code.	29362 29363

~~(15)~~(14) "Minor tenant" means a tenant under eighteen 29364  
years of age who is not emancipated. 29365

(15) "Titled owner" means a person or estate that owns a 29366  
manufactured or mobile home located in a manufactured home park, 29367  
regardless of whether the person or estate is entitled to occupy 29368  
the lot under the rental agreement with the park operator. 29369

**Sec. 1923.02.** (A) Proceedings under this chapter may be 29370  
had as follows: 29371

(1) Against tenants or manufactured home park residents 29372  
holding over their terms; 29373

(2) Against tenants or manufactured home park residents in 29374  
possession under an oral tenancy, who are in default in the 29375  
payment of rent as provided in division (B) of this section; 29376

(3) In sales of real estate, on executions, orders, or 29377  
other judicial process, when the judgment debtor was in 29378  
possession at the time of the rendition of the judgment or 29379  
decree, by virtue of which the sale was made; 29380

(4) In sales by executors, administrators, or guardians, 29381  
and on partition, when any of the parties to the complaint were 29382  
in possession at the commencement of the action, after the 29383  
sales, so made on execution or otherwise, have been examined by 29384  
the proper court and adjudged legal; 29385

(5) When the defendant is an occupier of lands or 29386  
tenements, without color of title, and the complainant has the 29387  
right of possession to them; 29388

(6) In any other case of the unlawful and forcible 29389  
detention of lands or tenements. For purposes of this division, 29390  
in addition to any other type of unlawful and forcible detention 29391

of lands or tenements, such a detention may be determined to 29392  
exist when both of the following apply: 29393

(a) A tenant fails to vacate residential premises within 29394  
three days after both of the following occur: 29395

(i) The tenant's landlord has actual knowledge of or has 29396  
reasonable cause to believe that the tenant, any person in the 29397  
tenant's household, or any person on the premises with the 29398  
consent of the tenant previously has or presently is engaged in 29399  
a violation of Chapter 2925. or 3719. of the Revised Code, or of 29400  
a municipal ordinance that is substantially similar to any 29401  
section in either of those chapters, which involves a controlled 29402  
substance and which occurred in, is occurring in, or otherwise 29403  
was or is connected with the premises, whether or not the tenant 29404  
or other person has been charged with, has pleaded guilty to or 29405  
been convicted of, or has been determined to be a delinquent 29406  
child for an act that, if committed by an adult, would be a 29407  
violation as described in this division. For purposes of this 29408  
division, a landlord has "actual knowledge of or has reasonable 29409  
cause to believe" that a tenant, any person in the tenant's 29410  
household, or any person on the premises with the consent of the 29411  
tenant previously has or presently is engaged in a violation as 29412  
described in this division if a search warrant was issued 29413  
pursuant to Criminal Rule 41 or Chapter 2933. of the Revised 29414  
Code; the affidavit presented to obtain the warrant named or 29415  
described the tenant or person as the individual to be searched 29416  
and particularly described the tenant's premises as the place to 29417  
be searched, named or described one or more controlled 29418  
substances to be searched for and seized, stated substantially 29419  
the offense under Chapter 2925. or 3719. of the Revised Code or 29420  
the substantially similar municipal ordinance that occurred in, 29421  
is occurring in, or otherwise was or is connected with the 29422

tenant's premises, and states the factual basis for the 29423  
affiant's belief that the controlled substances are located on 29424  
the tenant's premises; the warrant was properly executed by a 29425  
law enforcement officer and any controlled substance described 29426  
in the affidavit was found by that officer during the search and 29427  
seizure; and, subsequent to the search and seizure, the landlord 29428  
was informed by that or another law enforcement officer of the 29429  
fact that the tenant or person has or presently is engaged in a 29430  
violation as described in this division and it occurred in, is 29431  
occurring in, or otherwise was or is connected with the tenant's 29432  
premises. 29433

(ii) The landlord gives the tenant the notice required by 29434  
division (C) of section 5321.17 of the Revised Code. 29435

(b) The court determines, by a preponderance of the 29436  
evidence, that the tenant, any person in the tenant's household, 29437  
or any person on the premises with the consent of the tenant 29438  
previously has or presently is engaged in a violation as 29439  
described in division (A) (6) (a) (i) of this section. 29440

(7) In cases arising out of Chapter 5313. of the Revised 29441  
Code. In those cases, the court has the authority to declare a 29442  
forfeiture of the vendee's rights under a land installment 29443  
contract and to grant any other claims arising out of the 29444  
contract. 29445

(8) Against tenants who have breached an obligation that 29446  
is imposed by section 5321.05 of the Revised Code, other than 29447  
the obligation specified in division (A) (9) of that section, and 29448  
that materially affects health and safety. Prior to the 29449  
commencement of an action under this division, notice shall be 29450  
given to the tenant and compliance secured with section 5321.11 29451  
of the Revised Code. 29452

(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;	29453 29454
(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A) (12) of this section when the additional circumstances described in that division apply.	29455 29456 29457 29458 29459 29460
(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the division of industrial compliance of the department of commerce, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 4781.45 of the Revised Code;	29461 29462 29463 29464 29465 29466 29467
(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, <del>or recreational vehicle that is parked in the manufactured home park,</del> has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator;	29468 29469 29470 29471 29472 29473 29474 29475 29476 29477
(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code, who have breached the terms of a rental agreement or violated section 5322.04 of the Revised Code;	29478 29479 29480 29481

(14) Against any resident or occupant who, pursuant to a rental agreement, resides in or occupies residential premises located within one thousand feet of any school premises, preschool or child care center premises, children's crisis care facility premises, or residential infant care center premises and to whom both of the following apply:

(a) The resident's or occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(15) Against any tenant who permits any person to occupy residential premises located within one thousand feet of any school premises, preschool or child care center premises, children's crisis care facility premises, or residential infant care center premises if both of the following apply to the person:

(a) The person's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that

offense. 29511

(B) If a tenant or manufactured home park resident holding 29512  
under an oral tenancy is in default in the payment of rent, the 29513  
tenant or resident forfeits the right of occupancy, and the 29514  
landlord may, at the landlord's option, terminate the tenancy by 29515  
notifying the tenant or resident, as provided in section 1923.04 29516  
of the Revised Code, to leave the premises, for the restitution 29517  
of which an action may then be brought under this chapter. 29518

(C) (1) If a tenant or any other person with the tenant's 29519  
permission resides in or occupies residential premises that are 29520  
located within one thousand feet of any school premises, 29521  
children's crisis care facility premises, or residential infant 29522  
care center premises and is a resident or occupant of the type 29523  
described in division (A) (14) of this section or a person of the 29524  
type described in division (A) (15) of this section, the landlord 29525  
for those residential premises, upon discovery that the tenant 29526  
or other person is a resident, occupant, or person of that 29527  
nature, may terminate the rental agreement or tenancy for those 29528  
residential premises by notifying the tenant and all other 29529  
occupants, as provided in section 1923.04 of the Revised Code, 29530  
to leave the premises. 29531

(2) If a landlord is authorized to terminate a rental 29532  
agreement or tenancy pursuant to division (C) (1) of this section 29533  
but does not so terminate the rental agreement or tenancy, the 29534  
landlord is not liable in a tort or other civil action in 29535  
damages for any injury, death, or loss to person or property 29536  
that allegedly result from that decision. 29537

(D) This chapter does not apply to a student tenant as 29538  
defined by division (H) of section 5321.01 of the Revised Code 29539  
when the college or university proceeds to terminate a rental 29540



agreement pursuant to section 5321.031 of the Revised Code. 29541

(E) The titled owner of the manufactured or mobile home shall be joined as a defendant in any proceeding under this chapter against a manufactured home park resident who is not the titled owner of the manufactured or mobile home. 29542  
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(F) As used in this section, "children's crisis care facility premises" and "residential infant care center premises" have the same meanings as in section 2950.034 of the Revised Code. 29546  
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**Sec. 1923.04.** (A) Except as provided in division (B) ~~or (C)~~, or (D) of this section, a party desiring to commence an action under this chapter shall notify the adverse party to leave the premises, for the possession of which the action is about to be brought, three or more days before beginning the action, by certified mail, return receipt requested, or by handing a written copy of the notice to the defendant in person, or by leaving it at the defendant's usual place of abode or at the premises from which the defendant is sought to be evicted. 29550  
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Every notice given under this section by a landlord to recover residential premises shall contain the following language printed or written in a conspicuous manner: "You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance." 29559  
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(B) The service of notice pursuant to section 5313.06 of the Revised Code constitutes compliance with the notice requirement of division (A) of this section. The service of the notice required by division (C) of section 5321.17 of the 29566  
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Revised Code constitutes compliance with the notice requirement 29570  
of division (A) of this section. 29571

(C) If the adverse party in an action under this chapter 29572  
is a deceased resident of a manufactured home park, the notice 29573  
required by division (A) of this section shall be left at the 29574  
premises from which the defendant is sought to be evicted and 29575  
also shall be sent by ordinary mail to the following persons if 29576  
their names and addresses are known to the park operator: 29577

(1) If a probate court has granted letters testamentary or 29578  
of administration for the estate of the adverse party in 29579  
accordance with Title XXI of the Revised Code, the executor or 29580  
administrator appointed by the probate court; 29581

(2) The deceased resident's spouse and any other members 29582  
of the deceased resident's immediate family. 29583

(D) If the adverse party in an action under this chapter 29584  
is a titled owner, the notice required by division (A) of this 29585  
section shall be left at the premises from which the defendant 29586  
is sought to be evicted and also shall be sent by ordinary mail 29587  
to the titled owner if the titled owner's name and address is 29588  
known to the park operator. 29589

**Sec. 1923.06.** (A) Any summons in an action, including a 29590  
claim for possession, pursuant to this chapter shall be issued, 29591  
be in the form specified, and be served and returned as provided 29592  
in this section. Such service shall be at least seven days 29593  
before the day set for trial. 29594

(B) Every summons issued under this section to recover 29595  
residential premises shall contain the following language 29596  
printed in a conspicuous manner: "A complaint to evict you or 29597  
the resident of your manufactured or mobile home has been filed 29598

with this court. No person shall be evicted unless the person's  
right to possession has ended and no person shall be evicted in  
retaliation for the exercise of the person's lawful rights. If  
you are depositing rent with the clerk of this court you shall  
continue to deposit such rent until the time of the court  
hearing. The failure to continue to deposit such rent may result  
in your eviction. You may request a trial by jury. You have the  
right to seek legal assistance. If you cannot afford a lawyer,  
you may contact your local legal aid or legal service office. If  
none is available, you may contact your local bar association."

(C) The clerk of the court in which a complaint to evict  
is filed shall mail any summons by ordinary mail, along with a  
copy of the complaint, document, or other process to be served,  
to the defendant at the address set forth in the caption of the  
summons and to any address set forth in any written instructions  
furnished to the clerk. The mailing shall be evidenced by a  
certificate of mailing which the clerk shall complete and file.

In addition to this ordinary mail service, the clerk also  
shall cause service of that process to be completed under either  
of the following:

(1) Division (D) or (E) of this section or both, depending  
upon which of those two methods of service is requested by the  
plaintiff upon filing the complaint to evict;

(2) Division (F) of this section if the action relates to  
a deceased manufactured home park resident.

(D) (1) If requested, the clerk shall deliver sufficient  
copies of the summons, complaint, document, or other process to  
be served to, and service shall be made by, one of the following  
persons:

(a) The sheriff of the county in which the premises are 29628  
located when the process issues from a court of common pleas or 29629  
county court; 29630

(b) The bailiff of the court for service when process 29631  
issues from a municipal court; 29632

(c) Any person who is eighteen years of age or older, who 29633  
is not a party, and who has been designated by order of the 29634  
court to make service of process when process issues from any of 29635  
the courts referred to in divisions (D) (1) (a) and (b) of this 29636  
section. 29637

(2) The person serving process shall effect service at the 29638  
premises that are the subject of the forcible entry and detainer 29639  
action by one of the following means: 29640

(a) By locating the person to be served at the premises to 29641  
tender a copy of the process and accompanying documents to that 29642  
person; 29643

(b) By leaving a copy of the summons, complaint, document, 29644  
or other process with a person of suitable age and discretion 29645  
found at the premises if the person to be served cannot be found 29646  
at the time the person making service attempts to serve the 29647  
summons pursuant to division (D) (2) (a) of this section; 29648

(c) By posting a copy in a conspicuous place on the 29649  
subject premises if service cannot be made pursuant to divisions 29650  
(D) (2) (a) and (b) of this section. 29651

(3) Within five days after receiving the summons, 29652  
complaint, document, or other process from the clerk for 29653  
service, the person making service shall return the process to 29654  
the clerk. The person shall indicate on the process which method 29655  
described in division (D) (2) of this section was used to serve 29656

the summons. The clerk shall make the appropriate entry on the appearance docket.

(E) If requested, the clerk shall mail by certified mail, return receipt requested, a copy of the summons, complaint, document, or other process to be served to the address set forth in the caption of the summons and to any address set forth in any written instructions furnished to the clerk.

(F) (1) If the person to be evicted in an action pursuant to this chapter is a deceased manufactured home park resident, the plaintiff shall provide to the clerk the following information:

(a) If the plaintiff knows that a probate court has granted letters testamentary or of administration for the estate of the deceased resident, the name and address of the probate court, the case number of the estate, and the name and address of the executor or administrator appointed by the probate court;

(b) If the plaintiff knows that a probate court has not granted letters testamentary or of administration for the estate of the deceased resident or does not know whether or not a probate court has granted letters testamentary or of administration for the estate, the names and addresses of the deceased resident's spouse and any other members of the deceased resident's immediate family that are known to the plaintiff;

(c) If the plaintiff does not possess the information set forth in division (F) (1) (a) or (b) of this section, an affidavit from the plaintiff stating that the plaintiff does not possess the information.

(2) (a) Upon receipt from the plaintiff of the information set forth in division (F) (1) (a) of this section, the clerk shall

mail by certified mail, return receipt requested, a copy of the 29686  
summons, complaint, document, or other process to be served to 29687  
the address of the executor or administrator appointed by the 29688  
probate court. 29689

(b) Upon receipt from the plaintiff of the information set 29690  
forth in division (F) (1) (b) or (c) of this section, the clerk 29691  
shall do both of the following: 29692

(i) Mail by ordinary mail and by certified mail, return 29693  
receipt requested, a copy of the summons, complaint, document, 29694  
or other process to be served to the persons and addresses 29695  
provided by the plaintiff, if any. The ordinary mail mailing 29696  
shall be evidenced by a certificate of mailing that the clerk 29697  
shall complete and file. 29698

(ii) Cause service of notice to be made by publication in 29699  
a newspaper of general circulation in the county in which the 29700  
complaint is filed. The publication shall set forth the name and 29701  
address of the court, the case number, the name and address of 29702  
the plaintiff or the plaintiff's attorney, and the name and 29703  
address of the deceased manufactured home park resident. The 29704  
publication shall describe the premises entered upon and 29705  
detained, shall contain a summary statement of the object of the 29706  
eviction complaint against the deceased resident, and shall 29707  
state that the claim for restitution of the premises shall be 29708  
scheduled for a hearing in accordance with local court rules, 29709  
but in no event sooner than the seventh day from the date 29710  
service is complete. The clerk shall cause the publication to be 29711  
published at least once a week for two weeks. 29712

(G) Service of process shall be deemed complete on the 29713  
date that any of the following has occurred: 29714

(1) Service is made pursuant to division (D) (2) (a) or (b) of this section.	29715 29716
(2) Both ordinary mail service under division (C) and service by posting pursuant to division (D) (2) (c) of this section have been made.	29717 29718 29719
(3) For service performed pursuant to division (E) or (F) (2) (a) of this section, on the date of mailing, if on the date of the hearing either of the following applies:	29720 29721 29722
(a) The certified mail has not been returned for any reason other than refused or unclaimed.	29723 29724
(b) The certified mail has not been endorsed, and the ordinary mail has not been returned.	29725 29726
(4) For service performed under division (F) (2) (b) of this section, on the date of mailing under division (F) (2) (b) (i) of this section or on the date of the last publication under division (F) (2) (b) (ii) of this section, whichever is later, if on the date of the hearing, either of the following applies:	29727 29728 29729 29730 29731
(a) The certified mail has not been returned for any reason other than refused or unclaimed.	29732 29733
(b) The certified mail has not been endorsed, and the ordinary mail has not been returned.	29734 29735
(H) (1) The claim for restitution of the premises shall be scheduled for hearing in accordance with local court rules, but in no event sooner than the seventh day from the date service is complete.	29736 29737 29738 29739
(2) Answer day for any other claims filed with the claim for possession shall be twenty-eight days from the date service is deemed complete under this section.	29740 29741 29742

(I) As used in this section, "immediate family" means a person's spouse, brothers and sisters of the whole or half blood, children, including adopted children and stepchildren, parents, and grandparents.

**Sec. 1923.09.** (A) If an action under this chapter is not continued, the place of trial is not changed, and neither party demands a jury on the return day of the summons, a judge of the court shall try the cause. After hearing the evidence, if the judge concludes that the complaint is not true, the judge shall enter judgment against the plaintiff for costs. If the judge finds the complaint to be true, the judge shall render a general judgment against the defendant, in favor of the plaintiff, for restitution of the premises and costs of suit. If the judge finds the complaint true in part, the judge shall render a judgment for restitution of that part only, and the costs shall be taxed as the judge considers just.

(B) If a judgment is entered under this section in favor of a plaintiff who is a park operator, and upon a subsequent entry for disposition of a manufactured home or mobile home, the judge shall include in the judgment entry authority for the plaintiff to permit, in accordance with section 1923.12 and division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code, the removal from the manufactured home park and potential sale, destruction, or transfer of ownership of the defendant's manufactured home, mobile home, or recreational vehicle.

**Sec. 1923.11.** (A) The court shall enter the verdict rendered by a jury under section 1923.10 of the Revised Code upon the docket, and render judgment in the action as if the facts, authorizing the finding of the verdict, had been found by



the court itself. 29773

(B) If a judgment is entered under this section in favor 29774  
of a plaintiff who is a park operator, the judge shall include 29775  
in the judgment entry authority for the plaintiff to permit, in 29776  
accordance with section 1923.12 and division (B) of section 29777  
1923.13 and division (B) of section 1923.14 of the Revised Code, 29778  
the removal from the manufactured home park and potential sale, 29779  
destruction, or transfer of ownership of the defendant's 29780  
manufactured home, or mobile home, ~~or recreational vehicle~~. 29781

**Sec. 1923.12.** (A) ~~If a resident or a resident's estate~~ the 29782  
titled owner of a manufactured home or mobile home has been 29783  
evicted from a manufactured home park pursuant to a judgment 29784  
entered under section 1923.09 or 1923.11 of the Revised Code and 29785  
if the ~~resident~~ titled owner or the titled owner's estate has 29786  
abandoned or otherwise left unoccupied the ~~resident's~~ titled 29787  
owner's manufactured home, or mobile home, ~~or recreational~~ 29788  
~~vehicle~~ on the residential premises of the manufactured home 29789  
park for a period of three days following the entry of the 29790  
judgment, the ~~operator of the~~ manufactured home park operator 29791  
may provide to the titled owner ~~of the home or vehicle~~ a written 29792  
notice to remove the manufactured home ~~or vehicle~~ or mobile home 29793  
from the manufactured home park within fourteen days ~~from~~ after 29794  
the date of the delivery of the notice. The park operator shall 29795  
deliver or cause the delivery of the notice by ~~personal delivery~~ 29796  
~~to~~ posting it to the door of the manufactured home or mobile 29797  
home that is the subject of the ~~owner~~ notice or by ordinary mail 29798  
sent to the last known address of the titled owner. Except as 29799  
provided in ~~divisions~~ division (D) and ~~(E)~~ of this section, if 29800  
the titled owner of the manufactured home, or mobile home, ~~or~~ 29801  
~~recreational vehicle~~ does not remove it or cause it to be 29802  
removed from the manufactured home park within fourteen days 29803

~~from~~after the date of the delivery of the notice, the park 29804  
operator may follow the procedures of division (B) of section 29805  
1923.13 and division (B) of section 1923.14 of the Revised Code 29806  
to permit the removal of the home ~~or vehicle~~ from the 29807  
manufactured home park, and the potential sale, destruction, or 29808  
transfer of ownership of the home ~~or vehicle~~, at the discretion 29809  
of the manufactured home park operator. 29810

(B) Every notice provided to the titled owner of a 29811  
manufactured home, or mobile home, ~~or recreational vehicle~~ under 29812  
this section shall contain the following language printed in a 29813  
conspicuous manner: "You are being asked to remove your 29814  
manufactured home, or mobile home, ~~or recreational vehicle~~ from 29815  
the residential premises of \_\_\_\_\_, a manufactured home 29816  
park, in accordance with a judgment of eviction entered in 29817  
\_\_\_\_\_ court on \_\_\_\_\_ against \_\_\_\_\_. If the 29818  
manufactured home, or mobile home, ~~or recreational vehicle~~ is 29819  
not removed from the manufactured home park within fourteen days 29820  
~~from~~after the date of delivery of this notice, the home ~~or~~ 29821  
~~vehicle~~ may be sold or destroyed, or its title may be 29822  
transferred to \_\_\_\_\_, pursuant to division (B) of both 29823  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 29824  
doubt regarding your legal rights, it is recommended that you 29825  
seek legal assistance." 29826

(C) (1) Before requesting a ~~writ of execution~~ an order of 29827  
the court under division (B) of section 1923.13 of the Revised 29828  
Code, the park operator shall conduct or cause to be conducted a 29829  
search of the appropriate public records that relate to the 29830  
manufactured home, or mobile home, ~~or recreational vehicle~~, and 29831  
make or cause to be made reasonably diligent inquiries, for the 29832  
purpose of identifying any persons other than the titled owner 29833  
who have an outstanding right, title, or interest in the home ~~or~~ 29834

vehicle. The clerk of courts shall provide the title information 29835  
upon a request made pursuant to this section. 29836

(2) If the search or inquiries pursuant to division (C) (1) 29837  
of this section reveal any person other than the titled owner 29838  
who has an outstanding right, title, or interest in the 29839  
manufactured home, or mobile home, ~~or recreational vehicle,~~ the 29840  
park operator shall provide by ordinary mail to the last known 29841  
address of the person a written notice to remove the home or 29842  
vehicle from the manufactured home park or arrange for the sale 29843  
of the home or vehicle within that the person has twenty-one 29844  
days from after the date of the delivery of the notice to 29845  
preserve the person's ownership interest in the home by paying 29846  
to the park owner any outstanding rent and storage fees. Such a 29847  
person forfeits any further action on the title to the home 29848  
following the twenty-first day after delivery of the notice 29849  
unless rent and storage fees are paid to the manufactured home 29850  
park operator. The notice shall also specify the amount of fees 29851  
owed, the method by which to pay the fees, and information on 29852  
how to contact the titled owner for the sale or removal of the 29853  
home. 29854

The notice shall contain the following language printed in 29855  
a conspicuous manner: "You are being asked to remove pay 29856  
outstanding fees in the amount of \_\_\_\_\_ for the manufactured 29857  
home, ~~or mobile home, or recreational vehicle~~ that you have an 29858  
outstanding right, title, or interest in from the residential 29859  
premises of \_\_\_\_\_, a manufactured home park, in accordance 29860  
with a judgment of eviction entered in \_\_\_\_\_ court on 29861  
\_\_\_\_\_ against \_\_\_\_\_. If outstanding fees related to 29862  
the manufactured home, ~~or mobile home, or recreational vehicle~~ 29863  
is ~~are not removed from the manufactured home park paid~~ within 29864  
twenty-one days from the date of delivery of this notice, the 29865

home ~~or vehicle~~ may be sold or destroyed, or its title may be 29866  
transferred to \_\_\_\_\_, pursuant to division (B) of both 29867  
sections 1923.13 and 1923.14 of the Revised Code. Outstanding 29868  
fees may be paid to \_\_\_\_\_ . The titled owner may be contacted 29869  
at \_\_\_\_\_ . If you are in doubt regarding your legal rights, 29870  
it is recommended that you seek legal assistance." 29871

~~The park operator shall deliver or cause the delivery of~~ 29872  
~~the notice by personal delivery to the person or by ordinary~~ 29873  
~~mail sent to the last known address of the person.~~ If a sale of 29874  
the home ~~or vehicle~~ is arranged by the person having an interest 29875  
in the home other than the titled owner of the home, the person- 29876  
seller shall pay any rent due to the park operator during the 29877  
pendency of the sale. If the person having an interest in the 29878  
home does not remove the home ~~or vehicle~~ or arrange for its sale 29879  
within twenty-one days from the date of the delivery of the 29880  
notice, the park operator may follow the procedures of division 29881  
(B) of section 1923.13 and division (B) of section 1923.14 of 29882  
the Revised Code to permit the removal of the home ~~or vehicle~~ 29883  
from the manufactured home park, and the potential sale, 29884  
destruction, or transfer of ownership of the home ~~or vehicle~~. 29885

(3) If the search or inquiries reveal no person who has an 29886  
outstanding right, title, or interest in the manufactured home, ~~r\_~~ 29887  
or mobile home, ~~or recreational vehicle,~~ the park operator may 29888  
follow the procedures of division (B) of section 1923.13 and 29889  
division (B) of section 1923.14 of the Revised Code to permit 29890  
the removal of the home ~~or vehicle~~ from the manufactured home 29891  
park, and the potential sale, destruction, or transfer of 29892  
ownership of the home ~~or vehicle~~ at the discretion of the park 29893  
operator without limitation by the court. 29894

~~(D)~~ (D) (1) If a probate court grants administration with 29895

respect to the titled owner's estate, and the executor or 29896  
administrator does not pay rent or storage fees before the 29897  
manufactured or mobile home is removed from the manufactured 29898  
home park or sold by a person having an interest in the home in 29899  
accordance with this section, the titled owner's estate forfeits 29900  
its interest in the home. When a ~~deceased resident~~ titled owner 29901  
or a ~~resident's~~ titled owner's estate has been evicted from a 29902  
manufactured home park pursuant to a judgment entered under 29903  
section 1923.09 or 1923.11 of the Revised Code, the removal from 29904  
the park and potential sale, destruction, or transfer of 29905  
ownership of the resident's manufactured home, or mobile home, 29906  
~~or recreational vehicle~~ and any personal property abandoned on 29907  
the residential premises shall be conducted in the manner 29908  
prescribed by the probate court in which letters testamentary or 29909  
of administration have been granted for the estate in accordance 29910  
with Title XXI of the Revised Code. The park operator may store 29911  
the resident's manufactured home, or mobile home, ~~or~~ 29912  
~~recreational vehicle~~ at a storage facility or at another 29913  
location within the manufactured home park during the 29914  
administration of the estate. The park operator shall notify the 29915  
executor or administrator of the ~~resident's~~ titled owner's 29916  
estate where the manufactured home, or mobile home, ~~or~~ 29917  
~~recreational vehicle~~ will be stored during the administration of 29918  
the estate and of rent that continues to accrue. The costs for 29919  
the removal and storage of the manufactured home, or mobile 29920  
home, ~~or recreational vehicle~~ shall be a claim against the 29921  
~~resident's~~ titled owner's estate without further presentation of 29922  
the claim to the executor or administrator. 29923

~~(E) (1) When the resident who has been evicted from a~~ 29924  
~~manufactured home park pursuant to a judgment entered under~~ 29925  
~~section 1923.09 or 1923.11 of the Revised Code is the titled~~ 29926

~~owner of a manufactured home, mobile home, or recreational  
vehicle and is or becomes deceased prior to the removal of the  
home or vehicle from the manufactured home park, and (2) If no  
probate court has granted administration with respect to the  
resident's titled owner's estate within ninety-two days  
of after the deceased's death notification to remove the home is  
provided pursuant to division (A) of this section, the park  
operator may store the home or vehicle at a storage facility or  
at another location within the manufactured home park before and  
after a probate court grants letters testamentary or of  
administration with respect to the resident's estate pursuant to  
Title XXI of the Revised Code file a request for an order of the  
court for title to the home.~~ 29927  
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~~(2) If a probate court grants administration with respect  
to the resident's estate within ninety days of the date of the  
eviction of the resident from the park, the removal of the  
manufactured home, mobile home, or recreational vehicle from the  
park and potential sale, destruction, or transfer of ownership  
of the home or vehicle shall be conducted pursuant to division  
(D) of this section.~~ 29940  
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~~(3) If no probate court grants administration with respect  
to the resident's estate within ninety days of the date of the  
eviction of the resident from the manufactured home park  
pursuant to a judgment entered under section 1923.09 or 1923.11  
of the Revised Code, the park operator shall conduct or cause to  
be conducted a search of the appropriate public records that  
relate to the manufactured home, mobile home, or recreational  
vehicle, and make or cause to be made reasonably diligent  
inquiries, for the purpose of identifying any persons who have  
an outstanding right, title, or interest in the home or vehicle.~~ 29947  
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~~(a) If the search or inquiries pursuant to division (E) (3) of this section reveal any person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall provide to the person a written notice to remove the home or vehicle from the manufactured home park or arrange for the sale of the home or vehicle within twenty-one days from the date of the delivery of the notice. The notice shall be in the form described in division (C) (2) of this section. The park operator shall deliver or cause the delivery of the notice by personal delivery to the person or by ordinary mail sent to the last known address of the person. If a sale of the home or vehicle is arranged, the person shall pay any rent due to the park operator during the pendency of the sale. If the person does not remove the home or vehicle or arrange for its sale within twenty-one days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle.~~

~~(b) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle~~ that the titled owner is deceased, the park operator shall publish notice of a petition for a writ of execution court order in a newspaper of general circulation in the county where the home ~~or vehicle~~ has been abandoned. The publication shall contain the name of the deceased and the last known address of the home ~~or vehicle~~ and shall run once a week for two consecutive weeks. The park operator shall provide to the clerk of the court written

certification by the newspaper of the dates of the publication 29988  
and an affidavit signed by the operator attesting to the 29989  
publication. The park operator may then follow the procedures of 29990  
division (B) of section 1923.13 and division (B) of section 29991  
1923.14 of the Revised Code to permit the removal of the home ~~or~~ 29992  
~~vehicle~~ from the manufactured home park, and the potential sale, 29993  
destruction, or transfer of ownership of the home ~~or vehicle~~ at 29994  
the discretion of the park operator without limitation by the 29995  
court. 29996

(E) (1) A park operator that seeks to acquire title to an 29997  
abandoned manufactured or mobile home under this section shall 29998  
submit to the county auditor an affidavit stating that the home 29999  
is abandoned, whether the home is valued at ten thousand dollars 30000  
or less, the date of the eviction judgment, and all persons with 30001  
an outstanding interest in the home other than the titled owner. 30002

(2) If the county auditor agrees with the stated value on 30003  
the affidavit, the county auditor shall sign a certification of 30004  
the original affidavit attesting to the agreement of the value 30005  
of the manufactured home or mobile home and return the affidavit 30006  
to the park operator within thirty days after receipt. 30007  
Electronic submission to the county auditor by the park operator 30008  
of the affidavit and certification is satisfactory for the 30009  
purposes of this section. 30010

(3) If the county auditor disagrees with the stated value 30011  
on the affidavit, the county auditor shall notify the park 30012  
operator of the disagreement within thirty days after receipt of 30013  
the affidavit. The park operator may submit additional materials 30014  
in support of the stated value on the affidavit consistent with 30015  
industry valuation standards within ten days after receipt of 30016  
the notice of the disagreement. If the park operator submits 30017



additional materials in support of the stated value on the 30018  
affidavit, then after reviewing the additional materials 30019  
submitted, the county auditor shall do one of the following: 30020

(a) If the county auditor agrees with the stated value on 30021  
the affidavit, the county auditor shall sign a certification 30022  
attesting to the agreement of the value of the manufactured home 30023  
or mobile home and return the original affidavit to the park 30024  
operator within ten days after receipt of the additional 30025  
materials. 30026

(b) If the county auditor continues to disagree with the 30027  
stated value on the affidavit, the county auditor shall notify 30028  
the park operator of the continued disagreement within ten days 30029  
of receipt of the additional materials. The park operator may 30030  
appeal to the court for a ruling on the disagreement pursuant to 30031  
court rule. A hearing on the value of the manufactured or mobile 30032  
home shall not require a certified appraiser. 30033

(4) A certification under this section by the county 30034  
auditor respecting the value of a mobile home or manufactured 30035  
home shall not be construed as an official appraisal of the home 30036  
for tax purposes and is not admissible in any proceeding before 30037  
a board of revision or board of tax appeals. 30038

(F) If the county auditor does not timely certify or 30039  
respond to an affidavit of a park operator as required by this 30040  
section, the park operator may submit the affidavit to the court 30041  
with verification by the park operator that the county auditor 30042  
has failed to respond to requests for certification, and the 30043  
court shall proceed upon the sworn affidavit of the park 30044  
operator without certification. 30045

(G) A park operator that knowingly falsifies information 30046

on the affidavit under this section is guilty of falsification 30047  
under section 2921.13 of the Revised Code. 30048

**Sec. 1923.13.** (A) When a judgment of restitution is 30049  
entered by a court in an action under this chapter, unless the 30050  
plaintiff or the plaintiff's agent or attorney proceeds under 30051  
division (B) of this section, at the request of the plaintiff or 30052  
the plaintiff's agent or attorney, that court shall issue a ~~writ~~ 30053  
~~of execution~~ restitution on the judgment, in the following form, 30054  
as near as practicable: 30055

"The state of Ohio, \_\_\_\_\_ county: To 30056  
any constable or police officer of \_\_\_\_\_ township, 30057  
city, or village; or To the sheriff of 30058  
\_\_\_\_\_ county; or To any authorized 30059  
bailiff of the \_\_\_\_\_ (name of court): 30060

Whereas, in a certain action for the forcible entry and 30061  
detention (or the forcible detention, as the case may be), of 30062  
the following described premises, to wit: \_\_\_\_\_, lately 30063  
tried before this court, wherein \_\_\_\_\_ was plaintiff, 30064  
and \_\_\_\_\_ was defendant, \_\_\_\_\_ judgment was 30065  
rendered on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, that 30066  
the plaintiff have restitution of those premises; and also that 30067  
the plaintiff recover costs in the sum of \_\_\_\_\_ You 30068  
therefore are hereby commanded to cause the defendant to be 30069  
forthwith removed from those premises, and the plaintiff to have 30070  
restitution of them; also, that you levy of the goods and 30071  
chattels of the defendant, and make the costs previously 30072  
mentioned and all accruing costs, and of this writ make legal 30073  
service and due return. 30074

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 30075  
\_\_\_\_\_ Judge, \_\_\_\_\_ (Name of court)" 30076

~~(B)~~ (B) (1) When a judgment of restitution is entered by a court in any action under this chapter against a titled owner of an abandoned manufactured or mobile home park resident or the estate of a titled owner of an abandoned manufactured or mobile home park resident, at the request of the plaintiff or the ~~plaintiff's agent or attorney~~ if the manufactured or mobile home has a value of less than ten thousand dollars as determined by affidavit of the park operator and affirmed by certification of the county auditor, and if the park operator has met all notice requirements under section 1923.12 of the Revised Code, that court shall issue a ~~writ of execution~~ an order on the judgment, in the following form, as near as practicable:

~~"The state of Ohio, \_\_\_\_\_ county; To any constable or police officer of \_\_\_\_\_ township, city, or village; or To the sheriff of \_\_\_\_\_ county; or To any authorized bailiff of the \_\_\_\_\_ (name of court):~~

"To the clerk of courts, title division:

Whereas, in a certain action for eviction of a ~~resident-titled owner~~ or a ~~resident's~~ titled owner's estate from the following described residential premises of a manufactured home park on which the following described manufactured home, or mobile home, ~~or recreational vehicle~~ is located, to wit:

\_\_\_\_\_, lately tried before this court, wherein \_\_\_\_\_ was plaintiff, and \_\_\_\_\_ was defendant, \_\_\_\_\_ judgment in forcible entry and detention was rendered on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, that the plaintiff have restitution of the premises ~~and also that the plaintiff recover costs in the sum of \_\_\_\_\_~~ You therefore are hereby authorized to cause the defendant to be removed and set out from the residential premises, if the defendant holds over on the

~~premises subsequent to an eviction judgment against the~~ 30107  
~~defendant. In accordance with division (A) of section 1923.12 of~~ 30108  
~~the Revised Code, three days after the eviction judgment, the~~ 30109  
~~plaintiff is hereby commanded to post a fourteen-day notice to~~ 30110  
~~the defendant to sell or remove the manufactured home, mobile~~ 30111  
~~home, or recreational vehicle from the premises, at the~~ 30112  
~~defendant's costs. If the manufactured home, mobile home, or~~ 30113  
~~recreational vehicle is not sold or removed by the defendant at~~ 30114  
~~the expiration of the fourteen-day notice, it is hereby ordered~~ 30115  
~~that the defendant forfeits the right to the manufactured home,~~ 30116  
~~mobile home, or recreational vehicle and the plaintiff is hereby~~ 30117  
~~authorized to exercise the rights set forth herein. Also, you~~ 30118  
~~are to levy of the goods and chattels of the defendant, and make~~ 30119  
~~the costs previously mentioned and all accruing costs, and of~~ 30120  
~~this writ make legal service and due return.~~ 30121

~~Further, you are authorized to cause the manufactured~~ 30122  
~~home, mobile home, or recreational vehicle, and all personal~~ 30123  
~~property on the residential premises, to be retained at their~~ 30124  
~~current location on the residential premises, until they are~~ 30125  
~~disposed of in a manner authorized by this writ or the law of~~ 30126  
~~this state.~~ 30127

~~If the manufactured home, mobile home, or recreational~~ 30128  
~~vehicle has been abandoned by the defendant, the park operator~~ 30129  
~~is hereby commanded to submit a notarized affidavit to the~~ 30130  
~~county auditor of the county where the park is located listing~~ 30131  
~~the titled owner, address, serial number, and the value of the~~ 30132  
~~manufactured home, mobile home, or recreational vehicle. Within~~ 30133  
~~fifteen days after receipt of the affidavit, the county auditor~~ 30134  
~~is hereby commanded to confirm whether the county auditor agrees~~ 30135  
~~or disagrees with the stated value on the affidavit. Either of~~ 30136  
~~the following shall apply:~~ 30137

~~(1) If the county auditor agrees with the stated value on the affidavit, the county auditor is hereby commanded to sign the original affidavit attesting to the agreement of the value of the manufactured home, mobile home, or recreational vehicle and return the original affidavit to the park operator within fifteen days after receipt of the affidavit from the park operator.~~ 30138  
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~~(2) If the county auditor disagrees with the stated value on the affidavit, the county auditor is hereby commanded to notify the park operator of the disagreement within fifteen days after receipt of the affidavit. The park operator is hereby authorized to submit additional materials in support of the stated value on the affidavit consistent with industry valuation standards within ten days after receipt of the notice of the disagreement. If the park operator submits additional materials in support of the stated value on the affidavit, then after reviewing the additional materials submitted, either of the following shall apply:~~ 30145  
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~~(a) If the county auditor agrees with the stated value on the affidavit, the county auditor is hereby commanded to sign the original affidavit attesting to the agreement of the value of the manufactured home, mobile home, or recreational vehicle and return the original affidavit to the park operator within ten days after receipt of the additional materials.~~ 30156  
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~~(b) If the county auditor continues to disagree with the stated value on the affidavit, the county auditor is hereby commanded to notify the park operator of the continued disagreement within ten days of receipt of the additional material and return the original affidavit to the park operator. The park operator is hereby authorized to appeal to this court~~ 30162  
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~~for a ruling on the disagreement pursuant to court rule.~~ 30168

~~The park operator is hereby commanded to submit to this court the affidavit signed by the county auditor stating the value of the manufactured home, mobile home, or recreational vehicle, which shall be deemed to be the park operator's sworn testimony. If the park operator knowingly falsifies information on the affidavit the park operator shall be guilty of falsification under divisions (A) (1), (3), and (6) of section 2921.13 of the Revised Code.~~ 30169  
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~~If the manufactured home, mobile home, or recreational vehicle has been so abandoned and has a value of more than three thousand dollars, and the requirements of section 1923.12 of the Revised Code have been satisfied, you are hereby authorized to cause the sale of the home or vehicle and personal property in the home or vehicle in accordance with division (B) (3) of section 1923.14 of the Revised Code. If you are unable to sell the manufactured home, mobile home, or recreational vehicle due to a want of bidders, after it is offered for sale on two occasions, you are hereby commanded to cause the presentation of this writ to a clerk of the court of common pleas title division for the issuance of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances, in accordance with division (B) (3) of section 1923.14 of the Revised Code.~~ 30177  
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~~If the manufactured home, mobile home, or recreational vehicle has been so abandoned and has a value of three thousand dollars or less and if the requirements of section 1923.12 of the Revised Code have been satisfied, you are hereby authorized to cause the presentation of this writ to a clerk of the court of common pleas title division for the issuance of a certificate~~ 30192  
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~~of title transferring the title of the home or vehicle to the~~ 30198  
~~plaintiff, free and clear of all security interests, liens, and~~ 30199  
~~encumbrances in accordance with division (B) (4) of section~~ 30200  
~~1923.14 of the Revised Code.~~ 30201

~~Upon this writ's presentation by the levying officer to a~~ 30202  
~~clerk of the court of common pleas title division under the~~ 30203  
~~circumstances described in either of the two preceding~~ 30204  
~~paragraphs and in accordance with division (B) (3) or (4) of~~ 30205  
~~section 1923.14 of the Revised Code, as applicable, the clerk is~~ 30206  
~~hereby commanded to issue a certificate of title transferring~~ 30207  
~~the title of the manufactured home, mobile home, or recreational~~ 30208  
~~vehicle to the plaintiff, free and clear of all security~~ 30209  
~~interests, liens, and encumbrances, in the manner prescribed in~~ 30210  
~~section 4505.10 of the Revised Code. Plaintiff has established~~ 30211  
~~by sworn affidavit that all requirements of section 1923.12 of~~ 30212  
~~the Revised Code have been met. The search for all parties of~~ 30213  
~~interest has been reasonably completed and all notices given as~~ 30214  
~~required by that section. Plaintiff has established just grounds~~ 30215  
~~for the value of the manufactured or mobile home to be less than~~ 30216  
~~ten thousand dollars, the value of which is affirmed by~~ 30217  
~~certification of the county auditor. Plaintiff is authorized to~~ 30218  
~~cause the manufactured or mobile home, and all personal property~~ 30219  
~~and vehicles of the defendant on the residential premises, to~~ 30220  
~~be, at the option of the plaintiff: (1) destroyed or removed~~ 30221  
~~from the manufactured home park, (2) retained at its current~~ 30222  
~~location on the residential premises, or (3) sold by the~~ 30223  
~~plaintiff. If the manufactured or mobile home is destroyed by~~ 30224  
~~the plaintiff, the plaintiff shall submit to the county auditor~~ 30225  
~~a destroyed manufactured or mobile home form detailing the date~~ 30226  
~~of destruction and location of the manufactured or mobile home~~ 30227  
~~destroyed. If the manufactured or mobile home is retained at its~~ 30228

current location or sold by the plaintiff, the plaintiff shall 30229  
notify the county auditor and the clerk of courts, title 30230  
division. 30231

To the clerk of courts, \_\_\_\_\_ county: 30232

You are hereby commanded to issue a certificate of title 30233  
transferring the title of the manufactured or mobile home to 30234  
plaintiff, free and clear of all liens, encumbrances, taxes, 30235  
security interests, and other interests in the manner prescribed 30236  
by section 4505.10 of the Revised Code. The manufactured or 30237  
mobile home is described as a \_\_\_\_\_ (year, model) with a serial 30238  
number of \_\_\_\_\_, title number \_\_\_\_\_. 30239

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 30240  
\_\_\_\_\_, \_\_\_\_\_ Judge, \_\_\_\_\_ (Name of court)." 30241

(2) When a judgment of restitution is entered by a court 30242  
in any action under this chapter against a titled owner of an 30243  
abandoned manufactured or mobile home or the estate of a titled 30244  
owner of an abandoned manufactured or mobile home and if the 30245  
manufactured or mobile home has a value exceeding ten thousand 30246  
dollars, the manufactured or mobile home shall be sold at a 30247  
public auction in the following manner: 30248

(a) The court shall use the services of a licensed 30249  
auctioneer, a bailiff of the municipal court, or the county 30250  
sheriff, the expense to be assessed as costs to be reimbursed 30251  
out of the proceeds of any sale in accordance with division (G) 30252  
of section 1923.14 of the Revised Code. 30253

(b) Plaintiff shall coordinate with the bailiff of the 30254  
court, county sheriff, or court-appointed licensed auctioneer to 30255  
schedule the sale. A bailiff of the court shall be present at 30256  
auction to supervise and ensure proper procedures are followed 30257



and to receive any purchase money. Any purchase money received 30258  
by the bailiff, sheriff, or court-appointed auctioneer shall be 30259  
deposited with the clerk of courts, along with filing a return 30260  
for the sale, as soon as practicable. 30261

(c) The plaintiff shall issue notice of the sale to any 30262  
lienholders or persons with an outstanding interest in the 30263  
abandoned manufactured or mobile home by certified mail, return 30264  
receipt requested. The plaintiff shall file copy of the notice 30265  
with clerk of the municipal court at least three days prior to 30266  
sale. 30267

(d) In addition to the notices required by section 1923.12 30268  
of the Revised Code, where the titled owner of the manufactured 30269  
or mobile home is deceased, notice shall be published in a 30270  
newspaper of general circulation in the county once a week for 30271  
two weeks. The clerk of the municipal court is not required to 30272  
send notice to the defendant regarding the defendant's right to 30273  
an exemptions hearing in accordance with division (B) (3) of 30274  
section 1923.14 of the Revised Code. 30275

(e) The manufactured or mobile home may be sold without an 30276  
appraisal. The value of the manufactured or mobile home shall be 30277  
determined based on an affidavit submitted by the plaintiff and 30278  
certified by the county auditor. 30279

(f) If there are no bidders at the date of auction 30280  
advertised, the bailiff shall file a return to the court 30281  
reflecting that information. The court shall issue an order for 30282  
the transfer of the certificate title of manufactured or mobile 30283  
home to plaintiff. All further proceedings terminate when 30284  
plaintiff accepts transfer of title. 30285

(g) The issuance of an order pursuant to this section for 30286

transfer of title shall be in the following form, as near as 30287  
practicable: 30288

"To the clerk of courts, title division: 30289

Whereas, in a certain action for the eviction of a titled 30290  
owner or a titled owner's estate from the following described 30291  
premises of a manufactured home park on which the above- 30292  
described manufactured or mobile home, is located, to wit: 30293

\_\_\_\_\_ . Lately tried before this court, wherein 30294  
was the plaintiff, and \_\_\_\_\_ was the defendant. Judgment in 30295  
forcible entry and detainer was rendered on \_\_\_\_\_ that the 30296  
plaintiff has restitution of the premises. Just grounds for the 30297  
value of the manufactured or mobile home to be greater than ten 30298  
thousand dollars, the value of which was established by 30299  
affidavit of the plaintiff and certification by the county 30300  
auditor, required the public auction of the manufactured or 30301  
mobile home. All requirements for the sale of the abandoned 30302  
manufactured or mobile home have been confirmed and, with no 30303  
bidders, certificate of title is transferred to the plaintiff. 30304  
Plaintiff is authorized to cause the manufactured or mobile 30305  
home, and all personal property and vehicles of the defendant on 30306  
the residential premises, to be, at the option of the plaintiff, 30307  
either (1) destroyed or removed from the manufactured home park, 30308  
or (2) retained at its current location on the residential 30309  
premises or sold by plaintiff. If the manufactured or mobile 30310  
home is retained at its current location by the plaintiff, the 30311  
plaintiff shall notify the county auditor and the clerk of 30312  
courts, title division, and the plaintiff is responsible for 30313  
taxes that accrue after receiving title. 30314

To the clerk of courts, \_\_\_\_\_ county: 30315

You are hereby commanded to issue a certificate of title 30316

transferring the title of the manufactured or mobile home to the 30317  
plaintiff, free and clear of all liens, encumbrances, taxes, 30318  
security interests, and other interests in the manner prescribed 30319  
by section 4505.10 of the Revised Code. The manufactured or 30320  
mobile home is described as a \_\_\_\_\_ (year, model) with a 30321  
serial number of \_\_\_\_\_, title number \_\_\_\_\_. 30322

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 30323  
Judge \_\_\_\_\_ (name of court)." 30324

(3) If the manufactured or mobile home is sold to the 30325  
highest bidder at the date of auction, the bailiff shall collect 30326  
the purchase money from the highest bidder and deposit the money 30327  
with the municipal clerk of courts as soon as practicable. The 30328  
clerk of courts shall hold the funds on deposit until the court 30329  
examines the proceedings in accordance with section 2329.32 of 30330  
the Revised Code. The bailiff of the court shall file a return 30331  
reflecting completion of the sale with the name of the 30332  
purchaser, the purchase amount, and the sale date. 30333

(4) (a) The plaintiff shall file with the court a motion 30334  
for order confirming sale and a proposed order for transfer of 30335  
title in accordance with this section, which shall be supported 30336  
with an itemization of amounts to be distributed in accordance 30337  
with division (G) of section 1923.14 of the Revised Code. 30338

(b) Upon such motion, the court shall issue an order 30339  
confirming the sale, ordering distribution of proceeds, and 30340  
transferring title to the manufactured or mobile home, which may 30341  
be presented to the common pleas title division. The clerk of 30342  
courts shall distribute the sale proceeds in accordance with the 30343  
order confirming the sale. 30344

(c) The issuance of an order for transfer of title to the 30345

successful bidder shall be in the following form, as near as 30346  
practicable: 30347

"To the clerk of courts, title division: 30348

Whereas, in a certain action for eviction of a titled 30349  
owner or titled owner's estate from the following described 30350  
premises of a manufactured home park on which the above- 30351  
described manufactured or mobile home is located, to wit: 30352

\_\_\_\_\_ . Lately tried before this court, wherein 30353  
was the plaintiff, and \_\_\_\_\_ was the defendant. Judgment in 30354  
forcible entry and detainer was rendered on \_\_\_\_\_ that the 30355  
plaintiff has restitution of the premises. Just grounds for the 30356  
value of the manufactured or mobile home to be greater than ten 30357  
thousand dollars, the value of which was established by 30358  
affidavit of the plaintiff and certification by the county 30359  
auditor, required the public auction of the manufactured or 30360  
mobile home. All requirements for the sale of the abandoned 30361  
manufactured or mobile home have been met and the certificate of 30362  
title is transferred to \_\_\_\_\_, the successful bidder. If 30363  
the manufactured home is retained at its current location by the 30364  
successful bidder, the bidder shall notify the county auditor 30365  
and the clerk of courts, title division. Proceeds of the sale 30366  
shall be disbursed in accordance with division (G) of section 30367  
1923.14 of the Revised Code. 30368

To the clerk of courts, \_\_\_\_\_ county: 30369

You are hereby commanded to issue a certificate of title 30370  
transferring the title of the manufactured or mobile home to 30371  
\_\_\_\_\_, free and clear of all liens, encumbrances, taxes, 30372  
security interests, and other interests in the manner prescribed 30373  
by section 4505.10 of the Revised Code. The manufactured or 30374  
mobile home is described as a \_\_\_\_\_ (year, model) with a 30375

serial number of \_\_\_\_\_, title number \_\_\_\_\_ . 30376

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 30377  
Judge \_\_\_\_\_ (name of court)." 30378

**Sec. 1923.14.** ~~(A)~~(A)(1) Except as otherwise provided in 30379  
this section, within ten days after receiving a ~~writ of~~ 30380  
~~execution court order~~ described in division (A) or (B) of 30381  
section 1923.13 of the Revised Code, the sheriff, police 30382  
officer, constable, or bailiff shall execute it by restoring the 30383  
plaintiff to the possession of the premises, and shall levy and 30384  
collect reasonable costs, not to exceed the standard motion fee, 30385  
and make return, as upon other executions. If an appeal from the 30386  
judgment of restitution is filed and if, following the filing of 30387  
the appeal, a stay of execution is obtained and any required 30388  
bond is filed with the court of common pleas, municipal court, 30389  
or county court, the judge of that court immediately shall issue 30390  
an order to the sheriff, police officer, constable, or bailiff 30391  
commanding the delay of all further proceedings upon the 30392  
execution until the court's disposition. If the premises have 30393  
been restored to the plaintiff, the sheriff, police officer, 30394  
constable, or bailiff shall forthwith place the defendant in 30395  
possession of them, and return the writ with the sheriff's, 30396  
police officer's, constable's, or bailiff's proceedings and the 30397  
costs taxed on it. 30398

(2) The filing fee for a court order for title upon an 30399  
abandoned manufactured or mobile home with the clerk of courts 30400  
shall not exceed the court's standard motion fee. 30401

(B)(1) After a municipal court or county court issues a 30402  
~~writ of execution court order~~ described in division (B) of 30403  
section 1923.13 of the Revised Code, the clerk of the court 30404  
shall send by regular mail, to the last known address of each 30405

person other than the titled owner of the manufactured home~~, or~~ 30406  
mobile home~~, or recreational vehicle~~ that is the subject of the 30407  
~~writ~~ court order who is listed on the ~~writ~~ court order as having 30408  
any outstanding right, title, or interest in the home~~, vehicle,~~ 30409  
or personal property and to the auditor and treasurer of the 30410  
county in which the court is located, a written notice that the 30411  
home ~~or vehicle~~ potentially may be sold, destroyed, or have its 30412  
title transferred under the circumstances described in division 30413  
(B) (3) ~~or (4)~~ of this section. A person having any outstanding 30414  
right, title, or interest in the home~~, vehicle,~~ or personal 30415  
property is not required to consent to the notice required under 30416  
this division in order for the ~~writ~~ court order to be executed. 30417

(2) Except as otherwise provided in this division, after 30418  
causing the defendant to be removed from the residential 30419  
premises of the manufactured home park, if necessary, by writ of 30420  
restitution, and receiving a writ of execution described in 30421  
division (B) of section 1923.13 of the Revised Code, in 30422  
accordance with the writ, the sheriff, police officer, 30423  
constable, or bailiff may cause the manufactured home~~, or~~ mobile 30424  
home~~, or recreational vehicle~~ that is the subject of the 30425  
~~writ~~ court order, and all personal property on the residential 30426  
premises, to be retained at their current location on the 30427  
residential premises, until they are claimed by the defendant or 30428  
they are disposed of in a manner authorized by division (B) (3) ~~—~~ 30429  
~~(4), or (6)~~ or (G) (3) of this section or by another section of 30430  
the Revised Code. 30431

The park operator shall not be liable for any damage 30432  
caused by the park operator's removal of the manufactured home~~, or~~ 30433  
or mobile home~~, or recreational vehicle~~ or the removal of the 30434  
personal property from the residential premises, or for any 30435  
damage to the home~~, vehicle,~~ or personal property during the 30436

time the home, ~~vehicle,~~ or property remains abandoned or stored 30437  
in the manufactured home park, unless the damage is the result 30438  
of acts that the park operator or the park operator's agents or 30439  
employees performed with malicious purpose, in bad faith, or in 30440  
a wanton or reckless manner. The reasonable costs for a removal 30441  
of the manufactured home, or mobile home, ~~or recreational~~ 30442  
~~vehicle~~ and personal property and, as applicable, the reasonable 30443  
costs for its storage shall constitute a lien upon the home ~~or~~ 30444  
~~vehicle~~ payable by the titled owner of the home ~~or vehicle~~ or 30445  
payable pursuant to division ~~(B) (3)~~ (G) (1) of this section to 30446  
the park operator. 30447

The sheriff, police officer, constable, ~~or bailiff,~~ or 30448  
park operator shall not be liable for any damage caused by the 30449  
park operator's removal of the manufactured home, or mobile 30450  
home, ~~or recreational vehicle~~ or the removal of the personal 30451  
property from the residential premises, or for any damage to the 30452  
home, ~~vehicle,~~ or personal property during the time the home, ~~or~~ 30453  
~~vehicle,~~ or property remains abandoned or stored in the 30454  
manufactured home park. 30455

(3) Except as provided in ~~divisions (B) (4), (5), and (6)~~ 30456  
~~of this section and~~ division (D) of section 1923.12 of the 30457  
Revised Code, within sixty days after receiving a ~~writ of~~ 30458  
~~execution court order~~ described in division (B) of section 30459  
1923.13 of the Revised Code for a manufactured home, or mobile 30460  
home, ~~or recreational vehicle,~~ determined to have a value of 30461  
more than ~~three~~ ten thousand dollars, the sheriff, police 30462  
officer, constable, or bailiff shall commence proceedings for 30463  
the sale of the manufactured home, or mobile home, ~~or~~ 30464  
~~recreational vehicle~~ that is the subject of the writ, and the 30465  
abandoned personal property on the residential premises, if the 30466  
home ~~or vehicle~~ is determined to be abandoned in accordance with 30467

the procedures for the sale of goods on execution under Chapter 30468  
2329. of the Revised Code. In addition to all notices required 30469  
to be given under section 2329.13 of the Revised Code, the 30470  
sheriff, police officer, constable, or bailiff shall serve at 30471  
their respective last known addresses a written notice of the 30472  
date, time, and place of the sale upon all persons who are 30473  
listed on the writ of execution as having any outstanding right, 30474  
title, or interest in the abandoned manufactured home, or mobile 30475  
home, ~~or recreational vehicle~~ and the personal property and 30476  
shall provide written notice to the auditor and the treasurer of 30477  
the county in which the court issuing the writ is located. 30478

~~Unless the proceedings are governed by division (D) of~~ 30479  
~~section 1923.12 of the Revised Code, notwithstanding~~ 30480  
Notwithstanding any statutory provision to the contrary, 30481  
including, ~~but not limited to,~~ section 2329.66 of the Revised 30482  
Code, there shall be no stay of execution or exemption from levy 30483  
or sale on execution available to the titled owner of the 30484  
abandoned manufactured home, or mobile home, ~~or recreational~~ 30485  
~~vehicle~~ in relation to a sale under this division. Except as 30486  
otherwise provided in sections 2113.031, 2117.25, and 5162.21 of 30487  
the Revised Code in a case involving a deceased ~~resident~~ titled 30488  
owner or ~~resident's~~ titled owner's estate, the sheriff, police 30489  
officer, constable, or bailiff shall distribute the proceeds 30490  
from the sale of an abandoned manufactured home, or mobile home, 30491  
~~or recreational vehicle~~ and any personal property under this 30492  
division in the ~~following~~ manner prescribed in division (G) of 30493  
this section. 30494

(C) Upon the agreement of the county auditor and the park 30495  
operator that the value of the abandoned home is greater than 30496  
ten thousand dollars, the park operator shall file with the 30497  
clerk of court a praecipe for the sale of the manufactured home 30498



or mobile home setting forth the description and location of the 30499  
home. The clerk of court shall deliver the praecipe to the 30500  
bailiff, sheriff, or officer conducting the sale to determine 30501  
the date for the sale. In addition to all notices required to be 30502  
given under section 2329.13 of the Revised Code, the sheriff, 30503  
police officer, constable, or bailiff shall serve at the last 30504  
known address of the titled owner a written notice of the date, 30505  
time, and place of the sale and upon all persons who are listed 30506  
on the writ of execution as having any outstanding right, title, 30507  
or interest in the abandoned manufactured home or mobile home 30508  
and the personal property and shall provide written notice to 30509  
the auditor and the treasurer of the county in which the court 30510  
issuing the writ is located. 30511

(D) All bidders who intend to reside in the park after the 30512  
sale shall apply for residency with the park and be approved for 30513  
residency at least seven days prior to the date of the sale. Any 30514  
successful bidder intending to remove the manufactured home or 30515  
mobile home after the sale shall remove the home within ten days 30516  
after the sale and is liable to the park operator for any damage 30517  
to the lot as a result of the removal of the home. 30518

(E) The successful bidder shall register title with the 30519  
clerk of courts, title division, not later than ten days after 30520  
the receipt of the court order to transfer title to the 30521  
successful bidder. 30522

(F) After the sale of the manufactured home or mobile 30523  
home, the park operator shall file with the clerk of courts a 30524  
motion confirming the sale of the home, setting forth the date 30525  
of the sale, the amount of the sale, the purchaser of the home, 30526  
and the distribution of proceeds in accordance with division (G) 30527  
of this section. If there is no purchaser after the sale has 30528

been conducted, the park operator shall file for a court order 30529  
in conformance with division (B) (2) of section 1923.13 of the 30530  
Revised Code. 30531

(G) (1) The court, upon motion to confirm the sale and the 30532  
issuance of an order confirming the sale, shall order the 30533  
proceeds be distributed as follows: 30534

(a) The sheriff, police officer, constable, or bailiff 30535  
shall first pay the costs for any moving of and any storage 30536  
outside the manufactured home park of the home ~~or vehicle~~ and 30537  
any personal property pursuant to division (B) (2) of this 30538  
section, the costs of the sale, any advertising expenses paid by 30539  
the park operator for the sale of the manufactured home, or 30540  
mobile home, ~~or recreational vehicle~~ under division (B) (3) of 30541  
this section, and any unpaid court costs assessed against the 30542  
defendant in the underlying action. 30543

(b) Following the payment required by division ~~(B) (3) (a)~~ 30544  
(G) (1) (a) of this section, the sheriff, police officer, 30545  
constable, or bailiff shall pay all outstanding tax liens on the 30546  
home ~~or vehicle~~. 30547

(c) Following the payment required by division ~~(B) (3) (b)~~ 30548  
(G) (1) (b) of this section, the sheriff, police officer, 30549  
constable, or bailiff shall pay all other outstanding security 30550  
interests, liens, or encumbrances on the home ~~or vehicle~~ by 30551  
priority of filing or other priority. 30552

(d) Following the payment required by division ~~(B) (3) (c)~~ 30553  
(G) (1) (c) of this section, the sheriff, police officer, 30554  
constable, or bailiff shall pay any outstanding monetary 30555  
judgment rendered under section 1923.09 or 1923.11 of the 30556  
Revised Code in favor of the plaintiff and any costs associated 30557

with retaining the home ~~or vehicle~~ prior to the sale at its 30558  
location on the residential premises within the manufactured 30559  
home park pursuant to division (B) (2) of this section. 30560

(e) After complying with divisions ~~(B) (3) (a)~~ (G) (1) (a) to 30561  
(d) of this section, the sheriff, police officer, constable, or 30562  
bailiff shall report any remaining money as unclaimed funds 30563  
pursuant to Chapter 169. of the Revised Code. 30564

~~Upon the return of any writ of execution for the~~ 30565  
~~satisfaction of which an abandoned manufactured home, mobile~~ 30566  
~~home, or recreational vehicle has been sold under this division,~~ 30567  
~~on careful examination of the proceedings of the sheriff, police~~ 30568  
~~officer, constable, or bailiff conducting the sale, if the court~~ 30569  
~~that issued the writ finds that the sale was made, in all~~ 30570  
~~respects, in conformity with this division, the court shall~~ 30571  
~~direct the clerk of the court to make an entry on the journal~~ 30572  
~~that the court is satisfied with the legality of the sale and~~ 30573  
~~order the clerk of the court of common pleas title division to~~ 30574  
~~issue a certificate of title, free and clear of all security~~ 30575  
~~interests, liens, and encumbrances, to the purchaser of the home~~ 30576  
~~or vehicle. If the manufactured home, mobile home, or~~ 30577  
~~recreational vehicle sold under this division is located in a~~ 30578  
~~manufactured home park, the purchaser of the home or vehicle~~ 30579  
~~shall have no right to maintain the home or vehicle in the~~ 30580  
~~manufactured home park without the park operator's consent and~~ 30581  
~~the sheriff, police officer, constable, or bailiff conducting~~ 30582  
~~the sale shall notify all prospective purchasers of this fact~~ 30583  
~~prior to the commencement of the sale.~~ 30584

~~If, after it is offered for sale on two occasions under~~ 30585  
~~this division, the abandoned manufactured home, mobile home, or~~ 30586  
~~recreational vehicle cannot be sold due to a want of bidders,~~ 30587

~~the sheriff, police officer, constable, or bailiff shall present~~ 30588  
~~the writ of execution unsatisfied to the clerk of the court of~~ 30589  
~~common pleas title division, of the county in which the writ was~~ 30590  
~~issued for the issuance by the clerk in the manner prescribed in~~ 30591  
~~section 4505.10 of the Revised Code of a certificate of title~~ 30592  
~~transferring the title of the home or vehicle to the plaintiff,~~ 30593  
~~free and clear of all security interests, liens, and~~ 30594  
~~encumbrances. If any taxes are owed on the home or vehicle at~~ 30595  
~~this time, the county auditor shall remove the delinquent taxes~~ 30596  
~~from the manufactured home tax list and the delinquent~~ 30597  
~~manufactured home tax list and remit any penalties for late~~ 30598  
~~payment of manufactured home taxes. Acceptance of the~~ 30599  
~~certificate of title by the plaintiff terminates all further~~ 30600  
~~proceedings under this section. In accordance with division (E)~~ 30601  
~~(3) of section 4503.061 of the Revised Code, the plaintiff shall~~ 30602  
~~notify the county auditor of the transfer of title. Pursuant to~~ 30603  
~~section 4503.061 of the Revised Code, if the manufactured home,~~ 30604  
~~mobile home, or recreational vehicle is destroyed or removed,~~ 30605  
~~the plaintiff shall provide the county auditor with notice of~~ 30606  
~~removal or destruction of the manufactured home, mobile home, or~~ 30607  
~~recreational vehicle.~~ 30608

~~(4) Except as provided in division (B) (5) or (6) of this~~ 30609  
~~section and division (D) of section 1923.12 of the Revised Code,~~ 30610  
~~within thirty days after receiving a writ of execution described~~ 30611  
~~in division (B) of section 1923.13 of the Revised Code, if the~~ 30612  
~~manufactured home, mobile home, or recreational vehicle is~~ 30613  
~~determined to be abandoned and to have a value of three thousand~~ 30614  
~~dollars or less, the sheriff, police officer, constable, or~~ 30615  
~~bailiff shall present the writ of execution to the clerk of the~~ 30616  
~~court of common pleas title division, of the county in which the~~ 30617  
~~writ was issued for the issuance by the clerk in the manner~~ 30618

~~prescribed in section 4505.10 of the Revised Code of a~~ 30619  
~~certificate of title transferring the title of the home or~~ 30620  
~~vehicle to the plaintiff, free and clear of all security~~ 30621  
~~interests, liens, and encumbrances. If any taxes are owed on the~~ 30622  
~~home or vehicle at this time, the county auditor shall remove~~ 30623  
~~the delinquent taxes from the manufactured home tax list and the~~ 30624  
~~delinquent manufactured home tax list and remit any penalties~~ 30625  
~~for late payment of manufactured home taxes. Acceptance of the~~ 30626  
~~certificate of title by the plaintiff terminates all further~~ 30627  
~~proceedings under this section. In accordance with division (E)~~ 30628  
~~(3) of section 4503.061 of the Revised Code, the plaintiff shall~~ 30629  
~~notify the county auditor of the transfer of title. Pursuant to~~ 30630  
~~section 4503.0611 of the Revised Code, if the manufactured home,~~ 30631  
~~mobile home, or recreational vehicle is destroyed or removed,~~ 30632  
~~the plaintiff shall provide the county auditor with notice of~~ 30633  
~~removal or destruction of the manufactured home, mobile home, or~~ 30634  
~~recreational vehicle.~~ 30635

~~(5)-(2)~~ At any time prior to the issuance of the writ of 30636  
execution court order described in division (B) of section 30637  
1923.13 of the Revised Code, the titled owner of the 30638  
manufactured home, or mobile home, ~~or recreational vehicle~~ that 30639  
would be the subject of the writ order may remove the abandoned 30640  
home ~~or vehicle~~ from the manufactured home park upon payment to 30641  
the county auditor of all outstanding tax liens on the home ~~or~~ 30642  
~~vehicle~~ and, unless the titled owner is indigent, payment to the 30643  
clerk of court of all unpaid court costs assessed against the 30644  
defendant in the underlying action. After the issuance of the 30645  
writ of execution court order, the titled owner of the home ~~or~~ 30646  
~~vehicle~~ may remove the abandoned home ~~or vehicle~~ from the 30647  
manufactured home park at any time up to the day before the 30648  
scheduled sale, destruction, or transfer of the home ~~or vehicle~~ 30649

pursuant to division (B) (3) ~~or (4)~~ of this section upon payment 30650  
of all of the following: 30651

(a) All costs incurred by the sheriff, police officer, 30652  
constable, or bailiff; 30653

(b) All outstanding tax liens on the home ~~or vehicle~~; 30654

(c) Unless the titled owner is indigent, all unpaid court 30655  
costs assessed against the defendant in the underlying action. 30656

~~(6)~~ (3) At any time after the issuance of the ~~writ of~~ 30657  
~~execution court order~~ described in division (B) of section 30658  
1923.13 of the Revised Code, the holder of any outstanding lien, 30659  
right, title, or interest in the manufactured home, or mobile 30660  
home, ~~or recreational vehicle~~, other than the titled owner of 30661  
the home ~~or vehicle~~, may stop the sheriff, police officer, 30662  
constable, or bailiff from proceeding with the sale under this 30663  
division by doing both of the following: 30664

(a) Commencing a proceeding to repossess the home ~~or~~ 30665  
~~vehicle~~ pursuant to Chapters 1309. and 1317. of the Revised 30666  
Code; 30667

(b) Paying to the park operator all monthly rental 30668  
payments for the lot on which the home ~~or vehicle~~ is located 30669  
from the time of the issuance of the ~~writ of execution court~~ 30670  
order until the time that the home ~~or vehicle~~ is sold pursuant 30671  
to Chapters 1309. and 1317. of the Revised Code. 30672

~~(7)~~ (a) ~~(4)~~ (a) At any time prior to the day before the 30673  
scheduled sale of the property pursuant to division (B) (3) of 30674  
this section, the defendant may remove any personal property of 30675  
the defendant from the abandoned home ~~or vehicle~~ or other place 30676  
of storage. 30677

(b) If personal property owned by a person other than the defendant is abandoned on the residential premises and has not previously been removed, the owner of the personal property may remove the personal property from the abandoned home ~~or vehicle~~ or other place of storage up to the day before the scheduled sale of the property pursuant to division (B)(3) of this section upon presentation of proof of ownership of the property that is satisfactory to the sheriff, police officer, constable, or bailiff conducting the sale.

(5) If the manufactured or mobile home is not sold at the scheduled sale, the clerk of the court of common pleas shall issue a certificate of title to the plaintiff. The certificate of title shall contain a notation that it is issued, free and clear of all liens and encumbrances, including any liens for delinquent or current manufactured home taxes, whether or not such taxes are yet due and payable. The county auditor shall also remove all such taxes from the manufactured home tax list and the delinquent manufactured home tax list and shall remit any tax penalties and interest charged against the property. The transfer of title to the home is exempt from conveyance fees imposed under sections 319.54 and 322.06 of the Revised Code. Acceptance of the certificate of title by the plaintiff terminates all further proceedings under this section. The plaintiff shall notify the county auditor of the transfer of title in accordance with division (E)(3) of section 4503.061 of the Revised Code, and the county auditor shall notify the county treasurer of the transfer of title. The plaintiff shall submit proof of registration with the auditor to the clerk of courts to effectuate the transfer of title. If the manufactured home or mobile home is destroyed or removed, the plaintiff shall provide the county auditor with notice of removal or destruction of the

manufactured home or mobile home. 30709

(H) After the issuance of the order of sale by the court, 30710  
the titled owner of the home may remove the abandoned home from 30711  
the manufactured home park at any time up to the day before the 30712  
scheduled sale, destruction, or transfer of the home pursuant to 30713  
this section. 30714

**Sec. 2101.16.** (A) Except as provided in section 2101.164 30715  
of the Revised Code, the fees enumerated in this division shall 30716  
be charged and collected, if possible, by the probate judge and 30717  
shall be in full for all services rendered in the respective 30718  
proceedings: 30719  
30720

	1	2	3
A	(1)	Account, in addition to advertising charges	
B		_____	\$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	\$1.00
E	(2)	Account of distribution, in addition to advertising charges	
F		_____	\$7.00
G	(3)	Adoption of child, petition for	
H		_____	\$20.00
I	(4)	Alter or cancel contract for sale or purchase of real	



	property, complaint to	
J	_____	\$20.00
K	(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L	_____	\$5.00
M	(6) Appropriation suit, per day, hearing in	
N	_____	\$20.00
O	(7) Birth, application for registration of	
P	_____	\$7.00
Q	(8) Birth record, application to correct	
R	_____	\$5.00
S	(9) Bond, application for new or additional	
T	_____	\$5.00
U	(10) Bond, application for release of surety or reduction of	
V	_____	\$5.00
W	(11) Bond, receipt for securities deposited in lieu of	
X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding,	

per page, minimum fee one dollar

Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	
AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	
AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	

AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	
BD	_____	\$5.00
BE	(27) Designation of heir	
BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	

BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00
BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT	_____	\$35.00
BU	(35) Foreign will, application to record	

BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisalment	
CH	_____	\$10.00
CI	(41) Inventory without appraisalment	
CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	
CL	_____	\$10.00
CM	(43) Invest in real property, application to	

CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	
CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	
CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00
DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00
DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	

DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	
DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	
DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00
DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00
DQ	(56) Receipts in addition to advertising charges, application and order to record	
DR	_____	\$5.00
DS	Record of those receipts, additional, per page	

DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	
EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	
EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	



EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00
EW	(71) Writ of possession	
EX	_____	\$5.00
EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00

FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00
FE	(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for	
FF	_____	\$25.00

(B) (1) In relation to an application for the appointment 30721  
of a guardian or the review of a report of a guardian under 30722  
section 2111.49 of the Revised Code, the probate court, pursuant 30723  
to court order or in accordance with a court rule, may direct 30724  
that the applicant or the estate pay any or all of the expenses 30725  
of an investigation conducted pursuant to section 2111.041 or 30726  
division (A) (2) of section 2111.49 of the Revised Code. If the 30727  
investigation is conducted by a public employee or investigator 30728  
who is paid by the county, the fees for the investigation shall 30729  
be paid into the county treasury. If the court finds that an 30730  
alleged incompetent or a ward is indigent, the court may waive 30731  
the costs, fees, and expenses of an investigation. 30732

(2) In relation to the appointment or functioning of a 30733  
guardian for a minor or the guardianship of a minor, the probate 30734  
court may direct that the applicant or the estate pay any or all 30735  
of the expenses of an investigation conducted pursuant to 30736  
section 2111.042 of the Revised Code. If the investigation is 30737  
conducted by a public employee or investigator who is paid by 30738  
the county, the fees for the investigation shall be paid into 30739

the county treasury. If the court finds that the guardian or 30740  
applicant is indigent, the court may waive the costs, fees, and 30741  
expenses of an investigation. 30742

(3) In relation to the filing of an affidavit of mental 30743  
illness for a person with a mental illness subject to court 30744  
order, the court may waive the fee under division (A) (75) of 30745  
this section if the court finds that the affiant is indigent or 30746  
for good cause shown. 30747

(C) Thirty dollars of the thirty-five-dollar fee collected 30748  
pursuant to division (A) (34) of this section and twenty dollars 30749  
of the sixty-dollar fee collected pursuant to division (A) (59) 30750  
of this section shall be deposited by the county treasurer in 30751  
the indigent guardianship fund created pursuant to section 30752  
2111.51 of the Revised Code. 30753

(D) The fees of witnesses, jurors, sheriffs, coroners, and 30754  
constables for services rendered in the probate court or by 30755  
order of the probate judge shall be the same as provided for 30756  
similar services in the court of common pleas. 30757

(E) The probate court, by rule, may require an advance 30758  
deposit for costs, not to exceed one hundred twenty-five 30759  
dollars, at the time application is made for an appointment as 30760  
executor or administrator or at the time a will is presented for 30761  
probate. 30762

(F) (1) The "putative father registry fund" is hereby 30763  
created in the state treasury. The department of ~~job and family~~ 30764  
~~services~~ children and youth shall use the money in the fund to 30765  
fund the department's costs of performing its duties related to 30766  
the putative father registry established under section 3107.062 30767  
of the Revised Code. 30768

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division (D) of section 2151.3527 or section 5103.155 of the Revised Code.

**Sec. 2151.27.** (A) (1) Subject to division (A) (2) of this section, any person having knowledge of a child who appears to have violated section 2151.87 of the Revised Code or to be a juvenile traffic offender or to be an unruly, abused, neglected, or dependent child may file a sworn complaint with respect to that child in the juvenile court of the county in which the child has a residence or legal settlement or in which the violation, unruliness, abuse, neglect, or dependency allegedly occurred. If an alleged abused, neglected, or dependent child is taken into custody pursuant to division (D) of section 2151.31 of the Revised Code or is taken into custody pursuant to division (A) of section 2151.31 of the Revised Code without the filing of a complaint and placed into shelter care pursuant to division (C) of that section, a sworn complaint shall be filed with respect to the child before the end of the next day after the day on which the child was taken into custody. The sworn complaint may be upon information and belief, and, in addition to the allegation that the child committed the violation or is an unruly, abused, neglected, or dependent child, the complaint shall allege the particular facts upon which the allegation that the child committed the violation or is an unruly, abused, neglected, or dependent child is based.

(2) Any person having knowledge of a child who appears to be an unruly child for being an habitual truant may file a sworn complaint with respect to that child and the parent, guardian,

or other person having care of the child in the juvenile court 30800  
of the county in which the child has a residence or legal 30801  
settlement or in which the child is supposed to attend public 30802  
school. The sworn complaint may be upon information and belief 30803  
and shall contain the following allegations: 30804

(a) That the child is an unruly child for being an 30805  
habitual truant and, in addition, the particular facts upon 30806  
which that allegation is based; 30807

(b) That the parent, guardian, or other person having care 30808  
of the child has failed to cause the child's attendance at 30809  
school in violation of section 3321.38 of the Revised Code and, 30810  
in addition, the particular facts upon which that allegation is 30811  
based. 30812

(B) If a child, before arriving at the age of eighteen 30813  
years, allegedly commits an act for which the child may be 30814  
adjudicated an unruly child and if the specific complaint 30815  
alleging the act is not filed or a hearing on that specific 30816  
complaint is not held until after the child arrives at the age 30817  
of eighteen years, the court has jurisdiction to hear and 30818  
dispose of the complaint as if the complaint were filed and the 30819  
hearing held before the child arrived at the age of eighteen 30820  
years. 30821

(C) If the complainant in a case in which a child is 30822  
alleged to be an abused, neglected, or dependent child desires 30823  
permanent custody of the child or children, temporary custody of 30824  
the child or children, whether as the preferred or an 30825  
alternative disposition, or the placement of the child in a 30826  
planned permanent living arrangement, the complaint shall 30827  
contain a prayer specifically requesting permanent custody, 30828  
temporary custody, or the placement of the child in a planned 30829

permanent living arrangement. 30830

(D) Any person with standing under applicable law may file 30831  
a complaint for the determination of any other matter over which 30832  
the juvenile court is given jurisdiction by section 2151.23 of 30833  
the Revised Code. The complaint shall be filed in the county in 30834  
which the child who is the subject of the complaint is found or 30835  
was last known to be found. 30836

(E) A public children services agency, acting pursuant to 30837  
a complaint or an action on a complaint filed under this 30838  
section, is not subject to the requirements of section 3127.23 30839  
of the Revised Code. 30840

(F) Upon the filing of a complaint alleging that a child 30841  
is an unruly child, the court may hold the complaint in abeyance 30842  
pending the child's successful completion of actions that 30843  
constitute a method to divert the child from the juvenile court 30844  
system. The method may be adopted by a county pursuant to 30845  
divisions (D) and (E) of section 121.37 of the Revised Code or 30846  
it may be another method that the court considers satisfactory. 30847  
If the child completes the actions to the court's satisfaction, 30848  
the court may dismiss the complaint. If the child fails to 30849  
complete the actions to the court's satisfaction, the court may 30850  
consider the complaint. 30851

(G) Upon the filing of a complaint that a child is an 30852  
unruly child that is based solely on a child being an habitual 30853  
truant, the court shall consider an alternative to adjudication, 30854  
including actions that constitute a method to divert the child 30855  
from the juvenile court system, using the Rules of Juvenile 30856  
Procedure, or by any other means if such an alternative is 30857  
available to the court and the child has not already 30858  
participated or failed to complete one of the available 30859

alternatives. The court shall consider the complaint only as a matter of last resort. 30860  
30861

(H) If a complaint that a child is an unruly child based on the child being an habitual truant proceeds to consideration by the court, the prosecution shall bear the burden of proving beyond a reasonable doubt the following: 30862  
30863  
30864  
30865

(1) That the child is of compulsory school age, as defined in section 3321.01 of the Revised Code; 30866  
30867

(2) That the child was absent without legitimate excuse for absence from the public school the child was supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year. 30868  
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The child may assert as an affirmative defense the fact that the child did participate in, or made satisfactory progress on, ~~the absence intervention plan~~ any interventions or other alternatives to adjudication as described in ~~division (C) of~~ section 3321.191 of the Revised Code. 30873  
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**Sec. 2151.311.** (A) A person taking a child into custody shall, with all reasonable speed and in accordance with division (C) of this section, either: 30878  
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30880

(1) Release the child to the child's parents, guardian, or other custodian, unless the child's detention or shelter care appears to be warranted or required as provided in section 2151.31 of the Revised Code; 30881  
30882  
30883  
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(2) Bring the child to the court or deliver the child to a place of detention or shelter care designated by the court and promptly give notice thereof, together with a statement of the reason for taking the child into custody, to a parent, guardian, 30885  
30886  
30887  
30888

or other custodian and to the court. 30889

(B) If a parent, guardian, or other custodian fails, when 30890  
requested by the court, to bring the child before the court as 30891  
provided by this section, the court may issue its warrant 30892  
directing that the child be taken into custody and brought 30893  
before the court. 30894

(C) (1) Before taking any action required by division (A) 30895  
of this section, a person taking a child into custody may hold 30896  
the child for processing purposes in a county, multicounty, or 30897  
municipal jail or workhouse, or other place where an adult 30898  
convicted of crime, under arrest, or charged with crime is held 30899  
for either of the following periods of time: 30900

(a) For a period not to exceed six hours, if all of the 30901  
following apply: 30902

(i) The child is alleged to be a delinquent child for the 30903  
commission of an act that would be a felony if committed by an 30904  
adult; 30905

(ii) The child remains beyond the range of touch of all 30906  
adult detainees; 30907

(iii) The child is visually supervised by jail or 30908  
workhouse personnel at all times during the detention; 30909

(iv) The child is not handcuffed or otherwise physically 30910  
secured to a stationary object during the detention. 30911

(b) For a period not to exceed three hours, if all of the 30912  
following apply: 30913

(i) The child is alleged to be a delinquent child for the 30914  
commission of an act that would be a misdemeanor if committed by 30915  
an adult, is alleged to be a delinquent child for violating a 30916



court order regarding the child's adjudication as an unruly 30917  
child for being an habitual truant, or is alleged to be an 30918  
unruly child or a juvenile traffic offender; 30919

(ii) The child remains beyond the range of touch of all 30920  
adult detainees; 30921

(iii) The child is visually supervised by jail or 30922  
workhouse personnel at all times during the detention; 30923

(iv) The child is not handcuffed or otherwise physically 30924  
secured to a stationary object during the detention. 30925

(2) If a child has been transferred to an adult court for 30926  
prosecution for the alleged commission of a criminal offense, 30927  
subsequent to the transfer, the child may be held as described 30928  
in division (F) of section 2152.26 or division ~~(B)~~ (C) of section 30929  
5120.16 of the Revised Code. 30930

(D) If a person who is alleged to be or has been 30931  
adjudicated a delinquent child or who is in any other category 30932  
of persons identified in this section is confined under 30933  
authority of this section in a place specified in division (C) 30934  
of this section, the fact of the person's admission to and 30935  
confinement in that place is restricted as described in division 30936  
(G) of section 2152.26 of the Revised Code. 30937

(E) As used in division (C) (1) of this section, 30938  
"processing purposes" means all of the following: 30939

(1) Fingerprinting, photographing, or fingerprinting and 30940  
photographing the child in a secure area of the facility; 30941

(2) Interrogating the child, contacting the child's parent 30942  
or guardian, arranging for placement of the child, or arranging 30943  
for transfer or transferring the child, while holding the child 30944

in a nonsecure area of the facility. 30945

**Sec. 2151.316.** (A) The department of children and youth 30946  
shall adopt rules in accordance with Chapter 119. of the Revised 30947  
Code to establish and enforce a foster youth bill of rights for 30948  
individuals who are in the temporary or permanent custody of a 30949  
public children services agency or a planned permanent living 30950  
arrangement or in the Title IV-E eligible care and placement 30951  
responsibility of a juvenile court or other governmental agency 30952  
that provides Title IV-E reimbursable placement services and who 30953  
are subject to out-of-home care or placed with a kinship 30954  
caregiver as defined in section ~~5101.85~~5180.50 of the Revised 30955  
Code. 30956

(B) If the rights of an individual, as established under 30957  
division (A) of this section, conflict with the rights of a 30958  
resource family or resource caregiver, as established in section 30959  
5103.163 of the Revised Code, the rights of the individual shall 30960  
preempt the rights of the resource family or resource caregiver. 30961

(C) The rights established by rules under this section 30962  
shall not create grounds for a civil action against the 30963  
department, the recommending agency, or the custodial agency. 30964

**Sec. 2151.356.** (A) The records of a case in which a person 30965  
was adjudicated a delinquent child for committing a violation of 30966  
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 30967  
not be sealed under this section. 30968

(B) (1) The juvenile court shall promptly order the 30969  
immediate sealing of records pertaining to a juvenile in any of 30970  
the following circumstances: 30971

(a) If the court receives a record from a public office or 30972  
agency under division (B) (2) of this section; 30973

(b) If a person was brought before or referred to the court for allegedly committing a delinquent or unruly act and the case was resolved without the filing of a complaint against the person with respect to that act pursuant to section 2151.27 of the Revised Code;

(c) If a person was charged with violating division (E) (1) of section 4301.69 of the Revised Code and the person has successfully completed a diversion program under division (E) (2) (a) of section 4301.69 of the Revised Code with respect to that charge;

(d) If a complaint was filed against a person alleging that the person was a delinquent child, an unruly child, or a juvenile traffic offender and the court ~~dismisses~~ does both of the following:

(i) Dismisses the complaint after a trial on the merits of the case or finds the person not to be a delinquent child, an unruly child, or a juvenile traffic offender;

(ii) Finds that the interests of the person alleged to be a delinquent child, an unruly child, or a juvenile traffic offender in having the records pertaining to the case sealed are not substantially outweighed by any legitimate governmental needs to maintain those records.

(e) Notwithstanding division (C) of this section and subject to section 2151.358 of the Revised Code, if a person has been adjudicated an unruly child, that person has attained eighteen years of age, and the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child.

(2) The appropriate public office or agency shall

immediately deliver all original records at that public office 31003  
or agency pertaining to a juvenile to the court, if the person 31004  
was arrested or taken into custody for allegedly committing a 31005  
delinquent or unruly act, no complaint was filed against the 31006  
person with respect to the commission of the act pursuant to 31007  
section 2151.27 of the Revised Code, and the person was not 31008  
brought before or referred to the court for the commission of 31009  
the act. The records delivered to the court as required under 31010  
this division shall not include fingerprints, DNA specimens, and 31011  
DNA records described under division (A) (3) of section 2151.357 31012  
of the Revised Code. 31013

(C) (1) The juvenile court shall consider the sealing of 31014  
records pertaining to a juvenile upon the court's own motion or 31015  
upon the application of a person if the person has been 31016  
adjudicated a delinquent child for committing an act other than 31017  
a violation of section 2903.01, 2903.02, or 2907.02 of the 31018  
Revised Code, an unruly child, or a juvenile traffic offender 31019  
and if, at the time of the motion or application, the person is 31020  
not under the jurisdiction of the court in relation to a 31021  
complaint alleging the person to be a delinquent child. The 31022  
court shall not require a fee for the filing of the application. 31023  
The motion or application may be made on or after the time 31024  
specified in whichever of the following is applicable: 31025

(a) If the person is under eighteen years of age, at any 31026  
time after six months after any of the following events occur: 31027

(i) The termination of any order made by the court in 31028  
relation to the adjudication; 31029

(ii) The unconditional discharge of the person from the 31030  
department of youth services with respect to a dispositional 31031  
order made in relation to the adjudication or from an 31032

institution or facility to which the person was committed 31033  
pursuant to a dispositional order made in relation to the 31034  
adjudication; 31035

(iii) The court enters an order under section 2152.84 or 31036  
2152.85 of the Revised Code that contains a determination that 31037  
the child is no longer a juvenile offender registrant. 31038

(b) If the person is eighteen years of age or older, at 31039  
any time after the later of the following: 31040

(i) The person's attainment of eighteen years of age; 31041

(ii) The occurrence of any event identified in divisions 31042  
(C) (1) (a) (i) to (iii) of this section. 31043

(2) In making the determination whether to seal records 31044  
pursuant to division (C) (1) of this section, all of the 31045  
following apply: 31046

(a) The court may require a person filing an application 31047  
under division (C) (1) of this section to submit any relevant 31048  
documentation to support the application. 31049

(b) The court may cause an investigation to be made to 31050  
determine if the person who is the subject of the proceedings 31051  
has been rehabilitated to a satisfactory degree. 31052

(c) The court shall promptly, but not less than thirty 31053  
days prior to the hearing, notify the prosecuting attorney of 31054  
any proceedings to seal records initiated pursuant to division 31055  
(C) (1) of this section. The prosecutor shall provide timely 31056  
notice to a victim and a victim's representative, if applicable, 31057  
if the victim or victim's representative requested notice of the 31058  
proceedings in the underlying case. 31059

(d) (i) The prosecuting attorney may file a response with 31060

the court within thirty days of receiving notice of the sealing 31061  
proceedings. 31062

(ii) If the prosecuting attorney does not file a response 31063  
with the court or if the prosecuting attorney files a response 31064  
but indicates that the prosecuting attorney does not object to 31065  
the sealing of the records, the court may order the records of 31066  
the person that are under consideration to be sealed without 31067  
conducting a hearing on the motion or application. If the court 31068  
decides in its discretion to conduct a hearing on the motion or 31069  
application, the court shall conduct the hearing within thirty 31070  
days after making that decision and shall give notice, by 31071  
regular mail, of the date, time, and location of the hearing to 31072  
the prosecuting attorney and to the person who is the subject of 31073  
the records under consideration. The victim, the victim's 31074  
representative, and the victim's attorney, if applicable, may be 31075  
present and heard orally, in writing, or both at any hearing 31076  
under this division. The court shall consider the oral and 31077  
written statement of any victim, victim's representative, and 31078  
victim's attorney, if applicable. 31079

(iii) If the prosecuting attorney files a response with 31080  
the court that indicates that the prosecuting attorney objects 31081  
to the sealing of the records, the court shall conduct a hearing 31082  
on the motion or application within thirty days after the court 31083  
receives the response. The court shall give notice, by regular 31084  
mail, of the date, time, and location of the hearing to the 31085  
prosecuting attorney and to the person who is the subject of the 31086  
records under consideration. The victim, the victim's 31087  
representative, and the victim's attorney, if applicable, may be 31088  
present and heard orally, in writing, or both at any hearing 31089  
under this division. The court shall consider the oral and 31090  
written statement of any victim, victim's representative, and 31091

victim's attorney, if applicable. 31092

(e) After conducting a hearing in accordance with division 31093  
(C) (2) (d) of this section or after due consideration when a 31094  
hearing is not conducted, except as provided in division (B) (1) 31095  
(c) of this section, the court may order the records of the 31096  
person that are the subject of the motion or application to be 31097  
sealed if it finds that the person has been rehabilitated to a 31098  
satisfactory degree. In determining whether the person has been 31099  
rehabilitated to a satisfactory degree, the court may consider 31100  
all of the following: 31101

(i) The age of the person; 31102

(ii) The nature of the case; 31103

(iii) The cessation or continuation of delinquent, unruly, 31104  
or criminal behavior; 31105

(iv) The education and employment history of the person; 31106

(v) The granting of a new tier classification or 31107  
declassification from the juvenile offender registry pursuant to 31108  
section 2152.85 of the Revised Code, except for public registry- 31109  
qualified juvenile offender registrants; 31110

(vi) Any other circumstances that may relate to the 31111  
rehabilitation of the person who is the subject of the records 31112  
under consideration. 31113

(D) (1) (a) The juvenile court shall provide verbal notice 31114  
to a person whose records are sealed under division (B) of this 31115  
section, if that person is present in the court at the time the 31116  
court issues a sealing order, that explains what sealing a 31117  
record means, states that the person may apply to have those 31118  
records expunged under section 2151.358 of the Revised Code, and 31119

explains what expunging a record means. 31120

(b) The juvenile court shall provide written notice to a 31121  
person whose records are sealed under division (B) of this 31122  
section by regular mail to the person's last known address, if 31123  
that person is not present in the court at the time the court 31124  
issues a sealing order and if the court does not seal the 31125  
person's record upon the court's own motion, that explains what 31126  
sealing a record means, states that the person may apply to have 31127  
those records expunged under section 2151.358 of the Revised 31128  
Code, and explains what expunging a record means. 31129

(2) Upon final disposition of a case in which a person has 31130  
been adjudicated a delinquent child for committing an act other 31131  
than a violation of section 2903.01, 2903.02, or 2907.02 of the 31132  
Revised Code, an unruly child, or a juvenile traffic offender, 31133  
the juvenile court shall provide written notice to the person 31134  
that does all of the following: 31135

(a) States that the person may apply to the court for an 31136  
order to seal the record; 31137

(b) Explains what sealing a record means; 31138

(c) States that the person may apply to the court for an 31139  
order to expunge the record under section 2151.358 of the 31140  
Revised Code; 31141

(d) Explains what expunging a record means. 31142

(3) The department of youth services and any other 31143  
institution or facility that unconditionally discharges a person 31144  
who has been adjudicated a delinquent child, an unruly child, or 31145  
a juvenile traffic offender shall immediately give notice of the 31146  
discharge to the court that committed the person. The court 31147  
shall note the date of discharge on a separate record of 31148



discharges of those natures. 31149

**Sec. 2151.3527.** (A) The director of children and youth 31150  
shall promulgate forms designed to gather pertinent medical 31151  
information concerning a deserted child and the child's parents. 31152  
The forms shall clearly and unambiguously state on each page 31153  
that the information requested is to facilitate medical care for 31154  
the child, that the forms may be fully or partially completed or 31155  
left blank, that completing the forms or parts of the forms is 31156  
completely voluntary, and that no adverse legal consequence will 31157  
result from failure to complete any part of the forms. 31158

(B) The director shall promulgate written materials to be 31159  
made available to the parents of a child delivered pursuant to 31160  
section 2151.3516 of the Revised Code. The materials shall 31161  
describe services available to assist parents and newborns and 31162  
shall include information directly relevant to situations that 31163  
might cause parents to desert a child and information on the 31164  
procedures for a person to follow in order to reunite with a 31165  
child the person delivered under section 2151.3516 of the 31166  
Revised Code, including notice that the person will be required 31167  
to submit to a DNA test, at that person's expense, to prove that 31168  
the person is the parent of the child. 31169

(C) The director of ~~job and family services~~ children and 31170  
youth shall distribute the medical information forms and written 31171  
materials promulgated pursuant to this section to all of the 31172  
following: 31173

(1) Entities permitted to receive a deserted child as 31174  
specified in section 2151.3517 of the Revised Code; 31175

(2) Public children services agencies; 31176

(3) Other public or private agencies that, in the 31177

discretion of the director, are best able to disseminate the 31178  
forms and materials to the persons who are most in need of the 31179  
forms and materials. 31180

(D) If the department ~~of job and family services~~ 31181  
determines that money in the putative father registry fund 31182  
created under section 2101.16 of the Revised Code is more than 31183  
is needed for its duties related to the putative father 31184  
registry, the department may use surplus moneys in the fund for 31185  
costs related to the development, distribution, and publication 31186  
of forms and materials promulgated pursuant to divisions (A) and 31187  
(B) of this section. 31188

(E) The department ~~of job and family services~~ shall 31189  
develop an educational plan, in collaboration with the Ohio 31190  
family and children first cabinet council, for informing at-risk 31191  
populations who are most likely to voluntarily deliver a child 31192  
under section 2151.3516 of the Revised Code concerning the 31193  
provisions of sections 2151.3515 to 2151.3533 of the Revised 31194  
Code. 31195

**Sec. 2151.416.** (A) Each agency that is required by section 31196  
2151.412 of the Revised Code to prepare a case plan for a child 31197  
shall complete a semiannual administrative review of the case 31198  
plan no later than six months after the earlier of the date on 31199  
which the complaint in the case was filed or the child was first 31200  
placed in shelter care. After the first administrative review, 31201  
the agency shall complete semiannual administrative reviews no 31202  
later than every six months. If the court issues an order 31203  
pursuant to section 2151.414 or 2151.415 of the Revised Code, 31204  
the agency shall complete an administrative review no later than 31205  
six months after the court's order and continue to complete 31206  
administrative reviews no later than every six months after the 31207

first review, except that the court hearing held pursuant to 31208  
section 2151.417 of the Revised Code may take the place of any 31209  
administrative review that would otherwise be held at the time 31210  
of the court hearing. When conducting a review, the child's 31211  
health and safety shall be the paramount concern. 31212

(B) Each administrative review required by division (A) of 31213  
this section shall be conducted by a review panel of at least 31214  
three persons, including, but not limited to, both of the 31215  
following: 31216

(1) A caseworker with day-to-day responsibility for, or 31217  
familiarity with, the management of the child's case plan; 31218

(2) A person who is not responsible for the management of 31219  
the child's case plan or for the delivery of services to the 31220  
child or the parents, guardian, or custodian of the child. 31221

(C) Each semiannual administrative review shall include, 31222  
but not be limited to, a joint meeting by the review panel with 31223  
the parents, guardian, or custodian of the child, the guardian 31224  
ad litem of the child, and the child's foster care provider and 31225  
shall include an opportunity for those persons to submit any 31226  
written materials to be included in the case record of the 31227  
child. If a parent, guardian, custodian, guardian ad litem, or 31228  
foster care provider of the child cannot be located after 31229  
reasonable efforts to do so or declines to participate in the 31230  
administrative review after being contacted, the agency does not 31231  
have to include them in the joint meeting. 31232

(D) The agency shall prepare a written summary of the 31233  
semiannual administrative review that shall include, but not be 31234  
limited to, all of the following: 31235

(1) A conclusion regarding the safety and appropriateness 31236

of the child's foster care placement;	31237
(2) The extent of the compliance with the case plan of all parties;	31238 31239
(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child;	31240 31241 31242
(4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody;	31243 31244 31245
(5) An updated case plan that includes any changes that the agency is proposing in the case plan;	31246 31247
(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review;	31248 31249 31250
(7) The names of all persons who participated in the administrative review;	31251 31252
(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section <del>5101.85</del> <u>5180.50</u> of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code.	31253 31254 31255 31256 31257 31258 31259 31260
(E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the	31261 31262 31263 31264

proposed change with the court at the time it files the summary. 31265  
The agency shall give notice of the summary and proposed change 31266  
in writing before the end of the next day after filing them to 31267  
all parties and the child's guardian ad litem. All parties and 31268  
the guardian ad litem shall have seven days after the date the 31269  
notice is sent to object to and request a hearing on the 31270  
proposed change. 31271

(1) If the court receives a timely request for a hearing, 31272  
the court shall schedule a hearing pursuant to section 2151.417 31273  
of the Revised Code to be held not later than thirty days after 31274  
the court receives the request. The court shall give notice of 31275  
the date, time, and location of the hearing to all parties and 31276  
the guardian ad litem. The agency may implement the proposed 31277  
change after the hearing, if the court approves it. The agency 31278  
shall not implement the proposed change unless it is approved by 31279  
the court. 31280

(2) If the court does not receive a timely request for a 31281  
hearing, the court may approve the proposed change without a 31282  
hearing. If the court approves the proposed change without a 31283  
hearing, it shall journalize the case plan with the change not 31284  
later than fourteen days after the change is filed with the 31285  
court. If the court does not approve the proposed change to the 31286  
case plan, it shall schedule a review hearing to be held 31287  
pursuant to section 2151.417 of the Revised Code no later than 31288  
thirty days after the expiration of the fourteen-day time period 31289  
and give notice of the date, time, and location of the hearing 31290  
to all parties and the guardian ad litem of the child. If, 31291  
despite the requirements of this division and division (D) of 31292  
section 2151.417 of the Revised Code, the court neither approves 31293  
and journalizes the proposed change nor conducts a hearing, the 31294  
agency may implement the proposed change not earlier than 31295

fifteen days after it is submitted to the court. 31296

(F) The director of children and youth may adopt rules 31297  
pursuant to Chapter 119. of the Revised Code for procedures and 31298  
standard forms for conducting administrative reviews pursuant to 31299  
this section. 31300

(G) The juvenile court that receives the written summary 31301  
of the administrative review, upon determining, either from the 31302  
written summary, case plan, or otherwise, that the custody or 31303  
care arrangement is not in the best interest of the child, may 31304  
terminate the custody of an agency and place the child in the 31305  
custody of another institution or association certified by the 31306  
department of children and youth under section 5103.03 of the 31307  
Revised Code. 31308

**Sec. 2151.4115.** ~~(A)~~As used in sections 2151.4116 to 31309  
2151.4122 of the Revised Code: 31310

~~(1)~~(A) "Kinship caregiver" has the same meaning as used 31311  
in section ~~5101.85~~5180.50 of the Revised Code. 31312

~~(2)~~(B) "Search technology" means any locate-and-research 31313  
tool, search engine, electronic database, or social media search 31314  
tool available to a public children services agency or a private 31315  
child placing agency. 31316

**Sec. 2151.421.** (A) (1) (a) No person described in division 31317  
(A) (1) (b) of this section who is acting in an official or 31318  
professional capacity and knows, or has reasonable cause to 31319  
suspect based on facts that would cause a reasonable person in a 31320  
similar position to suspect, that a child under eighteen years 31321  
of age, or a person under twenty-one years of age with a 31322  
developmental disability or physical impairment, has suffered or 31323  
faces a threat of suffering any physical or mental wound, 31324

injury, disability, or condition of a nature that reasonably 31325  
indicates abuse or neglect of the child shall fail to 31326  
immediately report that knowledge or reasonable cause to suspect 31327  
to the entity or persons specified in this division. Except as 31328  
otherwise provided in this division or section 5120.173 of the 31329  
Revised Code, the person making the report shall make it to the 31330  
public children services agency or a peace officer in the county 31331  
in which the child resides or in which the abuse or neglect is 31332  
occurring or has occurred. If the person making the report is a 31333  
peace officer, the officer shall make it to the public children 31334  
services agency in the county in which the child resides or in 31335  
which the abuse or neglect is occurring or has occurred. In the 31336  
circumstances described in section 5120.173 of the Revised Code, 31337  
the person making the report shall make it to the entity 31338  
specified in that section. 31339

(b) Division (A) (1) (a) of this section applies to any 31340  
person who is an attorney; health care professional; 31341  
practitioner of a limited branch of medicine as specified in 31342  
section 4731.15 of the Revised Code; licensed school 31343  
psychologist; independent marriage and family therapist or 31344  
marriage and family therapist; coroner; administrator or 31345  
employee of a child care center; administrator or employee of a 31346  
residential camp, child day camp, or private, nonprofit 31347  
therapeutic wilderness camp; administrator or employee of a 31348  
certified child care agency or other public or private children 31349  
services agency; school teacher; school employee; school 31350  
authority; peace officer; humane society agent; dog warden, 31351  
deputy dog warden, or other person appointed to act as an animal 31352  
control officer for a municipal corporation or township in 31353  
accordance with state law, an ordinance, or a resolution; 31354  
person, other than a cleric, rendering spiritual treatment 31355

through prayer in accordance with the tenets of a well- 31356  
recognized religion; employee of a county department of job and 31357  
family services who is a professional and who works with 31358  
children and families; employee of an entity that provides home 31359  
visiting services under the help me grow program established by 31360  
the department of children and youth pursuant to section 5180.21 31361  
of the Revised Code; superintendent or regional administrator 31362  
employed by the department of youth services; superintendent, 31363  
board member, or employee of a county board of developmental 31364  
disabilities; investigative agent contracted with by a county 31365  
board of developmental disabilities; employee of the department 31366  
of developmental disabilities; employee of a facility or home 31367  
that provides respite care in accordance with section 5123.171 31368  
of the Revised Code; employee of an entity that provides 31369  
homemaker services; employee of a qualified organization as 31370  
defined in section 2151.90 of the Revised Code; a host family as 31371  
defined in section 2151.90 of the Revised Code; foster 31372  
caregiver; a person performing the duties of an assessor 31373  
pursuant to Chapter 3107. or 5103. of the Revised Code; third 31374  
party employed by a public children services agency to assist in 31375  
providing child or family related services; court appointed 31376  
special advocate; or guardian ad litem. 31377

(c) If two or more health care professionals, after 31378  
providing health care services to a child, determine or suspect 31379  
that the child has been or is being abused or neglected, the 31380  
health care professionals may designate one of the health care 31381  
professionals to report the abuse or neglect. A single report 31382  
made under this division shall meet the reporting requirements 31383  
of division (A) (1) of this section. 31384

(2) Except as provided in division (A) (3) of this section, 31385  
an attorney, physician, or advanced practice registered nurse is 31386



not required to make a report pursuant to division (A)(1) of 31387  
this section concerning any communication the attorney, 31388  
physician, or advanced practice registered nurse receives from a 31389  
client or patient in an attorney-client, physician-patient, or 31390  
advanced practice registered nurse-patient relationship, if, in 31391  
accordance with division (A) or (B) of section 2317.02 of the 31392  
Revised Code, the attorney, physician, or advanced practice 31393  
registered nurse could not testify with respect to that 31394  
communication in a civil or criminal proceeding. 31395

(3) The client or patient in an attorney-client, 31396  
physician-patient, or advanced practice registered nurse-patient 31397  
relationship described in division (A)(2) of this section is 31398  
deemed to have waived any testimonial privilege under division 31399  
(A) or (B) of section 2317.02 of the Revised Code with respect 31400  
to any communication the attorney, physician, or advanced 31401  
practice registered nurse receives from the client or patient in 31402  
that relationship, and the attorney, physician, or advanced 31403  
practice registered nurse shall make a report pursuant to 31404  
division (A)(1) of this section with respect to that 31405  
communication, if all of the following apply: 31406

(a) The client or patient, at the time of the 31407  
communication, is a child under eighteen years of age or is a 31408  
person under twenty-one years of age with a developmental 31409  
disability or physical impairment. 31410

(b) The attorney, physician, or advanced practice 31411  
registered nurse knows, or has reasonable cause to suspect based 31412  
on facts that would cause a reasonable person in similar 31413  
position to suspect that the client or patient has suffered or 31414  
faces a threat of suffering any physical or mental wound, 31415  
injury, disability, or condition of a nature that reasonably 31416

indicates abuse or neglect of the client or patient. 31417

(c) The abuse or neglect does not arise out of the 31418  
client's or patient's attempt to have an abortion without the 31419  
notification of her parents, guardian, or custodian in 31420  
accordance with section 2151.85 of the Revised Code. 31421

(4) (a) No cleric and no person, other than a volunteer, 31422  
designated by any church, religious society, or faith acting as 31423  
a leader, official, or delegate on behalf of the church, 31424  
religious society, or faith who is acting in an official or 31425  
professional capacity, who knows, or has reasonable cause to 31426  
believe based on facts that would cause a reasonable person in a 31427  
similar position to believe, that a child under eighteen years 31428  
of age, or a person under twenty-one years of age with a 31429  
developmental disability or physical impairment, has suffered or 31430  
faces a threat of suffering any physical or mental wound, 31431  
injury, disability, or condition of a nature that reasonably 31432  
indicates abuse or neglect of the child, and who knows, or has 31433  
reasonable cause to believe based on facts that would cause a 31434  
reasonable person in a similar position to believe, that another 31435  
cleric or another person, other than a volunteer, designated by 31436  
a church, religious society, or faith acting as a leader, 31437  
official, or delegate on behalf of the church, religious 31438  
society, or faith caused, or poses the threat of causing, the 31439  
wound, injury, disability, or condition that reasonably 31440  
indicates abuse or neglect shall fail to immediately report that 31441  
knowledge or reasonable cause to believe to the entity or 31442  
persons specified in this division. Except as provided in 31443  
section 5120.173 of the Revised Code, the person making the 31444  
report shall make it to the public children services agency or a 31445  
peace officer in the county in which the child resides or in 31446  
which the abuse or neglect is occurring or has occurred. In the 31447

circumstances described in section 5120.173 of the Revised Code, 31448  
the person making the report shall make it to the entity 31449  
specified in that section. 31450

(b) Except as provided in division (A)(4)(c) of this 31451  
section, a cleric is not required to make a report pursuant to 31452  
division (A)(4)(a) of this section concerning any communication 31453  
the cleric receives from a penitent in a cleric-penitent 31454  
relationship, if, in accordance with division (C) of section 31455  
2317.02 of the Revised Code, the cleric could not testify with 31456  
respect to that communication in a civil or criminal proceeding. 31457

(c) The penitent in a cleric-penitent relationship 31458  
described in division (A)(4)(b) of this section is deemed to 31459  
have waived any testimonial privilege under division (C) of 31460  
section 2317.02 of the Revised Code with respect to any 31461  
communication the cleric receives from the penitent in that 31462  
cleric-penitent relationship, and the cleric shall make a report 31463  
pursuant to division (A)(4)(a) of this section with respect to 31464  
that communication, if all of the following apply: 31465

(i) The penitent, at the time of the communication, is a 31466  
child under eighteen years of age or is a person under twenty- 31467  
one years of age with a developmental disability or physical 31468  
impairment. 31469

(ii) The cleric knows, or has reasonable cause to believe 31470  
based on facts that would cause a reasonable person in a similar 31471  
position to believe, as a result of the communication or any 31472  
observations made during that communication, the penitent has 31473  
suffered or faces a threat of suffering any physical or mental 31474  
wound, injury, disability, or condition of a nature that 31475  
reasonably indicates abuse or neglect of the penitent. 31476

(iii) The abuse or neglect does not arise out of the 31477  
penitent's attempt to have an abortion performed upon a child 31478  
under eighteen years of age or upon a person under twenty-one 31479  
years of age with a developmental disability or physical 31480  
impairment without the notification of her parents, guardian, or 31481  
custodian in accordance with section 2151.85 of the Revised 31482  
Code. 31483

(d) Divisions (A) (4) (a) and (c) of this section do not 31484  
apply in a cleric-penitent relationship when the disclosure of 31485  
any communication the cleric receives from the penitent is in 31486  
violation of the sacred trust. 31487

(e) As used in divisions (A) (1) and (4) of this section, 31488  
"cleric" and "sacred trust" have the same meanings as in section 31489  
2317.02 of the Revised Code. 31490

(B) Anyone who knows, or has reasonable cause to suspect 31491  
based on facts that would cause a reasonable person in similar 31492  
circumstances to suspect, that a child under eighteen years of 31493  
age, or a person under twenty-one years of age with a 31494  
developmental disability or physical impairment, has suffered or 31495  
faces a threat of suffering any physical or mental wound, 31496  
injury, disability, or other condition of a nature that 31497  
reasonably indicates abuse or neglect of the child may report or 31498  
cause reports to be made of that knowledge or reasonable cause 31499  
to suspect to the entity or persons specified in this division. 31500  
Except as provided in section 5120.173 of the Revised Code, a 31501  
person making a report or causing a report to be made under this 31502  
division shall make it or cause it to be made to the public 31503  
children services agency or to a peace officer. In the 31504  
circumstances described in section 5120.173 of the Revised Code, 31505  
a person making a report or causing a report to be made under 31506

this division shall make it or cause it to be made to the entity 31507  
specified in that section. 31508

(C) Any report made pursuant to division (A) or (B) of 31509  
this section shall be made forthwith either by telephone, in 31510  
person, or electronically and shall be followed by a written 31511  
report, if requested by the receiving agency or officer. The 31512  
written report shall contain: 31513

(1) The names and addresses of the child and the child's 31514  
parents or the person or persons having custody of the child, if 31515  
known; 31516

(2) The child's age and the nature and extent of the 31517  
child's injuries, abuse, or neglect that is known or reasonably 31518  
suspected or believed, as applicable, to have occurred or of the 31519  
threat of injury, abuse, or neglect that is known or reasonably 31520  
suspected or believed, as applicable, to exist, including any 31521  
evidence of previous injuries, abuse, or neglect; 31522

(3) Any other information, including, but not limited to, 31523  
results and reports of any medical examinations, tests, or 31524  
procedures performed under division (D) of this section, that 31525  
might be helpful in establishing the cause of the injury, abuse, 31526  
or neglect that is known or reasonably suspected or believed, as 31527  
applicable, to have occurred or of the threat of injury, abuse, 31528  
or neglect that is known or reasonably suspected or believed, as 31529  
applicable, to exist. 31530

(D) (1) Any person, who is required by division (A) of this 31531  
section to report child abuse or child neglect that is known or 31532  
reasonably suspected or believed to have occurred, may take or 31533  
cause to be taken color photographs of areas of trauma visible 31534  
on a child and, if medically necessary for the purpose of 31535

diagnosing or treating injuries that are suspected to have 31536  
occurred as a result of child abuse or child neglect, perform or 31537  
cause to be performed radiological examinations and any other 31538  
medical examinations of, and tests or procedures on, the child. 31539

(2) The results and any available reports of examinations, 31540  
tests, or procedures made under division (D)(1) of this section 31541  
shall be included in a report made pursuant to division (A) of 31542  
this section. Any additional reports of examinations, tests, or 31543  
procedures that become available shall be provided to the public 31544  
children services agency, upon request. 31545

(3) If a health care professional provides health care 31546  
services in a hospital, children's advocacy center, or emergency 31547  
medical facility to a child about whom a report has been made 31548  
under division (A) of this section, the health care professional 31549  
may take any steps that are reasonably necessary for the release 31550  
or discharge of the child to an appropriate environment. Before 31551  
the child's release or discharge, the health care professional 31552  
may obtain information, or consider information obtained, from 31553  
other entities or individuals that have knowledge about the 31554  
child. Nothing in division (D)(3) of this section shall be 31555  
construed to alter the responsibilities of any person under 31556  
sections 2151.27 and 2151.31 of the Revised Code. 31557

(4) A health care professional may conduct medical 31558  
examinations, tests, or procedures on the siblings of a child 31559  
about whom a report has been made under division (A) of this 31560  
section and on other children who reside in the same home as the 31561  
child, if the professional determines that the examinations, 31562  
tests, or procedures are medically necessary to diagnose or 31563  
treat the siblings or other children in order to determine 31564  
whether reports under division (A) of this section are warranted 31565

with respect to such siblings or other children. The results of 31566  
the examinations, tests, or procedures on the siblings and other 31567  
children may be included in a report made pursuant to division 31568  
(A) of this section. 31569

(5) Medical examinations, tests, or procedures conducted 31570  
under divisions (D) (1) and (4) of this section and decisions 31571  
regarding the release or discharge of a child under division (D) 31572  
(3) of this section do not constitute a law enforcement 31573  
investigation or activity. 31574

(E) (1) When a peace officer receives a report made 31575  
pursuant to division (A) or (B) of this section, upon receipt of 31576  
the report, the peace officer who receives the report shall 31577  
refer the report to the appropriate public children services 31578  
agency, in accordance with requirements specified under division 31579  
(B) (6) of section 2151.4221 of the Revised Code, unless an 31580  
arrest is made at the time of the report that results in the 31581  
appropriate public children services agency being contacted 31582  
concerning the possible abuse or neglect of a child or the 31583  
possible threat of abuse or neglect of a child. 31584

(2) When a public children services agency receives a 31585  
report pursuant to this division or division (A) or (B) of this 31586  
section, upon receipt of the report, the public children 31587  
services agency shall do all of the following: 31588

(a) Comply with section 2151.422 of the Revised Code; 31589

(b) If the county served by the agency is also served by a 31590  
children's advocacy center and the report alleges sexual abuse 31591  
of a child or another type of abuse of a child that is specified 31592  
in the memorandum of understanding that creates the center as 31593  
being within the center's jurisdiction, comply regarding the 31594

report with the protocol and procedures for referrals and 31595  
investigations, with the coordinating activities, and with the 31596  
authority or responsibility for performing or providing 31597  
functions, activities, and services stipulated in the 31598  
interagency agreement entered into under section 2151.428 of the 31599  
Revised Code relative to that center; 31600

(c) Unless an arrest is made at the time of the report 31601  
that results in the appropriate law enforcement agency being 31602  
contacted concerning the possible abuse or neglect of a child or 31603  
the possible threat of abuse or neglect of a child, and in 31604  
accordance with requirements specified under division (B) (6) of 31605  
section 2151.4221 of the Revised Code, notify the appropriate 31606  
law enforcement agency of the report, if the public children 31607  
services agency received either of the following: 31608

(i) A report of abuse of a child; 31609

(ii) A report of neglect of a child that alleges a type of 31610  
neglect identified by the department of children and youth in 31611  
rules adopted under division (L) (2) of this section. 31612

(F) No peace officer shall remove a child about whom a 31613  
report is made pursuant to this section from the child's 31614  
parents, stepparents, or guardian or any other persons having 31615  
custody of the child without consultation with the public 31616  
children services agency, unless, in the judgment of the 31617  
officer, and, if the report was made by a physician or advanced 31618  
practice registered nurse, the physician or nurse, immediate 31619  
removal is considered essential to protect the child from 31620  
further abuse or neglect. The agency that must be consulted 31621  
shall be the agency conducting the investigation of the report 31622  
as determined pursuant to section 2151.422 of the Revised Code. 31623



(G) (1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under sections 2151.4220 to 2151.4234 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I) (1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of children and youth

shall maintain in accordance with section ~~5101.13~~ 5180.40 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H) (1) (a) Except as provided in divisions (H) (1) (b) and (I) (3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H) (1) (a) (ii) of this section shall not apply when a health care provider has deviated from

the standard of care applicable to the provider's profession. 31684

(c) Notwithstanding section 4731.22 of the Revised Code, 31685  
the physician-patient privilege shall not be a ground for 31686  
excluding evidence regarding a child's injuries, abuse, or 31687  
neglect, or the cause of the injuries, abuse, or neglect in any 31688  
judicial proceeding resulting from a report submitted pursuant 31689  
to this section. 31690

(2) In any civil or criminal action or proceeding in which 31691  
it is alleged and proved that participation in the making of a 31692  
report under this section was not in good faith or participation 31693  
in a judicial proceeding resulting from a report made under this 31694  
section was not in good faith, the court shall award the 31695  
prevailing party reasonable attorney's fees and costs and, if a 31696  
civil action or proceeding is voluntarily dismissed, may award 31697  
reasonable attorney's fees and costs to the party against whom 31698  
the civil action or proceeding is brought. 31699

(I) (1) Except as provided in divisions (I) (4) and (N) of 31700  
this section and sections 2151.423 and 2151.4210 of the Revised 31701  
Code, a report made under this section is confidential. The 31702  
information provided in a report made pursuant to this section 31703  
and the name of the person who made the report shall not be 31704  
released for use, and shall not be used, as evidence in any 31705  
civil action or proceeding brought against the person who made 31706  
the report. Nothing in this division shall preclude the use of 31707  
reports of other incidents of known or suspected abuse or 31708  
neglect in a civil action or proceeding brought pursuant to 31709  
division (M) of this section against a person who is alleged to 31710  
have violated division (A) (1) of this section, provided that any 31711  
information in a report that would identify the child who is the 31712  
subject of the report or the maker of the report, if the maker 31713

of the report is not the defendant or an agent or employee of 31714  
the defendant, has been redacted. In a criminal proceeding, the 31715  
report is admissible in evidence in accordance with the Rules of 31716  
Evidence and is subject to discovery in accordance with the 31717  
Rules of Criminal Procedure. 31718

(2) (a) Except as provided in division (I) (2) (b) of this 31719  
section, no person shall permit or encourage the unauthorized 31720  
dissemination of the contents of any report made under this 31721  
section. 31722

(b) A health care professional that obtains the same 31723  
information contained in a report made under this section from a 31724  
source other than the report may disseminate the information, if 31725  
its dissemination is otherwise permitted by law. 31726

(3) A person who knowingly makes or causes another person 31727  
to make a false report under division (B) of this section that 31728  
alleges that any person has committed an act or omission that 31729  
resulted in a child being an abused child or a neglected child 31730  
is guilty of a violation of section 2921.14 of the Revised Code. 31731

(4) If a report is made pursuant to division (A) or (B) of 31732  
this section and the child who is the subject of the report dies 31733  
for any reason at any time after the report is made, but before 31734  
the child attains eighteen years of age, the public children 31735  
services agency or peace officer to which the report was made or 31736  
referred, on the request of the child fatality review board, the 31737  
suicide fatality review committee, or the director of health 31738  
pursuant to guidelines established under section 3701.70 of the 31739  
Revised Code, shall submit a summary sheet of information 31740  
providing a summary of the report to the review board or review 31741  
committee of the county in which the deceased child resided at 31742  
the time of death or to the director. On the request of the 31743

review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) Not later than five business days after the determination of a disposition, a public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports. The written notice of disposition shall be made in a form designated by the department of ~~job and family services~~ children and youth and shall inform the person of the right to appeal the disposition.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being

made available by the public children services agency on behalf 31775  
of the children about whom the report is made. The agency 31776  
required to provide the services shall be the agency conducting 31777  
the investigation of the report pursuant to section 2151.422 of 31778  
the Revised Code. If a ~~child-family~~ is determined to ~~be a~~ 31779  
~~candidate for benefit from~~ prevention services, the agency also 31780  
~~shall~~ may make efforts to prevent neglect or abuse, to enhance a 31781  
child's welfare, and to preserve the family unit intact by 31782  
referring a report for assessment and provision of services to 31783  
an agency providing prevention services, if appropriate 31784  
prevention services are available from a local provider or other 31785  
reasonable source. 31786

(K) (1) Except as provided in division (K) (4) or (5) of 31787  
this section, a person who is required to make a report under 31788  
division (A) of this section may make a reasonable number of 31789  
requests of the public children services agency that receives or 31790  
is referred the report, or of the children's advocacy center 31791  
that is referred the report if the report is referred to a 31792  
children's advocacy center pursuant to an interagency agreement 31793  
entered into under section 2151.428 of the Revised Code, to be 31794  
provided with the following information: 31795

(a) Whether the agency or center has initiated an 31796  
investigation of the report; 31797

(b) Whether the agency or center is continuing to 31798  
investigate the report; 31799

(c) Whether the agency or center is otherwise involved 31800  
with the child who is the subject of the report; 31801

(d) The general status of the health and safety of the 31802  
child who is the subject of the report; 31803

(e) Whether the report has resulted in the filing of a 31804  
complaint in juvenile court or of criminal charges in another 31805  
court. 31806

(2) (a) A person may request the information specified in 31807  
division (K) (1) of this section only if, at the time the report 31808  
is made, the person's name, address, and telephone number are 31809  
provided to the person who receives the report. 31810

(b) When a peace officer or employee of a public children 31811  
services agency receives a report pursuant to division (A) or 31812  
(B) of this section the recipient of the report shall inform the 31813  
person of the right to request the information described in 31814  
division (K) (1) of this section. The recipient of the report 31815  
shall include in the initial child abuse or child neglect report 31816  
that the person making the report was so informed and, if 31817  
provided at the time of the making of the report, shall include 31818  
the person's name, address, and telephone number in the report. 31819

(c) If the person making the report provides the person's 31820  
name and contact information on making the report, the public 31821  
children services agency that received or was referred the 31822  
report shall send a written notice via United States mail or 31823  
electronic mail, in accordance with the person's preference, to 31824  
the person not later than seven calendar days after receipt of 31825  
the report. The notice shall provide the status of the agency's 31826  
investigation into the report made, who the person may contact 31827  
at the agency for further information, and a description of the 31828  
person's rights under division (K) (1) of this section. 31829

(d) Each request is subject to verification of the 31830  
identity of the person making the report. If that person's 31831  
identity is verified, the agency shall provide the person with 31832  
the information described in division (K) (1) of this section a 31833

reasonable number of times, except that the agency shall not  
disclose any confidential information regarding the child who is  
the subject of the report other than the information described  
in those divisions.

(3) A request made pursuant to division (K) (1) of this  
section is not a substitute for any report required to be made  
pursuant to division (A) of this section.

(4) If an agency other than the agency that received or  
was referred the report is conducting the investigation of the  
report pursuant to section 2151.422 of the Revised Code, the  
agency conducting the investigation shall comply with the  
requirements of division (K) of this section.

(5) A health care professional who made a report under  
division (A) of this section, or on whose behalf such a report  
was made as provided in division (A) (1) (c) of this section, may  
authorize a person to obtain the information described in  
division (K) (1) of this section if the person requesting the  
information is associated with or acting on behalf of the health  
care professional who provided health care services to the child  
about whom the report was made.

(6) If the person making the report provides the person's  
name and contact information on making the report, the public  
children services agency that received or was referred the  
report shall send a written notice via United States mail or  
electronic mail, in accordance with the person's preference, to  
the person not later than seven calendar days after the agency  
closes the investigation into the case reported by the person.  
The notice shall notify the person that the agency has closed  
the investigation.



(L) (1) The director of children and youth shall adopt 31863  
rules in accordance with Chapter 119. of the Revised Code to 31864  
implement this section. The department of children and youth may 31865  
enter into a plan of cooperation with any other governmental 31866  
entity to aid in ensuring that children are protected from abuse 31867  
and neglect. The department shall make recommendations to the 31868  
attorney general that the department determines are necessary to 31869  
protect children from child abuse and child neglect. 31870

(2) The director of children and youth shall adopt rules 31871  
in accordance with Chapter 119. of the Revised Code to identify 31872  
the types of neglect of a child that a public children services 31873  
agency shall be required to notify law enforcement of pursuant 31874  
to division (E) (2) (c) (ii) of this section. 31875

(M) Whoever violates division (A) of this section is 31876  
liable for compensatory and exemplary damages to the child who 31877  
would have been the subject of the report that was not made. A 31878  
person who brings a civil action or proceeding pursuant to this 31879  
division against a person who is alleged to have violated 31880  
division (A) (1) of this section may use in the action or 31881  
proceeding reports of other incidents of known or suspected 31882  
abuse or neglect, provided that any information in a report that 31883  
would identify the child who is the subject of the report or the 31884  
maker of the report, if the maker is not the defendant or an 31885  
agent or employee of the defendant, has been redacted. 31886

(N) (1) As used in this division: 31887

(a) "Out-of-home care" includes a nonchartered nonpublic 31888  
school if the alleged child abuse or child neglect, or alleged 31889  
threat of child abuse or child neglect, described in a report 31890  
received by a public children services agency allegedly occurred 31891  
in or involved the nonchartered nonpublic school and the alleged 31892

perpetrator named in the report holds a certificate, permit, or 31893  
license issued by the state board of education under section 31894  
3301.071 or Chapter 3319. of the Revised Code. 31895

(b) "Administrator, director, or other chief 31896  
administrative officer" means the superintendent of the school 31897  
district if the out-of-home care entity subject to a report made 31898  
pursuant to this section is a school operated by the district. 31899

(2) No later than the end of the day following the day on 31900  
which a public children services agency receives a report of 31901  
alleged child abuse or child neglect, or a report of an alleged 31902  
threat of child abuse or child neglect, that allegedly occurred 31903  
in or involved an out-of-home care entity, the agency shall 31904  
provide written notice of the allegations contained in and the 31905  
person named as the alleged perpetrator in the report to the 31906  
administrator, director, or other chief administrative officer 31907  
of the out-of-home care entity that is the subject of the report 31908  
unless the administrator, director, or other chief 31909  
administrative officer is named as an alleged perpetrator in the 31910  
report. If the administrator, director, or other chief 31911  
administrative officer of an out-of-home care entity is named as 31912  
an alleged perpetrator in a report of alleged child abuse or 31913  
child neglect, or a report of an alleged threat of child abuse 31914  
or child neglect, that allegedly occurred in or involved the 31915  
out-of-home care entity, the agency shall provide the written 31916  
notice to the owner or governing board of the out-of-home care 31917  
entity that is the subject of the report. The agency shall not 31918  
provide witness statements or police or other investigative 31919  
reports. 31920

(3) No later than three days after the day on which a 31921  
public children services agency that conducted the investigation 31922

as determined pursuant to section 2151.422 of the Revised Code 31923  
makes a disposition of an investigation involving a report of 31924  
alleged child abuse or child neglect, or a report of an alleged 31925  
threat of child abuse or child neglect, that allegedly occurred 31926  
in or involved an out-of-home care entity, the agency shall send 31927  
written notice of the disposition of the investigation to the 31928  
administrator, director, or other chief administrative officer 31929  
and the owner or governing board of the out-of-home care entity. 31930  
The agency shall not provide witness statements or police or 31931  
other investigative reports. 31932

(0) As used in this section: 31933

(1) "Children's advocacy center" and "sexual abuse of a 31934  
child" have the same meanings as in section 2151.425 of the 31935  
Revised Code. 31936

(2) "Health care professional" means an individual who 31937  
provides health-related services. "Health care professional" 31938  
includes all of the following: a physician, including a hospital 31939  
intern or resident; a dentist; a podiatrist; a registered nurse, 31940  
including such a nurse who is an advanced practice registered 31941  
nurse; a licensed practical nurse; a home care nurse; a licensed 31942  
psychologist; a speech-language pathologist; an audiologist; a 31943  
person engaged in social work or the practice of professional 31944  
counseling; and an employee of a home health agency. "Health 31945  
care professional" does not include a practitioner of a limited 31946  
branch of medicine as specified in section 4731.15 of the 31947  
Revised Code, licensed school psychologist, independent marriage 31948  
and family therapist or marriage and family therapist, or 31949  
coroner. 31950

(3) "Investigation" means the public children services 31951  
agency's response to an accepted report of child abuse or 31952

neglect through either an alternative response or a traditional response. 31953  
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(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper. 31955  
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**Sec. 2151.423.** A public children services agency shall disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity, including any appropriate military authority or any ~~agency providing prevention services~~ provider to the ~~child~~family, that needs the information to carry out its responsibilities to protect children from abuse or neglect. 31959  
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Information disclosed pursuant to this section is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code by the agency to whom the information was disclosed. The agency receiving the information shall maintain the confidentiality of information disclosed pursuant to this section. 31967  
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**Sec. 2151.424.** (A) If a child has been placed in a certified foster home or is in the custody of, or has been placed with, a kinship caregiver as defined in section ~~5101.85~~ 5180.50 of the Revised Code, a court, prior to conducting any hearing pursuant to division (F) (2) or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with respect to the child, shall notify the foster caregiver or kinship caregiver of the date, time, and place of the hearing. At the hearing, the foster caregiver or kinship caregiver shall have the right to be 31973  
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heard. 31983

(B) If a public children services agency or private child placing agency has permanent custody of a child and a petition to adopt the child has been filed under Chapter 3107. of the Revised Code, the agency, prior to conducting a review under section 2151.416 of the Revised Code, or a court, prior to conducting a hearing under division (F) (2) or (3) of section 2151.412 or section 2151.416 or 2151.417 of the Revised Code, shall notify the prospective adoptive parent of the date, time, and place of the review or hearing. At the review or hearing, the prospective adoptive parent shall have the right to be heard. 31984  
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(C) The notice and the opportunity to be heard do not make the foster caregiver, kinship caregiver, or prospective adoptive parent a party in the action or proceeding pursuant to which the review or hearing is conducted. 31995  
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**Sec. 2151.45.** As used in sections 2151.45 to 2151.455 of the Revised Code, "emancipated young adult" and "representative" have the same meanings as in section ~~5101.141~~ 5180.42 of the Revised Code. 31999  
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**Sec. 2151.451.** (A) The juvenile court of the county, to which either of the following applies regarding an emancipated young adult described under division (A) (1) of section ~~5101.1411~~ 5180.428 of the Revised Code, may exercise jurisdiction over the emancipated young adult for purposes of sections 2151.45 to 2151.455 of the Revised Code: 32003  
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(1) The county in which the emancipated young adult resides; 32009  
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(2) The county in which the emancipated young adult 32011

resided when the custody, arrangement, or care and placement 32012  
described in division (A) (3) (a) of section ~~5101.141~~5180.42 of 32013  
the Revised Code terminated. 32014

(B) A juvenile court, on its own motion or the motion of 32015  
any party, may transfer a proceeding under sections 2151.45 to 32016  
2151.455 of the Revised Code to a juvenile court with 32017  
jurisdiction as provided in this section. 32018

**Sec. 2151.452.** A juvenile court shall do both of the 32019  
following regarding an emancipated young adult described under 32020  
division (A) (1) of section ~~5101.1411~~5180.428 of the Revised 32021  
Code: 32022

(A) Not later than one hundred eighty days after the 32023  
voluntary participation agreement becomes effective, make a 32024  
determination as to whether the emancipated young adult's best 32025  
interest is served by continuing the care and placement with the 32026  
department of children and youth or its representative. 32027

(B) Not later than twelve months after the effective date 32028  
of the voluntary participation agreement, and at least once 32029  
every twelve months thereafter, make a determination that the 32030  
department or its representative has made reasonable efforts to 32031  
finalize a permanency plan to prepare the emancipated young 32032  
adult for independence. 32033

**Sec. 2151.453.** If any determination required under section 32034  
2151.452 of the Revised Code is not timely made, the federal 32035  
payments for foster care under division (A) (1) of section 32036  
~~5101.1411~~5180.428 of the Revised Code for the emancipated young 32037  
adult shall be suspended. The payments shall resume upon a 32038  
subsequent determination that reasonable efforts have been made 32039  
to prepare the emancipated young adult for independence, but 32040

only if both of the following apply: 32041

(A) The emancipated young adult complies with division (A) 32042  
(1) of section ~~5101.1411~~ 5180.428 of the Revised Code. 32043

(B) There has been a timely determination of best interest 32044  
under division (A) of section 2151.452 of the Revised Code. 32045

**Sec. 2152.26.** (A) Except as provided in divisions (B) and 32046  
(F) of this section, a child alleged to be or adjudicated a 32047  
delinquent child or a juvenile traffic offender may be held only 32048  
in the following places: 32049

(1) A certified foster home or a home approved by the 32050  
court; 32051

(2) A facility operated by a certified child welfare 32052  
agency; 32053

(3) Any other suitable place designated by the court. 32054

(B) In addition to the places listed in division (A) of 32055  
this section, a child alleged to be or adjudicated a delinquent 32056  
child or a person described in division (C) (7) of section 32057  
2152.02 of the Revised Code may be held in a detention facility 32058  
for delinquent children that is under the direction or 32059  
supervision of the court or other public authority or of a 32060  
private agency and approved by the court, and a child 32061  
adjudicated a delinquent child may be held in accordance with 32062  
division (F) (2) of this section in a facility of a type 32063  
specified in that division. 32064

(C) (1) Except as provided under division (C) (1) of section 32065  
2151.311 of the Revised Code or division (A) (5) of section 32066  
2152.21 of the Revised Code, a child alleged to be or 32067  
adjudicated a juvenile traffic offender may not be held in any 32068

of the following facilities: 32069

(a) A state correctional institution, county, multicounty, 32070  
or municipal jail or workhouse, or other place in which an adult 32071  
convicted of crime, under arrest, or charged with a crime is 32072  
held. 32073

(b) A secure correctional facility. 32074

(2) Except as provided under this section, sections 32075  
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 32076  
2152.21 of the Revised Code, a child alleged to be or 32077  
adjudicated a juvenile traffic offender may not be held for more 32078  
than twenty-four hours in a detention facility. 32079

(D) Except as provided in division (F) of this section or 32080  
in division (C) of section 2151.311, in division (C) (2) of 32081  
section 5139.06 and section 5120.162, or in division ~~(B)~~(C) of 32082  
section 5120.16 of the Revised Code, a child who is alleged to 32083  
be or is adjudicated a delinquent child or a person described in 32084  
division (C) (7) of section 2152.02 of the Revised Code may not 32085  
be held in a state correctional institution, county, 32086  
multicounty, or municipal jail or workhouse, or other place 32087  
where an adult convicted of crime, under arrest, or charged with 32088  
crime is held. 32089

(E) Unless the detention is pursuant to division (F) of 32090  
this section or division (C) of section 2151.311, division (C) 32091  
(2) of section 5139.06 and section 5120.162, or division ~~(B)~~(C) 32092  
of section 5120.16 of the Revised Code, the official in charge 32093  
of the institution, jail, workhouse, or other facility shall 32094  
inform the court immediately when a person who is or appears to 32095  
be under the age of eighteen years, or a person who is charged 32096  
with a violation of an order of a juvenile court or a violation 32097



of probation or parole conditions imposed by a juvenile court 32098  
and who is or appears to be between the ages of eighteen and 32099  
twenty-one years, is received at the facility and shall deliver 32100  
the person to the court upon request or transfer the person to a 32101  
detention facility designated by the court. 32102

(F) (1) If a case is transferred to another court for 32103  
criminal prosecution pursuant to section 2152.12 of the Revised 32104  
Code and the alleged offender is a person described in division 32105  
(C) (7) of section 2152.02 of the Revised Code, the person may 32106  
not be transferred for detention pending the criminal 32107  
prosecution in a jail or other facility except under the 32108  
circumstances described in division (F) (4) of this section. Any 32109  
child held in accordance with division (F) (3) of this section 32110  
shall be confined in a manner that keeps the child beyond the 32111  
sight and sound of all adult detainees. The child shall be 32112  
supervised at all times during the detention. 32113

(2) If a person is adjudicated a delinquent child or 32114  
juvenile traffic offender or is a person described in division 32115  
(C) (7) of section 2152.02 of the Revised Code and the court 32116  
makes a disposition of the person under this chapter, at any 32117  
time after the person attains twenty-one years of age, the 32118  
person may be held under that disposition or under the 32119  
circumstances described in division (F) (4) of this section in 32120  
places other than those specified in division (A) of this 32121  
section, including, but not limited to, a county, multicounty, 32122  
or municipal jail or workhouse, or other place where an adult 32123  
convicted of crime, under arrest, or charged with crime is held. 32124

(3) (a) A person alleged to be a delinquent child may be 32125  
held in places other than those specified in division (A) of 32126  
this section, including, but not limited to, a county, 32127

multicounty, or municipal jail, if the delinquent act that the 32128  
child allegedly committed would be a felony if committed by an 32129  
adult, and if either of the following applies: 32130

(i) The person attains twenty-one years of age before the 32131  
person is arrested or apprehended for that act. 32132

(ii) The person is arrested or apprehended for that act 32133  
before the person attains twenty-one years of age, but the 32134  
person attains twenty-one years of age before the court orders a 32135  
disposition in the case. 32136

(b) If, pursuant to division (F)(3)(a) of this section, a 32137  
person is held in a place other than a place specified in 32138  
division (A) of this section, the person has the same rights to 32139  
bail as an adult charged with the same offense who is confined 32140  
in a jail pending trial. 32141

(4) (a) Any person whose case is transferred for criminal 32142  
prosecution pursuant to section 2152.10 or 2152.12 of the 32143  
Revised Code or any person who has attained the age of eighteen 32144  
years but has not attained the age of twenty-one years and who 32145  
is being held in a place specified in division (B) of this 32146  
section may be held under that disposition or charge in places 32147  
other than those specified in division (B) of this section, 32148  
including a county, multicounty, or municipal jail or workhouse, 32149  
or other place where an adult under arrest or charged with crime 32150  
is held if the juvenile court, upon its own motion or upon 32151  
motion by the prosecutor and after notice and hearing, 32152  
establishes by a preponderance of the evidence and makes written 32153  
findings of either of the following: 32154

(i) With respect to a person whose case is transferred for 32155  
criminal prosecution pursuant to either specified section or who 32156

has attained the age of eighteen years but who has not attained 32157  
the age of twenty-one years and is being so held, that the youth 32158  
is a threat to the safety and security of the facility; 32159

(ii) With respect to a person who has attained the age of 32160  
eighteen years but who has not attained the age of twenty-one 32161  
years and is being so held, that the best interests of the youth 32162  
require that the youth be held in a place other than a place 32163  
specified in division (B) of this section, including a county, 32164  
multicounty, or municipal jail or workhouse, or other place 32165  
where an adult under arrest or charged with crime is held. 32166

(b) In determining for purposes of division (F) (4) (a) (i) 32167  
of this section whether a youth is a threat to the safety and 32168  
security of the facility, evidence that the youth is a threat to 32169  
the safety and security of the facility may include, but is not 32170  
limited to, whether the youth has done any of the following: 32171

(i) Injured or created an imminent danger to the life or 32172  
health of another youth or staff member in the facility or 32173  
program by violent behavior; 32174

(ii) Escaped from the facility or program in which the 32175  
youth is being held on more than one occasion; 32176

(iii) Established a pattern of disruptive behavior as 32177  
verified by a written record that the youth's behavior is not 32178  
conducive to the established policies and procedures of the 32179  
facility or program in which the youth is being held. 32180

(c) If a prosecutor submits a motion requesting that a 32181  
person be held in a place other than those specified in division 32182  
(B) of this section or if the court submits its own motion, the 32183  
juvenile court shall hold a hearing within five days of the 32184  
filing of the motion, and, in determining whether a place other 32185

than those specified in division (B) of this section is the 32186  
appropriate place of confinement for the person, the court shall 32187  
consider the following factors: 32188

(i) The age of the person; 32189

(ii) Whether the person would be deprived of contact with 32190  
other people for a significant portion of the day or would not 32191  
have access to recreational facilities or age-appropriate 32192  
educational opportunities in order to provide physical 32193  
separation from adults; 32194

(iii) The person's current emotional state, intelligence, 32195  
and developmental maturity, including any emotional and 32196  
psychological trauma, and the risk to the person in an adult 32197  
facility, which may be evidenced by mental health or 32198  
psychological assessments or screenings made available to the 32199  
prosecuting attorney and the defense counsel; 32200

(iv) Whether detention in a juvenile facility would 32201  
adequately serve the need for community protection pending the 32202  
outcome of the criminal proceeding; 32203

(v) The relative ability of the available adult and 32204  
juvenile detention facilities to meet the needs of the person, 32205  
including the person's need for age-appropriate mental health 32206  
and educational services delivered by individuals specifically 32207  
trained to deal with youth; 32208

(vi) Whether the person presents an imminent risk of self- 32209  
inflicted harm or an imminent risk of harm to others within a 32210  
juvenile facility; 32211

(vii) Any other factors the juvenile court considers to be 32212  
relevant. 32213

(d) If the juvenile court determines that a place other than those specified in division (B) of this section is the appropriate place for confinement of a person pursuant to division (F) (4) (a) of this section, the person may petition the juvenile court for a review hearing thirty days after the initial confinement decision, thirty days after any subsequent review hearing, or at any time after the initial confinement decision upon an emergency petition by the youth due to the youth facing an imminent danger from others or the youth's self. Upon receipt of the petition, the juvenile court has discretion over whether to conduct the review hearing and may set the matter for a review hearing if the youth has alleged facts or circumstances that, if true, would warrant reconsideration of the youth's placement in a place other than those specified in division (B) of this section based on the factors listed in division (F) (4) (c) of this section.

(e) Upon the admission of a person described in division (F) (4) (a) of this section to a place other than those specified in division (B) of this section, the facility shall advise the person of the person's right to request a review hearing as described in division (F) (4) (d) of this section.

(f) Any person transferred under division (F) (4) (a) of this section to a place other than those specified in division (B) of this section shall be confined in a manner that keeps those under eighteen years of age beyond sight and sound of all adult detainees. Those under eighteen years of age shall be supervised at all times during the detention.

(G) (1) If a person who is alleged to be or has been adjudicated a delinquent child or who is in any other category of persons identified in this section or section 2151.311 of the

Revised Code is confined under authority of any Revised Code 32244  
section in a place other than a place specified in division (B) 32245  
of this section, including a county, multicounty, or municipal 32246  
jail or workhouse, or other place where an adult under arrest or 32247  
charged with crime is held, subject to division (G) (2) of this 32248  
section, all identifying information, other than the person's 32249  
county of residence, age, gender, and race and the charges 32250  
against the person, that relates to the person's admission to 32251  
and confinement in that place is not a public record open for 32252  
inspection or copying under section 149.43 of the Revised Code 32253  
and is confidential and shall not be released to any person 32254  
other than to a court, to a law enforcement agency for law 32255  
enforcement purposes, or to a person specified by court order. 32256

(2) Division (G) (1) of this section does not apply with 32257  
respect to a person whose case is transferred for criminal 32258  
prosecution pursuant to section 2152.10 or 2152.12 of the 32259  
Revised Code, who is convicted of or pleads guilty to an offense 32260  
in that case, who is confined after that conviction or guilty 32261  
plea in a place other than a place specified in division (B) of 32262  
this section, and to whom one of the following applies: 32263

(a) The case was transferred other than pursuant to 32264  
division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the 32265  
Revised Code. 32266

(b) The case was transferred pursuant to division (A) (1) 32267  
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 32268  
and the person is sentenced for the offense pursuant to division 32269  
(B) (4) of section 2152.121 of the Revised Code. 32270

(c) The case was transferred pursuant to division (A) (1) 32271  
(a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, 32272  
the person is sentenced for the offense pursuant to division (B) 32273

(3) of section 2152.121 of the Revised Code by the court in 32274  
which the person was convicted of or pleaded guilty to the 32275  
offense, and the sentence imposed by that court is invoked 32276  
pursuant to division (B) (3) (b) of section 2152.121 of the 32277  
Revised Code. 32278

**Sec. 2303.12.** (A) As used in this section: 32279

(1) "Case file" means the compendium of original documents 32280  
filed in a civil action or proceeding in the court of common 32281  
pleas, including the pleadings, motions, orders, and judgments 32282  
of the court on a case by case basis. 32283

(2) "General docket" means the appearance docket, trial 32284  
docket, journal, execution docket, and case files in relation to 32285  
those dockets and journal. 32286

(B) The clerk of the court of common pleas shall keep 32287  
records as indicated by the Rules of Superintendence for the 32288  
Courts of Ohio. They shall be called the appearance docket, 32289  
trial docket and printed duplicates of the trial docket for the 32290  
use of the court and the officers thereof, journal, and 32291  
execution docket. The clerk shall also keep a record in book 32292  
form or the clerk may prepare a record by using any photostatic, 32293  
photographic, miniature photographic, film, microfilm, or 32294  
microphotographic process, electrostatic process, perforated 32295  
tape, magnetic tape, or other electromagnetic means, electronic 32296  
data processing, machine readable media, graphic or video 32297  
display, or any combination thereof, which correctly and 32298  
accurately copies or reproduces every case file and other 32299  
original document, paper, or instrument in writing. The clerk 32300  
shall keep an index to the trial docket and to the printed 32301  
duplicates of the trial docket and of the journal direct, and to 32302  
the appearance docket, record, and execution docket, direct and 32303

reverse. All clerks keeping records and information by the methods described in this section shall keep and make readily available to the public the machine and equipment necessary to reproduce the records and information in a readable form.

(C) The clerk of the court of common pleas shall keep confidential information that is subject to a real property confidentiality notice under section 111.431 of the Revised Code, in accordance with that section.

(D) (1) Subject to division (D) (2) of this section, not the clerk of court shall do both of the following:

(a) Not later than eighteen months after the effective date of this amendment April 6, 2023, the clerk of court shall make available online on the clerk of court's web site the general docket of the court for remote access and printing by the public of the information in that docket, including all individual documents in each case file, pertaining to civil cases filed on or after the effective date of this amendment April 6, 2023.

(b) Not later than eighteen months after the effective date of this amendment, the clerk of court shall make available online on the clerk of court's web site the general docket of the court for remote access and printing by the public of the information in that docket, including all individual documents in each case file, pertaining to criminal and probate cases filed on or after the effective date of this amendment.

(2) The clerk of court is not required to make available online under division (D) (1) of this section either of the following:

(a) The general docket of the division of domestic



relations, or the juvenile court, ~~or the probate court;~~ 32333

(b) If the court does not have a division of domestic 32334  
relations, the general docket in civil cases pertaining to 32335  
domestic relations. 32336

(E) Nothing in division (D) of this section shall be 32337  
construed as making available online any of the following: 32338

(1) Internal documents such as notes, emails, drafts, 32339  
recommendations, advice, or research of judicial officers and 32340  
court staff; 32341

(2) Any document or any information in a case file the 32342  
public access to which the court has ordered restricted under 32343  
the Rules of Superintendence for the Courts of Ohio. 32344

**Sec. 2303.201.** (A) (1) The court of common pleas of any 32345  
county may determine that for the efficient operation of the 32346  
court additional funds are required to computerize the court, to 32347  
make available computerized legal research services, or to do 32348  
both. Upon making a determination that additional funds are 32349  
required for either or both of those purposes, the court shall 32350  
authorize do one of the following: 32351

(a) If the court of common pleas of a county has complied 32352  
with the requirements in division (D) (1) of section 2303.12 of 32353  
the Revised Code, authorize and direct the clerk of the court of 32354  
common pleas to charge one additional fee, not to exceed six 32355  
dollars, on the filing of each cause of action or appeal under 32356  
divisions (A), (Q), and (U) of section 2303.20 of the Revised 32357  
Code; 32358

(b) If the court of common pleas of a county has not 32359  
complied with the requirements in division (D) (1) of section 32360  
2303.12 of the Revised Code, authorize and direct the clerk of 32361

the court of common pleas to charge one additional fee, not to exceed three dollars, on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of section 2303.20 of the Revised Code. 32362  
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(2) All fees collected under division (A)(1) of this section shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed either upon an order of the court, subject to an appropriation by the board of county commissioners, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, in an amount not greater than the actual cost to the court of procuring and maintaining computerization of the court, computerized legal research services, or both. 32366  
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(3) If the court determines that the funds in the fund described in division (A)(2) of this section are more than sufficient to satisfy the purpose for which the additional fee described in division (A)(1) of this section was imposed, the court may declare a surplus in the fund and, subject to an appropriation by the board of county commissioners, expend those surplus funds, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds, for other appropriate technological expenses of the court. 32376  
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(B)(1)(a) Except as provided in division (B)(1)(b) of this section, the clerk of the court of common pleas of any county may determine that, for the efficient operation of the office of the clerk of the court of common pleas, additional funds are required to make technological advances in or to computerize the office of the clerk of the court of common pleas ~~and, upon~~ \_\_\_\_\_. 32386  
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Upon making that determination, ~~authorize~~ the court shall do one 32392  
of the following: 32393

(i) If the court of common pleas of a county has complied 32394  
with the requirements in division (D)(1) of section 2303.12 of 32395  
the Revised Code, authorize and direct that an additional fee, 32396  
not to exceed twenty dollars, on the filing of each cause of 32397  
action or appeal, on the filing, docketing, and endorsing of 32398  
each certificate of judgment, or on the docketing and indexing 32399  
of each aid in execution or petition to vacate, revive, or 32400  
modify a judgment under divisions (A), (P), (Q), (T), and (U) of 32401  
section 2303.20 of the Revised Code and not to exceed one dollar 32402  
each for the services described in divisions (B), (C), (D), (F), 32403  
(H), and (L) of section 2303.20 of the Revised Code, be charged; 32404

(ii) If the court of common pleas of a county has not 32405  
complied with the requirements in division (D)(1) of section 32406  
2303.12 of the Revised Code, authorize and direct that an 32407  
additional fee, not to exceed ten dollars, on the filing of each 32408  
cause of action or appeal, on the filing, docketing, and 32409  
endorsing of each certificate of judgment, or on the docketing 32410  
and indexing of each aid in execution or petition to vacate, 32411  
revive, or modify a judgment under divisions (A), (P), (Q), (T), 32412  
and (U) of section 2303.20 of the Revised Code and not to exceed 32413  
fifty cents each for the services described in divisions (B), 32414  
(C), (D), (F), (H), and (L) of section 2303.20 of the Revised 32415  
Code, be charged. 32416

(b) In a county in which the clerk of the court of common 32417  
pleas is appointed, the court may make the determination 32418  
described in division (B)(1)(a) of this section and, upon that 32419  
determination, may include such a computerization fee in the 32420  
schedule of fees and costs. 32421

(2) Subject to division (B) (3) of this section, all moneys collected under division (B) (1) (a) of this section shall be paid to the county treasurer to be disbursed, subject to an appropriation made by the board of county commissioners, in an amount no greater than the actual cost to the court of procuring and maintaining technology and computer systems for the office of the clerk of the court of common pleas.

(3) If the court or the clerk of the court of common pleas of a county makes the determination described in division (B) (1) (a) of this section, the board of county commissioners of that county may issue one or more general obligation bonds for the purpose of procuring and maintaining the technology and computer systems for the office of the clerk of the court of common pleas. In addition to the purposes stated in division (B) (1) (a) of this section for which the moneys collected under that division may be expended, the moneys additionally may be expended to pay debt charges on and financing costs related to any general obligation bonds issued pursuant to division (B) (3) of this section as they become due. General obligation bonds issued pursuant to division (B) (3) of this section are Chapter 133. securities.

(C) The court of common pleas shall collect the sum of twenty-six dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. This division does not apply to a juvenile division of a court of common pleas, except that an additional filing fee of fifteen dollars shall apply to custody, visitation, and parentage actions; to a probate division of a court of common pleas, except that the additional filing fees

shall apply to name change, guardianship, adoption, and 32453  
decedents' estate proceedings; or to an execution on a judgment, 32454  
proceeding in aid of execution, or other post-judgment 32455  
proceeding arising out of a civil action. The filing fees 32456  
required to be collected under this division shall be in 32457  
addition to any other filing fees imposed in the action or 32458  
proceeding and shall be collected at the time of the filing of 32459  
the action or proceeding. The court shall not waive the payment 32460  
of the additional filing fees in a new civil action or 32461  
proceeding unless the court waives the advanced payment of all 32462  
filing fees in the action or proceeding. All such moneys 32463  
collected during a month except for an amount equal to up to one 32464  
per cent of those moneys retained to cover administrative costs 32465  
shall be transmitted on or before the twentieth day of the 32466  
following month by the clerk of the court to the treasurer of 32467  
state in a manner prescribed by the treasurer of state or by the 32468  
Ohio access to justice foundation. The treasurer of state shall 32469  
deposit four per cent of the funds collected under this division 32470  
to the credit of the civil case filing fee fund established 32471  
under section 120.07 of the Revised Code and ninety-six per cent 32472  
of the funds collected under this division to the credit of the 32473  
legal aid fund established under section 120.52 of the Revised 32474  
Code. 32475

The court may retain up to one per cent of the moneys it 32476  
collects under this division to cover administrative costs, 32477  
including the hiring of any additional personnel necessary to 32478  
implement this division. If the court fails to transmit to the 32479  
treasurer of state the moneys the court collects under this 32480  
division in a manner prescribed by the treasurer of state or by 32481  
the Ohio access to justice foundation, the court shall forfeit 32482  
the moneys the court retains under this division to cover 32483

administrative costs, including the hiring of any additional 32484  
personnel necessary to implement this division, and shall 32485  
transmit to the treasurer of state all moneys collected under 32486  
this division, including the forfeited amount retained for 32487  
administrative costs, for deposit in the legal aid fund. 32488

(D) On and after the thirtieth day after December 9, 1994, 32489  
the court of common pleas shall collect the sum of thirty-two 32490  
dollars as additional filing fees in each new action or 32491  
proceeding for annulment, divorce, or dissolution of marriage 32492  
for the purpose of funding shelters for victims of domestic 32493  
violence pursuant to sections 3113.35 to 3113.39 of the Revised 32494  
Code. The filing fees required to be collected under this 32495  
division shall be in addition to any other filing fees imposed 32496  
in the action or proceeding and shall be collected at the time 32497  
of the filing of the action or proceeding. The court shall not 32498  
waive the payment of the additional filing fees in a new action 32499  
or proceeding for annulment, divorce, or dissolution of marriage 32500  
unless the court waives the advanced payment of all filing fees 32501  
in the action or proceeding. On or before the twentieth day of 32502  
each month, all moneys collected during the immediately 32503  
preceding month pursuant to this division shall be deposited by 32504  
the clerk of the court into the county treasury in the special 32505  
fund used for deposit of additional marriage license fees as 32506  
described in section 3113.34 of the Revised Code. Upon their 32507  
deposit into the fund, the moneys shall be retained in the fund 32508  
and expended only as described in section 3113.34 of the Revised 32509  
Code. 32510

(E) (1) The court of common pleas may determine that, for 32511  
the efficient operation of the court, additional funds are 32512  
necessary to acquire and pay for special projects of the court, 32513  
including, but not limited to, the acquisition of additional 32514

facilities or the rehabilitation of existing facilities, the 32515  
acquisition of equipment, the hiring and training of staff, 32516  
community service programs, mediation or dispute resolution 32517  
services, the employment of magistrates, the training and 32518  
education of judges, acting judges, and magistrates, and other 32519  
related services. Upon that determination, the court by rule may 32520  
charge a fee, in addition to all other court costs, on the 32521  
filing of each criminal cause, civil action or proceeding, or 32522  
judgment by confession. 32523

If the court of common pleas offers or requires a special 32524  
program or additional services in cases of a specific type, the 32525  
court by rule may assess an additional charge in a case of that 32526  
type, over and above court costs, to cover the special program 32527  
or service. The court shall adjust the special assessment 32528  
periodically, but not retroactively, so that the amount assessed 32529  
in those cases does not exceed the actual cost of providing the 32530  
service or program. 32531

All moneys collected under division (E) of this section 32532  
shall be paid to the county treasurer for deposit into either a 32533  
general special projects fund or a fund established for a 32534  
specific special project. Moneys from a fund of that nature 32535  
shall be disbursed upon an order of the court, subject to an 32536  
appropriation by the board of county commissioners, in an amount 32537  
no greater than the actual cost to the court of a project. If a 32538  
specific fund is terminated because of the discontinuance of a 32539  
program or service established under division (E) of this 32540  
section, the court may order, subject to an appropriation by the 32541  
board of county commissioners, that moneys remaining in the fund 32542  
be transferred to an account established under this division for 32543  
a similar purpose. 32544

(2) As used in division (E) of this section: 32545

(a) "Criminal cause" means a charge alleging the violation 32546  
of a statute or ordinance, or subsection of a statute or 32547  
ordinance, that requires a separate finding of fact or a 32548  
separate plea before disposition and of which the defendant may 32549  
be found guilty, whether filed as part of a multiple charge on a 32550  
single summons, citation, or complaint or as a separate charge 32551  
on a single summons, citation, or complaint. "Criminal cause" 32552  
does not include separate violations of the same statute or 32553  
ordinance, or subsection of the same statute or ordinance, 32554  
unless each charge is filed on a separate summons, citation, or 32555  
complaint. 32556

(b) "Civil action or proceeding" means any civil 32557  
litigation that must be determined by judgment entry. 32558

**Sec. 2303.26.** The clerk of the court of common pleas shall 32559  
exercise the powers conferred and perform the duties enjoined 32560  
upon the clerk by statute and by the common law; and in the 32561  
performance of official duties the clerk shall be under the 32562  
direction of the court. The clerk shall not restrict, prohibit, 32563  
or otherwise modify the rights of parties to seek service on 32564  
party defendants allowed by the Rules of Civil Procedure, either 32565  
singularly or concurrently. 32566

In furtherance of the performance of the duties enjoined 32567  
upon the clerk by statute, common law, and the Rules of 32568  
Superintendence for the Courts of Ohio, the clerk of the court 32569  
of common pleas shall be responsible for determining the best 32570  
means and methods for storing, maintaining, and retrieving all 32571  
papers delivered to the clerk, whether delivered in writing or 32572  
in electronic form, in compliance with Rule 26 of the Rules of 32573  
Superintendence for the Courts of Ohio. Once determined by the 32574



clerk of court of common pleas, the clerk shall be responsible 32575  
for implementing the means and methods for storage, maintenance, 32576  
and retrieval. 32577

**Sec. 2909.05.** (A) No person shall knowingly cause serious 32578  
physical harm to an occupied structure or any of its contents. 32579

(B) (1) No person shall knowingly cause physical harm to 32580  
property that is owned or possessed by another, when either of 32581  
the following applies: 32582

(a) The property is used by its owner or possessor in the 32583  
owner's or possessor's profession, business, trade, or 32584  
occupation, and the value of the property or the amount of 32585  
physical harm involved is one thousand dollars or more; 32586

(b) Regardless of the value of the property or the amount 32587  
of damage done, the property or its equivalent is necessary in 32588  
order for its owner or possessor to engage in the owner's or 32589  
possessor's profession, business, trade, or occupation. 32590

(2) No person shall knowingly cause serious physical harm 32591  
to property that is owned, leased, or controlled by a 32592  
governmental entity. A governmental entity includes, but is not 32593  
limited to, the state or a political subdivision of the state, a 32594  
school district, the board of trustees of a public library or 32595  
public university, or any other body corporate and politic 32596  
responsible for governmental activities only in geographical 32597  
areas smaller than that of the state. 32598

(C) No person, without privilege to do so, shall knowingly 32599  
cause serious physical harm to any tomb, monument, gravestone, 32600  
or other similar structure that is used as a memorial for the 32601  
dead; to any fence, railing, curb, or other property that is 32602  
used to protect, enclose, or ornament any cemetery; or to a 32603

cemetery. 32604

(D) No person, without privilege to do so, shall knowingly 32605  
cause physical harm to a place of burial by breaking and 32606  
entering into a tomb, crypt, casket, or other structure that is 32607  
used as a memorial for the dead or as an enclosure for the dead. 32608

(E) Whoever violates this section is guilty of vandalism. 32609  
Except as otherwise provided in this division, vandalism is a 32610  
felony of the fifth degree that is punishable by a fine of up to 32611  
two thousand five hundred dollars in addition to the penalties 32612  
specified for a felony of the fifth degree in sections 2929.11 32613  
to 2929.18 of the Revised Code. If the value of the property or 32614  
the amount of physical harm involved is seven thousand five 32615  
hundred dollars or more but less than one hundred fifty thousand 32616  
dollars, vandalism is a felony of the fourth degree. If the 32617  
value of the property or the amount of physical harm involved is 32618  
one hundred fifty thousand dollars or more, vandalism is a 32619  
felony of the third degree. 32620

(F) For purposes of this section: 32621

(1) "Cemetery" means any place of burial and includes 32622  
burial sites under section 149.3010 of the Revised Code and 32623  
burial sites that contain American Indian burial objects placed 32624  
with or containing American Indian human remains. 32625

(2) "Serious physical harm" means physical harm to 32626  
property that results in loss to the value of the property of 32627  
one thousand dollars or more. 32628

**Sec. 2913.401.** (A) As used in this section: 32629

(1) "Medicaid services" has the same meaning as in section 32630  
5164.01 of the Revised Code. 32631

(2) "Property" means any real or personal property or other asset in which a person has any legal title or interest. 32632  
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(B) No person shall knowingly do any of the following in an application for enrollment in the medicaid program or in a document that requires a disclosure of assets for the purpose of determining eligibility for the medicaid program: 32634  
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(1) Make or cause to be made a false or misleading statement; 32638  
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(2) Conceal an interest in property; 32640

(3) (a) Except as provided in division (B) (3) (b) of this section, fail to disclose a transfer of property that occurred during the period beginning thirty-six months before submission of the application or document and ending on the date the application or document was submitted; 32641  
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(b) Fail to disclose a transfer of property that occurred during the period beginning sixty months before submission of the application or document and ending on the date the application or document was submitted and that was made to an irrevocable trust a portion of which is not distributable to the applicant for or recipient of medicaid or to a revocable trust. 32646  
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(C) (1) Whoever violates this section is guilty of medicaid eligibility fraud. Except as otherwise provided in this division, a violation of this section is a misdemeanor of the first degree. If the value of the medicaid services paid as a result of the violation is one thousand dollars or more and is less than seven thousand five hundred dollars, a violation of this section is a felony of the fifth degree. If the value of the medicaid services paid as a result of the violation is seven thousand five hundred dollars or more and is less than one 32652  
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hundred fifty thousand dollars, a violation of this section is a 32661  
felony of the fourth degree. If the value of the medicaid 32662  
services paid as a result of the violation is one hundred fifty 32663  
thousand dollars or more, a violation of this section is a 32664  
felony of the third degree. 32665

(2) In addition to imposing a sentence under division (C) 32666  
(1) of this section, the court ~~shall~~may order that a person who 32667  
is guilty of medicaid eligibility fraud make restitution in the 32668  
~~full~~ amount of two hundred per cent of any medicaid services 32669  
paid on behalf of an applicant for or recipient of medicaid for 32670  
which the applicant or recipient was not eligible, plus interest 32671  
at the rate applicable to judgments on unreimbursed amounts from 32672  
the date on which the medicaid services were paid to the date on 32673  
which restitution is made. 32674

(3) The remedies and penalties provided in this section 32675  
are not exclusive and do not preclude the use of any other 32676  
criminal or civil remedy for any act that is in violation of 32677  
this section. 32678

(D) This section does not apply to a person who fully 32679  
disclosed in an application for medicaid or in a document that 32680  
requires a disclosure of assets for the purpose of determining 32681  
eligibility for medicaid all of the interests in property of the 32682  
applicant for or recipient of medicaid, all transfers of 32683  
property by the applicant for or recipient of medicaid, and the 32684  
circumstances of all those transfers. 32685

(E) Any amounts of medicaid services recovered as 32686  
restitution under this section and any interest on those amounts 32687  
shall be credited to the general revenue fund, and any 32688  
applicable federal share shall be returned to the appropriate 32689  
agency or department of the United States. 32690

<b>Sec. 2915.01.</b> As used in this chapter:	32691
(A) "Bookmaking" means the business of receiving or paying off bets.	32692 32693
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	32694 32695 32696
(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:	32697 32698 32699 32700 32701 32702 32703 32704 32705 32706 32707 32708
(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;	32709 32710 32711
(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;	32712 32713 32714
(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;	32715 32716 32717 32718
(4) The good or service sold by a scheme of chance	32719

operator in exchange for a game entry cannot be used or redeemed  
in the manner advertised; 32720  
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(5) A participant pays more than fair market value for 32722  
goods or services offered by a scheme of chance operator in 32723  
order to receive one or more game entries; 32724

(6) A participant may use the electronic device to 32725  
purchase additional game entries; 32726

(7) A participant may purchase additional game entries by 32727  
using points or credits won as prizes while using the electronic 32728  
device; 32729

(8) A scheme of chance operator pays out in prize money 32730  
more than twenty per cent of the gross revenue received at one 32731  
location; or 32732

(9) A participant makes a purchase or exchange in order to 32733  
obtain any good or service that may be used to facilitate play 32734  
on the electronic device. 32735

As used in this division, "electronic device" means a 32736  
mechanical, video, digital, or electronic machine or device that 32737  
is capable of displaying information on a screen or other 32738  
mechanism and that is owned, leased, or otherwise possessed by 32739  
any person conducting a scheme of chance, or by that person's 32740  
partners, affiliates, subsidiaries, or contractors. "Electronic 32741  
device" does not include an electronic instant bingo system. 32742

(D) "Game of chance" means poker, craps, roulette, or 32743  
other game in which a player gives anything of value in the hope 32744  
of gain, the outcome of which is determined largely by chance, 32745  
but does not include bingo. 32746

(E) "Game of chance conducted for profit" means any game 32747

of chance designed to produce income for the person who conducts	32748
or operates the game of chance, but does not include bingo.	32749
(F) "Gambling device" means any of the following:	32750
(1) A book, totalizer, or other equipment for recording	32751
bets;	32752
(2) A ticket, token, or other device representing a	32753
chance, share, or interest in a scheme of chance or evidencing a	32754
bet;	32755
(3) A deck of cards, dice, gaming table, roulette wheel,	32756
slot machine, or other apparatus designed for use in connection	32757
with a game of chance;	32758
(4) Any equipment, device, apparatus, or paraphernalia	32759
specially designed for gambling purposes;	32760
(5) Bingo supplies sold or otherwise provided, or used, in	32761
violation of this chapter.	32762
(G) "Gambling offense" means any of the following:	32763
(1) A violation of this chapter;	32764
(2) A violation of an existing or former municipal	32765
ordinance or law of this or any other state or the United States	32766
substantially equivalent to any provision of this chapter or a	32767
violation of section 2915.06 of the Revised Code as it existed	32768
prior to July 1, 1996;	32769
(3) An offense under an existing or former municipal	32770
ordinance or law of this or any other state or the United	32771
States, of which gambling is an element;	32772
(4) A conspiracy or attempt to commit, or complicity in	32773
committing, any offense under division (G)(1), (2), or (3) of	32774

this section. 32775

(H) Except as otherwise provided in this chapter, 32776  
"charitable organization" means either of the following: 32777

(1) An organization that is exempt from federal income 32778  
taxation under subsection 501(a) and described in subsection 32779  
501(c) (3) of the Internal Revenue Code; 32780

(2) A volunteer rescue service organization, volunteer 32781  
firefighter's organization, veteran's organization, fraternal 32782  
organization, or sporting organization that is exempt from 32783  
federal income taxation under subsection 501(c) (4), (c) (7), (c) 32784  
(8), (c) (10), or (c) (19) of the Internal Revenue Code. 32785

To qualify as a "charitable organization," an organization 32786  
shall have been in continuous existence as such in this state 32787  
for a period of two years immediately preceding either the 32788  
making of an application for a bingo license under section 32789  
2915.08 of the Revised Code or the conducting of any game of 32790  
chance as provided in division (D) of section 2915.02 of the 32791  
Revised Code. 32792

(I) "Religious organization" means any church, body of 32793  
communicants, or group that is not organized or operated for 32794  
profit and that gathers in common membership for regular worship 32795  
and religious observances. 32796

(J) "Veteran's organization" means any individual post or 32797  
state headquarters of a national veteran's association or an 32798  
auxiliary unit of any individual post of a national veteran's 32799  
association, which post, state headquarters, or auxiliary unit 32800  
is incorporated as a nonprofit corporation and either has 32801  
received a letter from the state headquarters of the national 32802  
veteran's association indicating that the individual post or 32803



auxiliary unit is in good standing with the national veteran's 32804  
association or has received a letter from the national veteran's 32805  
association indicating that the state headquarters is in good 32806  
standing with the national veteran's association. As used in 32807  
this division, "national veteran's association" means any 32808  
veteran's association that has been in continuous existence as 32809  
such for a period of at least five years and either is 32810  
incorporated by an act of the United States congress or has a 32811  
national dues-paying membership of at least five thousand 32812  
persons. 32813

(K) "Volunteer firefighter's organization" means any 32814  
organization of volunteer firefighters, as defined in section 32815  
146.01 of the Revised Code, that is organized and operated 32816  
exclusively to provide financial support for a volunteer fire 32817  
department or a volunteer fire company and that is recognized or 32818  
ratified by a county, municipal corporation, or township. 32819

(L) "Fraternal organization" means any society, order, 32820  
state headquarters, or association within this state, except a 32821  
college or high school fraternity, that is not organized for 32822  
profit, that is a branch, lodge, or chapter of a national or 32823  
state organization, that exists exclusively for the common 32824  
business or sodality of its members. 32825

(M) "Volunteer rescue service organization" means any 32826  
organization of volunteers organized to function as an emergency 32827  
medical service organization, as defined in section 4765.01 of 32828  
the Revised Code. 32829

(N) "Charitable bingo game" means any bingo game described 32830  
in division (O) (1) or (2) of this section that is conducted by a 32831  
charitable organization that has obtained a license pursuant to 32832  
section 2915.08 of the Revised Code and the proceeds of which 32833

- are used for a charitable purpose. 32834
- (0) "Bingo" means either of the following: 32835
- (1) A game with all of the following characteristics: 32836
- (a) The participants use bingo cards or sheets, including 32837  
paper formats and electronic representation or image formats, 32838  
that are divided into twenty-five spaces arranged in five 32839  
horizontal and five vertical rows of spaces, with each space, 32840  
except the central space, being designated by a combination of a 32841  
letter and a number and with the central space being designated 32842  
as a free space. 32843
- (b) The participants cover the spaces on the bingo cards 32844  
or sheets that correspond to combinations of letters and numbers 32845  
that are announced by a bingo game operator. 32846
- (c) A bingo game operator announces combinations of 32847  
letters and numbers that appear on objects that a bingo game 32848  
operator selects by chance, either manually or mechanically, 32849  
from a receptacle that contains seventy-five objects at the 32850  
beginning of each game, each object marked by a different 32851  
combination of a letter and a number that corresponds to one of 32852  
the seventy-five possible combinations of a letter and a number 32853  
that can appear on the bingo cards or sheets. 32854
- (d) The winner of the bingo game includes any participant 32855  
who properly announces during the interval between the 32856  
announcements of letters and numbers as described in division 32857  
(0) (1) (c) of this section, that a predetermined and preannounced 32858  
pattern of spaces has been covered on a bingo card or sheet 32859  
being used by the participant. 32860
- (2) Instant bingo, electronic instant bingo, and raffles. 32861

(P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.

(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.

(R) "Participant" means any person who plays bingo.

(S) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O) (1) of this section, instant bingo, and electronic instant bingo;

(2) A period for the conduct of instant bingo and electronic instant bingo for not more than two hours before and

not more than two hours after the period described in division 32891  
(S) (1) of this section. 32892

(T) "Gross receipts" means all money or assets, including 32893  
admission fees, that a person receives from bingo without the 32894  
deduction of any amounts for prizes paid out or for the expenses 32895  
of conducting bingo. "Gross receipts" does not include any money 32896  
directly taken in from the sale of food or beverages by a 32897  
charitable organization conducting bingo, or by a bona fide 32898  
auxiliary unit or society of a charitable organization 32899  
conducting bingo, provided all of the following apply: 32900

(1) The auxiliary unit or society has been in existence as 32901  
a bona fide auxiliary unit or society of the charitable 32902  
organization for at least two years prior to conducting bingo. 32903

(2) The person who purchases the food or beverage receives 32904  
nothing of value except the food or beverage and items 32905  
customarily received with the purchase of that food or beverage. 32906

(3) The food and beverages are sold at customary and 32907  
reasonable prices. 32908

(U) "Security personnel" includes any person who either is 32909  
a sheriff, deputy sheriff, marshal, deputy marshal, township 32910  
constable, or member of an organized police department of a 32911  
municipal corporation or has successfully completed a peace 32912  
officer's training course pursuant to sections 109.71 to 109.79 32913  
of the Revised Code and who is hired to provide security for the 32914  
premises on which bingo is conducted. 32915

(V) "Charitable purpose" means that the net profit of 32916  
bingo, other than instant bingo or electronic instant bingo, is 32917  
used by, or is given, donated, or otherwise transferred to, any 32918  
of the following: 32919

(1) Any organization that is described in subsection 32920  
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 32921  
and is either a governmental unit or an organization that is tax 32922  
exempt under subsection 501(a) and described in subsection 32923  
501(c) (3) of the Internal Revenue Code; 32924

(2) A veteran's organization that is a post, chapter, or 32925  
organization of veterans, or an auxiliary unit or society of, or 32926  
a trust or foundation for, any such post, chapter, or 32927  
organization organized in the United States or any of its 32928  
possessions, at least seventy-five per cent of the members of 32929  
which are veterans and substantially all of the other members of 32930  
which are individuals who are spouses, widows, or widowers of 32931  
veterans, or such individuals, provided that no part of the net 32932  
earnings of such post, chapter, or organization inures to the 32933  
benefit of any private shareholder or individual, and further 32934  
provided that the net profit is used by the post, chapter, or 32935  
organization for the charitable purposes set forth in division 32936  
(B) (12) of section 5739.02 of the Revised Code, is used for 32937  
awarding scholarships to or for attendance at an institution 32938  
mentioned in division (B) (12) of section 5739.02 of the Revised 32939  
Code, is donated to a governmental agency, or is used for 32940  
nonprofit youth activities, the purchase of United States or 32941  
Ohio flags that are donated to schools, youth groups, or other 32942  
bona fide nonprofit organizations, promotion of patriotism, or 32943  
disaster relief; 32944

(3) A fraternal organization that has been in continuous 32945  
existence in this state for fifteen years and that uses the net 32946  
profit exclusively for religious, charitable, scientific, 32947  
literary, or educational purposes, or for the prevention of 32948  
cruelty to children or animals, if contributions for such use 32949  
would qualify as a deductible charitable contribution under 32950

subsection 170 of the Internal Revenue Code; 32951

(4) A volunteer firefighter's organization that uses the 32952  
net profit for the purposes set forth in division (K) of this 32953  
section. 32954

(W) "Internal Revenue Code" means the "Internal Revenue 32955  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 32956  
amended. 32957

(X) "Youth athletic organization" means any organization, 32958  
not organized for profit, that is organized and operated 32959  
exclusively to provide financial support to, or to operate, 32960  
athletic activities for persons who are twenty-one years of age 32961  
or younger by means of sponsoring, organizing, operating, or 32962  
contributing to the support of an athletic team, club, league, 32963  
or association. 32964

(Y) "Youth athletic park organization" means any 32965  
organization, not organized for profit, that satisfies both of 32966  
the following: 32967

(1) It owns, operates, and maintains playing fields that 32968  
satisfy both of the following: 32969

(a) The playing fields are used for athletic activities by 32970  
one or more organizations, not organized for profit, each of 32971  
which is organized and operated exclusively to provide financial 32972  
support to, or to operate, athletic activities for persons who 32973  
are eighteen years of age or younger by means of sponsoring, 32974  
organizing, operating, or contributing to the support of an 32975  
athletic team, club, league, or association. 32976

(b) The playing fields are not used for any profit-making 32977  
activity at any time during the year. 32978

(2) It uses the proceeds of bingo it conducts exclusively 32979  
for the operation, maintenance, and improvement of its playing 32980  
fields of the type described in division (Y)(1) of this section. 32981

(Z) "Bingo supplies" means bingo cards or sheets; instant 32982  
bingo tickets or cards; electronic bingo aids; raffle tickets; 32983  
punch boards; seal cards; instant bingo ticket dispensers; 32984  
electronic instant bingo systems; and devices for selecting or 32985  
displaying the combination of bingo letters and numbers or 32986  
raffle tickets. Items that are "bingo supplies" are not gambling 32987  
devices if sold or otherwise provided, and used, in accordance 32988  
with this chapter. For purposes of this chapter, "bingo 32989  
supplies" are not to be considered equipment used to conduct a 32990  
bingo game. 32991

(AA) "Instant bingo" means a form of bingo that shall use 32992  
folded or banded tickets or paper cards with perforated break- 32993  
open tabs, a face of which is covered or otherwise hidden from 32994  
view to conceal a number, letter, or symbol, or set of numbers, 32995  
letters, or symbols, some of which have been designated in 32996  
advance as prize winners, and may also include games in which 32997  
some winners are determined by the random selection of one or 32998  
more bingo numbers by the use of a seal card or bingo blower. 32999  
"Instant bingo" also includes a punch board game. In all 33000  
"instant bingo" the prize amount and structure shall be 33001  
predetermined. "Instant bingo" does not include electronic 33002  
instant bingo or any device that is activated by the insertion 33003  
of a coin, currency, token, or an equivalent, and that contains 33004  
as one of its components a video display monitor that is capable 33005  
of displaying numbers, letters, symbols, or characters in 33006  
winning or losing combinations. 33007

(BB) "Seal card" means a form of instant bingo that uses 33008

instant bingo tickets in conjunction with a board or placard 33009  
that contains one or more seals that, when removed or opened, 33010  
reveal predesignated winning numbers, letters, or symbols. 33011

(CC) "Raffle" means a form of bingo in which the one or 33012  
more prizes are won by one or more persons who have purchased a 33013  
raffle ticket. The one or more winners of the raffle are 33014  
determined by drawing a ticket stub or other detachable section 33015  
from a receptacle containing ticket stubs or detachable sections 33016  
corresponding to all tickets sold for the raffle. "Raffle" does 33017  
not include the drawing of a ticket stub or other detachable 33018  
section of a ticket purchased to attend a professional sporting 33019  
event if both of the following apply: 33020

(1) The ticket stub or other detachable section is used to 33021  
select the winner of a free prize given away at the professional 33022  
sporting event; and 33023

(2) The cost of the ticket is the same as the cost of a 33024  
ticket to the professional sporting event on days when no free 33025  
prize is given away. 33026

(DD) "Punch board" means a form of instant bingo that uses 33027  
a board containing a number of holes or receptacles of uniform 33028  
size in which are placed, mechanically and randomly, serially 33029  
numbered slips of paper that may be punched or drawn from the 33030  
hole or receptacle. A player may punch or draw the numbered 33031  
slips of paper from the holes or receptacles and obtain the 33032  
prize established for the game if the number drawn corresponds 33033  
to a winning number or, if the punch board includes the use of a 33034  
seal card, a potential winning number. 33035

(EE) "Gross profit" means gross receipts minus the amount 33036  
actually expended for the payment of prize awards. 33037



(FF) "Net profit" means gross profit minus expenses.	33038
(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:	33039 33040
(1) The purchase or lease of bingo supplies;	33041
(2) The annual license fee required under section 2915.08 of the Revised Code;	33042 33043
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	33044 33045
(4) Audits and accounting services;	33046
(5) Safes;	33047
(6) Cash registers;	33048
(7) Hiring security personnel;	33049
(8) Advertising bingo;	33050
(9) Renting premises in which to conduct a bingo session;	33051
(10) Tables and chairs;	33052
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	33053 33054 33055 33056 33057
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	33058 33059
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F) (1) of section 2915.08 of the Revised Code.	33060 33061 33062 33063

(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized. 33064  
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(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction. 33067  
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(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction. 33071  
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(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following: 33075  
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(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state; 33077  
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(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state. 33080  
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(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale. 33083  
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(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O) (1) of this section plus the annual net profit derived from the conduct of bingo described in division (O) (2) of this section. 33087  
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(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:	33092 33093 33094 33095
(1) It is activated upon the insertion of United States currency.	33096 33097
(2) It performs no gaming functions.	33098
(3) It does not contain a video display monitor or generate noise.	33099 33100
(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.	33101 33102
(5) It does not simulate or display rolling or spinning reels.	33103 33104
(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.	33105 33106 33107 33108
(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.	33109 33110 33111
(8) It is not part of an electronic network and is not interactive.	33112 33113
(OO) (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:	33114 33115 33116 33117
(a) It provides a means for a participant to input numbers	33118

and letters announced by a bingo caller. 33119

(b) It compares the numbers and letters entered by the 33120  
participant to the bingo faces previously stored in the memory 33121  
of the device. 33122

(c) It identifies a winning bingo pattern. 33123

(2) "Electronic bingo aid" does not include any device 33124  
into which a coin, currency, token, or an equivalent is inserted 33125  
to activate play. 33126

(PP) "Deal" means a single game of instant bingo tickets, 33127  
or a single game of electronic instant bingo tickets, all with 33128  
the same serial number. 33129

(QQ) (1) "Slot machine" means either of the following: 33130

(a) Any mechanical, electronic, video, or digital device 33131  
that is capable of accepting anything of value, directly or 33132  
indirectly, from or on behalf of a player who gives the thing of 33133  
value in the hope of gain; 33134

(b) Any mechanical, electronic, video, or digital device 33135  
that is capable of accepting anything of value, directly or 33136  
indirectly, from or on behalf of a player to conduct bingo or a 33137  
scheme or game of chance. 33138

(2) "Slot machine" does not include a skill-based 33139  
amusement machine, an instant bingo ticket dispenser, or an 33140  
electronic instant bingo system. 33141

(RR) "Net profit from the proceeds of the sale of instant 33142  
bingo or electronic instant bingo" means gross profit minus the 33143  
ordinary, necessary, and reasonable expense expended for the 33144  
purchase of bingo supplies for the purpose of conducting instant 33145  
bingo or electronic instant bingo, and, in the case of instant 33146

bingo or electronic instant bingo conducted by a veteran's, 33147  
fraternal, or sporting organization, minus the payment by that 33148  
organization of real property taxes and assessments levied on a 33149  
premises on which instant bingo or electronic instant bingo is 33150  
conducted. 33151

(SS) "Charitable instant bingo organization" means an 33152  
organization that is exempt from federal income taxation under 33153  
subsection 501(a) and described in subsection 501(c)(3) of the 33154  
Internal Revenue Code and is a charitable organization as 33155  
defined in this section. A "charitable instant bingo 33156  
organization" does not include a charitable organization that is 33157  
exempt from federal income taxation under subsection 501(a) and 33158  
described in subsection 501(c)(3) of the Internal Revenue Code 33159  
and that is created by a veteran's organization, a fraternal 33160  
organization, or a sporting organization in regards to bingo 33161  
conducted or assisted by a veteran's organization, a fraternal 33162  
organization, or a sporting organization pursuant to section 33163  
2915.13 of the Revised Code. 33164

(TT) "Game flare" means the board or placard, or 33165  
electronic representation of a board or placard, that 33166  
accompanies each deal of instant bingo or electronic instant 33167  
bingo tickets and that includes the following information for 33168  
the game: 33169

(1) The name of the game; 33170

(2) The manufacturer's name or distinctive logo; 33171

(3) The form number; 33172

(4) The ticket count; 33173

(5) The prize structure, including the number of winning 33174  
tickets by denomination and the respective winning symbol or 33175

number combinations for the winning tickets;	33176
(6) The cost per play;	33177
(7) The serial number of the game.	33178
(UU) (1) "Skill-based amusement machine" means a	33179
mechanical, video, digital, or electronic device that rewards	33180
the player or players, if at all, only with merchandise prizes	33181
or with redeemable vouchers redeemable only for merchandise	33182
prizes, provided that with respect to rewards for playing the	33183
game all of the following apply:	33184
(a) The wholesale value of a merchandise prize awarded as	33185
a result of the single play of a machine does not exceed ten	33186
dollars;	33187
(b) Redeemable vouchers awarded for any single play of a	33188
machine are not redeemable for a merchandise prize with a	33189
wholesale value of more than ten dollars;	33190
(c) Redeemable vouchers are not redeemable for a	33191
merchandise prize that has a wholesale value of more than ten	33192
dollars times the fewest number of single plays necessary to	33193
accrue the redeemable vouchers required to obtain that prize;	33194
and	33195
(d) Any redeemable vouchers or merchandise prizes are	33196
distributed at the site of the skill-based amusement machine at	33197
the time of play.	33198
A card for the purchase of gasoline is a redeemable	33199
voucher for purposes of division (UU) (1) of this section even if	33200
the skill-based amusement machine for the play of which the card	33201
is awarded is located at a place where gasoline may not be	33202
legally distributed to the public or the card is not redeemable	33203

at the location of, or at the time of playing, the skill-based 33204  
amusement machine. 33205

(2) A device shall not be considered a skill-based 33206  
amusement machine and shall be considered a slot machine if it 33207  
pays cash or one or more of the following apply: 33208

(a) The ability of a player to succeed at the game is 33209  
impacted by the number or ratio of prior wins to prior losses of 33210  
players playing the game. 33211

(b) Any reward of redeemable vouchers is not based solely 33212  
on the player achieving the object of the game or the player's 33213  
score; 33214

(c) The outcome of the game, or the value of the 33215  
redeemable voucher or merchandise prize awarded for winning the 33216  
game, can be controlled by a source other than any player 33217  
playing the game. 33218

(d) The success of any player is or may be determined by a 33219  
chance event that cannot be altered by player actions. 33220

(e) The ability of any player to succeed at the game is 33221  
determined by game features not visible or known to the player. 33222

(f) The ability of the player to succeed at the game is 33223  
impacted by the exercise of a skill that no reasonable player 33224  
could exercise. 33225

(3) All of the following apply to any machine that is 33226  
operated as described in division (UU) (1) of this section: 33227

(a) As used in division (UU) of this section, "game" and 33228  
"play" mean one event from the initial activation of the machine 33229  
until the results of play are determined without payment of 33230  
additional consideration. An individual utilizing a machine that 33231

involves a single game, play, contest, competition, or 33232  
tournament may be awarded redeemable vouchers or merchandise 33233  
prizes based on the results of play. 33234

(b) Advance play for a single game, play, contest, 33235  
competition, or tournament participation may be purchased. The 33236  
cost of the contest, competition, or tournament participation 33237  
may be greater than a single noncontest, competition, or 33238  
tournament play. 33239

(c) To the extent that the machine is used in a contest, 33240  
competition, or tournament, that contest, competition, or 33241  
tournament has a defined starting and ending date and is open to 33242  
participants in competition for scoring and ranking results 33243  
toward the awarding of redeemable vouchers or merchandise prizes 33244  
that are stated prior to the start of the contest, competition, 33245  
or tournament. 33246

(4) For purposes of division (UU)(1) of this section, the 33247  
mere presence of a device, such as a pin-setting, ball- 33248  
releasing, or scoring mechanism, that does not contribute to or 33249  
affect the outcome of the play of the game does not make the 33250  
device a skill-based amusement machine. 33251

(VV) "Merchandise prize" means any item of value, but 33252  
shall not include any of the following: 33253

(1) Cash, gift cards, or any equivalent thereof; 33254

(2) Plays on games of chance, state lottery tickets, or 33255  
bingo; 33256

(3) Firearms, tobacco, or alcoholic beverages; or 33257

(4) A redeemable voucher that is redeemable for any of the 33258  
items listed in division (VV)(1), (2), or (3) of this section. 33259



(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.	33260 33261
(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.	33262 33263 33264 33265
(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.	33266 33267 33268 33269 33270 33271 33272
(ZZ) "Community action agency" has the same meaning as in section <del>122.66</del> <u>5101.311</u> of the Revised Code.	33273 33274
(AAA) (1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:	33275 33276 33277 33278 33279 33280 33281 33282
(a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.	33283 33284 33285
(b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.	33286 33287 33288

(c) The device selects prizes from a predetermined finite pool of entries.	33289 33290
(d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.	33291 33292
(e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.	33293 33294 33295
(f) The device utilizes software to create a game result.	33296
(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.	33297 33298 33299
(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.	33300 33301
(2) As used in this division and in section 2915.02 of the Revised Code:	33302 33303
(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.	33304 33305
(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.	33306 33307 33308
(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.	33309 33310 33311 33312 33313
(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is	33314 33315

provided to a sweepstakes participant, except as provided in 33316  
division (G) of section 2915.02 of the Revised Code. 33317

(BBB) "Sweepstakes" means any game, contest, advertising 33318  
scheme or plan, or other promotion where consideration is not 33319  
required for a person to enter to win or become eligible to 33320  
receive any prize, the determination of which is based upon 33321  
chance. "Sweepstakes" does not include bingo as authorized under 33322  
this chapter, pari-mutuel wagering as authorized by Chapter 33323  
3769. of the Revised Code, lotteries conducted by the state 33324  
lottery commission as authorized by Chapter 3770. of the Revised 33325  
Code, and casino gaming as authorized by Chapter 3772. of the 33326  
Revised Code. 33327

(CCC) (1) "Electronic instant bingo" means a form of bingo 33328  
that consists of an electronic or digital representation of 33329  
instant bingo in which a participant wins a prize if the 33330  
participant's electronic instant bingo ticket contains a 33331  
combination of numbers or symbols that was designated in advance 33332  
as a winning combination, and to which all of the following 33333  
apply: 33334

(a) Each deal has a predetermined, finite number of 33335  
winning and losing tickets and a predetermined prize amount and 33336  
deal structure, provided that there may be multiple winning 33337  
combinations in each deal and multiple winning tickets. 33338

(b) Each electronic instant bingo ticket within a deal has 33339  
a unique serial number that is not regenerated. 33340

(c) Each electronic instant bingo ticket within a deal is 33341  
sold for the same price. 33342

(d) After a participant purchases an electronic instant 33343  
bingo ticket, the combination of numbers or symbols on the 33344

ticket is revealed to the participant. 33345

(e) The reveal of numbers or symbols on the ticket may 33346  
incorporate an entertainment or bonus theme, provided that the 33347  
reveal does not include spinning reels that resemble a slot 33348  
machine. 33349

(f) The reveal theme, if any, does not require additional 33350  
consideration or award any prize other than any predetermined 33351  
prize associated with the electronic instant bingo ticket. 33352

(2) "Electronic instant bingo" shall not include any of 33353  
the following: 33354

(a) Any game, entertainment, or bonus theme that 33355  
replicates or simulates any of the following: 33356

(i) The gambling games of keno, blackjack, roulette, 33357  
poker, craps, other casino-style table games; 33358

(ii) Horse racing; 33359

(iii) Gambling games offered in this state on slot 33360  
machines or video lottery terminals. As used in this division, 33361  
"video lottery terminal" has the same meaning as in section 33362  
3770.21 of the Revised Code. 33363

(b) Any device operated by dropping one or more coins or 33364  
tokens into a slot and pulling a handle or pushing a button or 33365  
touchpoint on a touchscreen to activate one to three or more 33366  
rotating reels marked into horizontal segments by varying 33367  
symbols, where the predetermined prize amount depends on how and 33368  
how many of the symbols line up when the rotating reels come to 33369  
a rest; 33370

(c) Any device that includes a coin or token slot, tray, 33371  
or hopper and the ability to dispense coins, cash, tokens, or 33372

anything of value other than a credit ticket voucher. 33373

(DDD) "Electronic instant bingo system" means both of the 33374  
following: 33375

(1) A mechanical, electronic, digital, or video device and 33376  
associated software to which all of the following apply: 33377

(a) It is used by not more than one player at a time to 33378  
play electronic instant bingo on a single screen that is 33379  
physically connected to the device; 33380

(b) It is located on the premises of the principal place 33381  
of business of a veteran's or fraternal organization that holds 33382  
a type II or type III bingo license to conduct electronic 33383  
instant bingo at that location issued under section 2915.08 of 33384  
the Revised Code. 33385

(2) Any associated equipment or software used to manage, 33386  
monitor, or document any aspect of electronic instant bingo. 33387

**Sec. 2919.171.** (A) (1) A physician who performs or induces 33388  
or attempts to perform or induce an abortion on a pregnant woman 33389  
shall submit a report to the department of health in accordance 33390  
with the forms, rules, and regulations adopted by the department 33391  
that includes all of the information the physician is required 33392  
to certify in writing or determine under section 2919.17, 33393  
section 2919.18, divisions (A) and (C) of section 2919.192, 33394  
division (C) of section 2919.193, division (B) of section 33395  
2919.195, or division (A) of section 2919.196 of the Revised 33396  
Code. 33397

(2) If a person other than the physician described in 33398  
division (A) (1) of this section makes or maintains a record 33399  
required by sections 2919.192 to 2919.196 of the Revised Code on 33400  
the physician's behalf or at the physician's direction, that 33401

person shall comply with the reporting requirement described in 33402  
division (A) (1) of this section as if the person were the 33403  
physician described in that division. 33404

(B) By ~~September 30~~ the first day of March of each year, 33405  
the department of health shall issue a public report that 33406  
provides statistics for the previous calendar year compiled from 33407  
all of the reports covering that calendar year submitted to the 33408  
department in accordance with this section for each of the items 33409  
listed in division (A) of this section. The report shall also 33410  
provide the statistics for each previous calendar year in which 33411  
a report was filed with the department pursuant to this section, 33412  
adjusted to reflect any additional information that a physician 33413  
provides to the department in a late or corrected report. The 33414  
department shall ensure that none of the information included in 33415  
the report could reasonably lead to the identification of any 33416  
pregnant woman upon whom an abortion is performed. 33417

(C) (1) The physician shall submit the report described in 33418  
division (A) of this section to the department of health within 33419  
fifteen days after the woman is discharged. If the physician 33420  
fails to submit the report more than thirty days after that 33421  
fifteen-day deadline, the physician shall be subject to a late 33422  
fee of five hundred dollars for each additional thirty-day 33423  
period or portion of a thirty-day period the report is overdue. 33424  
A physician who is required to submit to the department of 33425  
health a report under division (A) of this section and who has 33426  
not submitted a report or has submitted an incomplete report 33427  
more than one year following the fifteen-day deadline may, in an 33428  
action brought by the department of health, be directed by a 33429  
court of competent jurisdiction to submit a complete report to 33430  
the department of health within a period of time stated in a 33431  
court order or be subject to contempt of court. 33432

(2) If a physician fails to comply with the requirements 33433  
of this section, other than filing a late report with the 33434  
department of health, or fails to submit a complete report to 33435  
the department of health in accordance with a court order, the 33436  
physician is subject to division (B)(43) of section 4731.22 of 33437  
the Revised Code. 33438

(3) No person shall falsify any report required under this 33439  
section. Whoever violates this division is guilty of abortion 33440  
report falsification, a misdemeanor of the first degree. 33441

(D) The department of health shall adopt rules pursuant to 33442  
section 111.15 of the Revised Code to assist in compliance with 33443  
this section. 33444

**Sec. 2921.13.** (A) No person shall knowingly make a false 33445  
statement, or knowingly swear or affirm the truth of a false 33446  
statement previously made, when any of the following applies: 33447

(1) The statement is made in any official proceeding. 33448

(2) The statement is made with purpose to incriminate 33449  
another. 33450

(3) The statement is made with purpose to mislead a public 33451  
official in performing the public official's official function. 33452

(4) The statement is made with purpose to secure the 33453  
payment of unemployment compensation; Ohio works first; 33454  
prevention, retention, and contingency benefits and services; 33455  
disability financial assistance; retirement benefits or health 33456  
care coverage from a state retirement system; economic 33457  
development assistance, as defined in section 9.66 of the 33458  
Revised Code; or other benefits administered by a governmental 33459  
agency or paid out of a public treasury. 33460

(5) The statement is made with purpose to secure the 33461  
issuance by a governmental agency of a license, permit, 33462  
authorization, certificate, registration, release, or provider 33463  
agreement. 33464

(6) The statement is sworn or affirmed before a notary 33465  
public or another person empowered to administer oaths. 33466

(7) The statement is in writing on or in connection with a 33467  
report or return that is required or authorized by law. 33468

(8) The statement is in writing and is made with purpose 33469  
to induce another to extend credit to or employ the offender, to 33470  
confer any degree, diploma, certificate of attainment, award of 33471  
excellence, or honor on the offender, or to extend to or bestow 33472  
upon the offender any other valuable benefit or distinction, 33473  
when the person to whom the statement is directed relies upon it 33474  
to that person's detriment. 33475

(9) The statement is made with purpose to commit or 33476  
facilitate the commission of a theft offense. 33477

(10) The statement is knowingly made to a probate court in 33478  
connection with any action, proceeding, or other matter within 33479  
its jurisdiction, either orally or in a written document, 33480  
including, but not limited to, an application, petition, 33481  
complaint, or other pleading, or an inventory, account, or 33482  
report. 33483

(11) The statement is made on an account, form, record, 33484  
stamp, label, or other writing that is required by law. 33485

(12) The statement is made in connection with the purchase 33486  
of a firearm, as defined in section 2923.11 of the Revised Code, 33487  
and in conjunction with the furnishing to the seller of the 33488  
firearm of a fictitious or altered driver's or commercial 33489



driver's license or permit, a fictitious or altered 33490  
identification card, or any other document that contains false 33491  
information about the purchaser's identity. 33492

(13) The statement is made in a document or instrument of 33493  
writing that purports to be a judgment, lien, or claim of 33494  
indebtedness and is filed or recorded with the secretary of 33495  
state, a county recorder, or the clerk of a court of record. 33496

(14) The statement is made in an application filed with a 33497  
county sheriff pursuant to section 2923.125 of the Revised Code 33498  
in order to obtain or renew a concealed handgun license or is 33499  
made in an affidavit submitted to a county sheriff to obtain a 33500  
concealed handgun license on a temporary emergency basis under 33501  
section 2923.1213 of the Revised Code. 33502

(15) The statement is required under section 5743.71 of 33503  
the Revised Code in connection with the person's purchase of 33504  
cigarettes or tobacco products in a delivery sale. 33505

(16) The statement is made to the department of children 33506  
and youth in connection with the Ohio adoption grant program for 33507  
the purpose of qualifying for or obtaining an adoption grant 33508  
under sections 5101.19 to 5101.194 of the Revised Code. 33509

(B) No person, in connection with the purchase of a 33510  
firearm, as defined in section 2923.11 of the Revised Code, 33511  
shall knowingly furnish to the seller of the firearm a 33512  
fictitious or altered driver's or commercial driver's license or 33513  
permit, a fictitious or altered identification card, or any 33514  
other document that contains false information about the 33515  
purchaser's identity. 33516

(C) No person, in an attempt to obtain a concealed handgun 33517  
license under section 2923.125 of the Revised Code, shall 33518

knowingly present to a sheriff a fictitious or altered document 33519  
that purports to be certification of the person's competence in 33520  
handling a handgun as described in division (B) (3) of that 33521  
section. 33522

(D) It is no defense to a charge under division (A) (6) of 33523  
this section that the oath or affirmation was administered or 33524  
taken in an irregular manner. 33525

(E) If contradictory statements relating to the same fact 33526  
are made by the offender within the period of the statute of 33527  
limitations for falsification, it is not necessary for the 33528  
prosecution to prove which statement was false but only that one 33529  
or the other was false. 33530

(F) (1) Whoever violates division (A) (1), (2), (3), (4), 33531  
(5), (6), (7), (8), (10), (11), (13), ~~or~~ (15), or (16) of this 33532  
section is guilty of falsification. Except as otherwise provided 33533  
in this division, falsification is a misdemeanor of the first 33534  
degree. 33535

(2) Whoever violates division (A) (9) of this section is 33536  
guilty of falsification in a theft offense. Except as otherwise 33537  
provided in this division, falsification in a theft offense is a 33538  
misdemeanor of the first degree. If the value of the property or 33539  
services stolen is one thousand dollars or more and is less than 33540  
seven thousand five hundred dollars, falsification in a theft 33541  
offense is a felony of the fifth degree. If the value of the 33542  
property or services stolen is seven thousand five hundred 33543  
dollars or more and is less than one hundred fifty thousand 33544  
dollars, falsification in a theft offense is a felony of the 33545  
fourth degree. If the value of the property or services stolen 33546  
is one hundred fifty thousand dollars or more, falsification in 33547  
a theft offense is a felony of the third degree. 33548

(3) Whoever violates division (A) (12) or (B) of this section is guilty of falsification to purchase a firearm, a felony of the fifth degree. 33549  
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(4) Whoever violates division (A) (14) or (C) of this section is guilty of falsification to obtain a concealed handgun license, a felony of the fourth degree. 33552  
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(5) Whoever violates division (A) of this section in removal proceedings under section 319.26, 321.37, 507.13, or 733.78 of the Revised Code is guilty of falsification regarding a removal proceeding, a felony of the third degree. 33555  
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(G) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section. 33559  
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**Sec. 2921.36.** (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items: 33568  
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(1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous 33575  
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ordnance; 33578

(2) Any drug of abuse, as defined in section 3719.011 of 33579  
the Revised Code; 33580

(3) Any intoxicating liquor, as defined in section 4301.01 33581  
of the Revised Code, except for small amounts of wine for 33582  
sacramental purposes when the person engaging in the specified 33583  
conduct is a cleric, as defined in section 2317.02 of the 33584  
Revised Code. 33585

(B) Division (A) of this section does not apply to any 33586  
person who conveys or attempts to convey an item onto the 33587  
grounds of a detention facility or of an institution, office 33588  
building, or other place under the control of the department of 33589  
mental health and addiction services, the department of 33590  
developmental disabilities, the department of youth services, or 33591  
the department of rehabilitation and correction pursuant to the 33592  
written authorization of the person in charge of the detention 33593  
facility or the institution, office building, or other place and 33594  
in accordance with the written rules of the detention facility 33595  
or the institution, office building, or other place. 33596

(C) No person shall knowingly deliver, or attempt to 33597  
deliver, to any person who is confined in a detention facility, 33598  
to a child confined in a youth services facility, to a prisoner 33599  
who is temporarily released from confinement for a work 33600  
assignment, or to any patient in an institution under the 33601  
control of the department of mental health and addiction 33602  
services or the department of developmental disabilities any 33603  
item listed in division (A) (1), (2), or (3) of this section. 33604

(D) No person shall knowingly deliver, or attempt to 33605  
deliver, cash to any person who is confined in a detention 33606

facility, to a child confined in a youth services facility, or 33607  
to a prisoner who is temporarily released from confinement for a 33608  
work assignment. 33609

(E) No person shall knowingly deliver, or attempt to 33610  
deliver, to any person who is confined in a detention facility, 33611  
to a child confined in a youth services facility, or to a 33612  
prisoner who is temporarily released from confinement for a work 33613  
assignment a cellular telephone, two-way radio, or other 33614  
electronic communications device. 33615

(F) (1) It is an affirmative defense to a charge under 33616  
division (A) (1) of this section that the weapon or dangerous 33617  
ordnance in question was being transported in a motor vehicle 33618  
for any lawful purpose, that it was not on the actor's person, 33619  
and, if the weapon or dangerous ordnance in question was a 33620  
firearm, that it was unloaded and was being carried in a closed 33621  
package, box, or case or in a compartment that can be reached 33622  
only by leaving the vehicle. 33623

(2) It is an affirmative defense to a charge under 33624  
division (C) of this section that the actor was not otherwise 33625  
prohibited by law from delivering the item to the confined 33626  
person, the child, the prisoner, or the patient and that either 33627  
of the following applies: 33628

(a) The actor was permitted by the written rules of the 33629  
detention facility or the institution, office building, or other 33630  
place to deliver the item to the confined person or the patient. 33631

(b) The actor was given written authorization by the 33632  
person in charge of the detention facility or the institution, 33633  
office building, or other place to deliver the item to the 33634  
confined person or the patient. 33635

(G) (1) Whoever violates division (A) (1) of this section or 33636  
commits a violation of division (C) of this section involving an 33637  
item listed in division (A) (1) of this section is guilty of 33638  
illegal conveyance of weapons onto the grounds of a specified 33639  
governmental facility, a felony of the third degree. If the 33640  
offender is an officer or employee of the department of 33641  
rehabilitation and correction or the department of youth 33642  
services or a contractor or employee of a contractor providing 33643  
services to the department of rehabilitation and correction or 33644  
the department of youth services, the court shall impose a 33645  
mandatory prison term from the range of definite prison terms 33646  
prescribed in division (A) (3) (b) of section 2929.14 of the 33647  
Revised Code for a felony of the third degree. 33648

(2) Whoever violates division (A) (2) of this section or 33649  
commits a violation of division (C) of this section involving 33650  
any drug of abuse is guilty of illegal conveyance of drugs of 33651  
abuse onto the grounds of a specified governmental facility, a 33652  
felony of the third degree. If the offender is an officer or 33653  
employee of the department of rehabilitation and correction or 33654  
of the department of youth services, the court shall impose a 33655  
mandatory prison term from the range of definite prison terms 33656  
prescribed in division (A) (3) (b) of section 2929.14 of the 33657  
Revised Code for a felony of the third degree. 33658

(3) Whoever violates division (A) (3) of this section or 33659  
commits a violation of division (C) of this section involving 33660  
any intoxicating liquor is guilty of illegal conveyance of 33661  
intoxicating liquor onto the grounds of a specified governmental 33662  
facility, a misdemeanor of the second degree. 33663

(4) Whoever violates division (D) of this section is 33664  
guilty of illegal conveyance of cash onto the grounds of a 33665

detention facility, a misdemeanor of the first degree. If the  
offender previously has been convicted of or pleaded guilty to a  
violation of division (D) of this section, illegal conveyance of  
cash onto the grounds of a detention facility is a felony of the  
fifth degree.

~~(5) Whoever~~ (5) (a) Except as provided in division (G) (5) (b)  
of this section, whoever violates division (E) of this section  
is guilty of illegal conveyance of a communications device onto  
the grounds of a specified governmental facility, a ~~misdemeanor~~  
felony of the ~~first~~ fifth degree, or if the offender previously  
has been convicted of or pleaded guilty to a violation of  
division (E) of this section, a felony of the ~~fifth~~ third  
degree.

(b) If the offender is an officer or employee of the  
department of rehabilitation and correction or the department of  
youth services or a contractor or employee of a contractor  
providing services to the department of rehabilitation and  
correction or the department of youth services, a violation of  
division (E) of this section is a felony of the third degree,  
and the court shall impose a mandatory prison term from the  
range of definite prison terms prescribed in division (A) (3) (b)  
of section 2929.14 of the Revised Code for a felony of the third  
degree.

**Sec. 2925.14.** (A) As used in this section, "drug  
paraphernalia" means any equipment, product, or material of any  
kind that is used by the offender, intended by the offender for  
use, or designed for use, in propagating, cultivating, growing,  
harvesting, manufacturing, compounding, converting, producing,  
processing, preparing, testing, analyzing, packaging,  
repackaging, storing, containing, concealing, injecting,

ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance, ~~except for those exempted in~~ unless division (D)(4) of this section applies to the testing equipment;

(6) A scale or balance for weighing or measuring a controlled substance;

(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;

(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;

(9) A blender, bowl, container, spoon, or mixing device



for compounding a controlled substance; 33724

(10) A capsule, balloon, envelope, or container for 33725  
packaging small quantities of a controlled substance; 33726

(11) A container or device for storing or concealing a 33727  
controlled substance; 33728

(12) A hypodermic syringe, needle, or instrument for 33729  
parenterally injecting a controlled substance into the human 33730  
body; 33731

(13) An object, instrument, or device for ingesting, 33732  
inhaling, or otherwise introducing into the human body, 33733  
marihuana, cocaine, hashish, or hashish oil, such as a metal, 33734  
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 33735  
without a screen, permanent screen, hashish head, or punctured 33736  
metal bowl; water pipe; carburetion tube or device; smoking or 33737  
carburetion mask; roach clip or similar object used to hold 33738  
burning material, such as a marihuana cigarette, that has become 33739  
too small or too short to be held in the hand; miniature cocaine 33740  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 33741  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 33742

(B) In determining if any equipment, product, or material 33743  
is drug paraphernalia, a court or law enforcement officer shall 33744  
consider, in addition to other relevant factors, the following: 33745

(1) Any statement by the owner, or by anyone in control, 33746  
of the equipment, product, or material, concerning its use; 33747

(2) The proximity in time or space of the equipment, 33748  
product, or material, or of the act relating to the equipment, 33749  
product, or material, to a violation of any provision of this 33750  
chapter; 33751

- (3) The proximity of the equipment, product, or material to any controlled substance; 33752  
33753
- (4) The existence of any residue of a controlled substance on the equipment, product, or material; 33754  
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- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia. 33756  
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- (6) Any oral or written instruction provided with the equipment, product, or material concerning its use; 33767  
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- (7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use; 33769  
33770
- (8) National or local advertising concerning the use of the equipment, product, or material; 33771  
33772
- (9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 33773  
33774
- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 33775  
33776  
33777
- (11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 33778  
33779

(12) Expert testimony concerning the use of the equipment, 33780  
product, or material. 33781

(C) (1) Subject to divisions (D) (2), (3), and (4) of this 33782  
section, no person shall knowingly use, or possess with purpose 33783  
to use, drug paraphernalia. 33784

(2) No person shall knowingly sell, or possess or 33785  
manufacture with purpose to sell, drug paraphernalia, if the 33786  
person knows or reasonably should know that the equipment, 33787  
product, or material will be used as drug paraphernalia. 33788

(3) No person shall place an advertisement in any 33789  
newspaper, magazine, handbill, or other publication that is 33790  
published and printed and circulates primarily within this 33791  
state, if the person knows that the purpose of the advertisement 33792  
is to promote the illegal sale in this state of the equipment, 33793  
product, or material that the offender intended or designed for 33794  
use as drug paraphernalia. 33795

(D) (1) This section does not apply to manufacturers, 33796  
licensed health professionals authorized to prescribe drugs, 33797  
pharmacists, owners of pharmacies, and other persons whose 33798  
conduct is in accordance with Chapters 3719., 4715., 4723., 33799  
4729., 4730., 4731., 4741., and 4772. of the Revised Code. This 33800  
section shall not be construed to prohibit the possession or use 33801  
of a hypodermic as authorized by section 3719.172 of the Revised 33802  
Code. 33803

(2) Division (C) (1) of this section does not apply to a 33804  
person's use, or possession with purpose to use, any drug 33805  
paraphernalia that is equipment, a product, or material of any 33806  
kind that is used by the person, intended by the person for use, 33807  
or designed for use in storing, containing, concealing, 33808

injecting, ingesting, inhaling, or otherwise introducing into 33809  
the human body marihuana. 33810

(3) Division (B) (2) of section 2925.11 of the Revised Code 33811  
applies with respect to a violation of division (C) (1) of this 33812  
section when a person seeks or obtains medical assistance for 33813  
another person who is experiencing a drug overdose, a person 33814  
experiences a drug overdose and seeks medical assistance for 33815  
that overdose, or a person is the subject of another person 33816  
seeking or obtaining medical assistance for that overdose. 33817

(4) Division (C) (1) of this section does not apply to a 33818  
person's use, or possession with purpose to use, ~~any~~ drug 33819  
testing strips to determine the presence of fentanyl or a 33820  
fentanyl-related compound or any other equipment, product, or 33821  
material approved by the state board of pharmacy, in rules 33822  
adopted under section 4729.261 of the Revised Code, as a type of 33823  
instrument that demonstrates efficacy in reducing drug poisoning 33824  
by determining the presence of a specific compound or group of 33825  
compounds. 33826

(E) Notwithstanding Chapter 2981. of the Revised Code, any 33827  
drug paraphernalia that was used, possessed, sold, or 33828  
manufactured in a violation of this section shall be seized, 33829  
after a conviction for that violation shall be forfeited, and 33830  
upon forfeiture shall be disposed of pursuant to division (B) of 33831  
section 2981.12 of the Revised Code. 33832

(F) (1) Whoever violates division (C) (1) of this section is 33833  
guilty of illegal use or possession of drug paraphernalia, a 33834  
misdemeanor of the fourth degree. 33835

(2) Except as provided in division (F) (3) of this section, 33836  
whoever violates division (C) (2) of this section is guilty of 33837

dealing in drug paraphernalia, a misdemeanor of the second 33838  
degree. 33839

(3) Whoever violates division (C) (2) of this section by 33840  
selling drug paraphernalia to a juvenile is guilty of selling 33841  
drug paraphernalia to juveniles, a misdemeanor of the first 33842  
degree. 33843

(4) Whoever violates division (C) (3) of this section is 33844  
guilty of illegal advertising of drug paraphernalia, a 33845  
misdemeanor of the second degree. 33846

(G) (1) If the offender is a professionally licensed 33847  
person, in addition to any other sanction imposed for a 33848  
violation of this section, the court immediately shall comply 33849  
with section 2925.38 of the Revised Code. 33850

If the offender has a driver's or commercial driver's 33851  
license or permit, section 2929.33 of the Revised Code applies. 33852

(2) Any offender who received a mandatory suspension of 33853  
the offender's driver's or commercial driver's license or permit 33854  
under this section prior to September 13, 2016, may file a motion 33855  
with the sentencing court requesting the termination of the 33856  
suspension. However, an offender who pleaded guilty to or was 33857  
convicted of a violation of section 4511.19 of the Revised Code 33858  
or a substantially similar municipal ordinance or law of another 33859  
state or the United States that arose out of the same set of 33860  
circumstances as the violation for which the offender's license 33861  
or permit was suspended under this section shall not file such a 33862  
motion. 33863

Upon the filing of a motion under division (G) (2) of this 33864  
section, the sentencing court, in its discretion, may terminate 33865  
the suspension. 33866

Sec. 2927.11. (A) No person, without privilege to do so, 33867  
shall purposely deface, damage, pollute, or otherwise physically 33868  
mistreat any of the following: 33869

(1) The flag of the United States or of this state; 33870

(2) Any public monument; 33871

(3) Any historical or commemorative marker, or any 33872  
structure, Indian mound or earthwork, cemetery, thing, or site 33873  
of great historical or archaeological interest; 33874

(4) A place of worship, its furnishings, or religious 33875  
artifacts or sacred texts within the place of worship or within 33876  
the grounds upon which the place of worship is located; 33877

(5) A work of art or museum piece; 33878

(6) Any burial site under section 149.3010 of the Revised 33879  
Code; 33880

(7) Any other object of reverence or sacred devotion. 33881

(B) Whoever violates this section is guilty of 33882  
desecration. A violation of division (A) (1), (2), (3), (5), ~~or~~ 33883  
(6), or (7) of this section is a misdemeanor of the second 33884  
degree. Except as otherwise provided in this division, a 33885  
violation of division (A) (4) of this section is a felony of the 33886  
fifth degree that is punishable by a fine of up to two thousand 33887  
five hundred dollars in addition to the penalties specified for 33888  
a felony of the fifth degree in sections 2929.13 to 2929.18 of 33889  
the Revised Code. If the value of the property or the amount of 33890  
physical harm involved in a violation of division (A) (4) of this 33891  
section is five thousand dollars or more but less than one 33892  
hundred thousand dollars, a violation of that division is a 33893  
felony of the fourth degree. If the value of the property or the 33894

amount of physical harm involved in a violation of division (A) 33895  
(4) of this section is one hundred thousand dollars or more, a 33896  
violation of that division is a felony of the third degree. 33897

(C) As used in this section, "cemetery" means any place of 33898  
burial and includes burial sites that contain American Indian 33899  
burial objects placed with or containing American Indian human 33900  
remains. 33901

**Sec. 2929.12.** (A) Unless otherwise required by section 33902  
2929.13 or 2929.14 of the Revised Code, a court that imposes a 33903  
sentence under this chapter upon an offender for a felony has 33904  
discretion to determine the most effective way to comply with 33905  
the purposes and principles of sentencing set forth in section 33906  
2929.11 of the Revised Code. In exercising that discretion, the 33907  
court shall consider the factors set forth in divisions (B) and 33908  
(C) of this section relating to the seriousness of the conduct, 33909  
the factors provided in divisions (D) and (E) of this section 33910  
relating to the likelihood of the offender's recidivism, the 33911  
factors set forth in division (F) of this section pertaining to 33912  
the offender's service in the armed forces of the United States, 33913  
and the factors set forth in division (G) of this section 33914  
relating to Alford pleas and, in addition, may consider any 33915  
other factors that are relevant to achieving those purposes and 33916  
principles of sentencing. 33917

(B) The sentencing court shall consider all of the 33918  
following that apply regarding the offender, the offense, or the 33919  
victim, and any other relevant factors, as indicating that the 33920  
offender's conduct is more serious than conduct normally 33921  
constituting the offense: 33922

(1) The physical or mental injury suffered by the victim 33923  
of the offense due to the conduct of the offender was 33924

exacerbated because of the physical or mental condition or age 33925  
of the victim. 33926

(2) The victim of the offense suffered serious physical, 33927  
psychological, or economic harm, including serious physical harm 33928  
the victim caused to the victim's self, as a result of the 33929  
offense. 33930

(3) The victim died by suicide as a result of the offense. 33931

(4) The offender held a public office or position of trust 33932  
in the community, and the offense related to that office or 33933  
position. 33934

(5) The offender's occupation, elected office, or 33935  
profession obliged the offender to prevent the offense or bring 33936  
others committing it to justice. 33937

(6) The offender's professional reputation or occupation, 33938  
elected office, or profession was used to facilitate the offense 33939  
or is likely to influence the future conduct of others. 33940

(7) The offender's relationship with the victim 33941  
facilitated the offense. 33942

(8) The offender committed the offense for hire or as a 33943  
part of an organized criminal activity. 33944

(9) In committing the offense, the offender was motivated 33945  
by prejudice based on race, ethnic background, gender, sexual 33946  
orientation, or religion. 33947

(10) If the offense is a violation of section 2919.25 or a 33948  
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 33949  
Code involving a person who was a family or household member at 33950  
the time of the violation, the offender committed the offense in 33951  
the vicinity of one or more children who are not victims of the 33952



offense, and the offender or the victim of the offense is a 33953  
parent, guardian, custodian, or person in loco parentis of one 33954  
or more of those children. 33955

(C) The sentencing court shall consider all of the 33956  
following that apply regarding the offender, the offense, or the 33957  
victim, and any other relevant factors, as indicating that the 33958  
offender's conduct is less serious than conduct normally 33959  
constituting the offense: 33960

(1) The victim induced or facilitated the offense. 33961

(2) In committing the offense, the offender acted under 33962  
strong provocation. 33963

(3) In committing the offense, the offender did not cause 33964  
or expect to cause physical harm to any person or property. 33965

(4) There are substantial grounds to mitigate the 33966  
offender's conduct, although the grounds are not enough to 33967  
constitute a defense. 33968

(D) The sentencing court shall consider all of the 33969  
following that apply regarding the offender, and any other 33970  
relevant factors, as factors indicating that the offender is 33971  
likely to commit future crimes: 33972

(1) At the time of committing the offense, the offender 33973  
was under release from confinement before trial or sentencing; 33974  
was under a sanction imposed pursuant to section 2929.16, 33975  
2929.17, or 2929.18 of the Revised Code; was under post-release 33976  
control pursuant to section 2967.28 or any other provision of 33977  
the Revised Code for an earlier offense or had been unfavorably 33978  
terminated from post-release control for a prior offense 33979  
pursuant to division (B) of section 2967.16 or section 2929.141 33980  
of the Revised Code; was under transitional control in 33981

connection with a prior offense; or had absconded from the 33982  
offender's approved community placement resulting in the 33983  
offender's removal from the transitional control program under 33984  
section 2967.26 of the Revised Code. 33985

(2) The offender previously was adjudicated a delinquent 33986  
child pursuant to Chapter 2151. of the Revised Code prior to 33987  
January 1, 2002, or pursuant to Chapter 2152. of the Revised 33988  
Code, or the offender has a history of criminal convictions. 33989

(3) The offender has not been rehabilitated to a 33990  
satisfactory degree after previously being adjudicated a 33991  
delinquent child pursuant to Chapter 2151. of the Revised Code 33992  
prior to January 1, 2002, or pursuant to Chapter 2152. of the 33993  
Revised Code, or the offender has not responded favorably to 33994  
sanctions previously imposed for criminal convictions. 33995

(4) The offender has demonstrated a pattern of drug or 33996  
alcohol abuse that is related to the offense, and the offender 33997  
refuses to acknowledge that the offender has demonstrated that 33998  
pattern, or the offender refuses treatment for the drug or 33999  
alcohol abuse. 34000

(5) The offender shows no genuine remorse for the offense. 34001

(E) The sentencing court shall consider all of the 34002  
following that apply regarding the offender, and any other 34003  
relevant factors, as factors indicating that the offender is not 34004  
likely to commit future crimes: 34005

(1) Prior to committing the offense, the offender had not 34006  
been adjudicated a delinquent child. 34007

(2) Prior to committing the offense, the offender had not 34008  
been convicted of or pleaded guilty to a criminal offense. 34009

(3) Prior to committing the offense, the offender had led 34010  
a law-abiding life for a significant number of years. 34011

(4) The offense was committed under circumstances not 34012  
likely to recur. 34013

(5) Except as provided in division (G) of this section, 34014  
the offender shows genuine remorse for the offense. 34015

(F) The sentencing court shall consider the offender's 34016  
military service record and whether the offender has an 34017  
emotional, mental, or physical condition that is traceable to 34018  
the offender's service in the armed forces of the United States 34019  
and that was a contributing factor in the offender's commission 34020  
of the offense or offenses. 34021

(G) If the offender enters an Alford plea, the sentencing 34022  
court shall not consider whether the offender showed genuine 34023  
remorse for the offense and shall not impose as any condition of 34024  
the sentence a requirement that the offender admit guilt. 34025

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 34026  
felony the court is not required to impose a prison term, a 34027  
mandatory prison term, or a term of life imprisonment upon the 34028  
offender, the court may directly impose a sentence that consists 34029  
of one or more community control sanctions authorized pursuant 34030  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 34031  
the court is sentencing an offender for a fourth degree felony 34032  
OVI offense under division (G) (1) of section 2929.13 of the 34033  
Revised Code, in addition to the mandatory term of local 34034  
incarceration imposed under that division and the mandatory fine 34035  
required by division (B) (3) of section 2929.18 of the Revised 34036  
Code, the court may impose upon the offender a community control 34037  
sanction or combination of community control sanctions in 34038

accordance with sections 2929.16 and 2929.17 of the Revised 34039  
Code. If the court is sentencing an offender for a third or 34040  
fourth degree felony OVI offense under division (G) (2) of 34041  
section 2929.13 of the Revised Code, in addition to the 34042  
mandatory prison term or mandatory prison term and additional 34043  
prison term imposed under that division, the court also may 34044  
impose upon the offender a community control sanction or 34045  
combination of community control sanctions under section 2929.16 34046  
or 2929.17 of the Revised Code, but the offender shall serve all 34047  
of the prison terms so imposed prior to serving the community 34048  
control sanction. 34049

The duration of all community control sanctions imposed on 34050  
an offender under this division shall not exceed five years. If 34051  
the offender absconds or otherwise leaves the jurisdiction of 34052  
the court in which the offender resides without obtaining 34053  
permission from the court or the offender's probation officer to 34054  
leave the jurisdiction of the court, or if the offender is 34055  
confined in any institution for the commission of any offense 34056  
while under a community control sanction, the period of the 34057  
community control sanction ceases to run until the offender is 34058  
brought before the court for its further action. If the court 34059  
sentences the offender to one or more nonresidential sanctions 34060  
under section 2929.17 of the Revised Code, the court shall 34061  
impose as a condition of the nonresidential sanctions that, 34062  
during the period of the sanctions, the offender must abide by 34063  
the law and must not leave the state without the permission of 34064  
the court or the offender's probation officer. The court may 34065  
impose any other conditions of release under a community control 34066  
sanction that the court considers appropriate, including, but 34067  
not limited to, requiring that the offender not ingest or be 34068  
injected with a drug of abuse and submit to random drug testing 34069

as provided in division (D) of this section to determine whether 34070  
the offender ingested or was injected with a drug of abuse and 34071  
requiring that the results of the drug test indicate that the 34072  
offender did not ingest or was not injected with a drug of 34073  
abuse. 34074

(2) (a) If a court sentences an offender to any community 34075  
control sanction or combination of community control sanctions 34076  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 34077  
the Revised Code, the court shall place the offender under the 34078  
general control and supervision of a department of probation in 34079  
the county that serves the court for purposes of reporting to 34080  
the court a violation of any condition of the sanctions, any 34081  
condition of release under a community control sanction imposed 34082  
by the court, a violation of law, or the departure of the 34083  
offender from this state without the permission of the court or 34084  
the offender's probation officer. Alternatively, if the offender 34085  
resides in another county and a county department of probation 34086  
has been established in that county or that county is served by 34087  
a multicounty probation department established under section 34088  
2301.27 of the Revised Code, the court may request the court of 34089  
common pleas of that county to receive the offender into the 34090  
general control and supervision of that county or multicounty 34091  
department of probation for purposes of reporting to the court a 34092  
violation of any condition of the sanctions, any condition of 34093  
release under a community control sanction imposed by the court, 34094  
a violation of law, or the departure of the offender from this 34095  
state without the permission of the court or the offender's 34096  
probation officer, subject to the jurisdiction of the trial 34097  
judge over and with respect to the person of the offender, and 34098  
to the rules governing that department of probation. 34099

If there is no department of probation in the county that 34100

34101 serves the court, the court shall place the offender, regardless  
34102 of the offender's county of residence, under the general control  
34103 and supervision of the adult parole authority, unless the court  
34104 has entered into an agreement with the authority as described in  
34105 division (B) or (C) of section 2301.32 of the Revised Code, or  
34106 under an entity authorized under division (B) of section 2301.27  
34107 of the Revised Code to provide probation and supervisory  
34108 services to counties for purposes of reporting to the court a  
34109 violation of any of the sanctions, any condition of release  
34110 under a community control sanction imposed by the court, a  
34111 violation of law, or the departure of the offender from this  
34112 state without the permission of the court or the offender's  
34113 probation officer.

34114 (b) If the court imposing sentence on an offender  
34115 sentences the offender to any community control sanction or  
34116 combination of community control sanctions authorized pursuant  
34117 to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and  
34118 if the offender violates any condition of the sanctions,  
34119 violates any condition of release under a community control  
34120 sanction imposed by the court, violates any law, or departs the  
34121 state without the permission of the court or the offender's  
34122 probation officer, the public or private person or entity that  
34123 operates or administers the sanction or the program or activity  
34124 that comprises the sanction shall report the violation or  
34125 departure directly to the sentencing court, or shall report the  
34126 violation or departure to the county or multicounty department  
34127 of probation with general control and supervision over the  
34128 offender under division (A) (2) (a) of this section or the officer  
34129 of that department who supervises the offender, or, if there is  
34130 no such department with general control and supervision over the  
34131 offender under that division, to the adult parole authority

unless the court has entered into an agreement with the 34132  
authority as described in division (B) or (C) of section 2301.32 34133  
of the Revised Code, or to an entity authorized under division 34134  
(B) of section 2301.27 of the Revised Code to provide probation 34135  
and supervisory services to the county. If the public or private 34136  
person or entity that operates or administers the sanction or 34137  
the program or activity that comprises the sanction reports the 34138  
violation or departure to the county or multicounty department 34139  
of probation, the adult parole authority, or any other entity 34140  
providing probation and supervisory services to the county, the 34141  
department's, authority's, or other entity's officers may treat 34142  
the offender as if the offender were on probation and in 34143  
violation of the probation, and shall report the violation of 34144  
the condition of the sanction, any condition of release under a 34145  
community control sanction imposed by the court, the violation 34146  
of law, or the departure from the state without the required 34147  
permission to the sentencing court. 34148

(3) If an offender who is eligible for community control 34149  
sanctions under this section admits to having a drug addiction 34150  
or the court has reason to believe that the offender has a drug 34151  
addiction, and if the offense for which the offender is being 34152  
sentenced was related to the addiction, the court may require 34153  
that the offender be assessed by a properly credentialed 34154  
professional within a specified period of time and shall require 34155  
the professional to file a written assessment of the offender 34156  
with the court. If a court imposes treatment and recovery 34157  
support services as a community control sanction, the court 34158  
shall direct the level and type of treatment and recovery 34159  
support services after consideration of the written assessment, 34160  
if available at the time of sentencing, and recommendations of 34161  
the professional and other treatment and recovery support 34162

services providers. 34163

(4) If an assessment completed pursuant to division (A) (3) 34164  
of this section indicates that the offender has an addiction to 34165  
drugs or alcohol, the court may include in any community control 34166  
sanction imposed for a violation of section 2925.02, 2925.03, 34167  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 34168  
2925.36, or 2925.37 of the Revised Code a requirement that the 34169  
offender participate in alcohol and drug addiction services and 34170  
recovery supports certified under section 5119.36 of the Revised 34171  
Code or offered by a properly credentialed community addiction 34172  
services provider. 34173

(B) (1) Except as provided in division (B) (2) of this 34174  
section, if the conditions of a community control sanction 34175  
imposed for a felony are violated or if the offender violates a 34176  
law or leaves the state without the permission of the court or 34177  
the offender's probation officer, the sentencing court may 34178  
impose on the violator one or more of the following penalties: 34179

(a) A longer time under the same sanction if the total 34180  
time under the sanctions does not exceed the five-year limit 34181  
specified in division (A) of this section; 34182

(b) A more restrictive sanction under section 2929.16, 34183  
2929.17, or 2929.18 of the Revised Code, including but not 34184  
limited to, a new term in a community-based correctional 34185  
facility, halfway house, or jail pursuant to division (A) (6) of 34186  
section 2929.16 of the Revised Code; 34187

(c) A prison term on the offender pursuant to section 34188  
2929.14 of the Revised Code and division (B) (3) of this section, 34189  
provided that a prison term imposed under this division is 34190  
subject to the following limitations and rules, as applicable: 34191



(i) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree, the prison term shall not exceed ninety days, provided that if the remaining period of community control at the time of the violation or the remaining period of the reserved prison sentence at that time is less than ninety days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the reserved prison sentence. If the court imposes a prison term as described in this division, division (B) (2) (b) of this section applies.

(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense, the prison term shall not exceed one hundred eighty days, provided that if the remaining period of the community control at the time of the violation or the remaining period of the reserved prison sentence at that time is less than one hundred eighty days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the reserved prison sentence. If the court imposes a prison term as described in this division, division (B) (2) (b) of this section applies.

(iii) A court is not limited in the number of times it may sentence an offender to a prison term under division (B) (1) (c) of this section for a violation of the conditions of a community control sanction or for a violation of a law or leaving the state without the permission of the court or the offender's probation officer. If an offender who is under a community control sanction violates the conditions of the sanction or violates a law or leaves the state without the permission of the

court or the offender's probation officer, is sentenced to a 34223  
prison term for the violation or conduct, is released from the 34224  
term after serving it, and subsequently violates the conditions 34225  
of the sanction or violates a law or leaves the state without 34226  
the permission of the court or the offender's probation officer, 34227  
the court may impose a new prison term sanction on the offender 34228  
under division (B) (1) (c) of this section for the subsequent 34229  
violation or conduct. 34230

(2) (a) If an offender was acting pursuant to division (B) 34231  
(2) (b) of section 2925.11 or a related provision of section 34232  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 34233  
doing violated the conditions of a community control sanction 34234  
based on a minor drug possession offense, as defined in section 34235  
2925.11 of the Revised Code, or violated section 2925.12, 34236  
division (C) (1) of section 2925.14, or section 2925.141 of the 34237  
Revised Code, the sentencing court shall not impose any of the 34238  
penalties described in division (B) (1) of this section based on 34239  
the violation. 34240

(b) If a court imposes a prison term on an offender under 34241  
division (B) (1) (c) (i) or (ii) of this section for a technical 34242  
violation of the conditions of a community control sanction, one 34243  
of the following is applicable with respect to the time that the 34244  
offender spends in prison under the term: 34245

(i) Subject to division (B) (2) (b) (ii) of this section, it 34246  
shall be credited against the offender's community control 34247  
sanction that was being served at the time of the violation, and 34248  
the remaining time under that community control sanction shall 34249  
be reduced by the time that the offender spends in prison under 34250  
the prison term. By determination of the court, the offender 34251  
upon release from the prison term either shall continue serving 34252

the remaining time under the community control sanction, as 34253  
reduced under this division, or shall have the community control 34254  
sanction terminated. 34255

(ii) If, at the time a prison term is imposed for a 34256  
technical violation, the offender was serving a residential 34257  
community control sanction imposed under section 2929.16 of the 34258  
Revised Code, the time spent serving the residential community 34259  
control sanction shall be credited against the offender's 34260  
reserved prison sentence, and the remaining time under that 34261  
residential community control sanction and under the reserved 34262  
prison sentence shall be reduced by the time that the offender 34263  
spends in prison under the prison term. By determination of the 34264  
court, the offender upon release from the prison term either 34265  
shall continue serving the remaining time under the residential 34266  
community control sanction, as reduced under this division, or 34267  
shall have the residential community control sanction 34268  
terminated. 34269

(3) The prison term, if any, imposed on a violator 34270  
pursuant to this division and division (B)(1) of this section 34271  
shall be within the range of prison terms described in this 34272  
division and shall not exceed a prison term from the range of 34273  
terms specified in the notice provided to the offender at the 34274  
sentencing hearing pursuant to division (B)(4) of section 34275  
2929.19 of the Revised Code. The court may reduce the longer 34276  
period of time that the offender is required to spend under the 34277  
longer sanction, the more restrictive sanction, or a prison term 34278  
imposed pursuant to division (B)(1) of this section by the time 34279  
the offender successfully spent under the sanction that was 34280  
initially imposed. Except as otherwise specified in this 34281  
division, the prison term imposed under this division and 34282  
division (B)(1) of this section shall be within the range of 34283

prison terms available as a definite term for the offense for 34284  
which the sanction that was violated was imposed. If the offense 34285  
for which the sanction that was violated was imposed is a felony 34286  
of the first or second degree committed on or after March 22, 34287  
2019, the prison term so imposed under this division shall be 34288  
within the range of prison terms available as a minimum term for 34289  
the offense under division (A) (1) (a) or (2) (a) of section 34290  
2929.14 of the Revised Code. 34291

(C) If an offender, for a significant period of time, 34292  
fulfills the conditions of a sanction imposed pursuant to 34293  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 34294  
exemplary manner, the court may reduce the period of time under 34295  
the sanction or impose a less restrictive sanction, but the 34296  
court shall not permit the offender to violate any law or permit 34297  
the offender to leave the state without the permission of the 34298  
court or the offender's probation officer. 34299

(D) (1) If a court under division (A) (1) of this section 34300  
imposes a condition of release under a community control 34301  
sanction that requires the offender to submit to random drug 34302  
testing, the department of probation, the adult parole 34303  
authority, or any other entity that has general control and 34304  
supervision of the offender under division (A) (2) (a) of this 34305  
section may cause the offender to submit to random drug testing 34306  
performed by a laboratory or entity that has entered into a 34307  
contract with any of the governmental entities or officers 34308  
authorized to enter into a contract with that laboratory or 34309  
entity under section 341.26, 753.33, or 5120.63 of the Revised 34310  
Code. 34311

(2) If no laboratory or entity described in division (D) 34312  
(1) of this section has entered into a contract as specified in 34313

that division, the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A) (2) (a) of this section shall cause the offender to submit to random drug testing performed by a reputable public laboratory to determine whether the individual who is the subject of the drug test ingested or was injected with a drug of abuse.

(3) A laboratory or entity that has entered into a contract pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code shall perform the random drug tests under division (D) (1) of this section in accordance with the applicable standards that are included in the terms of that contract. A public laboratory shall perform the random drug tests under division (D) (2) of this section in accordance with the standards set forth in the policies and procedures established by the department of rehabilitation and correction pursuant to section 5120.63 of the Revised Code. An offender who is required under division (A) (1) of this section to submit to random drug testing as a condition of release under a community control sanction and whose test results indicate that the offender ingested or was injected with a drug of abuse shall pay the fee for the drug test if the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender requires payment of a fee. A laboratory or entity that performs the random drug testing on an offender under division (D) (1) or (2) of this section shall transmit the results of the drug test to the appropriate department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A) (2) (a) of this section.

(E) As used in this section, "technical violation" means a

violation of the conditions of a community control sanction 34345  
imposed for a felony of the fifth degree, or for a felony of the 34346  
fourth degree that is not an offense of violence and is not a 34347  
sexually oriented offense, and to which neither of the following 34348  
applies: 34349

(1) The violation consists of a new criminal offense that 34350  
is a felony or that is a misdemeanor other than a minor 34351  
misdemeanor, and the violation is committed while under the 34352  
community control sanction. 34353

(2) The violation consists of or includes the offender's 34354  
articulated or demonstrated refusal to participate in the 34355  
community control sanction imposed on the offender or any of its 34356  
conditions, and the refusal demonstrates to the court that the 34357  
offender has abandoned the objects of the community control 34358  
sanction or condition. 34359

(F) A court shall not, under division (A)(1) of this 34360  
section, impose a condition of release under a community control 34361  
sanction that requires an offender who has pleaded guilty by 34362  
entering an Alford plea to otherwise admit guilt for the 34363  
offense. 34364

**Sec. 2929.25.** (A) (1) Except as provided in sections 34365  
2929.22 and 2929.23 of the Revised Code or when a jail term is 34366  
required by law, in sentencing an offender for a misdemeanor, 34367  
other than a minor misdemeanor, the sentencing court may do 34368  
either of the following: 34369

(a) Directly impose a sentence that consists of one or 34370  
more community control sanctions authorized by section 2929.26, 34371  
2929.27, or 2929.28 of the Revised Code. The court may impose 34372  
any other conditions of release under a community control 34373

sanction that the court considers appropriate. If the court 34374  
imposes a jail term upon the offender, the court may impose any 34375  
community control sanction or combination of community control 34376  
sanctions in addition to the jail term. 34377

(b) Impose a jail term under section 2929.24 of the 34378  
Revised Code from the range of jail terms authorized under that 34379  
section for the offense, suspend all or a portion of the jail 34380  
term imposed, and place the offender under a community control 34381  
sanction or combination of community control sanctions 34382  
authorized under section 2929.26, 2929.27, or 2929.28 of the 34383  
Revised Code. 34384

(2) The duration of all community control sanctions 34385  
imposed upon an offender and in effect for an offender at any 34386  
time shall not exceed five years. 34387

(3) At sentencing, if a court directly imposes a community 34388  
control sanction or combination of community control sanctions 34389  
pursuant to division (A)(1)(a) or (B) of this section, the court 34390  
shall state the duration of the community control sanctions 34391  
imposed and shall notify the offender that if any of the 34392  
conditions of the community control sanctions are violated the 34393  
court may do any of the following: 34394

(a) Impose a longer time under the same community control 34395  
sanction if the total time under all of the offender's community 34396  
control sanctions does not exceed the five-year limit specified 34397  
in division (A)(2) of this section; 34398

(b) Impose a more restrictive community control sanction 34399  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 34400  
but the court is not required to impose any particular sanction 34401  
or sanctions; 34402

(c) Impose a definite jail term from the range of jail terms authorized for the offense under section 2929.24 of the Revised Code.

(B) If a court sentences an offender to any community control sanction or combination of community control sanctions pursuant to division (A) (1) (a) of this section, the sentencing court retains jurisdiction over the offender and the period of community control for the duration of the period of community control. Upon the motion of either party or on the court's own motion, the court, in the court's sole discretion and as the circumstances warrant, may modify the community control sanctions or conditions of release previously imposed, substitute a community control sanction or condition of release for another community control sanction or condition of release previously imposed, or impose an additional community control sanction or condition of release.

(C) (1) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing



court retains jurisdiction over any offender whom it sentences 34434  
for the duration of the sanction or sanctions imposed. 34435

(2) The sentencing court shall require as a condition of 34436  
any community control sanction that the offender abide by the 34437  
law and not leave the state without the permission of the court 34438  
or the offender's probation officer. In the interests of doing 34439  
justice, rehabilitating the offender, and ensuring the 34440  
offender's good behavior, the court may impose additional 34441  
requirements on the offender. The offender's compliance with the 34442  
additional requirements also shall be a condition of the 34443  
community control sanction imposed upon the offender. 34444

(D) (1) If the court imposing sentence upon an offender 34445  
sentences the offender to any community control sanction or 34446  
combination of community control sanctions authorized under 34447  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 34448  
the offender violates any of the conditions of the sanctions, 34449  
the public or private person or entity that supervises or 34450  
administers the program or activity that comprises the sanction 34451  
shall report the violation directly to the sentencing court or 34452  
to the department of probation or probation officer with general 34453  
control and supervision over the offender. If the public or 34454  
private person or entity reports the violation to the department 34455  
of probation or probation officer, the department or officer 34456  
shall report the violation to the sentencing court. 34457

(2) Except as provided in division (D) (3) of this section, 34458  
if an offender violates any condition of a community control 34459  
sanction, the sentencing court may impose upon the violator one 34460  
or more of the following penalties: 34461

(a) A longer time under the same community control 34462  
sanction if the total time under all of the community control 34463

sanctions imposed on the violator does not exceed the five-year 34464  
limit specified in division (A) (2) of this section; 34465

(b) A more restrictive community control sanction; 34466

(c) A combination of community control sanctions, 34467  
including a jail term. 34468

(3) If an offender was acting pursuant to division (B) (2) 34469  
(b) of section 2925.11 or a related provision under section 34470  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 34471  
doing violated the conditions of a community control sanction 34472  
based on a minor drug possession offense, as defined in section 34473  
2925.11 of the Revised Code, or violated section 2925.12, 34474  
division (C) (1) of section 2925.14, or section 2925.141 of the 34475  
Revised Code, the sentencing court shall not impose any of the 34476  
penalties described in division (D) (2) of this section based on 34477  
the violation. 34478

(4) If the court imposes a jail term upon a violator 34479  
pursuant to division (D) (2) of this section, the total time 34480  
spent in jail for the misdemeanor offense and the violation of a 34481  
condition of the community control sanction shall not exceed the 34482  
maximum jail term available for the offense for which the 34483  
sanction that was violated was imposed. The court may reduce the 34484  
longer period of time that the violator is required to spend 34485  
under the longer sanction or the more restrictive sanction 34486  
imposed under division (D) (2) of this section by all or part of 34487  
the time the violator successfully spent under the sanction that 34488  
was initially imposed. 34489

(E) Except as otherwise provided in this division, if an 34490  
offender, for a significant period of time, fulfills the 34491  
conditions of a community control sanction imposed pursuant to 34492

section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 34493  
exemplary manner, the court may reduce the period of time under 34494  
the community control sanction or impose a less restrictive 34495  
community control sanction. Fulfilling the conditions of a 34496  
community control sanction does not relieve the offender of a 34497  
duty to make restitution under section 2929.28 of the Revised 34498  
Code. 34499

(F) A court shall not, under division (A) (1) of this 34500  
section, impose a condition of release under a community control 34501  
sanction that requires an offender who has pleaded guilty by 34502  
entering an Alford plea to otherwise admit guilt for the 34503  
offense. 34504

**Sec. 2949.12.** (A) Unless the execution of sentence is 34505  
suspended~~or~~, the convicted felon has less than thirty days to 34506  
serve in prison and the department of rehabilitation and 34507  
correction, the county sheriff, and the court agree otherwise, 34508  
or the convicted felon is under eighteen years of age, a 34509  
convicted felon who is sentenced to serve a term of imprisonment 34510  
in a state correctional institution shall be conveyed, within 34511  
five days after sentencing, excluding Saturdays, Sundays, and 34512  
legal holidays, by the sheriff of the county in which the 34513  
conviction was had to the facility that is designated by the 34514  
department of rehabilitation and correction for the reception of 34515  
convicted felons. The sheriff shall deliver the convicted felon 34516  
into the custody of the managing officer of the reception 34517  
facility and, at that time, unless the department and the 34518  
sheriff have agreed to electronically processed prisoner 34519  
commitment, shall present the managing officer with a copy of 34520  
the convicted felon's sentence that clearly describes each 34521  
offense for which the felon was sentenced to a correctional 34522  
institution, designates each section of the Revised Code that 34523

the felon violated and that resulted in the felon's conviction 34524  
and sentence to a correctional institution, designates the 34525  
sentence imposed for each offense for which the felon was 34526  
sentenced to a correctional institution, and, pursuant to 34527  
section 2967.191 of the Revised Code, specifies the total number 34528  
of days, if any, that the felon was confined for any reason 34529  
prior to conviction and sentence. The sheriff, at that time, 34530  
also shall present the managing officer with a copy of the 34531  
indictment. The clerk of the court of common pleas shall furnish 34532  
the copies of the sentence and indictment. ~~In the case of a~~ 34533  
~~person under the age of eighteen years who is certified to the~~ 34534  
~~court of common pleas by the juvenile court, the clerk of the~~ 34535  
~~court of common pleas also shall attach a copy of the~~ 34536  
~~certification to the copy of the indictment.~~ 34537

The convicted felon shall be assigned to an institution or 34538  
designated to be housed in a county, multicounty, municipal, 34539  
municipal-county, or multicounty-municipal jail or workhouse, if 34540  
authorized pursuant to section 5120.161 of the Revised Code, 34541  
shall be conveyed to the institution, jail, or workhouse, and 34542  
shall be kept within the institution, jail, or workhouse until 34543  
the term of the felon's imprisonment expires, the felon is 34544  
pardoned, paroled, or placed under a post-release control 34545  
sanction, or the felon is transferred under laws permitting the 34546  
transfer of prisoners. If the execution of the felon's sentence 34547  
is suspended, and the judgment thereafter affirmed, the felon 34548  
shall be conveyed, in the same manner as if the execution of the 34549  
felon's sentence had not been suspended, to the reception 34550  
facility as soon as practicable after the judge directs the 34551  
execution of sentence. The trial judge or other judge of the 34552  
court, in the judge's discretion and for good cause shown, may 34553  
extend the time of the conveyance. 34554

(B) (1) A convicted felon who is under eighteen years old 34555  
at the execution of sentence shall be committed to the 34556  
department of youth services and assigned to an institution 34557  
within the department of youth services and, within five days 34558  
after sentencing, excluding Saturdays, Sundays, and legal 34559  
holidays, the sheriff of the county in which the conviction was 34560  
had shall deliver the felon to the facility designated by the 34561  
department of youth services. The sheriff, at that time, shall 34562  
present the managing officer with a copy of the sentence, a copy 34563  
of the indictment, and a copy of the certification from the 34564  
juvenile court to the court of common pleas. The convicted felon 34565  
shall be held in the institution operated by the department of 34566  
youth services until the felon is eighteen years of age, until 34567  
the term of the felon's imprisonment expires, until the felon is 34568  
pardoned, paroled, or placed under a post-release control 34569  
sanction, or until the felon is transferred under laws 34570  
permitting the transfer of prisoners. 34571

(2) A convicted felon who is committed to the department 34572  
of youth services under division (B) (1) of this section shall be 34573  
transferred to the department of rehabilitation and correction 34574  
and committed to an institution under division (A) of this 34575  
section for the remainder of the felon's sentence when the felon 34576  
attains the age of eighteen or when the felon, because of a rule 34577  
violation or violations, is determined by the department of 34578  
youth services to a danger to self or others. At the time of a 34579  
transfer under division (B) (2) of this section, the sheriff 34580  
shall present the managing officer with a copy of the sentence, 34581  
a copy of the indictment, and a copy of the certification from 34582  
the juvenile court to the court of common pleas. 34583

**Sec. 2949.22.** (A) Except as provided in division (C) of 34584  
this section, a death sentence shall be executed by causing the 34585

application to the person, upon whom the sentence was imposed, 34586  
of a lethal injection of a drug or combination of drugs of 34587  
sufficient dosage to quickly and painlessly cause death. The 34588  
application of the drug or combination of drugs shall be 34589  
continued until the person is dead. The warden of the 34590  
correctional institution in which the sentence is to be executed 34591  
or another person selected by the director of rehabilitation and 34592  
correction shall ensure that the death sentence is executed. 34593

(B) A death sentence shall be executed within the walls of 34594  
the state correctional institution designated by the director of 34595  
rehabilitation and correction as the location for executions, 34596  
within an enclosure to be prepared for that purpose, under the 34597  
direction of the warden of the institution or, in the warden's 34598  
absence, a deputy warden, and on the day designated by the judge 34599  
passing sentence or otherwise designated by a court in the 34600  
course of any appellate or postconviction proceedings. The 34601  
enclosure shall exclude public view. 34602

(C) If a person is sentenced to death, and if the 34603  
execution of a death sentence by lethal injection has been 34604  
determined to be unconstitutional, the death sentence shall be 34605  
executed by using any different manner of execution prescribed 34606  
by law subsequent to ~~the effective date of this~~ 34607  
~~amendment~~ November 21, 2001, instead of by causing the 34608  
application to the person of a lethal injection of a drug or 34609  
combination of drugs of sufficient dosage to quickly and 34610  
painlessly cause death, provided that the subsequently 34611  
prescribed different manner of execution has not been determined 34612  
to be unconstitutional. The use of the subsequently prescribed 34613  
different manner of execution shall be continued until the 34614  
person is dead. The warden of the state correctional institution 34615  
in which the sentence is to be executed or another person 34616

selected by the director of rehabilitation and correction shall 34617  
ensure that the sentence of death is executed. 34618

(D) No change in the law made by the amendment to this 34619  
section that took effect on October 1, 1993, or by this 34620  
amendment constitutes a declaration by or belief of the general 34621  
assembly that execution of a death sentence by electrocution is 34622  
a cruel and unusual punishment proscribed by the Ohio 34623  
Constitution or the United States Constitution. 34624

(E) The department of rehabilitation and correction shall 34625  
make every effort to acquire lethal injection drugs in 34626  
collaboration with the United States attorney general, and, 34627  
beginning on the effective date of this amendment, shall make a 34628  
biannual report to the general assembly regarding the status of 34629  
those efforts. 34630

**Sec. 2953.32.** (A) (1) Sections 2953.32 ~~to~~ and 2953.34 of 34631  
the Revised Code do not apply to any of the following: 34632

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 34633  
or 4549. of the Revised Code, or a conviction for a violation of 34634  
a municipal ordinance that is substantially similar to any 34635  
section contained in any of those chapters; 34636

(b) Convictions of a felony offense of violence that is 34637  
not a sexually oriented offense; 34638

(c) Convictions of a sexually oriented offense when the 34639  
offender is subject to the requirements of Chapter 2950. of the 34640  
Revised Code or Chapter 2950. of the Revised Code as it existed 34641  
prior to January 1, 2008; 34642

(d) Convictions of an offense in circumstances in which 34643  
the victim of the offense was less than thirteen years of age, 34644  
except for convictions under section 2919.21 of the Revised 34645

Code;	34646
(e) Convictions for a violation of section 2921.41 of the Revised Code;	34647 34648
(f) Convictions of a felony of the first or second degree;	34649
(g) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the first or second degree or convictions for a violation of a municipal ordinance that is substantially similar to that section;	34650 34651 34652 34653
(h) Convictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions.	34654 34655 34656 34657 34658
(2) Sections 2953.32 to 2953.34 of the Revised Code apply to the following for purposes of sealing, but not for purposes of expungement of the record of the case:	34659 34660 34661
(a) Convictions for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the third or fourth degree or convictions for a violation of a municipal ordinance that is substantially similar to that section;	34662 34663 34664 34665
(b) Convictions for a violation of section 2919.27 of the Revised Code or convictions for a violation of a municipal ordinance that is substantially similar to that section.	34666 34667 34668
(3) For purposes of division (A) (1) (h) of this section, both of the following apply:	34669 34670
(a) When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction.	34671 34672 34673



(b) When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (D) (1) (i) of this section that it is not in the public interest for the two or three convictions to be counted as one conviction.

(B) (1) Except as provided in section 2953.61 of the Revised Code or as otherwise provided in division (B) (1) (a) (iii) of this section, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing or expungement of the record of the case that pertains to the conviction, except for convictions listed in division (A) (1) of this section. Application may be made at whichever of the following times is applicable regarding the offense:

(a) An application for sealing under this section may be made at whichever of the following times is applicable regarding the offense:

(i) Except as otherwise provided in division (B) (1) (a) (iv) of this section, at the expiration of three years after the offender's final discharge if convicted of one or two felonies of the third degree, so long as none of the offenses is a violation of section 2921.43 of the Revised Code;

(ii) Except as otherwise provided in division (B) (1) (a) (iv) of this section, at the expiration of one year after the

offender's final discharge if convicted of one or more felonies 34704  
of the fourth or fifth degree or one or more misdemeanors, so 34705  
long as none of the offenses is a violation of section 2921.43 34706  
of the Revised Code or a felony offense of violence; 34707

(iii) At the expiration of seven years after the 34708  
offender's final discharge if the record includes one or more 34709  
convictions of soliciting improper compensation in violation of 34710  
section 2921.43 of the Revised Code; 34711

(iv) If the offender was subject to the requirements of 34712  
Chapter 2950. of the Revised Code or Chapter 2950. of the 34713  
Revised Code as it existed prior to January 1, 2008, at the 34714  
expiration of five years after the requirements have ended under 34715  
section 2950.07 of the Revised Code or section 2950.07 of the 34716  
Revised Code as it existed prior to January 1, 2008, or are 34717  
terminated under section 2950.15 or 2950.151 of the Revised 34718  
Code; 34719

(v) At the expiration of six months after the offender's 34720  
final discharge if convicted of a minor misdemeanor. 34721

(b) An application for expungement under this section may 34722  
be made at whichever of the following times is applicable 34723  
regarding the offense: 34724

(i) Except as otherwise provided in division (B) (1) (b) (ii) 34725  
of this section, if the offense is a misdemeanor, at the 34726  
expiration of one year after the offender's final discharge; 34727

(ii) If the offense is a minor misdemeanor, at the 34728  
expiration of six months after the offender's final discharge; 34729

(iii) If the offense is a felony, at the expiration of ten 34730  
years after the time specified in division (B) (1) (a) of this 34731  
section at which the person may file an application for sealing 34732

with respect to that felony offense. 34733

(2) Any person who has been arrested for any misdemeanor 34734  
offense and who has effected a bail forfeiture for the offense 34735  
charged may apply to the court in which the misdemeanor criminal 34736  
case was pending when bail was forfeited for the sealing or 34737  
expungement of the record of the case that pertains to the 34738  
charge. Except as provided in section 2953.61 of the Revised 34739  
Code, the application may be filed at whichever of the following 34740  
times is applicable regarding the offense: 34741

(a) An application for sealing under this section may be 34742  
made at any time after the date on which the bail forfeiture was 34743  
entered upon the minutes of the court or the journal, whichever 34744  
entry occurs first. 34745

(b) An application for expungement under this section may 34746  
be made at whichever of the following times is applicable 34747  
regarding the offense: 34748

(i) Except as provided in division (B) (2) (b) (ii) of this 34749  
section, at any time after the expiration of one year from the 34750  
date on which the bail forfeiture was entered upon the minutes 34751  
of the court or the journal, whichever entry occurs first; 34752

(ii) If the offense is a minor misdemeanor, at any time 34753  
after the expiration of six months from the date on which the 34754  
bail forfeiture was entered upon the minutes of the court or the 34755  
journal, whichever entry occurs first. 34756

(C) Upon the filing of an application under this section, 34757  
the court shall set a date for a hearing and shall notify the 34758  
prosecutor for the case of the hearing on the application not 34759  
less than sixty days prior to the hearing. Pursuant to the Ohio 34760  
Constitution, the prosecutor shall provide timely notice of the 34761

application and the date and time of the hearing to a victim and 34762  
victim's representative, if applicable, if the victim or 34763  
victim's representative requested notice of the proceedings in 34764  
the underlying case. The court shall hold the hearing not less 34765  
than forty-five days and not more than ninety days from the date 34766  
of the filing of the application. The prosecutor may object to 34767  
the granting of the application by filing a written objection 34768  
with the court not later than thirty days prior to the date set 34769  
for the hearing. The prosecutor shall specify in the objection 34770  
the reasons for believing a denial of the application is 34771  
justified. The victim, victim's representative, and victim's 34772  
attorney, if applicable, may be present and heard orally, in 34773  
writing, or both at any hearing under this section. The court 34774  
shall direct its regular probation officer, a state probation 34775  
officer, or the department of probation of the county in which 34776  
the applicant resides to make inquiries and written reports as 34777  
the court requires concerning the applicant. The probation 34778  
officer or county department of probation that the court directs 34779  
to make inquiries and written reports as the court requires 34780  
concerning the applicant shall determine whether or not the 34781  
applicant was fingerprinted at the time of arrest or under 34782  
section 109.60 of the Revised Code. If the applicant was so 34783  
fingerprinted, the probation officer or county department of 34784  
probation shall include with the written report a record of the 34785  
applicant's fingerprints. If the applicant was convicted of or 34786  
pleaded guilty to a violation of division (A) (2) or (B) of 34787  
section 2919.21 of the Revised Code, the probation officer or 34788  
county department of probation that the court directed to make 34789  
inquiries concerning the applicant shall contact the child 34790  
support enforcement agency enforcing the applicant's obligations 34791  
under the child support order to inquire about the offender's 34792  
compliance with the child support order. 34793

(D) (1) At the hearing held under division (C) of this section, the court shall do each of the following:

(a) Determine whether the applicant is pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, and determine whether the application was made at the time specified in division (B) (1) (a) or (b) or division (B) (2) (a) or (b) of this section that is applicable with respect to the application and the subject offense;

(b) Determine whether criminal proceedings are pending against the applicant;

(c) Determine whether the applicant has been rehabilitated to the satisfaction of the court;

(d) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(e) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;

(f) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged against the legitimate needs, if any, of the government to maintain those records;

(g) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;

(h) If the applicant was an eligible offender of the type

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described in division (A) (3) of section 2953.36 of the Revised Code as it existed prior to April 4, 2023, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:

- (i) The age of the offender;
- (ii) The facts and circumstances of the offense;
- (iii) The cessation or continuation of criminal behavior;
- (iv) The education and employment of the offender;
- (v) Any other circumstances that may relate to the offender's rehabilitation.

(i) If the court is required to determine whether an applicant for sealing or expungement has two or three convictions that result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, in making its determination, the court initially shall determine whether it is not in the public interest for the two or three convictions to be counted as one conviction. If the court determines that it is not in the public interest for the two or three convictions to be counted as one conviction, the court shall determine whether, when counting the convictions individually, the applicant is pursuing sealing or expunging a conviction that is prohibited under division (A) of this section.

(2) If the court determines, after complying with division (D) (1) of this section, that the offender is not pursuing

sealing or expunging a conviction of an offense that is 34851  
prohibited under division (A) of this section or that the 34852  
forfeiture of bail was agreed to by the applicant and the 34853  
prosecutor in the case, that the application was made at the 34854  
time specified in division (B) (1) (a) or (b) or division (B) (2) 34855  
(a) or (b) of this section that is applicable with respect to 34856  
the application and the subject offense, that no criminal 34857  
proceeding is pending against the applicant, that the interests 34858  
of the applicant in having the records pertaining to the 34859  
applicant's conviction or bail forfeiture sealed or expunged are 34860  
not outweighed by any legitimate governmental needs to maintain 34861  
those records, and that the rehabilitation of the applicant has 34862  
been attained to the satisfaction of the court, both of the 34863  
following apply: 34864

(a) The court, except as provided in division (D) (4) or 34865  
(5) of this section or division (D), (F), or (G) of section 34866  
2953.34 of the Revised Code, shall order all official records of 34867  
the case that pertain to the conviction or bail forfeiture 34868  
sealed if the application was for sealing or expunged if the 34869  
application was for expungement and, except as provided in 34870  
division (C) of section 2953.34 of the Revised Code, all index 34871  
references to the case that pertain to the conviction or bail 34872  
forfeiture deleted and, in the case of bail forfeitures, shall 34873  
dismiss the charges in the case. 34874

(b) The proceedings in the case that pertain to the 34875  
conviction or bail forfeiture shall be considered not to have 34876  
occurred and the conviction or bail forfeiture of the person who 34877  
is the subject of the proceedings shall be sealed if the 34878  
application was for sealing or expunged if the application was 34879  
for expungement, except that upon conviction of a subsequent 34880  
offense, a sealed record of prior conviction or bail forfeiture 34881

may be considered by the court in determining the sentence or 34882  
other appropriate disposition, including the relief provided for 34883  
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 34884

(3) An applicant may request the sealing or expungement of 34885  
the records of more than one case in a single application under 34886  
this section. Upon the filing of an application under this 34887  
section, the applicant, unless the applicant presents a poverty 34888  
affidavit showing that the applicant is indigent, shall pay an 34889  
application fee of fifty dollars and may pay a local court fee 34890  
of not more than fifty dollars, regardless of the number of 34891  
records the application requests to have sealed or expunged. If 34892  
the applicant pays a fee, the court shall pay three-fifths of 34893  
the fee collected into the state treasury, with half of that 34894  
amount credited to the attorney general reimbursement fund 34895  
created by section 109.11 of the Revised Code. If the applicant 34896  
pays a fee, the court shall pay two-fifths of the fee collected 34897  
into the county general revenue fund if the sealed or expunged 34898  
conviction or bail forfeiture was pursuant to a state statute, 34899  
or into the general revenue fund of the municipal corporation 34900  
involved if the sealed or expunged conviction or bail forfeiture 34901  
was pursuant to a municipal ordinance. 34902

(4) If the court orders the official records pertaining to 34903  
the case sealed or expunged, the court shall do one of the 34904  
following: 34905

(a) If the applicant was fingerprinted at the time of 34906  
arrest or under section 109.60 of the Revised Code and the 34907  
record of the applicant's fingerprints was provided to the court 34908  
under division (C) of this section, forward a copy of the 34909  
sealing or expungement order and the record of the applicant's 34910  
fingerprints to the bureau of criminal identification and 34911



investigation. 34912

(b) If the applicant was not fingerprinted at the time of 34913  
arrest or under section 109.60 of the Revised Code, or the 34914  
record of the applicant's fingerprints was not provided to the 34915  
court under division (C) of this section, but fingerprinting was 34916  
required for the offense, order the applicant to appear before a 34917  
sheriff to have the applicant's fingerprints taken according to 34918  
the fingerprint system of identification on the forms furnished 34919  
by the superintendent of the bureau of criminal identification 34920  
and investigation. The sheriff shall forward the applicant's 34921  
fingerprints to the court. The court shall forward the 34922  
applicant's fingerprints and a copy of the sealing or 34923  
expungement order to the bureau of criminal identification and 34924  
investigation. 34925

Failure of the court to order fingerprints at the time of 34926  
sealing or expungement does not constitute a reversible error. 34927

(5) Notwithstanding any other provision of the Revised 34928  
Code to the contrary, when the bureau of criminal identification 34929  
and investigation receives notice from a court that the record 34930  
of a conviction or bail forfeiture has been expunged under this 34931  
section, the bureau of criminal identification and investigation 34932  
shall maintain a record of the expunged conviction record for 34933  
the limited purpose of determining an individual's qualification 34934  
or disqualification for employment in law enforcement. The 34935  
bureau of criminal identification and investigation shall not be 34936  
compelled by the court to destroy, delete, or erase those 34937  
records so that the records are permanently irretrievable. These 34938  
records may only be disclosed or provided to law enforcement for 34939  
the limited purpose of determining an individual's qualification 34940  
or disqualification for employment in law enforcement. 34941

When any other entity other than the bureau of criminal 34942  
identification and investigation receives notice from a court 34943  
that the record of a conviction or bail forfeiture has been 34944  
expunged under this section, the entity shall destroy, delete, 34945  
and erase the record as appropriate for the record's physical or 34946  
electronic form or characteristic so that the record is 34947  
permanently irretrievable. 34948

**Sec. 2967.12.** (A) Except as provided in division (G) of 34949  
this section, at least sixty days before the adult parole 34950  
authority recommends any pardon or commutation of sentence, or 34951  
grants any parole, the authority shall provide a notice of the 34952  
pendency of the pardon, commutation, or parole, setting forth 34953  
the name of the person on whose behalf it is made, the offense 34954  
of which the person was convicted or to which the person pleaded 34955  
guilty, the time of conviction or the guilty plea, and the term 34956  
of the person's sentence, to the prosecuting attorney and the 34957  
judge of the court of common pleas of the county in which the 34958  
indictment against the person was found. If there is more than 34959  
one judge of that court of common pleas, the authority shall 34960  
provide the notice to the presiding judge. Upon the request of 34961  
the prosecuting attorney or of any law enforcement agency, the 34962  
authority shall provide to the requesting prosecuting attorney 34963  
and law enforcement agencies an institutional summary report 34964  
that covers the subject person's participation while confined in 34965  
a state correctional institution in training, work, and other 34966  
rehabilitative activities and any disciplinary action taken 34967  
against the person while so confined. The department of 34968  
rehabilitation and correction may utilize electronic means to 34969  
provide this notice. The department of rehabilitation and 34970  
correction, at the same time that it provides the notice to the 34971  
prosecuting attorney and judge under this division, also shall 34972

post on the database it maintains pursuant to section 5120.66 of 34973  
the Revised Code the offender's name and all of the information 34974  
specified in division (A) (1) (c) (iii) of that section. 34975

(B) If a request for notification has been made pursuant 34976  
to section 2930.16 of the Revised Code or if division (H) of 34977  
this section applies, the office of victim services or the adult 34978  
parole authority also shall provide notice to the victim or the 34979  
victim's representative at least sixty days prior to 34980  
recommending any pardon or commutation of sentence for, or 34981  
granting any parole to, the person. The notice shall include the 34982  
information required by division (A) of this section and may be 34983  
provided by telephone or through electronic means. The notice 34984  
also shall inform the victim or the victim's representative that 34985  
the victim or representative may send a written statement 34986  
relative to the victimization and the pending action to the 34987  
adult parole authority and that, if the authority receives any 34988  
written statement prior to recommending a pardon or commutation 34989  
or granting a parole for a person, the authority will consider 34990  
the statement before it recommends a pardon or commutation or 34991  
grants a parole. All written and oral statements provided by a 34992  
victim or victim's representative to the department of 34993  
rehabilitation and correction in connection with the pendency of 34994  
any pardon, commutation, or parole are confidential and 34995  
privileged and are not subject to subpoena or discovery, 34996  
admissible in evidence in any action, or public records under 34997  
section 149.43 of the Revised Code. 34998

If the person is being considered for parole, the notice 34999  
shall inform the victim or the victim's representative that a 35000  
full board hearing of the parole board may be held and that the 35001  
victim or victim's representative may contact the office of 35002  
victims' services for further information. If the person being 35003

considered for parole was convicted of or pleaded guilty to a 35004  
violation of section 2903.01 or 2903.02 of the Revised Code, an 35005  
offense of violence that is a felony of the first, second, or 35006  
third degree, or an offense punished by a sentence of life 35007  
imprisonment, the notice shall inform the victim of that 35008  
offense, the victim's representative, or a member of the 35009  
victim's immediate family that the victim, the victim's 35010  
representative, and the victim's immediate family have the right 35011  
to give testimony at a full board hearing of the parole board 35012  
and that the victim or victim's representative may contact the 35013  
office of victims' services for further information. 35014

(C) When notice of the pendency of any pardon, commutation 35015  
of sentence, or parole has been provided to a judge or 35016  
prosecutor or posted on the database as required in division (A) 35017  
of this section and a hearing on the pardon, commutation, or 35018  
parole is continued to a date certain, the authority shall 35019  
provide notice of the further consideration of the pardon, 35020  
commutation, or parole at least sixty days before the further 35021  
consideration. The notice of the further consideration shall be 35022  
provided to the proper judge and prosecuting attorney at least 35023  
sixty days before the further consideration, and may be provided 35024  
using electronic means, and, if the initial notice was posted on 35025  
the database as provided in division (A) of this section, the 35026  
notice of the further consideration shall be posted on the 35027  
database at least sixty days before the further consideration. 35028  
If the prosecuting attorney or a law enforcement agency was 35029  
provided a copy of the institutional summary report relative to 35030  
the subject person under division (A) of this section, the 35031  
authority shall include with the notice of the further 35032  
consideration sent to the prosecuting attorney any new 35033  
information with respect to the person that relates to 35034

activities and actions of the person that are of a type covered 35035  
by the report and shall send to the law enforcement agency a 35036  
report that provides notice of the further consideration and 35037  
includes any such new information with respect to the person. 35038  
When notice of the pendency of any pardon, commutation, or 35039  
parole has been given as provided in division (B) of this 35040  
section and the hearing on it is continued to a date certain, 35041  
the authority shall give notice of the further consideration to 35042  
the victim or the victim's representative in accordance with 35043  
section 2930.03 of the Revised Code. 35044

(D) In case of an application for the pardon or 35045  
commutation of sentence of a person sentenced to capital 35046  
punishment, the governor may modify the requirements of 35047  
notification and publication if there is not sufficient time for 35048  
compliance with the requirements before the date fixed for the 35049  
execution of sentence. 35050

(E) If an offender is serving a prison term imposed under 35051  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 35052  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 35053  
Code and if the parole board terminates its control over the 35054  
offender's service of that term pursuant to section 2971.04 of 35055  
the Revised Code, the parole board immediately shall provide 35056  
written notice of its termination of control or the transfer of 35057  
control to the entities and persons specified in section 2971.04 35058  
of the Revised Code. 35059

(F) The failure of the adult parole authority to comply 35060  
with the notice or posting provisions of division (A), (B), or 35061  
(C) of this section or the failure of the parole board to comply 35062  
with the notice provisions of division (E) of this section do 35063  
not give any rights or any grounds for appeal or post-conviction 35064

relief to the person serving the sentence. 35065

(G) Divisions (A), (B), and (C) of this section do not 35066  
apply to any release of a person that is of the type described 35067  
in division (B) (2) (b) of section 5120.031 of the Revised Code. 35068

(H) If a defendant is incarcerated for the commission of 35069  
aggravated murder, murder, or an offense of violence that is a 35070  
felony of the first, second, or third degree or is under a 35071  
sentence of life imprisonment, except as otherwise provided in 35072  
this division, the notice described in division (B) of this 35073  
section shall be given to the victim or victim's representative 35074  
regardless of whether the victim or victim's representative has 35075  
made a request for notification. The notice described in 35076  
division (B) of this section shall not be given under this 35077  
division to a victim or victim's representative if the victim or 35078  
victim's representative has requested pursuant to division (B) 35079  
(2) of section 2930.03 of the Revised Code that the victim or 35080  
the victim's representative not be provided the notice. The 35081  
notice described in division (B) of this section does not have 35082  
to be given under this division to a victim or victim's 35083  
representative if notice was given to the victim or victim's 35084  
representative with respect to at least two prior considerations 35085  
of pardon, commutation, or parole of a person and the victim or 35086  
victim's representative did not provide any written statement 35087  
relative to the victimization and the pending action, did not 35088  
attend any hearing conducted relative to the pending action, and 35089  
did not otherwise respond to the office with respect to the 35090  
pending action. Regardless of whether the victim or victim's 35091  
representative has requested that the notice described in 35092  
division (B) of this section be provided or not be provided, the 35093  
office of victim services or adult parole authority shall give 35094  
similar notice to the law enforcement agency that arrested the 35095

defendant if any officer of that agency was a victim of the 35096  
offense and to any member of the victim's immediate family who 35097  
requests notification. If notice is to be given under this 35098  
division, the office or authority may give the notice by any 35099  
reasonable means, including regular mail, telephone, and 35100  
electronic mail, in accordance with division (D) (1) of section 35101  
2930.16 of the Revised Code. If the notice is based on an 35102  
offense committed prior to March 22, 2013, the notice to the 35103  
victim or victim's representative also shall include the opt-out 35104  
information described in division (D) (1) of section 2930.16 of 35105  
the Revised Code. The office or authority, in accordance with 35106  
division (D) (2) of section 2930.16 of the Revised Code, shall 35107  
keep a record of all attempts to provide the notice, and of all 35108  
notices provided, under this division. 35109

Division (H) of this section, and the notice-related 35110  
provisions of divisions (E) (2) and (K) of section 2929.20, 35111  
division (D) (1) of section 2930.16, division (E) (1) (b) of 35112  
section 2967.19 as it existed prior to ~~the effective date of~~ 35113  
~~this amendment~~ April 4, 2023, division (A) (3) (b) of section 35114  
2967.26, division (D) (1) of section 2967.28, and division (A) (2) 35115  
of section 5149.101 of the Revised Code enacted in the act in 35116  
which division (H) of this section was enacted, shall be known 35117  
as "Roberta's Law." 35118

(I) In addition to and independent of the right of a 35119  
victim to make a statement as described in division (A) of this 35120  
section or pursuant to section 2930.17 of the Revised Code or to 35121  
otherwise make a statement, the authority for a judge or 35122  
prosecuting attorney to furnish statements and information, make 35123  
recommendations, and give testimony as described in division (A) 35124  
of this section, the right of a prosecuting attorney, judge, or 35125  
victim to give testimony or submit a statement at a full parole 35126

board hearing pursuant to section 5149.101 of the Revised Code, 35127  
and any other right or duty of a person to present information 35128  
or make a statement, any person may send to the adult parole 35129  
authority at any time prior to the authority's recommending a 35130  
pardon or commutation or granting a parole for the offender a 35131  
written statement relative to the offense and the pending 35132  
action. 35133

(J) As used in this section, "victim's immediate family" 35134  
means the mother, father, spouse, sibling, or child of the 35135  
victim, provided that in no case does "victim's immediate 35136  
family" include the offender with respect to whom the notice in 35137  
question applies. 35138

**Sec. 2967.28.** (A) As used in this section: 35139

(1) "Monitored time" means the monitored time sanction 35140  
specified in section 2929.17 and defined in section 2929.01 of 35141  
the Revised Code. 35142

(2) "Deadly weapon" and "dangerous ordnance" have the same 35143  
meanings as in section 2923.11 of the Revised Code. 35144

(3) "Felony sex offense" means a violation of a section 35145  
contained in Chapter 2907. of the Revised Code that is a felony. 35146

(4) "Risk reduction sentence" means a prison term imposed 35147  
by a court, when the court recommends pursuant to section 35148  
2929.143 of the Revised Code that the offender serve the 35149  
sentence under section 5120.036 of the Revised Code, and the 35150  
offender may potentially be released from imprisonment prior to 35151  
the expiration of the prison term if the offender successfully 35152  
completes all assessment and treatment or programming required 35153  
by the department of rehabilitation and correction under section 35154  
5120.036 of the Revised Code. 35155



(5) "Victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code. 35156  
35157

(6) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code. 35158  
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(7) "Single validated risk assessment tool" means the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code. 35160  
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(B) Each sentence to a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. For post-release control to be imposed, the offender must be committed to the department of rehabilitation and correction as set forth in section 5120.16 of the Revised Code. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B) (2) (d) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under this division. This division applies with respect to all prison terms 35164  
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of a type described in this division, including a non-life 35186  
felony indefinite prison term. Section 2929.191 of the Revised 35187  
Code applies if, prior to July 11, 2006, a court imposed a 35188  
sentence including a prison term of a type described in this 35189  
division and failed to notify the offender pursuant to division 35190  
(B) (2) (d) of section 2929.19 of the Revised Code regarding post- 35191  
release control or to include in the judgment of conviction 35192  
entered on the journal or in the sentence pursuant to division 35193  
(D) (1) of section 2929.14 of the Revised Code a statement 35194  
regarding post-release control. Unless reduced by the parole 35195  
board pursuant to division (D) of this section when authorized 35196  
under that division, a period of post-release control required 35197  
by this division for an offender shall be of one of the 35198  
following periods: 35199

(1) For a felony sex offense, five years; 35200

(2) For a felony of the first degree that is not a felony 35201  
sex offense, up to five years, but not less than two years; 35202

(3) For a felony of the second degree that is not a felony 35203  
sex offense, up to three years, but not less than eighteen 35204  
months; 35205

(4) For a felony of the third degree that is an offense of 35206  
violence and is not a felony sex offense, up to three years, but 35207  
not less than one year. 35208

(C) Any sentence to a prison term for a felony of the 35209  
third, fourth, or fifth degree that is not subject to division 35210  
(B) (1) or (4) of this section shall include a requirement that 35211  
the offender be subject to a period of post-release control of 35212  
up to two years after the offender's release from imprisonment, 35213  
if the parole board, in accordance with division (D) of this 35214

section, determines that a period of post-release control is 35215  
necessary for that offender. For post-release control to be 35216  
imposed, the offender must be committed to the department of 35217  
rehabilitation and correction as set forth in section 5120.16 of 35218  
the Revised Code. This division applies with respect to all 35219  
prison terms of a type described in this division, including a 35220  
term of any such type that is a risk reduction sentence. Section 35221  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 35222  
a court imposed a sentence including a prison term of a type 35223  
described in this division and failed to notify the offender 35224  
pursuant to division (B) (2) (e) of section 2929.19 of the Revised 35225  
Code regarding post-release control or to include in the 35226  
judgment of conviction entered on the journal or in the sentence 35227  
pursuant to division (D) (2) of section 2929.14 of the Revised 35228  
Code a statement regarding post-release control. Pursuant to an 35229  
agreement entered into under section 2967.29 of the Revised 35230  
Code, a court of common pleas or parole board may impose 35231  
sanctions or conditions on an offender who is placed on post- 35232  
release control under this division. 35233

(D) (1) Before the prisoner is released from imprisonment, 35234  
the parole board or, pursuant to an agreement under section 35235  
2967.29 of the Revised Code, the court shall impose on a 35236  
prisoner described in division (B) of this section, shall impose 35237  
on a prisoner described in division (C) of this section who is 35238  
to be released before the expiration of the prisoner's stated 35239  
prison term under a risk reduction sentence, may impose on a 35240  
prisoner described in division (C) of this section who is not to 35241  
be released before the expiration of the prisoner's stated 35242  
prison term under a risk reduction sentence, and shall impose on 35243  
a prisoner described in division (B) (2) (b) of section 5120.031 35244  
or in division (B) (1) of section 5120.032 of the Revised Code, 35245

one or more post-release control sanctions to apply during the 35246  
prisoner's period of post-release control. Whenever the board or 35247  
court imposes one or more post-release control sanctions on a 35248  
prisoner, the board or court, in addition to imposing the 35249  
sanctions, also shall include as a condition of the post-release 35250  
control that the offender not leave the state without permission 35251  
of the court or the offender's parole or probation officer and 35252  
that the offender abide by the law. The board or court may 35253  
impose any other conditions of release under a post-release 35254  
control sanction that the board or court considers appropriate, 35255  
and the conditions of release may include any community 35256  
residential sanction, community nonresidential sanction, or 35257  
financial sanction that the sentencing court was authorized to 35258  
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 35259  
Revised Code. Prior to the release of a prisoner for whom it 35260  
will impose one or more post-release control sanctions under 35261  
this division, the parole board or court shall review the 35262  
prisoner's criminal history, results from the single validated 35263  
risk assessment tool, and the record of the prisoner's conduct 35264  
while imprisoned. The parole board or court shall consider any 35265  
recommendation regarding post-release control sanctions for the 35266  
prisoner made by the office of victims' services. After 35267  
considering those materials, the board or court shall determine, 35268  
for a prisoner described in division (B) of this section, 35269  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 35270  
section 5120.032 of the Revised Code and for a prisoner 35271  
described in division (C) of this section who is to be released 35272  
before the expiration of the prisoner's stated prison term under 35273  
a risk reduction sentence, which post-release control sanction 35274  
or combination of post-release control sanctions is reasonable 35275  
under the circumstances or, for a prisoner described in division 35276  
(C) of this section who is not to be released before the 35277

expiration of the prisoner's stated prison term under a risk 35278  
reduction sentence, whether a post-release control sanction is 35279  
necessary and, if so, which post-release control sanction or 35280  
combination of post-release control sanctions is reasonable 35281  
under the circumstances. In the case of a prisoner convicted of 35282  
a felony of the fourth or fifth degree other than a felony sex 35283  
offense, the board or court shall presume that monitored time is 35284  
the appropriate post-release control sanction unless the board 35285  
or court determines that a more restrictive sanction is 35286  
warranted. A post-release control sanction imposed under this 35287  
division takes effect upon the prisoner's release from 35288  
imprisonment. 35289

Regardless of whether the prisoner was sentenced to the 35290  
prison term prior to, on, or after July 11, 2006, prior to the 35291  
release of a prisoner for whom it will impose one or more post- 35292  
release control sanctions under this division, the parole board 35293  
shall notify the prisoner that, if the prisoner violates any 35294  
sanction so imposed or any condition of post-release control 35295  
described in division (B) of section 2967.131 of the Revised 35296  
Code that is imposed on the prisoner, the parole board may 35297  
impose a prison term of up to one-half of the stated prison term 35298  
originally imposed on the prisoner. 35299

At least thirty days before the prisoner is released from 35300  
imprisonment under post-release control, except as otherwise 35301  
provided in this paragraph, the department of rehabilitation and 35302  
correction shall notify the victim and the victim's immediate 35303  
family of the date on which the prisoner will be released, the 35304  
period for which the prisoner will be under post-release control 35305  
supervision, and the terms and conditions of the prisoner's 35306  
post-release control regardless of whether the victim or 35307  
victim's immediate family has requested the notification. The 35308

notice described in this paragraph shall not be given to a 35309  
victim or victim's immediate family if the victim or the 35310  
victim's immediate family has requested pursuant to division (B) 35311  
(2) of section 2930.03 of the Revised Code that the notice not 35312  
be provided to the victim or the victim's immediate family. At 35313  
least thirty days before the prisoner is released from 35314  
imprisonment and regardless of whether the victim or victim's 35315  
immediate family has requested that the notice described in this 35316  
paragraph be provided or not be provided to the victim or the 35317  
victim's immediate family, the department also shall provide 35318  
notice of that nature to the prosecuting attorney in the case 35319  
and the law enforcement agency that arrested the prisoner if any 35320  
officer of that agency was a victim of the offense. 35321

If the notice given under the preceding paragraph to the 35322  
victim or the victim's immediate family is based on an offense 35323  
committed prior to March 22, 2013, and if the department of 35324  
rehabilitation and correction has not previously successfully 35325  
provided any notice to the victim or the victim's immediate 35326  
family under division (B), (C), or (D) of section 2930.16 of the 35327  
Revised Code with respect to that offense and the offender who 35328  
committed it, the notice also shall inform the victim or the 35329  
victim's immediate family that the victim or the victim's 35330  
immediate family may request that the victim or the victim's 35331  
immediate family not be provided any further notices with 35332  
respect to that offense and the offender who committed it and 35333  
shall describe the procedure for making that request. The 35334  
department may give the notices to which the preceding paragraph 35335  
applies by any reasonable means, including regular mail, 35336  
telephone, and electronic mail. If the department attempts to 35337  
provide notice to any specified person under the preceding 35338  
paragraph but the attempt is unsuccessful because the department 35339

is unable to locate the specified person, is unable to provide 35340  
the notice by its chosen method because it cannot determine the 35341  
mailing address, electronic mail address, or telephone number at 35342  
which to provide the notice, or, if the notice is sent by mail, 35343  
the notice is returned, the department shall make another 35344  
attempt to provide the notice to the specified person. If the 35345  
second attempt is unsuccessful, the department shall make at 35346  
least one more attempt to provide the notice. If the notice is 35347  
based on an offense committed prior to March 22, 2013, in each 35348  
attempt to provide the notice to the victim or victim's 35349  
immediate family, the notice shall include the opt-out 35350  
information described in this paragraph. The department, in the 35351  
manner described in division (D) (2) of section 2930.16 of the 35352  
Revised Code, shall keep a record of all attempts to provide the 35353  
notice, and of all notices provided, under this paragraph and 35354  
the preceding paragraph. The record shall be considered as if it 35355  
was kept under division (D) (2) of section 2930.16 of the Revised 35356  
Code. This paragraph, the preceding paragraph, and the notice- 35357  
related provisions of divisions (E) (2) and (K) of section 35358  
2929.20, division (D) (1) of section 2930.16, division (H) of 35359  
section 2967.12, division (E) (1) (b) of section 2967.19 as it 35360  
existed prior to ~~the effective date of this amendment~~ April 4, 35361  
2023, division (A) (3) (b) of section 2967.26, and division (A) (2) 35362  
of section 5149.101 of the Revised Code enacted in the act in 35363  
which this paragraph and the preceding paragraph were enacted, 35364  
shall be known as "Roberta's Law." 35365

(2) If a prisoner who is placed on post-release control 35366  
under this section is released before the expiration of the 35367  
definite term that is the prisoner's stated prison term or the 35368  
expiration of the minimum term that is part of the prisoner's 35369  
indefinite prison term imposed under a non-life felony 35370

indefinite prison term by reason of credit earned under section 35371  
2967.193 or 2967.194 or a reduction under division (F) of 35372  
section 2967.271 of the Revised Code and if the prisoner earned 35373  
sixty or more days of credit, the adult parole authority may 35374  
supervise the offender with an active global positioning system 35375  
device for the first fourteen days after the offender's release 35376  
from imprisonment. This division does not prohibit or limit the 35377  
imposition of any post-release control sanction otherwise 35378  
authorized by this section. 35379

(3) After a prisoner is released from imprisonment and 35380  
during the period of post-release control applicable to the 35381  
releasee, the adult parole authority or, pursuant to an 35382  
agreement under section 2967.29 of the Revised Code, the court 35383  
may review the releasee's behavior under the post-release 35384  
control sanctions imposed upon the releasee under this section. 35385  
The authority or court may determine, based upon the review and 35386  
in accordance with the standards established under division (E) 35387  
of this section, that the releasee has satisfactorily complied 35388  
with the sanctions imposed, and if such a determination is made, 35389  
the authority may recommend a less restrictive sanction, reduce 35390  
the period of post-release control, or, no sooner than the 35391  
minimum period of time required under section 2967.16 of the 35392  
Revised Code, recommend that the parole board or court terminate 35393  
the duration of the period of post-release control. In no case 35394  
shall the board or court reduce the duration of the period of 35395  
control imposed for a felony sex offense described in division 35396  
(B) (1) of this section. 35397

(4) The department of rehabilitation and correction shall 35398  
develop factors that the parole board or court shall consider in 35399  
determining under division (D) (3) of this section whether to 35400  
terminate the period of control imposed on a releasee. 35401



(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following:

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees;

(2) Establish standards that provide for a period of post-release control of up to two years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in reducing or terminating the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time on a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction on a releasee based on results from the single validated risk assessment tool and on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or

meeting the terms of other financial sanctions; 35432

(4) Establish standards to be used by the adult parole 35433  
authority in modifying a releasee's post-release control 35434  
sanctions pursuant to division (D)(2) of this section; 35435

(5) Establish standards to be used by the adult parole 35436  
authority or parole board in imposing further sanctions under 35437  
division (F) of this section on releasees who violate post- 35438  
release control sanctions, including standards that do the 35439  
following: 35440

(a) Classify violations according to the degree of 35441  
seriousness; 35442

(b) Define the circumstances under which formal action by 35443  
the parole board is warranted; 35444

(c) Govern the use of evidence at violation hearings; 35445

(d) Ensure procedural due process to an alleged violator; 35446

(e) Prescribe nonresidential community control sanctions 35447  
for most misdemeanor and technical violations; 35448

(f) Provide procedures for the return of a releasee to 35449  
imprisonment for violations of post-release control. 35450

(F)(1) Whenever the parole board imposes one or more post- 35451  
release control sanctions on an offender under this section, the 35452  
offender upon release from imprisonment shall be under the 35453  
general jurisdiction of the adult parole authority and generally 35454  
shall be supervised by the field services section through its 35455  
staff of parole and field officers as described in section 35456  
5149.04 of the Revised Code, as if the offender had been placed 35457  
on parole. If the offender upon release from imprisonment 35458  
violates the post-release control sanction or any conditions 35459

described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed on the releasee and that a more restrictive sanction is appropriate, the authority or court may impose a more restrictive sanction on the releasee, in accordance with the standards established under division (E) of this section or in accordance with the agreement made under section 2967.29 of the Revised Code, or may report the violation to the parole board for a hearing pursuant to division (F) (3) of this section. The authority or court may not, pursuant to this division, increase the duration of the releasee's post-release control or impose as a post-release control sanction a residential sanction that includes a prison term, but the authority or court may impose on the releasee any other residential sanction, nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a

hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. Except as otherwise provided in this division, if after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B) (2) (b) of section 2925.11 or a related provision of section 2925.12, 2925.14, or 2925.141 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense, as defined in that section, or violated section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code, the board or the court shall not impose any of the penalties described in this division based on the violation. When appropriate, the board or court may impose as a post-release control sanction a residential sanction that includes a prison term. The board or court shall consider a prison term as a post-release control sanction imposed for a violation of post-release control when the violation involves a deadly weapon or dangerous ordnance, physical harm or attempted serious physical harm to a person, or sexual misconduct. Unless a releasee's stated prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division shall not exceed nine months, and the maximum cumulative prison term for all violations under this division shall not exceed one-half of the definite prison term that was the stated prison term originally imposed on the offender as part of this sentence or, with

respect to a stated non-life felony indefinite prison term, one- 35523  
half of the minimum prison term that was imposed as part of that 35524  
stated prison term originally imposed on the offender. If a 35525  
releasee's stated prison term was reduced pursuant to section 35526  
5120.032 of the Revised Code, the period of a prison term that 35527  
is imposed as a post-release control sanction under this 35528  
division and the maximum cumulative prison term for all 35529  
violations under this division shall not exceed the period of 35530  
time not served in prison under the sentence imposed by the 35531  
court. The period of a prison term that is imposed as a post- 35532  
release control sanction under this division shall not count as, 35533  
or be credited toward, the remaining period of post-release 35534  
control. If, during the period of the releasee's post-release 35535  
control, the releasee serves as a post-release control sanction 35536  
the maximum prison time available as a sanction, the post- 35537  
release control shall terminate. 35538

If an offender is imprisoned for a felony committed while 35539  
under post-release control supervision and is again released on 35540  
post-release control for a period of time, the maximum 35541  
cumulative prison term for all violations under this division 35542  
shall not exceed one-half of the total stated prison terms of 35543  
the earlier felony, reduced by any prison term administratively 35544  
imposed by the parole board or court, plus one-half of the total 35545  
stated prison term of the new felony. 35546

(G) (1) If an offender is simultaneously subject to a 35547  
period of parole under an indefinite or life sentence and a 35548  
period of post-release control, or is simultaneously subject to 35549  
two periods of post-release control, the period of supervision 35550  
that expires last shall determine the length and form of 35551  
supervision for all the periods and the related sentences. 35552

(2) An offender shall receive credit for post-release control supervision during the period of parole, and shall not be eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.

(3) If the period of parole ends prior to the end of the period of post-release control, the requirements of parole supervision shall be satisfied during the post-release control period.

(H) (1) A period of post-release control shall not be imposed consecutively to any other post-release control period.

(2) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

**Sec. 2969.13.** All moneys that are collected pursuant to section 2929.32 of the Revised Code and required to be deposited in the crime victims recovery fund shall be credited ~~by the treasurer of state~~ to the fund. Any interest earned on the money in the fund shall be credited to the fund.

**Sec. 3101.08.** An ordained or licensed minister of any religious society or congregation within this state who is licensed to solemnize marriages, the governor or a former governor of this state, a judge of a county court in accordance with section 1907.18 of the Revised Code, a judge of a municipal court in accordance with section 1901.14 of the Revised Code, a

probate judge in accordance with section 2101.27 of the Revised Code, the mayor of a municipal corporation anywhere within this state, the superintendent of Ohio deaf and blind education services, or any religious society in conformity with the rules of its church, may join together as husband and wife any persons who are not prohibited by law from being joined in marriage.

**Sec. 3107.01.** As used in sections 3107.01 to 3107.20 of the Revised Code:

(A) "Adoption" means to create the legal relationship of parent and child between the petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and which do not expressly exclude an adopted person from their operation or effect.

(B) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

(C) "Attorney" means a person who has been admitted to the bar by order of the Ohio supreme court.

(D) "Best interest" means the factors a court uses to determine the best interest of a child as set forth in section 3107.161 of the Revised Code.

(E) "Child" means a son or daughter, whether by birth or by adoption.

(F) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered to grant petitions for adoption.

(G) "Date of placement" means the date on which a child is 35611  
living with the child's prospective adoptive parent and becomes 35612  
eligible for adoption pursuant to statutory authority, judgment 35613  
decree or court order, or as otherwise authorized by law. 35614

(H) "Foster caregiver" has the same meaning as in section 35615  
5103.02 of the Revised Code. 35616

(I) "Identifying information" means any of the following 35617  
with regard to a person: first name, last name, maiden name, 35618  
alias, social security number, address, telephone number, place 35619  
of employment, number used to identify the person for the 35620  
purpose of the statewide education management information system 35621  
established pursuant to section 3301.0714 of the Revised Code, 35622  
and any other number federal or state law requires or permits to 35623  
be used to identify the person. 35624

(J) "Kinship caregiver" has the same meaning as in section 35625  
~~5101.85~~5180.50 of the Revised Code. 35626

(K) "Legal custodian" has the same meaning as in section 35627  
5103.16 of the Revised Code. 35628

(L) "Legal custody" has the same meaning as in section 35629  
2151.011 of the Revised Code. 35630

(M) "Minor" means a person under the age of eighteen 35631  
years. 35632

(N) "Parent" means a legally recognized natural or 35633  
adoptive parent of a child. 35634

(O) "Party" means a petitioner, adoptee, or any other 35635  
person or agency that is part of an adoption proceeding and 35636  
whose consent to the adoption is necessary but has not been 35637  
obtained. 35638



(P) "Permanent custody" has the same meaning as in section 2151.011 of the Revised Code. 35639  
35640

(Q) "Placement" means the act by a public children services agency, a private child placing agency, or a parent who is utilizing an agency or attorney that is intended to arrange for the care or custody of a child in accordance with Chapter 5103. of the Revised Code. 35641  
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35645

(R) "Planned permanent living arrangement" has the same meaning as in section 2151.011 of the Revised Code. 35646  
35647

(S) "Putative father" means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply: 35648  
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35650

(1) He is not married to the child's mother at the time of the child's conception or birth; 35651  
35652

(2) He has not adopted the child; 35653

(3) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative agency proceeding in another state; 35654  
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(4) He has not acknowledged paternity of the child pursuant to sections 3111.21 to 3111.35 of the Revised Code. 35661  
35662

**Sec. 3107.012.** (A) A foster caregiver may use the application prescribed under division (B) of this section to obtain the services of an agency to arrange an adoption for the foster caregiver if the foster caregiver seeks to adopt the 35663  
35664  
35665  
35666

foster caregiver's foster child who ~~has resided~~ resides in the 35667  
foster caregiver's home ~~for at least six months prior to the~~ 35668  
~~date the foster caregiver submits the application to the agency.~~ 35669

(B) The department of children and youth shall prescribe 35670  
an application for a foster caregiver to use under division (A) 35671  
of this section. The application shall not require that the 35672  
foster caregiver provide any information the foster caregiver 35673  
already provided the department, or undergo an inspection the 35674  
foster caregiver already underwent, to obtain a foster home 35675  
certificate under section 5103.03 of the Revised Code. 35676

(C) An agency that receives an application prescribed 35677  
under division (B) of this section from a foster caregiver 35678  
authorized to use the application shall not require, as a 35679  
condition of the agency accepting or approving the application, 35680  
that the foster caregiver undergo a criminal records check under 35681  
section 2151.86 of the Revised Code as a prospective adoptive 35682  
parent. The agency shall inform the foster caregiver, in 35683  
accordance with division (G) of section 2151.86 of the Revised 35684  
Code, that the foster caregiver must undergo the criminal 35685  
records check before a court may issue a final decree of 35686  
adoption or interlocutory order of adoption under section 35687  
3107.14 of the Revised Code. 35688

**Sec. 3107.031.** Except as otherwise provided in this 35689  
section, an assessor shall conduct a home study for the purpose 35690  
of ascertaining whether a person seeking to adopt a minor is 35691  
suitable to adopt. A written report of the home study shall be 35692  
filed with the court at least ten days before the petition for 35693  
adoption is heard. 35694

A person seeking to adopt a minor who knowingly makes a 35695  
false statement that is included in the written report of a home 35696

study conducted pursuant to this section is guilty of the 35697  
offense of falsification under section 2921.13 of the Revised 35698  
Code, and such a home study shall not be filed with the court. 35699  
If such a home study is filed with the court, the court may 35700  
strike the home study from the court's records. 35701

The report shall contain the opinion of the assessor as to 35702  
whether the person who is the subject of the report is suitable 35703  
to adopt a minor, any multiple children assessment required 35704  
under section 3107.032 of the Revised Code, and other 35705  
information and documents specified in rules adopted by the 35706  
director of children and youth under section 3107.033 of the 35707  
Revised Code. The assessor shall not consider the person's age 35708  
when determining whether the person is suitable to adopt if the 35709  
person is old enough to adopt as provided by section 3107.03 of 35710  
the Revised Code. 35711

An assessor may request departments or agencies within or 35712  
outside this state to assist in the home study as may be 35713  
appropriate and to make a written report to be included with and 35714  
attached to the report to the court. The assessor shall make 35715  
similar home studies and reports on behalf of other assessors 35716  
designated by the courts of this state or another place. 35717

Upon order of the court, the costs of the home study and 35718  
other proceedings shall be paid by the person seeking to adopt, 35719  
and, if the home study is conducted by a public agency or public 35720  
employee, the part of the cost representing any services and 35721  
expenses shall be taxed as costs and paid into the state 35722  
treasury or county treasury, as the court may direct. 35723

On request, the assessor shall provide the person seeking 35724  
to adopt a copy of the report of the home study. The assessor 35725  
shall delete from that copy any provisions concerning the 35726

opinion of other persons, excluding the assessor, of the 35727  
person's suitability to adopt a minor. 35728

This section does not apply to a foster caregiver seeking 35729  
to adopt the foster caregiver's foster child if the foster child 35730  
~~has resided~~ resides in the foster caregiver's home ~~for at least~~ 35731  
~~six months prior to the date and~~ the foster caregiver submits an 35732  
application prescribed under division (B) of section 3107.012 of 35733  
the Revised Code to the agency arranging the adoption. 35734

**Sec. 3107.033.** The director of children and youth shall 35735  
adopt rules in accordance with Chapter 119. of the Revised Code 35736  
specifying both of the following: 35737

(A) The manner in which a home study is to be conducted 35738  
and the information and documents to be included in a home study 35739  
report, which shall include, pursuant to section 3107.034 of the 35740  
Revised Code, a summary report of a search of the uniform 35741  
statewide automated child welfare information system established 35742  
in section ~~5101.13~~ 5180.40 of the Revised Code and a report of a 35743  
check of a central registry of another state if a request for a 35744  
check of a central registry of another state is required under 35745  
division (A) of section 3107.034 of the Revised Code. The 35746  
director shall ensure that rules adopted under this section 35747  
align the home study content, time period, and process with any 35748  
foster care home study content, time period, and process 35749  
required by rules adopted under section 5103.03 of the Revised 35750  
Code. 35751

(B) A procedure under which a person whose application for 35752  
adoption has been denied as a result of a search of the uniform 35753  
statewide automated child welfare information system established 35754  
in section ~~5101.13~~ 5180.40 of the Revised Code as part of the 35755  
home study may appeal the denial to the agency that employed the 35756

assessor who filed the report. 35757

**Sec. 3107.034.** (A) Whenever a prospective adoptive parent 35758  
or a person eighteen years of age or older who resides with a 35759  
prospective adoptive parent has resided in another state within 35760  
the five-year period immediately prior to the date on which a 35761  
criminal records check is requested for the person under 35762  
division (A) of section 2151.86 of the Revised Code, the 35763  
administrative director of an agency, or attorney, who arranges 35764  
the adoption for the prospective adoptive parent shall request a 35765  
check of the central registry of abuse and neglect of this state 35766  
from the department of children and youth regarding the 35767  
prospective adoptive parent or the person eighteen years of age 35768  
or older who resides with the prospective adoptive parent to 35769  
enable the agency or attorney to check any child abuse and 35770  
neglect registry maintained by that other state. The 35771  
administrative director or attorney shall make the request and 35772  
shall review the results of the check before a final decree of 35773  
adoption or an interlocutory order of adoption making the person 35774  
an adoptive parent may be made. Information received pursuant to 35775  
the request shall be considered for purposes of this chapter as 35776  
if it were a summary report required under section 3107.033 of 35777  
the Revised Code. The department of children and youth shall 35778  
comply with any request to check the central registry that is 35779  
similar to the request described in this division and that is 35780  
received from any other state. 35781

(B) The summary report of a search of the uniform 35782  
statewide automated child welfare information system established 35783  
in section ~~5101.13~~5180.40 of the Revised Code that is required 35784  
under section 3107.033 of the Revised Code shall contain, if 35785  
applicable, a chronological list of abuse and neglect 35786  
determinations or allegations of which the person seeking to 35787

adopt is subject and in regards to which a public children 35788  
services agency has done one of the following: 35789

(1) Determined that abuse or neglect occurred; 35790

(2) Initiated an investigation, and the investigation is 35791  
ongoing; 35792

(3) Initiated an investigation and the agency was unable 35793  
to determine whether abuse or neglect occurred. 35794

(C) The summary report required under section 3107.033 of 35795  
the Revised Code shall not contain any of the following: 35796

(1) An abuse and neglect determination of which the person 35797  
seeking to adopt is subject and in regards to which a public 35798  
children services agency determined that abuse or neglect did 35799  
not occur; 35800

(2) Information or reports the dissemination of which is 35801  
prohibited by, or interferes with eligibility under, the "Child 35802  
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 35803  
U.S.C. 5101 et seq., as amended; 35804

(3) The name of the person who or entity that made, or 35805  
participated in the making of, the report of abuse or neglect. 35806

(D) (1) An application for adoption may be denied based on 35807  
a summary report containing the information described under 35808  
division (B) (1) of this section, when considered within the 35809  
totality of the circumstances. An application that is denied may 35810  
be appealed using the procedure adopted pursuant to division (B) 35811  
of section 3107.033 of the Revised Code. 35812

(2) An application for adoption shall not be denied solely 35813  
based on a summary report containing the information described 35814  
under division (B) (2) or (3) of this section. 35815

**Sec. 3107.062.** (A) (1) The department of ~~job and family~~ 35816  
~~services~~ children and youth shall establish a putative father 35817  
registry. To register, a putative father must complete a 35818  
registration form prescribed under section 3107.065 of the 35819  
Revised Code and submit it to the department. The registration 35820  
form shall include the putative father's name; the name of the 35821  
mother of the person he claims as his child; and the address or 35822  
telephone number at which he wishes to receive, pursuant to 35823  
section 3107.11 of the Revised Code, notice of any petition that 35824  
may be filed to adopt a minor he claims as his child. 35825

(2) A putative father may register at any time. For the 35826  
purpose of preserving the requirement of his consent to an 35827  
adoption, a putative father shall register before or not later 35828  
than fifteen days after the birth of the child. No fee shall be 35829  
charged for registration. 35830

(B) On receipt of a completed registration form, the 35831  
department shall indicate on the form the date of receipt and 35832  
file it in the putative father registry. The department shall 35833  
maintain registration forms in a manner that enables it to 35834  
access a registration form using either the name of the putative 35835  
father or of the mother. 35836

(C) The department of children and youth shall grant the 35837  
office of child support in the department of job and family 35838  
services and a child support enforcement agency access to the 35839  
putative father registry for purposes of section 3111.69 of the 35840  
Revised Code. 35841

**Sec. 3107.063.** (A) An attorney arranging a minor's 35842  
adoption, a mother, a public children services agency, a private 35843  
noncustodial agency, or a private child placing agency may 35844  
request at any time that the department of ~~job and family~~ 35845

~~services—children and youth~~ search the putative father registry 35846  
to determine whether a man is registered as the minor's putative 35847  
father. The request shall include the mother's name. On receipt 35848  
of the request, the department shall search the registry. If the 35849  
department determines that a man is registered as the minor's 35850  
putative father, it shall provide the attorney, mother, or 35851  
agency a certified copy of the man's registration form. If the 35852  
department determines that no man is registered as the minor's 35853  
putative father, it shall provide the attorney, mother, or 35854  
agency a certified written statement to that effect. The 35855  
department shall specify in the statement the date the search 35856  
request was submitted. No fee shall be charged for searching the 35857  
registry. 35858

Division (B) of section 3107.17 of the Revised Code does 35859  
not apply to this section. 35860

(B) If the department of ~~job and family services—children~~ 35861  
~~and youth~~ provides a certified copy of a putative father's 35862  
registration form pursuant to division (A) of this section, the 35863  
department also shall provide a written notice to the putative 35864  
father: 35865

(1) That he may be the father of the minor he claims as 35866  
his child on the registration form; 35867

(2) That the minor is being or may be placed for adoption; 35868  
and 35869

(3) Of his right to consent or refuse to consent to the 35870  
minor's adoption to the extent provided under Chapter 3107. of 35871  
the Revised Code. 35872

(C) The department shall provide the notice under this 35873  
section not later than ten business days after the date it 35874



provides the certified copy of the registration form pursuant to 35875  
division (A) of this section. 35876

**Sec. 3107.064.** (A) Except as provided in division (B) of 35877  
this section, a court shall not issue a final decree of adoption 35878  
or finalize an interlocutory order of adoption unless the mother 35879  
placing the minor for adoption or the agency or attorney 35880  
arranging the adoption files with the court a certified document 35881  
provided by the department of ~~job and family services~~ children 35882  
and youth under section 3107.063 of the Revised Code. The court 35883  
shall not accept the document unless the date the department 35884  
places on the document pursuant to that section is sixteen or 35885  
more days after the date of the minor's birth. 35886

(B) The document described in division (A) of this section 35887  
is not required if any of the following apply: 35888

(1) The mother was married at the time the minor was 35889  
conceived or born; 35890

(2) The parent placing the minor for adoption previously 35891  
adopted the minor; 35892

(3) Prior to the date a petition to adopt the minor is 35893  
filed, a man has been determined to have a parent and child 35894  
relationship with the minor by a court proceeding pursuant to 35895  
sections 3111.01 to 3111.18 of the Revised Code, a court 35896  
proceeding in another state, an administrative agency proceeding 35897  
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 35898  
an administrative agency proceeding in another state; 35899

(4) The minor's father acknowledged paternity of the minor 35900  
and that acknowledgment has become final pursuant to section 35901  
2151.232, 3111.25, or 3111.821 of the Revised Code; 35902

(5) A public children services agency has permanent 35903

custody of the minor pursuant to Chapter 2151. or division (B) 35904  
of section 5103.15 of the Revised Code after both parents lost 35905  
or surrendered parental rights, privileges, and responsibilities 35906  
over the minor. 35907

**Sec. 3107.065.** Not later than ninety days after the 35908  
effective date of this section, the director of ~~job and family~~ 35909  
~~services~~ children and youth shall do both of the following: 35910

(A) Adopt rules in accordance with Chapter 119. of the 35911  
Revised Code governing the putative father registry. The rules 35912  
shall establish the registration form to be used by a putative 35913  
father under section 3107.062 of the Revised Code. 35914

(B) Establish a campaign to promote awareness of the 35915  
putative father registry. The campaign shall include 35916  
informational materials about the registry. 35917

**Sec. 3107.38.** (A) As used in sections 3107.38 to 3107.394 35918  
of the Revised Code: 35919

(1) "Adopted person" means a person who was adopted but is 35920  
not an adopted person as defined in section 3107.45 of the 35921  
Revised Code. 35922

(2) "Adoption file" means a file maintained by the 35923  
department of health under sections 3705.12 to 3705.124 of the 35924  
Revised Code. 35925

(3) "Biological parent" means a parent, by birth, of a 35926  
person who is, or is to become, an adopted person. 35927

(4) "Biological parent's name redaction request form" 35928  
means the form prescribed under section 3107.391 of the Revised 35929  
Code. 35930

(5) "Biological sibling" means a sibling, by birth, of a 35931

person who is, or is to become, an adopted person. 35932

(6) "Contact preference form" means the form prescribed 35933  
under section 3107.39 of the Revised Code. 35934

(7) "File of releases" means the filing system for 35935  
releases that former section 3107.40 of the Revised Code, as 35936  
repealed by Sub. S.B. 23 of the 130th general assembly, required 35937  
the department of health to maintain. 35938

(8) "Items of identification" include a motor vehicle 35939  
driver's or commercial driver's license, an identification card 35940  
issued under sections 4507.50 to 4507.52 of the Revised Code, a 35941  
marriage application, a social security card, a credit card, a 35942  
military identification card, or an employee identification 35943  
card. 35944

(9) "Lineal descendant of an adopted person" means a 35945  
person who by reason of blood or adoption is a lineal descendant 35946  
of an adopted person. 35947

(10) "Offspring" means a child, by birth, of a person. 35948

(11) "Release" means both of the following: 35949

(a) A release filed by a biological parent or biological 35950  
sibling pursuant to former section 3107.40 of the Revised Code, 35951  
as repealed by Sub. S.B. 23 of the 130th general assembly, that 35952  
authorized the release of identifying information to the 35953  
biological parent's offspring or the release of specified 35954  
information to the biological sibling's adopted sibling pursuant 35955  
to former section 3107.41 of the Revised Code, as repealed by 35956  
Sub. S.B. 23 of the 130th general assembly; 35957

(b) A withdrawal of release filed by a biological parent 35958  
or biological sibling pursuant to former section 3107.40 of the 35959

Revised Code, as repealed by Sub. S.B. 23 of the 130th general assembly. 35960  
35961

(B) Subject to division (C) of this section, an adopted 35962  
person or lineal descendant of an adopted person may submit a 35963  
written request to the department of health for the department 35964  
to provide the adopted person or lineal descendant of an adopted 35965  
person with a copy of the contents of the adopted person's 35966  
adoption file. The request shall provide the requester's address 35967  
and notarized signature and be accompanied by two items of 35968  
identification of the requester. If the requester is a lineal 35969  
descendant of an adopted person, the request shall also provide 35970  
notarized documentation evidencing the requester's relationship 35971  
to the adopted person. On receipt of a request and payment of 35972  
the fee required by section 3705.241 of the Revised Code, the 35973  
department shall mail to the requester, at the address provided 35974  
in the request, a copy of the contents of the adopted person's 35975  
adoption file if the department has an adoption file, including 35976  
all releases transferred to the adoption file pursuant to 35977  
section 3107.381 of the Revised Code, for the adopted person. If 35978  
the adoption file includes a biological parent's name redaction 35979  
request form from a biological parent, the department shall 35980  
redact the biological parent's name from the copy of the 35981  
contents of the adoption file that is mailed to the requester. 35982  
If the department removes the biological parent's name redaction 35983  
request form from the adoption file pursuant to division ~~(D)~~ (A) 35984  
of section 3107.391 of the Revised Code after the department 35985  
mails the copy of the contents of the adoption file to the 35986  
requester, the department shall mail to the requester another 35987  
copy of the contents with the biological parent's name included. 35988

(C) An adopted person or lineal descendant of an adopted 35989  
person may not submit a request under this section until the 35990

adopted person or lineal descendant is at least eighteen years of age. 35991  
35992

~~Sec. 3107.391. (A) The department of job and family services shall prescribe a biological parent's name redaction request form. The form shall include all of the following:~~ 35993  
35994  
35995

~~(1) Information about the procedures and requirements for a biological parent to do either of the following:~~ 35996  
35997

~~(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code;~~ 35998  
35999  
36000  
36001  
36002

~~(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code.~~ 36003  
36004  
36005  
36006  
36007

~~(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;~~ 36008  
36009  
36010

~~(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains.~~ 36011  
36012  
36013

~~(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health.~~ 36014  
36015  
36016

~~(C) (1) Until one year after the effective date of this section, the department of health shall make a biological~~ 36017  
36018

~~parent's name redaction request form available to a biological-~~ 36019  
~~parent on request. The department may accept a completed-~~ 36020  
~~biological parent's name redaction request form only if all of-~~ 36021  
~~the following apply:-~~ 36022

~~(a) The form is submitted to the department not later than~~ 36023  
~~one year after the effective date of this section.-~~ 36024

~~(b) The form has been notarized.~~ 36025

~~(c) The biological parent provides the department two-~~ 36026  
~~items of identification of the biological parent.~~ 36027

~~(d) If a social and medical history for the biological-~~ 36028  
~~parent was not previously prepared or such a history was-~~ 36029  
~~prepared but should be corrected or expanded, the biological-~~ 36030  
~~parent does the following as appropriate:~~ 36031

~~(i) Completes a social and medical history form in-~~ 36032  
~~accordance with section 3107.091 or 3107.393 of the Revised-~~ 36033  
~~Code;~~ 36034

~~(ii) Corrects or expands the biological parent's social-~~ 36035  
~~and medical history in accordance with division (D) of section-~~ 36036  
~~3107.09 of the Revised Code.~~ 36037

~~(e) The department is satisfied that the form has been-~~ 36038  
~~substantially completed.~~ 36039

~~(2) If the department determines that it may accept the-~~ 36040  
~~biological parent's name redaction request form, it shall accept~~ 36041  
~~the form. As soon as the department identifies the adoption file~~ 36042  
~~of the adopted person to whom the form pertains, it shall place-~~ 36043  
~~the form in that file.~~ 36044

~~(D)(1) A biological parent who has had a biological~~ 36045  
~~parent's name redaction request form accepted under division (C)~~ 36046

~~of this section~~ by the department of health between March 20, 36047  
2014, and March 20, 2015, may request at any time that the 36048  
department remove the form from the adoption file of the adopted 36049  
person to whom the form pertains if the biological parent 36050  
decides to permit the biological parent's name to be included in 36051  
a copy of the contents of the adoption file that a person 36052  
receives under section 3107.38 of the Revised Code. The 36053  
department shall remove the form from the adoption file if the 36054  
biological parent provides the department all of the following: 36055

~~(a)~~ (1) Two items of identification of the biological 36056  
parent; 36057

~~(b)~~ (2) Information the department needs to be able to 36058  
identify the adoption file of the adopted person to whom the 36059  
form pertains; 36060

~~(c)~~ (3) A notarized attestation that the biological parent 36061  
is the biological parent of the adopted person to whom the form 36062  
pertains. 36063

~~(2)~~ (B) When the department removes a biological parent's 36064  
name redaction request form from an adoption file under division 36065  
~~(D)~~ (1) (A) of this section, the department shall destroy the 36066  
form. 36067

**Sec. 3109.14.** (A) As used in this section, "birth record" 36068  
and "certification of birth" have the meanings given in section 36069  
3705.01 of the Revised Code. 36070

(B) (1) The director of health, a person authorized by the 36071  
director, a local commissioner of health, or a local registrar 36072  
of vital statistics shall charge and collect a fee for each 36073  
certified copy of a birth record, for each certification of 36074  
birth, and for each copy of a death record. The fee shall be 36075

three dollars. The fee is in addition to the fee imposed by 36076  
section 3705.24 or any other section of the Revised Code. A 36077  
local commissioner of health or a local registrar of vital 36078  
statistics may retain an amount of each additional fee 36079  
collected, not to exceed three per cent of the amount of the 36080  
additional fee, to be used for costs directly related to the 36081  
collection of the fee and the forwarding of the fee to the 36082  
department of health. 36083

The additional fees collected by the director of health or 36084  
a person authorized by the director and the additional fees 36085  
collected but not retained by a local commissioner of health or 36086  
a local registrar of vital statistics shall be forwarded to the 36087  
department of health not later than thirty days following the 36088  
end of each quarter. Not later than two days after the fees are 36089  
forwarded to the department each quarter, the department shall 36090  
~~pay deposit~~ the collected fees ~~to the treasurer of state in~~ 36091  
~~accordance with rules adopted by the treasurer of state under~~ 36092  
~~section 113.08 of the Revised Code~~ in the state treasury to the 36093  
credit of the children's trust fund. A person or government 36094  
entity that fails to forward the fees in a timely manner, as 36095  
determined by the department, shall send to the department, in 36096  
addition to the fees, a penalty equal to ten per cent of the 36097  
fees. The department also shall deposit any penalty received in 36098  
the state treasury to the credit of the children's trust fund. 36099

(2) Upon the filing for a divorce decree under section 36100  
3105.10 or a decree of dissolution under section 3105.65 of the 36101  
Revised Code, a court of common pleas shall charge and collect a 36102  
fee. The fee shall be eleven dollars. The fee is in addition to 36103  
any other court costs or fees. The county clerk of courts may 36104  
retain an amount of each additional fee collected, not to exceed 36105  
three per cent of the amount of the additional fee, to be used 36106



for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state. The additional fees collected, but not retained, under division (B) (2) of this section shall be forwarded to the treasurer of state not later than twenty days following the end of each month.

The treasurer of state shall deposit the fees received under division (B) (2) of this section in the state treasury to the credit of the children's trust fund. A county clerk of courts that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees. The treasurer of state also shall deposit any penalty received in the state treasury to the credit of the children's trust fund.

~~(C) The treasurer of state shall deposit the fees paid or forwarded under this section in the state treasury to the credit of the children's trust fund, which is hereby created. A person or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees.~~

The children's trust fund is created in the state treasury. The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board

may approve an amount for actual administrative costs exceeding 36137  
three per cent but not exceeding four per cent of such amount. 36138  
The balance of the investment earnings shall be credited to the 36139  
fund. Moneys credited to the fund shall be used only for the 36140  
purposes described in sections 3109.13 to 3109.179 of the 36141  
Revised Code. 36142

**Sec. 3109.171.** For the purpose of administering child 36143  
abuse and child neglect prevention programming and services 36144  
approved by the children's trust fund board, there are hereby 36145  
created ~~the following eight~~ child abuse and child neglect 36146  
prevention regions ~~in the state:~~ 36147

~~One region consisting of the following counties: Defiance,~~ 36148  
~~Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding,~~ 36149  
~~Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~ 36150

~~One region consisting of the following counties:~~ 36151  
~~Ashtabula, Cuyahoga, Geauga, and Lake.~~ 36152

~~One region consisting of the following counties: Ashland,~~ 36153  
~~Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark,~~ 36154  
~~Summit, Trumbull, and Wayne.~~ 36155

~~One region consisting of the following counties: Allen,~~ 36156  
~~Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan,~~ 36157  
~~Mercer, Miami, Montgomery, Preble, and Shelby.~~ 36158

~~One region consisting of the following counties: Crawford,~~ 36159  
~~Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison,~~ 36160  
~~Marion, Morrow, Pickaway, Richland, and Union.~~ 36161

~~One region consisting of the following counties: Belmont,~~ 36162  
~~Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe,~~ 36163  
~~Muskingum, Noble, and Tuscarawas.~~ 36164

~~One region consisting of the following counties: Adams, 36165  
Brown, Butler, Clermont, Clinton, Hamilton, Highland, and 36166  
Warren. 36167~~

~~One region consisting of the following counties: Athens, 36168  
Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, 36169  
Ross, Scioto, Vinton, and Washington. The board, in consultation 36170  
with the department of children and youth, shall determine the 36171  
number of regions and the counties within each region. Each 36172  
county in the state shall be included in a region. 36173~~

**Sec. 3109.172.** (A) As used in this section, "county 36174  
prevention specialist" includes the following: 36175

(1) Members of agencies responsible for the administration 36176  
of children's services in the counties within a child abuse and 36177  
child neglect prevention region established in section 3109.171 36178  
of the Revised Code; 36179

(2) Providers of alcohol or drug addiction services or 36180  
members of boards of alcohol, drug addiction, and mental health 36181  
services that serve counties within a region; 36182

(3) Providers of mental health services or members of 36183  
boards of alcohol, drug addiction, and mental health services 36184  
that serve counties within a region; 36185

(4) Members of county boards of developmental disabilities 36186  
that serve counties within a region; 36187

(5) Members of the educational community appointed by the 36188  
superintendent of the school district with the largest 36189  
enrollment in the counties within a region; 36190

(6) Juvenile justice officials serving counties within a 36191  
region; 36192

(7) Pediatricians, health department nurses, and other members of the medical community in the counties within a region;	36193 36194 36195
(8) Counselors and social workers serving counties within a region;	36196 36197
(9) Head start agencies serving counties within a region;	36198
(10) Child care providers serving counties within a region;	36199 36200
(11) Parent advocates with relevant experience and knowledge of services in a region;	36201 36202
(12) Other persons with demonstrated knowledge in programs for children serving counties within a region.	36203 36204
(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of children and youth pursuant to Chapter 119. of the Revised Code.	36205 36206 36207 36208 36209 36210
(C) (1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of children and youth under Chapter 119. of the Revised Code. <u>The reappointment of a chairperson by a board of county commissioners in accordance with division (D) of this section shall not be considered to be an appointment under this division.</u>	36211 36212 36213 36214 36215 36216 36217 36218
(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the	36219 36220

board's discretion. 36221

(D) Each council member appointed under ~~division (C) (1) of~~ 36222  
this section shall be appointed for a two-year term. ~~Each~~ 36223  
~~council member appointed under division (C) (2) of this section~~ 36224  
~~shall be appointed for a three-year term.~~ A member may be 36225  
reappointed, but for two consecutive terms only. A council 36226  
member selected as chairperson of a child abuse and child 36227  
neglect regional prevention council in accordance with division 36228  
(G) of this section is eligible to be reappointed by the 36229  
original appointing authority. 36230

(E) A member may be removed from the council by the 36231  
member's appointing authority for misconduct, incompetence, or 36232  
neglect of duty. 36233

(F) Each appointed member of a council shall serve without 36234  
compensation but shall be reimbursed for all actual and 36235  
necessary expenses incurred in the performance of official 36236  
duties. 36237

(G) A chairperson shall be selected by the council's 36238  
regional prevention coordinator from among the county prevention 36239  
specialists serving on the council. 36240

(1) The chairperson shall serve as a nonvoting member of 36241  
the council. 36242

(2) The chairperson shall preside over council meetings or 36243  
may call upon the vice-chairperson to preside over meetings. 36244

(H) At the first regular meeting of the year, which shall 36245  
be called by the chairperson, the members shall elect a vice- 36246  
chairperson by a majority vote. 36247

(1) The vice-chairperson shall preside over council 36248

meetings in the absence of the chairperson or upon the request of the chairperson.	36249 36250
(2) The vice-chairperson functions in the same capacity as the chairperson and becomes a nonvoting member when presiding over a council meeting.	36251 36252 36253
(I) Each council shall meet at least quarterly.	36254
(J) Council members shall do all of the following:	36255
(1) Attend meetings of the council on which they serve;	36256
(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;	36257 36258 36259 36260
(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;	36261 36262 36263
(4) Assist the council's regional prevention coordinator with all of the following:	36264 36265
(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;	36266 36267 36268
(b) Coordinating county data collection;	36269
(c) Ensuring timely and accurate reporting to the children's trust fund board.	36270 36271
(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.	36272 36273 36274
(K) No council member shall participate in matters of the	36275

council pertaining to their own interests, including 36276  
applications for funding by a council member or any entity, 36277  
public or private, of which a council member serves as either a 36278  
board member or employee. 36279

(L) Each council shall file with the children's trust fund 36280  
board, not later than the due dates specified by the board, a 36281  
progress report and an annual report regarding the council's 36282  
child abuse and child neglect prevention programs and activities 36283  
undertaken in accordance with the council's regional prevention 36284  
plan. The reports shall contain all information required by the 36285  
board. 36286

**Sec. 3109.173.** (A) Each child abuse and child neglect 36287  
regional prevention council shall be under the direction of a 36288  
regional prevention coordinator. The children's trust fund board 36289  
~~shall~~ may select each region's coordinator through a competitive 36290  
selection process conducted by the board. If the board has not 36291  
selected a regional coordinator through a competitive selection 36292  
process for a region, children's trust fund staff shall serve as 36293  
coordinator for that region. 36294

(B) Regional prevention coordinators shall do all of the 36295  
following: 36296

(1) Select a representative to serve as chairperson of the 36297  
regional prevention council pursuant to division (G) of section 36298  
3109.172 of the Revised Code; 36299

(2) Conduct a needs assessment to ascertain the child 36300  
abuse and neglect prevention programming and services that are 36301  
needed in the region; 36302

(3) Work with county prevention specialists in the region 36303  
to assemble the regional prevention plan based on children's 36304

trust fund board guidelines pursuant to section 3109.174 of the Revised Code; 36305  
36306

(4) Implement the regional prevention plan, including the following: 36307  
36308

(a) Monitoring fulfillment of prevention deliverables and achievement of prevention outcomes; 36309  
36310

(b) Coordinating county data collection; 36311

(c) Ensuring timely and accurate reporting to the board. 36312

(5) Any additional duties specified by the department in rules adopted pursuant to Chapter 119. of the Revised Code. 36313  
36314

**Sec. 3109.178.** (A) ~~Each child abuse and child neglect regional prevention council~~ An entity may request from the children's trust fund board up to five thousand dollars ~~for each county within the council's region~~ to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve each at least one county in the region or a center to serve two or more contiguous counties within the region. 36315  
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(B) On receipt of a request made under this section, the board shall review and approve or disapprove the request. 36323  
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(C) If the board disapproves the request, the board shall send to the ~~requesting council~~ entity requesting funds written notice of the disapproval that states the reasons for the disapproval. 36325  
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(D) No funds allocated ~~to a council~~ under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy. 36329  
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(E) ~~A council~~ An entity that receives funds under this 36333  
section in any fiscal year shall not use the funds received in a 36334  
different fiscal year or for a different center in any fiscal 36335  
year without the approval of the board. 36336

(F) A children's advocacy center established using funds 36337  
awarded under this section shall comply with sections 2151.425 36338  
to 2151.428 of the Revised Code. 36339

**Sec. 3115.201.** (A) In a proceeding to establish or enforce 36340  
a support order or to determine parentage of a child, a tribunal 36341  
or support enforcement agency of this state may exercise 36342  
personal jurisdiction over a nonresident individual if any of 36343  
the following apply: 36344

(1) The individual is personally served with summons 36345  
within this state. 36346

(2) The individual submits to the jurisdiction of this 36347  
state by consent in a record, by entering a general appearance, 36348  
or by filing a responsive document having the effect of waiving 36349  
any contest to personal jurisdiction. 36350

(3) The individual resided with the child in this state. 36351

(4) The individual resided in this state and provided 36352  
prenatal expenses or support for the child. 36353

(5) The child resides in this state as a result of the 36354  
acts or directives of the individual. 36355

(6) The individual engaged in sexual intercourse in this 36356  
state and the child may have been conceived by that act of 36357  
intercourse. 36358

(7) The individual asserted parentage of a child in the 36359  
putative father registry maintained in this state by the 36360

department of ~~job and family services~~ children and youth. 36361

(8) There is any other basis consistent with the 36362  
Constitutions of this state and the United States for the 36363  
exercise of personal jurisdiction. 36364

(B) The bases of personal jurisdiction set forth in 36365  
division (A) of this section or in any other law of this state 36366  
may not be used to acquire personal jurisdiction for a tribunal 36367  
of this state to modify a child-support order of another state 36368  
unless the requirements of section 3115.611 of the Revised Code 36369  
are met or, in the case of a foreign support order, unless the 36370  
requirements of section 3115.615 of the Revised Code are met. 36371

**Sec. 3119.01.** (A) As used in the Revised Code, "child 36372  
support enforcement agency" means a child support enforcement 36373  
agency designated under former section 2301.35 of the Revised 36374  
Code prior to October 1, 1997, or a private or government entity 36375  
designated as a child support enforcement agency under section 36376  
307.981 of the Revised Code. 36377

(B) As used in this chapter and Chapters 3121., 3123., and 36378  
3125. of the Revised Code: 36379

(1) "Administrative child support order" means any order 36380  
issued by a child support enforcement agency for the support of 36381  
a child pursuant to section 3109.19 or 3111.81 of the Revised 36382  
Code or former section 3111.211 of the Revised Code, section 36383  
3111.21 of the Revised Code as that section existed prior to 36384  
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 36385  
Code as those sections existed prior to March 22, 2001. 36386

(2) "Child support order" means either a court child 36387  
support order or an administrative child support order. 36388

(3) "Obligee" means ~~the~~ a person who is entitled to 36389

receive ~~the~~ support payments under a support order. 36390

(4) "Obligor" means ~~the~~ a person who is required to pay 36391  
support under a support order, regardless of whether the person 36392  
is also entitled to receive support payments under a support 36393  
order. 36394

(5) "Support order" means either an administrative child 36395  
support order or a court support order. 36396

(C) As used in this chapter: 36397

(1) "Caretaker" means any of the following, other than a 36398  
parent: 36399

(a) A person with whom the child resides for at least 36400  
thirty consecutive days, and who is the child's primary 36401  
caregiver; 36402

(b) A person who is receiving public assistance on behalf 36403  
of the child; 36404

(c) A person or agency with legal custody of the child, 36405  
including a county department of job and family services or a 36406  
public children services agency; 36407

(d) A guardian of the person or the estate of a child; 36408

(e) Any other appropriate court or agency with custody of 36409  
the child. 36410

"Caretaker" excludes a "host family" as defined under 36411  
section 2151.90 of the Revised Code. 36412

(2) "Cash medical support" means an amount ordered to be 36413  
paid in a child support order toward the ordinary medical 36414  
expenses incurred during a calendar year. 36415

(3) "Child care cost" means annual out-of-pocket costs for 36416

the care and supervision of a child or children subject to the 36417  
order that is related to work or employment training. 36418

(4) "Court child support order" means any order issued by 36419  
a court for the support of a child pursuant to Chapter 3115. of 36420  
the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 36421  
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 36422  
3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 36423  
of the Revised Code, or division (B) of former section 3113.21 36424  
of the Revised Code. 36425

(5) "Court-ordered parenting time" means the amount of 36426  
parenting time a parent is to have under a parenting time order 36427  
or the amount of time the children are to be in the physical 36428  
custody of a parent under a shared parenting order. 36429

(6) "Court support order" means either a court child 36430  
support order or an order for the support of a spouse or former 36431  
spouse issued pursuant to Chapter 3115. of the Revised Code, 36432  
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 36433  
division (B) of former section 3113.21 of the Revised Code. 36434

(7) "CPI-U" means the consumer price index for all urban 36435  
consumers, published by the United States department of labor, 36436  
bureau of labor statistics. 36437

(8) "Extraordinary medical expenses" means any uninsured 36438  
medical expenses incurred for a child during a calendar year 36439  
that exceed the total cash medical support amount owed by the 36440  
parents during that year. 36441

(9) "Federal poverty level" has the same meaning as in 36442  
section 5121.30 of the Revised Code. 36443

(10) "Income" means either of the following: 36444

(a) For a parent who is employed to full capacity, the 36445  
gross income of the parent; 36446

(b) For a parent who is unemployed or underemployed, the 36447  
sum of the gross income of the parent and any potential income 36448  
of the parent. 36449

(11) "Income share" means the percentage derived from a 36450  
comparison of each parent's annual income after allowable 36451  
deductions and credits as indicated on the worksheet to the 36452  
total annual income of both parents. 36453

(12) "Insurer" means any person authorized under Title 36454  
XXXIX of the Revised Code to engage in the business of insurance 36455  
in this state, any health insuring corporation, and any legal 36456  
entity that is self-insured and provides benefits to its 36457  
employees or members. 36458

(13) "Gross income" means, except as excluded in division 36459  
(C) (13) of this section, the total of all earned and unearned 36460  
income from all sources during a calendar year, whether or not 36461  
the income is taxable, and includes income from salaries, wages, 36462  
overtime pay, and bonuses to the extent described in division 36463  
(D) of section 3119.05 of the Revised Code; commissions; 36464  
royalties; tips; rents; dividends; severance pay; pensions; 36465  
interest; trust income; annuities; social security benefits, 36466  
including retirement, disability, and survivor benefits that are 36467  
not means-tested; workers' compensation benefits; unemployment 36468  
insurance benefits; disability insurance benefits; benefits that 36469  
are not means-tested and that are received by and in the 36470  
possession of the veteran who is the beneficiary for any 36471  
service-connected disability under a program or law administered 36472  
by the United States department of veterans' affairs or 36473  
veterans' administration; spousal support actually received; and 36474

all other sources of income. "Gross income" includes income of 36475  
members of any branch of the United States armed services or 36476  
national guard, including, amounts representing base pay, basic 36477  
allowance for quarters, basic allowance for subsistence, 36478  
supplemental subsistence allowance, cost of living adjustment, 36479  
specialty pay, variable housing allowance, and pay for training 36480  
or other types of required drills; self-generated income; and 36481  
potential cash flow from any source. 36482

"Gross income" does not include any of the following: 36483

(a) Benefits received from means-tested government 36484  
administered programs, including Ohio works first; prevention, 36485  
retention, and contingency; means-tested veterans' benefits; 36486  
supplemental security income; supplemental nutrition assistance 36487  
program; disability financial assistance; or other assistance 36488  
for which eligibility is determined on the basis of income or 36489  
assets; 36490

(b) Benefits for any service-connected disability under a 36491  
program or law administered by the United States department of 36492  
veterans' affairs or veterans' administration that are not 36493  
means-tested, that have not been distributed to the veteran who 36494  
is the beneficiary of the benefits, and that are in the 36495  
possession of the United States department of veterans' affairs 36496  
or veterans' administration; 36497

(c) Child support amounts received for children who are 36498  
not included in the current calculation; 36499

(d) Amounts paid for mandatory deductions from wages such 36500  
as union dues but not taxes, social security, or retirement in 36501  
lieu of social security; 36502

(e) Nonrecurring or unsustainable income or cash flow 36503

items; 36504

(f) Adoption assistance, kinship guardianship assistance, 36505  
and foster care maintenance payments made pursuant to Title IV-E 36506  
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 36507  
(1980), as amended; 36508

(g) State kinship guardianship assistance described in 36509  
section 5153.163 of the Revised Code and payment from the 36510  
kinship support program described in section ~~5101.881~~ 5180.531 36511  
of the Revised Code. 36512

(14) "Nonrecurring or unsustainable income or cash flow 36513  
item" means an income or cash flow item the parent receives in 36514  
any year or for any number of years not to exceed three years 36515  
that the parent does not expect to continue to receive on a 36516  
regular basis. "Nonrecurring or unsustainable income or cash 36517  
flow item" does not include a lottery prize award that is not 36518  
paid in a lump sum or any other item of income or cash flow that 36519  
the parent receives or expects to receive for each year for a 36520  
period of more than three years or that the parent receives and 36521  
invests or otherwise uses to produce income or cash flow for a 36522  
period of more than three years. 36523

(15) "Ordinary medical expenses" includes copayments and 36524  
deductibles, and uninsured medical-related costs for the 36525  
children of the order. 36526

(16) (a) "Ordinary and necessary expenses incurred in 36527  
generating gross receipts" means actual cash items expended by 36528  
the parent or the parent's business and includes depreciation 36529  
expenses of business equipment as shown on the books of a 36530  
business entity. 36531

(b) Except as specifically included in "ordinary and 36532

necessary expenses incurred in generating gross receipts" by 36533  
division (C)(16)(a) of this section, "ordinary and necessary 36534  
expenses incurred in generating gross receipts" does not include 36535  
depreciation expenses and other noncash items that are allowed 36536  
as deductions on any federal tax return of the parent or the 36537  
parent's business. 36538

(17) "Personal earnings" means compensation paid or 36539  
payable for personal services, however denominated, and includes 36540  
wages, salary, commissions, bonuses, draws against commissions, 36541  
profit sharing, vacation pay, or any other compensation. 36542

(18) "Potential income" means both of the following for a 36543  
parent who the court pursuant to a court support order, or a 36544  
child support enforcement agency pursuant to an administrative 36545  
child support order, determines is voluntarily unemployed or 36546  
voluntarily underemployed: 36547

(a) Imputed income that the court or agency determines the 36548  
parent would have earned if fully employed as determined from 36549  
the following criteria: 36550

(i) The parent's prior employment experience; 36551

(ii) The parent's education; 36552

(iii) The parent's physical and mental disabilities, if 36553  
any; 36554

(iv) The availability of employment in the geographic area 36555  
in which the parent resides; 36556

(v) The prevailing wage and salary levels in the 36557  
geographic area in which the parent resides; 36558

(vi) The parent's special skills and training; 36559



- (vii) Whether there is evidence that the parent has the ability to earn the imputed income; 36560  
36561
- (viii) The age and special needs of the child for whom child support is being calculated under this section; 36562  
36563
- (ix) The parent's increased earning capacity because of experience; 36564  
36565
- (x) The parent's decreased earning capacity because of a felony conviction; 36566  
36567
- (xi) Any other relevant factor. 36568
- (b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant. 36569  
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- (19) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code. 36575  
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- (20) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses. 36577  
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- (21) "Self-sufficiency reserve" means the minimal amount 36587

necessary for an obligor to adequately subsist upon, as 36588  
determined under section 3119.021 of the Revised Code. 36589

~~(22) "Split parental rights and responsibilities" means a 36590  
situation in which there is more than one child who is the 36591  
subject of an allocation of parental rights and responsibilities 36592  
and each parent is the residential parent and legal custodian of 36593  
at least one of those children. 36594~~

~~(23) "Worksheet" means the applicable worksheet created in 36595  
rules adopted under section 3119.022 of the Revised Code that is 36596  
used to calculate a parent's child support obligation. 36597~~

**Sec. 3119.07.** ~~(A) Except when the parents have split 36598  
parental rights and responsibilities, a parent's child support 36599  
obligation for a child for whom the parent is the residential 36600  
parent and legal custodian shall be presumed to be spent on that 36601  
child and shall not become part of a child support order, and a 36602  
parent's child support obligation for a child for whom the 36603  
parent is not the residential parent and legal custodian shall 36604  
become part of a child support order. 36605~~

~~(B) If the parents have split parental rights and 36606  
responsibilities, the child support obligations of the parents 36607  
shall be offset, and the parent with the larger child support 36608  
obligation shall pay the net amount pursuant to the child 36609  
support order. 36610~~

~~(C) If neither parent of a child who is the subject of a 36611  
child support order is the residential parent and legal 36612  
custodian of the child and the child resides with a caretaker, 36613  
each Each parent of a child who is the subject of a child 36614  
support order shall pay that parent's child support obligation 36615  
pursuant to the child support order, regardless of whether the 36616~~

parent is a residential parent and legal custodian of the child. 36617  
If one parent is the residential parent and legal custodian of 36618  
the child, that parent shall be allocated the obligation of both 36619  
parents under the child support order. If each parent is the 36620  
residential parent and legal custodian of the child, each parent 36621  
shall be allocated the obligation of the other parent under the 36622  
child support order. If neither parent is the residential parent 36623  
and legal custodian of the child and the child resides with a 36624  
caretaker, the caretaker shall be allocated the obligation of 36625  
both parents under the child support order. 36626

**Sec. 3121.441.** (A) Notwithstanding the provisions of this 36627  
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 36628  
and 5107.20 of the Revised Code providing for the office of 36629  
child support in the department of job and family services to 36630  
collect, withhold, or deduct spousal support, when a court 36631  
pursuant to section 3105.18 or 3105.65 of the Revised Code 36632  
issues or modifies an order requiring an obligor to pay spousal 36633  
support or grants or modifies a decree of dissolution of 36634  
marriage incorporating a separation agreement that provides for 36635  
spousal support, or at any time after the issuance, granting, or 36636  
modification of an order or decree of that type, the court may 36637  
permit the obligor to make the spousal support payments directly 36638  
to the obligee instead of to the office if the obligee and the 36639  
obligor have no minor children born as a result of their 36640  
marriage and the obligee has not assigned the spousal support 36641  
amounts to the department pursuant to section 5107.20 or 5160.38 36642  
of the Revised Code. 36643

(B) A court that permits an obligor to make spousal 36644  
support payments directly to the obligee pursuant to division 36645  
(A) of this section shall order the obligor to make the spousal 36646  
support payments as a check, as a money order, or in any other 36647

form that establishes a clear record of payment. 36648

(C) If a court permits an obligor to make spousal support 36649  
payments directly to an obligee pursuant to division (A) of this 36650  
section and the obligor is in default in making any spousal 36651  
support payment to the obligee, the court, upon motion of the 36652  
obligee or on its own motion, may rescind the permission granted 36653  
under that division. After the rescission, the court shall 36654  
determine the amount of arrearages in the spousal support 36655  
payments and order the obligor to make to the office of child 36656  
support in the department of job and family services any spousal 36657  
support payments that are in arrears and any future spousal 36658  
support payments. Upon the issuance of the order of the court 36659  
under this division, the provisions of this chapter, Chapters 36660  
3119., 3123., and 3125., and sections 3770.071, 3770.074, and 36661  
5107.20 of the Revised Code apply with respect to the 36662  
collection, withholding, or deduction of the obligor's spousal 36663  
support payments that are the subject of that order of the 36664  
court. 36665

**Sec. 3123.89.** (A) The department of job and family 36666  
services shall develop and implement a real time data match 36667  
program with the state lottery commission and its lottery sales 36668  
agents and lottery agents to identify obligors who are subject 36669  
to a final and enforceable determination of default made under 36670  
sections 3123.01 to 3123.07 of the Revised Code. 36671

(B) Upon the data match program's implementation, the 36672  
department, in consultation with the commission, shall 36673  
promulgate rules to facilitate withholding, in appropriate 36674  
circumstances and in accordance with ~~section~~ sections 3770.071 36675  
and 3770.074 of the Revised Code, by the commission or its 36676  
lottery sales agents or lottery agents of an amount sufficient 36677

to satisfy any past due support owed by an obligor from a 36678  
lottery prize award owed to the obligor up to the amount of the 36679  
award. The rules shall describe an expedited method for 36680  
withholding, and the time frame for transmission of the amount 36681  
withheld to the department. 36682

(C) As used in this section, ~~"lottery":~~ 36683

(1) ~~"Lottery prize award" has the same meaning as in~~ 36684  
section 3770.10 of the Revised Code includes a prize award from 36685  
a video lottery terminal but does not include winnings from 36686  
lottery sports gaming, except for winnings from lottery sports 36687  
gaming wagers placed through a terminal described in division 36688  
(B) (3) of section 3770.24 of the Revised Code. 36689

(2) "Lottery sports gaming" has the same meaning as in 36690  
section 3770.23 of the Revised Code. 36691

(3) "Video lottery terminal" has the same meaning as in 36692  
section 3770.21 of the Revised Code. 36693

**Sec. 3123.90.** (A) As used in this section: 36694

(1) "Casino facility," "casino operator," and "management 36695  
company" have the meanings defined in section 3772.01 of the 36696  
Revised Code. 36697

(2) "Sports gaming proprietor" has the meaning defined in 36698  
section 3775.01 of the Revised Code. 36699

(3) "Lottery sports gaming" has the same meaning as in 36700  
section 3770.23 of the Revised Code. 36701

(B) The department of job and family services shall 36702  
develop and implement a real time data match program with each 36703  
casino facility's casino operator or management company and with 36704  
each sports gaming proprietor to identify obligors who are 36705

subject to a final and enforceable determination of default made 36706  
under sections 3123.01 to 3123.07 of the Revised Code. 36707

(C) ~~Upon~~ Subject to division (E) of this section, upon the 36708  
data match program's implementation, if a person receives a 36709  
payout of winnings at a casino facility or from sports gaming in 36710  
an amount for which reporting to the internal revenue service of 36711  
the amount is required by section 6041 of the Internal Revenue 36712  
Code, as amended, the casino operator, management company, or 36713  
sports gaming proprietor shall refer to the data match program 36714  
to determine if the person entitled to the winnings is in 36715  
default under a support order. If the data match program 36716  
indicates that the person is in default, the casino operator, 36717  
management company, or sports gaming proprietor shall withhold 36718  
from the person's winnings an amount sufficient to satisfy any 36719  
past due support owed by the obligor identified in the data 36720  
match up to the amount of the winnings. 36721

(D) Not later than fourteen days after withholding the 36722  
amount, the casino operator, management company, or sports 36723  
gaming proprietor shall electronically transmit any amount 36724  
withheld to the department as payment on the support obligation. 36725

(E) A sports gaming proprietor that offers lottery sports 36726  
gaming through a terminal described in division (B) (3) of 36727  
section 3770.24 of the Revised Code shall not withhold amounts 36728  
under this section from winnings from wagers placed through that 36729  
terminal. The state lottery commission shall withhold amounts 36730  
from those winnings under section 3770.071 of the Revised Code. 36731

(F) The department, in consultation with the Ohio casino 36732  
control commission, may adopt rules under Chapter 119. of the 36733  
Revised Code as are necessary for implementation of this 36734  
section. 36735

**Sec. 3301.01.** ~~(A) There is hereby created the state board of education consisting of nineteen members with eleven elected members, one each to be elected in accordance with section 3301.03 of the Revised Code from each of the districts established in accordance with division (B) of this section, and with eight~~five ~~members to be appointed by the governor with the advice and consent of the senate.~~—

~~In addition to the nineteen elected or appointed members, the chairperson of the committee of the senate that primarily deals with education and the chairperson of the committee of the house of representatives that primarily deals with education shall be nonvoting ex officio members of the board.~~—

~~(B) (1) The territory of each state board of education district for each elected voting member of the board shall consist of the territory of three contiguous senate districts as established in the most recent apportionment for members of the general assembly, but the territory of no senate district shall be part of the territory of more than one state board of education district. Each state board of education district shall be as compact as practicable. The districts shall include, when practicable, some districts that primarily consist of territory in rural areas and some districts that primarily consist of territory in urban areas.~~—

~~(2) If, after the apportionment for members of the general assembly is made in any year, the general assembly does not during that year enact legislation establishing state board of education districts in accordance with division (B) (1) of this section, the governor shall designate the boundaries of the districts in accordance with division (B) (1) of this section no later than the thirty-first day of January of the year next~~—

~~succeeding such apportionment. Upon making such designation, the  
governor shall give written notice of the boundaries of the  
districts to each member of the state board of education,  
including the nonvoting ex officio members; the superintendent  
of public instruction; the director of education and workforce;  
the president of the senate; the speaker of the house of  
representatives; and the board of elections of each county in  
each new district. On the first day of February in any year in  
which the governor designates the boundaries of state board of  
education districts under this section, the state board of  
education districts as they existed prior to that date shall  
cease to exist and the new districts shall be created.~~

**Sec. 3301.02.** (A) ~~Elected voting members of the state  
board of education shall be elected as required by expiration of  
respective terms, each for a term of four years or until a  
successor is elected and qualified. One elected member shall be  
elected from each district respectively in which the term of  
office of a board member expires on the first day of January  
following the election. The term of office of each member so  
elected shall begin on the first day of January immediately  
following this election.~~

~~(B) At any time the boundaries of state board of education  
districts are changed under division (B) of section 3301.01 of  
the Revised Code, a member of the state board whose term will  
not expire within two years of the time the change in boundaries  
is made shall represent, for the remainder of the term for which  
the member was elected, the state board district containing the  
largest portion of the population of the district from which the  
member was elected. If more than one member whose term will not  
so expire would represent the same district under the provisions  
of this section, either the general assembly, if the general~~



~~assembly enacted legislation establishing those districts under  
division (B) (2) of section 3301.01 of the Revised Code, or the  
governor, if the governor designated the boundaries of the  
districts under that division, shall designate which member  
shall represent each district for the balance of the members'  
terms.~~

~~(C) Appointed voting members~~Members of the board shall  
serve four-year terms beginning the first day of January and  
ending on the thirty-first day of December. ~~Except as provided  
in division (D) of this section, members may be reappointed.~~

~~(D) (B)~~ No person, ~~elected or appointed,~~ shall hold the  
office of member of the state board of education for a period of  
longer than two successive terms of four years. Terms shall be  
considered successive unless separated by a period of four or  
more years. Only terms beginning on or after January 1, 1996,  
shall be considered in determining an individual's eligibility  
to hold office.

(C) Notwithstanding any provision of the Revised Code to  
the contrary, members who were elected or appointed under this  
section as it existed prior to the effective date of this  
amendment shall remain in office until the expiration of their  
current terms. Upon the expiration of the current term of  
elected members, all eleven elected offices shall be abolished  
and no successor shall be elected after the effective date of  
this amendment. If such elected member vacates the office prior  
to the expiration of the member's term, no individual shall be  
appointed or elected to fill that vacancy, and that office is  
abolished. The offices of the first three appointed members to  
reach the expiration of their current terms or vacate the office  
prior to the expiration of their current terms shall be

abolished. Thereafter, the state board consists of five 36827  
appointed members as prescribed under section 3301.01 of the 36828  
Revised Code. 36829

**Sec. 3301.03.** ~~Each elected voting member of the state~~ 36830  
~~board of education shall be a qualified elector residing in the~~ 36831  
~~territory composing the district from which the member is~~ 36832  
~~elected, and shall be nominated and elected to office as~~ 36833  
~~provided by Title XXXV of the Revised Code.~~ (A) Each appointed 36834  
~~voting member of the board shall be a qualified elector residing~~ 36835  
~~in the state. At least four of the appointed voting members~~ 36836  
~~shall represent rural school districts in the state, as~~ 36837  
~~evidenced by the member's current place of residence and at~~ 36838  
~~least one~~ One member shall represent each of the following: 36839

~~(A) The member's children attend, or at one time attended,~~ 36840  
~~school in a~~ (1) A rural school district; 36841

~~(B) The member's past or present occupation is associated~~ 36842  
~~with rural areas of the state~~ (2) A suburban school district; 36843

~~(C) The member possesses other credentials or experience~~ 36844  
~~demonstrating knowledge and familiarity with rural~~ (3) An urban 36845  
~~school districts~~ district; 36846

(4) A community school established under Chapter 3314. of 36847  
the Revised Code; 36848

(5) A chartered nonpublic school. 36849

~~No elected or appointed voting member of the board shall,~~ 36850  
~~during the member's term of office, hold any other office of~~ 36851  
~~trust or profit or be an employee or officer of any public or~~ 36852  
~~private elementary or secondary school. Before entering on the~~ 36853  
~~duties of office, each elected and appointed voting member shall~~ 36854  
~~subscribe to the official oath of office.~~ 36855

Each ~~voting~~ member of the state board of education shall 36856  
be paid a salary fixed pursuant to division (J) of section 36857  
124.15 of the Revised Code, together with the member's actual 36858  
and necessary expenses incurred while engaged in the performance 36859  
of the member's official duties or in the conduct of authorized 36860  
board business, and while en route to and from the member's home 36861  
for such purposes. 36862

~~(D)~~ (B) As used in this section only, "office of trust or 36863  
profit" means: 36864

(1) A federal or state elective office or an elected 36865  
office of a political subdivision of the state; 36866

(2) A position on a board or commission of the state that 36867  
is appointed by the governor; 36868

(3) An office set forth in section 121.03, 121.04, or 36869  
121.05 of the Revised Code; 36870

(4) An office of the government of the United States that 36871  
is appointed by the president of the United States. 36872

**Sec. 3301.06.** A vacancy in the state board of education 36873  
may be caused by death, ~~nonresidence,~~ resignation, removal from 36874  
office, ~~failure of a person elected to qualify within ten days~~ 36875  
~~after the organization of the board or of the person's election,~~ 36876  
~~removal from the district of election or from residence in the~~ 36877  
~~state,~~ or absence from any ~~two~~three consecutive regular meetings 36878  
of the board if such absence is caused by reasons declared 36879  
insufficient by a vote of twelve members of the board. When a 36880  
vacancy occurs in the office of an elected member, the governor 36881  
shall, within a period of thirty days and with the advice and 36882  
consent of the senate, appoint a qualified person residing in 36883  
the district in which the vacancy occurred to fill the vacancy 36884

~~until the next general election at which members of the state~~ 36885  
~~board of education are elected, at which time a qualified~~ 36886  
~~elector residing in the district in which the vacancy occurred~~ 36887  
~~shall be elected for the unexpired term. Such member shall~~ 36888  
~~assume office at the next succeeding meeting of the board~~ for 36889  
any reason. When a vacancy occurs in the office of an ~~appointed~~ 36890  
member, the governor shall, within a period of thirty days and 36891  
with the advice and consent of the senate, appoint a qualified 36892  
person, in accordance with section 3301.03 of the Revised Code, 36893  
to serve the remainder of the term. 36894

**Sec. 3301.071.** (A) (1) Except as provided in division (E) 36895  
of this section, in the case of nontax-supported schools, 36896  
standards for teacher certification prescribed under section 36897  
3301.07 of the Revised Code shall provide for certification, 36898  
without further educational requirements, of any administrator, 36899  
supervisor, or teacher who has attended and received a 36900  
bachelor's degree or a master's degree from a college or 36901  
university accredited by a national or regional association in 36902  
the United States except that, at the discretion of the state 36903  
board of education, this requirement may be met by having an 36904  
equivalent degree from a foreign college or university of 36905  
comparable standing. 36906

(2) Except as provided in division (E) of this section, in 36907  
the case of nonchartered, nontax-supported schools, the 36908  
standards for teacher certification prescribed under section 36909  
3301.07 of the Revised Code shall provide for certification, 36910  
without further educational requirements, of any administrator, 36911  
supervisor, or teacher who has attended and received a diploma 36912  
from a "bible college" or "bible institute" described in 36913  
division (E) of section 1713.02 of the Revised Code. 36914

(3) A certificate issued under division (A) (3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

Notwithstanding division (A) (1) of this section and except as provided in division (E) of this section, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or expertise that qualifies the person to provide instruction.

(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school.

(c) The person has provided to the chief administrative officer evidence of completion of a teacher training program named in the affidavit.

(B) Each person applying for a certificate under this section for purposes of serving in a nonpublic school chartered by the director of education and workforce under section 3301.16 of the Revised Code shall pay a fee in the amount established under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the ~~state board of education certification fund established under division (B) of section 3319.51 occupational licensing and regulatory fund established~~ in section 4743.05 of the Revised Code.

(C) A person applying for or holding any certificate 36944  
pursuant to this section for purposes of serving in a nonpublic 36945  
school chartered by the director is subject to sections 3123.41 36946  
to 3123.50 of the Revised Code and any applicable rules adopted 36947  
under section 3123.63 of the Revised Code and sections 3319.31 36948  
and 3319.311 of the Revised Code. 36949

(D) Divisions (B) and (C) of this section and sections 36950  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 36951  
to any administrators, supervisors, or teachers in nonchartered, 36952  
nontax-supported schools. 36953

(E) The state board shall issue a certificate to serve in 36954  
a nonpublic school as an administrator, supervisor, or teacher 36955  
in accordance with Chapter 4796. of the Revised Code to an 36956  
applicant if either of the following applies: 36957

(1) The applicant holds a certificate in another state. 36958

(2) The applicant has satisfactory work experience, a 36959  
government certification, or a private certification as 36960  
described in that chapter as a nonpublic school administrator, 36961  
supervisor, or teacher in a state that does not issue one or 36962  
more of those certificates. 36963

**Sec. 3301.074.** (A) Except as provided in division (E) of 36964  
this section, the state board of education shall, by rule 36965  
adopted in accordance with Chapter 119. of the Revised Code, 36966  
establish standards for licensing school district treasurers and 36967  
business managers, for the renewal of such licenses, and for the 36968  
issuance of duplicate copies of licenses. Licenses of the 36969  
following types shall be issued or renewed by the board to 36970  
applicants who meet the standards for the license or the renewal 36971  
of the license for which application is made: 36972

(1) Treasurer, valid for serving as treasurer of a school district in accordance with section 3313.22 of the Revised Code; 36973  
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(2) Business manager, valid for serving as business manager of a school district in accordance with section 3319.03 of the Revised Code. 36975  
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(B) Each application for a license or renewal or duplicate copy of a license shall be accompanied by the payment of a fee in the amount established under division ~~(A)~~(B) of section 3319.51 of the Revised Code. Any fees received under this section shall be paid into the state treasury to the credit of the ~~state board of education licensure fund established under division (B) of section 3319.51~~ occupational licensing and regulatory fund established in section 4743.05 of the Revised Code. 36978  
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(C) Any person employed under section 3313.22 of the Revised Code as a treasurer on July 1, 1983, shall be considered to meet the standards for licensure as a treasurer and for renewal of such license. Any person employed under section 3319.03 of the Revised Code as a business manager on July 1, 1983, shall be considered to meet the standards for licensure as a business manager and for renewal of such license. 36987  
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(D) Any person applying for or holding any license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code. 36994  
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(E) The state board shall issue a license to act as a school district treasurer or business manager in accordance with Chapter 4796. of the Revised Code to an applicant if either of 36999  
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the following applies: 37002

(1) The applicant holds a license in another state. 37003

(2) The applicant has satisfactory work experience, a 37004  
government certification, or a private certification as 37005  
described in that chapter as a school district treasurer or 37006  
business manager in a state that does not issue one of those 37007  
licenses or both. 37008

**Sec. 3301.0711.** (A) The department of education and 37009  
workforce shall: 37010

(1) Annually furnish to, grade, and score all assessments 37011  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 37012  
the Revised Code to be administered by city, local, exempted 37013  
village, and joint vocational school districts, except that each 37014  
district shall score any assessment administered pursuant to 37015  
division (B) (10) of this section. Each assessment so furnished 37016  
shall include the data verification code of the student to whom 37017  
the assessment will be administered, as assigned pursuant to 37018  
division (D) (2) of section 3301.0714 of the Revised Code. In 37019  
furnishing the practice versions of Ohio graduation tests 37020  
prescribed by division (D) of section 3301.0710 of the Revised 37021  
Code, the department shall make the tests available on its web 37022  
site for reproduction by districts. In awarding contracts for 37023  
grading assessments, the department shall give preference to 37024  
Ohio-based entities employing Ohio residents. 37025

(2) Adopt rules for the ethical use of assessments and 37026  
prescribing the manner in which the assessments prescribed by 37027  
section 3301.0710 of the Revised Code shall be administered to 37028  
students. 37029

(B) Except as provided in divisions (C) and (J) of this 37030



section, the board of education of each city, local, and 37031  
exempted village school district shall, in accordance with rules 37032  
adopted under division (A) of this section: 37033

(1) Administer the English language arts assessments 37034  
prescribed under division (A) (1) (a) of section 3301.0710 of the 37035  
Revised Code twice annually to all students in the third grade 37036  
who have not attained the score designated for that assessment 37037  
under division (A) (2) (c) of section 3301.0710 of the Revised 37038  
Code. 37039

(2) Administer the mathematics assessment prescribed under 37040  
division (A) (1) (a) of section 3301.0710 of the Revised Code at 37041  
least once annually to all students in the third grade. 37042

(3) Administer the assessments prescribed under division 37043  
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 37044  
annually to all students in the fourth grade. 37045

(4) Administer the assessments prescribed under division 37046  
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 37047  
annually to all students in the fifth grade. 37048

(5) Administer the assessments prescribed under division 37049  
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 37050  
annually to all students in the sixth grade. 37051

(6) Administer the assessments prescribed under division 37052  
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 37053  
annually to all students in the seventh grade. 37054

(7) Administer the assessments prescribed under division 37055  
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 37056  
annually to all students in the eighth grade. 37057

(8) Except as provided in division (B) (9) of this section, 37058

administer any assessment prescribed under division (B) (1) of 37059  
section 3301.0710 of the Revised Code as follows: 37060

(a) At least once annually to all tenth grade students and 37061  
at least twice annually to all students in eleventh or twelfth 37062  
grade who have not yet attained the score on that assessment 37063  
designated under that division; 37064

(b) To any person who has successfully completed the 37065  
curriculum in any high school or the individualized education 37066  
program developed for the person by any high school pursuant to 37067  
section 3323.08 of the Revised Code but has not received a high 37068  
school diploma and who requests to take such assessment, at any 37069  
time such assessment is administered in the district. 37070

(9) In lieu of the board of education of any city, local, 37071  
or exempted village school district in which the student is also 37072  
enrolled, the board of a joint vocational school district shall 37073  
administer any assessment prescribed under division (B) (1) of 37074  
section 3301.0710 of the Revised Code at least twice annually to 37075  
any student enrolled in the joint vocational school district who 37076  
has not yet attained the score on that assessment designated 37077  
under that division. A board of a joint vocational school 37078  
district may also administer such an assessment to any student 37079  
described in division (B) (8) (b) of this section. 37080

(10) If the district has a three-year average graduation 37081  
rate of not more than seventy-five per cent, administer each 37082  
assessment prescribed by division (D) of section 3301.0710 of 37083  
the Revised Code in September to all ninth grade students who 37084  
entered ninth grade prior to July 1, 2014. 37085

Except as provided in section 3313.614 of the Revised Code 37086  
for administration of an assessment to a person who has 37087

fulfilled the curriculum requirement for a high school diploma 37088  
but has not passed one or more of the required assessments, the 37089  
assessments prescribed under division (B) (1) of section 37090  
3301.0710 of the Revised Code shall not be administered after 37091  
the date specified in the rules adopted under division (D) (1) of 37092  
section 3301.0712 of the Revised Code. 37093

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 37094  
of this section, administer the assessments prescribed by 37095  
division (B) (2) of section 3301.0710 and section 3301.0712 of 37096  
the Revised Code in accordance with the timeline and plan for 37097  
implementation of those assessments prescribed by rule adopted 37098  
under division (D) (1) of section 3301.0712 of the Revised Code; 37099

(b) A student who has presented evidence to the district 37100  
or school of having satisfied the condition prescribed by 37101  
division (A) (1) of section 3313.618 of the Revised Code to 37102  
qualify for a high school diploma prior to the date of the 37103  
administration of the assessment prescribed under division (B) 37104  
(1) of section 3301.0712 of the Revised Code shall not be 37105  
required to take that assessment. However, no board shall 37106  
prohibit a student who is not required to take such assessment 37107  
from taking the assessment. 37108

(c) A student shall not be required to retake the Algebra 37109  
I end-of-course examination or the English language arts II end- 37110  
of-course examination prescribed under division (B) (2) of 37111  
section 3301.0712 of the Revised Code in grades nine through 37112  
twelve if the student demonstrates at least a proficient level 37113  
of skill, as prescribed under division (B) (5) (a) of that 37114  
section, or achieves a competency score, as prescribed under 37115  
division (B) (10) of that section, in an administration of the 37116  
examination prior to grade nine. 37117

(C) (1) (a) In the case of a student receiving special 37118  
education services under Chapter 3323. of the Revised Code, the 37119  
individualized education program developed for the student under 37120  
that chapter shall specify the manner in which the student will 37121  
participate in the assessments administered under this section, 37122  
except that a student with significant cognitive disabilities to 37123  
whom an alternate assessment is administered in accordance with 37124  
division (C) (1) of this section and a student determined to have 37125  
a disability that includes an intellectual disability as 37126  
outlined in guidance issued by the department shall not be 37127  
required to take the assessment prescribed under division (B) (1) 37128  
of section 3301.0712 of the Revised Code. The individualized 37129  
education program may excuse the student from taking any 37130  
particular assessment required to be administered under this 37131  
section if it instead specifies an alternate assessment method 37132  
approved by the department as conforming to requirements of 37133  
federal law for receipt of federal funds for disadvantaged 37134  
pupils. To the extent possible, the individualized education 37135  
program shall not excuse the student from taking an assessment 37136  
unless no reasonable accommodation can be made to enable the 37137  
student to take the assessment. No board shall prohibit a 37138  
student who is not required to take an assessment under division 37139  
(C) (1) of this section from taking the assessment. 37140

(b) Any alternate assessment approved by the department 37141  
for a student under this division shall produce measurable 37142  
results comparable to those produced by the assessment it 37143  
replaces in order to allow for the student's results to be 37144  
included in the data compiled for a school district or building 37145  
under section 3302.03 of the Revised Code. 37146

(c) (i) Any student enrolled in a chartered nonpublic 37147  
school who has been identified, based on an evaluation conducted 37148

in accordance with section 3323.03 of the Revised Code or 37149  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 37150  
29 U.S.C.A. 794, as amended, as a child with a disability shall 37151  
be excused from taking any particular assessment required to be 37152  
administered under this section if either of the following 37153  
apply: 37154

(I) A plan developed for the student pursuant to rules 37155  
adopted by the department excuses the student from taking that 37156  
assessment. 37157

(II) The chartered nonpublic school develops a written 37158  
plan in which the school, in consultation with the student's 37159  
parents, determines that an assessment or alternative assessment 37160  
with accommodations does not accurately assess the student's 37161  
academic performance. The plan shall include an academic profile 37162  
of the student's academic performance and shall be reviewed 37163  
annually to determine if the student's needs continue to require 37164  
excusal from taking the assessment. 37165

(ii) A student with significant cognitive disabilities to 37166  
whom an alternate assessment is administered in accordance with 37167  
division (C)(1) of this section and a student determined to have 37168  
a disability that includes an intellectual disability as 37169  
outlined in guidance issued by the department shall not be 37170  
required to take the assessment prescribed under division (B)(1) 37171  
of section 3301.0712 of the Revised Code. 37172

(iii) In the case of any student so excused from taking an 37173  
assessment under division (C)(1)(c) of this section, the 37174  
chartered nonpublic school shall not prohibit the student from 37175  
taking the assessment. 37176

(2) A district board may, for medical reasons or other 37177

good cause, excuse a student from taking an assessment 37178  
administered under this section on the date scheduled, but that 37179  
assessment shall be administered to the excused student not 37180  
later than nine days following the scheduled date. The district 37181  
board shall annually report the number of students who have not 37182  
taken one or more of the assessments required by this section to 37183  
the department not later than the thirtieth day of June. 37184

(3) No school district board shall excuse any English 37185  
learner from taking any particular assessment required to be 37186  
administered under this section, except that any English learner 37187  
who has been enrolled in United States schools for less than two 37188  
years and for whom no appropriate accommodations are available 37189  
based on guidance issued by the department shall not be required 37190  
to take the assessment prescribed under division (B) (1) of 37191  
section 3301.0712 of the Revised Code. 37192

However, no board shall prohibit an English learner who is 37193  
not required to take that assessment from taking the assessment. 37194

A board may permit any English learner to take an 37195  
assessment required to be administered under this section with 37196  
appropriate accommodations, as determined by the department. 37197

For each English learner, each school district shall 37198  
annually assess that student's progress in learning English, in 37199  
accordance with procedures approved by the department. 37200

The guidance and procedures issued by the department for 37201  
the purposes of division (C) (3) of this section shall comply 37202  
with the rules adopted under section 3301.0731 of the Revised 37203  
Code. 37204

(4) (a) The governing authority of a chartered nonpublic 37205  
school may excuse an English learner from taking any assessment 37206

administered under this section. 37207

(b) No governing authority shall require an English 37208  
learner who has been enrolled in United States schools for less 37209  
than two years and for whom no appropriate accommodations are 37210  
available based on guidance issued by the department to take the 37211  
assessment prescribed under division (B) (1) of section 3301.0712 37212  
of the Revised Code. 37213

(c) No governing authority shall prohibit an English 37214  
learner from taking an assessment from which the student was 37215  
excused under division (C) (4) of this section. 37216

(D) (1) In the school year next succeeding the school year 37217  
in which the assessments prescribed by division (A) (1) or (B) (1) 37218  
of section 3301.0710 of the Revised Code or former division (A) 37219  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 37220  
it existed prior to September 11, 2001, are administered to any 37221  
student, the board of education of any school district in which 37222  
the student is enrolled in that year shall provide to the 37223  
student intervention services commensurate with the student's 37224  
performance, including any intensive intervention required under 37225  
section 3313.608 of the Revised Code, in any skill in which the 37226  
student failed to demonstrate at least a score at the proficient 37227  
level on the assessment. 37228

(2) Following any administration of the assessments 37229  
prescribed by division (D) of section 3301.0710 of the Revised 37230  
Code to ninth grade students, each school district that has a 37231  
three-year average graduation rate of not more than seventy-five 37232  
per cent shall determine for each high school in the district 37233  
whether the school shall be required to provide intervention 37234  
services to any students who took the assessments. In 37235  
determining which high schools shall provide intervention 37236

services based on the resources available, the district shall 37237  
consider each school's graduation rate and scores on the 37238  
practice assessments. The district also shall consider the 37239  
scores received by ninth grade students on the English language 37240  
arts and mathematics assessments prescribed under division (A) 37241  
(1)(f) of section 3301.0710 of the Revised Code in the eighth 37242  
grade in determining which high schools shall provide 37243  
intervention services. 37244

Each high school selected to provide intervention services 37245  
under this division shall provide intervention services to any 37246  
student whose results indicate that the student is failing to 37247  
make satisfactory progress toward being able to attain scores at 37248  
the proficient level on the Ohio graduation tests. Intervention 37249  
services shall be provided in any skill in which a student 37250  
demonstrates unsatisfactory progress and shall be commensurate 37251  
with the student's performance. Schools shall provide the 37252  
intervention services prior to the end of the school year, 37253  
during the summer following the ninth grade, in the next 37254  
succeeding school year, or at any combination of those times. 37255

(E) Except as provided in section 3313.608 of the Revised 37256  
Code and division (N) of this section, no school district board 37257  
of education shall utilize any student's failure to attain a 37258  
specified score on an assessment administered under this section 37259  
as a factor in any decision to deny the student promotion to a 37260  
higher grade level. However, a district board may choose not to 37261  
promote to the next grade level any student who does not take an 37262  
assessment administered under this section or make up an 37263  
assessment as provided by division (C) (2) of this section and 37264  
who is not exempt from the requirement to take the assessment 37265  
under division (C) (3) of this section. 37266



(F) No person shall be charged a fee for taking any 37267  
assessment administered under this section. 37268

(G) (1) Each school district board shall designate one 37269  
location for the collection of assessments administered in the 37270  
spring under division (B) (1) of this section and those 37271  
administered under divisions (B) (2) to (7) of this section. Each 37272  
district board shall submit the assessments to the entity with 37273  
which the department contracts for the scoring of the 37274  
assessments as follows: 37275

(a) If the district's total enrollment in grades 37276  
kindergarten through twelve during the first full school week of 37277  
October was less than two thousand five hundred, not later than 37278  
the Friday after all of the assessments have been administered; 37279

(b) If the district's total enrollment in grades 37280  
kindergarten through twelve during the first full school week of 37281  
October was two thousand five hundred or more, but less than 37282  
seven thousand, not later than the Monday after all of the 37283  
assessments have been administered; 37284

(c) If the district's total enrollment in grades 37285  
kindergarten through twelve during the first full school week of 37286  
October was seven thousand or more, not later than the Tuesday 37287  
after all of the assessments have been administered. 37288

However, any assessment that a student takes during the 37289  
make-up period described in division (C) (2) of this section 37290  
shall be submitted not later than the Friday following the day 37291  
the student takes the assessment. 37292

(2) The department or an entity with which the department 37293  
contracts for the scoring of the assessment shall send to each 37294  
school district board a list of the individual scores of all 37295

persons taking a state achievement assessment as follows: 37296

(a) Except as provided in division (G) (2) (b) or (c) of 37297  
this section, within forty-five days after the administration of 37298  
the assessments prescribed by sections 3301.0710 and 3301.0712 37299  
of the Revised Code, but in no case shall the scores be returned 37300  
later than the thirtieth day of June following the 37301  
administration; 37302

(b) In the case of the third-grade English language arts 37303  
assessment, within forty-five days after the administration of 37304  
that assessment, but in no case shall the scores be returned 37305  
later than the fifteenth day of June following the 37306  
administration; 37307

(c) In the case of the writing component of an assessment 37308  
or end-of-course examination in the area of English language 37309  
arts, except for the third-grade English language arts 37310  
assessment, the results may be sent after forty-five days of the 37311  
administration of the writing component, but in no case shall 37312  
the scores be returned later than the thirtieth day of June 37313  
following the administration. 37314

(3) For assessments administered under this section by a 37315  
joint vocational school district, the department or entity shall 37316  
also send to each city, local, or exempted village school 37317  
district a list of the individual scores of any students of such 37318  
city, local, or exempted village school district who are 37319  
attending school in the joint vocational school district. 37320

(4) Beginning with the 2019-2020 school year, a school 37321  
district, other public school, or chartered nonpublic school may 37322  
administer the third-grade English language arts or mathematics 37323  
assessment, or both, in a paper format in any school year for 37324

which the district board of education or school governing body 37325  
adopts a resolution indicating that the district or school 37326  
chooses to administer the assessment in a paper format. The 37327  
board or governing body shall submit a copy of the resolution to 37328  
the department of education and workforce not later than the 37329  
first day of May prior to the school year for which it will 37330  
apply. If the resolution is submitted, the district or school 37331  
shall administer the assessment in a paper format to all 37332  
students in the third grade, except that any student whose 37333  
individualized education program or plan developed under section 37334  
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 37335  
794, as amended, specifies that taking the assessment in an 37336  
online format is an appropriate accommodation for the student 37337  
may take the assessment in an online format. 37338

(5) A classical school may administer all assessments 37339  
administered under this section in a paper format, except that 37340  
any student whose individualized education program or plan 37341  
developed under section 504 of the "Rehabilitation Act of 1973," 37342  
29 U.S.C. 794 specifies that taking the assessment in an online 37343  
format is an appropriate accommodation for the student may take 37344  
the assessment in an online format. 37345

(H) Individual scores on any assessments administered 37346  
under this section shall be released by a district board only in 37347  
accordance with section 3319.321 of the Revised Code and the 37348  
rules adopted under division (A) of this section. No district 37349  
board or its employees shall utilize individual or aggregate 37350  
results in any manner that conflicts with rules for the ethical 37351  
use of assessments adopted pursuant to division (A) of this 37352  
section. 37353

(I) Except as provided in division (G) of this section, 37354

the department or an entity with which the department contracts 37355  
for the scoring of the assessment shall not release any 37356  
individual scores on any assessment administered under this 37357  
section. The department shall adopt rules to ensure the 37358  
protection of student confidentiality at all times. The rules 37359  
may require the use of the data verification codes assigned to 37360  
students pursuant to division (D)(2) of section 3301.0714 of the 37361  
Revised Code to protect the confidentiality of student scores. 37362

(J) Notwithstanding division (D) of section 3311.52 of the 37363  
Revised Code, this section does not apply to the board of 37364  
education of any cooperative education school district except as 37365  
provided under rules adopted pursuant to this division. 37366

(1) In accordance with rules that the department shall 37367  
adopt, the board of education of any city, exempted village, or 37368  
local school district with territory in a cooperative education 37369  
school district established pursuant to divisions (A) to (C) of 37370  
section 3311.52 of the Revised Code may enter into an agreement 37371  
with the board of education of the cooperative education school 37372  
district for administering any assessment prescribed under this 37373  
section to students of the city, exempted village, or local 37374  
school district who are attending school in the cooperative 37375  
education school district. 37376

(2) In accordance with rules that the department shall 37377  
adopt, the board of education of any city, exempted village, or 37378  
local school district with territory in a cooperative education 37379  
school district established pursuant to section 3311.521 of the 37380  
Revised Code shall enter into an agreement with the cooperative 37381  
district that provides for the administration of any assessment 37382  
prescribed under this section to both of the following: 37383

(a) Students who are attending school in the cooperative 37384

district and who, if the cooperative district were not 37385  
established, would be entitled to attend school in the city, 37386  
local, or exempted village school district pursuant to section 37387  
3313.64 or 3313.65 of the Revised Code; 37388

(b) Persons described in division (B) (8) (b) of this 37389  
section. 37390

Any assessment of students pursuant to such an agreement 37391  
shall be in lieu of any assessment of such students or persons 37392  
pursuant to this section. 37393

(K) (1) (a) Except as otherwise provided in division (K) (1) 37394  
or (2) of this section, each chartered nonpublic school for 37395  
which at least sixty-five per cent of its total enrollment is 37396  
made up of students who are participating in state scholarship 37397  
programs shall administer the assessments prescribed by division 37398  
(A) of section 3301.0710 of the Revised Code or an alternative 37399  
standardized assessment determined by the department. In 37400  
accordance with procedures and deadlines prescribed by the 37401  
department, the parent or guardian of a student enrolled in the 37402  
school who is not participating in a state scholarship program 37403  
may submit notice to the chief administrative officer of the 37404  
school that the parent or guardian does not wish to have the 37405  
student take the assessments prescribed for the student's grade 37406  
level under division (A) of section 3301.0710 of the Revised 37407  
Code. If a parent or guardian submits an opt-out notice, the 37408  
school shall not administer the assessments to that student. 37409  
This option does not apply to any assessment required for a high 37410  
school diploma under section 3313.612 of the Revised Code. 37411

(b) Any chartered nonpublic school that enrolls students 37412  
who are participating in state scholarship programs may 37413  
administer an alternative standardized assessment determined by 37414

the department instead of the assessments prescribed by division 37415  
(A) of section 3301.0710 of the Revised Code. 37416

Each chartered nonpublic school subject to division (K) (1) 37417  
(a) or (b) of this section shall report the results of each 37418  
assessment administered under those divisions to the department. 37419

(2) A chartered nonpublic school may submit to the 37420  
director of education and workforce a request for a waiver from 37421  
administering the elementary assessments prescribed by division 37422  
(A) of section 3301.0710 of the Revised Code. The director shall 37423  
approve or disapprove a request for a waiver submitted under 37424  
division (K) (2) of this section. 37425

To be eligible to submit a request for a waiver, a 37426  
chartered nonpublic school shall meet the following conditions: 37427

(a) At least ninety-five per cent of the students enrolled 37428  
in the school are children with disabilities, as defined under 37429  
section 3323.01 of the Revised Code, or have received a 37430  
diagnosis by a school district or from a physician, including a 37431  
neuropsychiatrist or psychiatrist, or a psychologist who is 37432  
authorized to practice in this or another state as having a 37433  
condition that impairs academic performance, such as dyslexia, 37434  
dyscalculia, attention deficit hyperactivity disorder, or 37435  
Asperger's syndrome. 37436

(b) The school has solely served a student population 37437  
described in division (K) (1) (a) of this section for at least ten 37438  
years. 37439

(c) The school provides to the department at least five 37440  
years of records of internal testing conducted by the school 37441  
that affords the department data required for accountability 37442  
purposes, including diagnostic assessments and nationally 37443

standardized norm-referenced achievement assessments that 37444  
measure reading and math skills. 37445

(3) Any chartered nonpublic school that is not subject to 37446  
division (K)(1) of this section may participate in the 37447  
assessment program by administering any of the assessments 37448  
prescribed by division (A) of section 3301.0710 of the Revised 37449  
Code. The chief administrator of the school shall specify which 37450  
assessments the school will administer. Such specification shall 37451  
be made in writing to the director prior to the first day of 37452  
August of any school year in which assessments are administered 37453  
and shall include a pledge that the nonpublic school will 37454  
administer the specified assessments in the same manner as 37455  
public schools are required to do under this section and rules 37456  
adopted by the department. 37457

(4) The department shall furnish the assessments 37458  
prescribed by section 3301.0710 of the Revised Code to each 37459  
chartered nonpublic school that is subject to division (K)(1) of 37460  
this section or participates under division (K)(3) of this 37461  
section. 37462

(L) If a chartered nonpublic school is educating students 37463  
in grades nine through twelve, the following shall apply: 37464

(1) Except as provided in division (L)(4) of this section, 37465  
for a student who is enrolled in a chartered nonpublic school 37466  
that is accredited through the independent schools association 37467  
of the central states and who is attending the school under a 37468  
state scholarship program, the student shall either take all of 37469  
the assessments prescribed by division (B) of section 3301.0712 37470  
of the Revised Code or take an alternative assessment approved 37471  
by the department under section 3313.619 of the Revised Code. 37472  
However, a student who is excused from taking an assessment 37473

under division (C) of this section or has presented evidence to 37474  
the chartered nonpublic school of having satisfied the condition 37475  
prescribed by division (A) (1) of section 3313.618 of the Revised 37476  
Code to qualify for a high school diploma prior to the date of 37477  
the administration of the assessment prescribed under division 37478  
(B) (1) of section 3301.0712 of the Revised Code shall not be 37479  
required to take that assessment. No governing authority of a 37480  
chartered nonpublic school shall prohibit a student who is not 37481  
required to take such assessment from taking the assessment. 37482

(2) For a student who is enrolled in a chartered nonpublic 37483  
school that is accredited through the independent schools 37484  
association of the central states, and who is not attending the 37485  
school under a state scholarship program, the student shall not 37486  
be required to take any assessment prescribed under section 37487  
3301.0712 or 3313.619 of the Revised Code. 37488

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 37489  
of this section, for a student who is enrolled in a chartered 37490  
nonpublic school that is not accredited through the independent 37491  
schools association of the central states, regardless of whether 37492  
the student is attending or is not attending the school under a 37493  
state scholarship program, the student shall do one of the 37494  
following: 37495

(i) Take all of the assessments prescribed by division (B) 37496  
of section 3301.0712 of the Revised Code; 37497

(ii) Take only the assessment prescribed by division (B) 37498  
(1) of section 3301.0712 of the Revised Code, provided that the 37499  
student's school publishes the results of that assessment for 37500  
each graduating class. The published results of that assessment 37501  
shall include the overall composite scores, mean scores, twenty- 37502  
fifth percentile scores, and seventy-fifth percentile scores for 37503



each subject area of the assessment. 37504

(iii) Take an alternative assessment approved by the 37505  
department under section 3313.619 of the Revised Code. 37506

(b) A student who is excused from taking an assessment 37507  
under division (C) of this section or has presented evidence to 37508  
the chartered nonpublic school of having satisfied the condition 37509  
prescribed by division (A) (1) of section 3313.618 of the Revised 37510  
Code to qualify for a high school diploma prior to the date of 37511  
the administration of the assessment prescribed under division 37512  
(B) (1) of section 3301.0712 of the Revised Code shall not be 37513  
required to take that assessment. No governing authority of a 37514  
chartered nonpublic school shall prohibit a student who is not 37515  
required to take such assessment from taking the assessment. 37516

(4) The assessments prescribed by sections 3301.0712 and 37517  
3313.619 of the Revised Code shall not be administered to any 37518  
student attending the school, if the school meets all of the 37519  
following conditions: 37520

(a) At least ninety-five per cent of the students enrolled 37521  
in the school are children with disabilities, as defined under 37522  
section 3323.01 of the Revised Code, or have received a 37523  
diagnosis by a school district or from a physician, including a 37524  
neuropsychologist or psychiatrist, or a psychologist who is 37525  
authorized to practice in this or another state as having a 37526  
condition that impairs academic performance, such as dyslexia, 37527  
dyscalculia, attention deficit hyperactivity disorder, or 37528  
Asperger's syndrome. 37529

(b) The school has solely served a student population 37530  
described in division (L) (4) (a) of this section for at least ten 37531  
years. 37532

(c) The school makes available to the department at least 37533  
five years of records of internal testing conducted by the 37534  
school that affords the department data required for 37535  
accountability purposes, including growth in student achievement 37536  
in reading or mathematics, or both, as measured by nationally 37537  
norm-referenced assessments that have developed appropriate 37538  
standards for students. 37539

Division (L) (4) of this section applies to any student 37540  
attending such school regardless of whether the student receives 37541  
special education or related services and regardless of whether 37542  
the student is attending the school under a state scholarship 37543  
program. 37544

(M) (1) The superintendent of Ohio deaf and blind education 37545  
services shall administer the assessments described by sections 37546  
3301.0710 and 3301.0712 of the Revised Code for the state school 37547  
for the blind and the state school for the deaf. The 37548  
superintendent of Ohio deaf and blind education services shall 37549  
administer the assessments in the same manner as district boards 37550  
are required to do under this section and rules adopted by the 37551  
department and in conformity with division (C) (1) (a) of this 37552  
section. 37553

(2) The department shall furnish the assessments described 37554  
by sections 3301.0710 and 3301.0712 of the Revised Code to the 37555  
superintendent of Ohio deaf and blind education services. 37556

(N) Notwithstanding division (E) of this section, a school 37557  
district may use a student's failure to attain a score in at 37558  
least the proficient range on the mathematics assessment 37559  
described by division (A) (1) (a) of section 3301.0710 of the 37560  
Revised Code or on an assessment described by division (A) (1) 37561  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 37562

Code as a factor in retaining that student in the current grade level. 37563  
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(O) (1) In the manner specified in divisions (O) (3), ~~and~~ (4), ~~(6), and (7)~~ of this section, the assessments required by division (A) (1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the thirty-first day of July following the school year that the assessments were administered. 37565  
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(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty. 37571  
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Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A) (1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code. 37577  
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(3) Any field test question or anchor question administered under division (O) (2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O) (1) of this section. 37583  
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~~(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.~~ 37588  
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~~(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall~~ 37590  
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~~be a public record.~~ 37592

~~(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O) (3) of this section.~~ 37593  
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~~(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.~~ 37607  
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~~(5) Each assessment prescribed by division (B) (1) of section 3301.0710 of the Revised Code shall not be a public record.~~ 37610  
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~~(6) (a) Except as provided in division (O) (6) (b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:~~ 37613  
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~~(i) Forty per cent of the questions and preferred answers~~ 37620

~~on the assessments on the thirty-first day of July following the administration of the assessment;~~ 37621  
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~~(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;~~ 37623  
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~~(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.~~ 37626  
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~~The entire content of an assessment shall become a public record within three years of its administration.~~ 37629  
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~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.~~ 37631  
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~~(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.~~ 37636  
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~~(7) Division (O)(7)(O)(4) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.~~ 37639  
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Beginning with the assessments administered in the spring of the ~~2017-2018~~ 2025-2026 school year, not less than ~~forty~~ twenty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted 37642  
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question, the department shall inform each city, local, and 37650  
exempted village school district of the corresponding statewide 37651  
academic standard adopted under section 3301.079 of the Revised 37652  
Code and the corresponding benchmark to which the question 37653  
relates. The department is not required to provide corresponding 37654  
standards and benchmarks to field test questions that are 37655  
redacted under division (O)(3) of this section. 37656

(P) As used in this section: 37657

(1) "Three-year average" means the average of the most 37658  
recent consecutive three school years of data. 37659

(2) "Dropout" means a student who withdraws from school 37660  
before completing course requirements for graduation and who is 37661  
not enrolled in an education program approved by the department 37662  
or an education program outside the state. "Dropout" does not 37663  
include a student who has departed the country. 37664

(3) "Graduation rate" means the ratio of students 37665  
receiving a diploma to the number of students who entered ninth 37666  
grade four years earlier. Students who transfer into the 37667  
district are added to the calculation. Students who transfer out 37668  
of the district for reasons other than dropout are subtracted 37669  
from the calculation. If a student who was a dropout in any 37670  
previous year returns to the same school district, that student 37671  
shall be entered into the calculation as if the student had 37672  
entered ninth grade four years before the graduation year of the 37673  
graduating class that the student joins. 37674

(4) "State scholarship programs" means the educational 37675  
choice scholarship pilot program established under sections 37676  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 37677  
program established under section 3310.41 of the Revised Code, 37678

the Jon Peterson special needs scholarship program established 37679  
under sections 3310.51 to 3310.64 of the Revised Code, and the 37680  
pilot project scholarship program established under sections 37681  
3313.974 to 3313.979 of the Revised Code. 37682

(5) "Other public school" means a community school 37683  
established under Chapter 3314., a STEM school established under 37684  
Chapter 3326., or a college-preparatory boarding school 37685  
established under Chapter 3328. of the Revised Code. 37686

(6) "English learner" has the same meaning as in section 37687  
3301.0731 of the Revised Code. 37688

(7) "Classical school" has the same meaning as in section 37689  
3317.02 of the Revised Code. 37690

**Sec. 3301.0712.** (A) The department of education and 37691  
workforce and the chancellor of higher education shall develop a 37692  
system of college and work ready assessments as described in 37693  
division (B) of this section to assess whether each student upon 37694  
graduating from high school is ready to enter college or the 37695  
workforce. Beginning with students who enter the ninth grade for 37696  
the first time on or after July 1, 2014, the system shall 37697  
replace the Ohio graduation tests prescribed in division (B)(1) 37698  
of section 3301.0710 of the Revised Code as a measure of student 37699  
academic performance and one determinant of eligibility for a 37700  
high school diploma in the manner prescribed by rule adopted 37701  
under division (D) of this section. 37702

(B) The college and work ready assessment system shall 37703  
consist of the following: 37704

(1) (a) Except as provided in division (B)(1)(b) of this 37705  
section, nationally standardized assessments that measure 37706  
college and career readiness and are used for college admission. 37707

The assessments shall be selected jointly by the department and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(b) Beginning with students who enter the ninth grade for the first time on or after July 1, 2022, the parent or guardian of a student may elect not to have a nationally standardized assessment administered to that student. In that event, the student's school district or school shall not administer the nationally standardized assessment to that student.

(2)(a) Except as provided in division (B)(2)(b) of this section, seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the department and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used as end-of-course examinations in accordance with division (B)(4)(a)(i) of this section. Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end-of-course examinations in accordance with division (B)(4)(a)(ii) of this section.



(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2019, five end-of-course examinations, one in each areas of English language arts II, science, Algebra I, American history, and American government. However, only the end-of-course examinations in English language arts II and Algebra I shall be required for graduation.

The department shall, as necessary to implement division (B) (2) (b) of this section, seek a waiver from the United States secretary of education for testing requirements prescribed under federal law to allow for the use and implementation of Algebra I as the primary assessment of high school mathematics. If the department does not receive a waiver under this division, the end-of-course examinations for students described in division (B) (2) (b) of this section also shall include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination shall not be required for graduation.

(3) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4) (a) Notwithstanding anything to the contrary in this section, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced

placement or international baccalaureate course, that student 37768  
shall take the advanced placement or international baccalaureate 37769  
examination in lieu of the science, American history, or 37770  
American government end-of-course examinations prescribed under 37771  
division (B) (2) of this section. The department shall specify 37772  
the score levels for each advanced placement examination and 37773  
international baccalaureate examination for purposes of 37774  
calculating the minimum cumulative performance score that 37775  
demonstrates the level of academic achievement necessary to earn 37776  
a high school diploma. 37777

(ii) If a student is enrolled in an appropriate course 37778  
under any other advanced standing program, as described in 37779  
section 3313.6013 of the Revised Code, that student shall not be 37780  
required to take the science, American history, or American 37781  
government end-of-course examination, whichever is applicable, 37782  
prescribed under division (B) (2) of this section. Instead, that 37783  
student's final course grade shall be used in lieu of the 37784  
applicable end-of-course examination prescribed under that 37785  
section. The department, in consultation with the chancellor, 37786  
shall adopt guidelines for purposes of calculating the 37787  
corresponding final course grades that demonstrate the level of 37788  
academic achievement necessary to earn a high school diploma. 37789

Division (B) (4) (a) (ii) of this section shall apply only to 37790  
courses for which students receive transcribed credit, as 37791  
defined in section 3365.01 of the Revised Code. It shall not 37792  
apply to remedial or developmental courses. 37793

(b) No student shall take a substitute examination or 37794  
examination prescribed under division (B) (4) (a) of this section 37795  
in place of the end-of-course examinations in English language 37796  
arts I, English language arts II, Algebra I, or geometry 37797

prescribed under division (B) (2) of this section. 37798

(c) The department shall consider additional assessments 37799  
that may be used as substitute examinations in lieu of the end- 37800  
of-course examinations prescribed under division (B) (2) of this 37801  
section. 37802

(5) The department shall do all of the following: 37803

(a) Determine and designate at least five ranges of scores 37804  
on each of the end-of-course examinations prescribed under 37805  
division (B) (2) of this section, and substitute examinations 37806  
prescribed under division (B) (4) of this section. Not later than 37807  
sixty days after the designation of ranges of scores, the 37808  
director of education and workforce shall conduct a public 37809  
presentation before the standing committees of the house of 37810  
representatives and the senate that consider primary and 37811  
secondary education legislation regarding the designated range 37812  
of scores. Each range of scores shall be considered to 37813  
demonstrate a level of achievement so that any student attaining 37814  
a score within such range has achieved one of the following: 37815

(i) An advanced level of skill; 37816

(ii) An accomplished level of skill; 37817

(iii) A proficient level of skill; 37818

(iv) A basic level of skill; 37819

(v) A limited level of skill. 37820

(b) Determine a method by which to calculate a cumulative 37821  
performance score based on the results of a student's end-of- 37822  
course examinations or substitute examinations; 37823

(c) Determine the minimum cumulative performance score 37824

that demonstrates the level of academic achievement necessary to 37825  
earn a high school diploma under division (A) (2) of section 37826  
3313.618 of the Revised Code. However, no new minimum cumulative 37827  
performance score shall be determined after October 17, 2019. 37828

(d) Develop a table of corresponding score equivalents for 37829  
the end-of-course examinations and substitute examinations in 37830  
order to calculate student performance consistently across the 37831  
different examinations. 37832

A score of two on an advanced placement examination or a 37833  
score of two or three on an international baccalaureate 37834  
examination shall be considered equivalent to a proficient level 37835  
of skill as specified under division (B) (5) (a) (iii) of this 37836  
section. 37837

(6) (a) A student who meets both of the following 37838  
conditions shall not be required to take an end-of-course 37839  
examination: 37840

(i) The student received high school credit prior to July 37841  
1, 2015, for a course for which the end-of-course examination is 37842  
prescribed. 37843

(ii) The examination was not available for administration 37844  
prior to July 1, 2015. 37845

Receipt of credit for the course described in division (B) 37846  
(6) (a) (i) of this section shall satisfy the requirement to take 37847  
the end-of-course examination. A student exempted under division 37848  
(B) (6) (a) of this section may take the applicable end-of-course 37849  
examination at a later date. 37850

(b) For purposes of determining whether a student who is 37851  
exempt from taking an end-of-course examination under division 37852  
(B) (6) (a) of this section has attained the cumulative score 37853

prescribed by division (B) (5) (c) of this section, such student 37854  
shall select either of the following: 37855

(i) The student is considered to have attained a 37856  
proficient score on the end-of-course examination from which the 37857  
student is exempt; 37858

(ii) The student's final course grade shall be used in 37859  
lieu of a score on the end-of-course examination from which the 37860  
student is exempt. 37861

The department, in consultation with the chancellor, shall 37862  
adopt guidelines for purposes of calculating the corresponding 37863  
final course grades and the minimum cumulative performance score 37864  
that demonstrates the level of academic achievement necessary to 37865  
earn a high school diploma. 37866

(7) (a) Notwithstanding anything to the contrary in this 37867  
section, the department may replace the algebra I end-of-course 37868  
examination prescribed under division (B) (2) of this section 37869  
with an algebra II end-of-course examination, beginning with the 37870  
2016-2017 school year for students who enter ninth grade on or 37871  
after July 1, 2016. 37872

(b) If the department replaces the algebra I end-of-course 37873  
examination with an algebra II end-of-course examination as 37874  
authorized under division (B) (7) (a) of this section, both of the 37875  
following shall apply: 37876

(i) A student who is enrolled in an advanced placement or 37877  
international baccalaureate course in algebra II shall take the 37878  
advanced placement or international baccalaureate examination in 37879  
lieu of the algebra II end-of-course examination. 37880

(ii) A student who is enrolled in an algebra II course 37881  
under any other advanced standing program, as described in 37882

section 3313.6013 of the Revised Code, shall not be required to 37883  
take the algebra II end-of-course examination. Instead, that 37884  
student's final course grade shall be used in lieu of the 37885  
examination. 37886

(c) If a school district or school utilizes an integrated 37887  
approach to mathematics instruction, the district or school may 37888  
do either or both of the following: 37889

(i) Administer an integrated mathematics I end-of-course 37890  
examination in lieu of the prescribed algebra I end-of-course 37891  
examination; 37892

(ii) Administer an integrated mathematics II end-of-course 37893  
examination in lieu of the prescribed geometry end-of-course 37894  
examination. 37895

(8) (a) For students entering the ninth grade for the first 37896  
time on or after July 1, 2014, but prior to July 1, 2015, the 37897  
assessment in the area of science shall be physical science or 37898  
biology. For students entering the ninth grade for the first 37899  
time on or after July 1, 2015, the assessment in the area of 37900  
science shall be biology. 37901

(b) Until July 1, 2019, the department shall make 37902  
available the end-of-course examination in physical science for 37903  
students who entered the ninth grade for the first time on or 37904  
after July 1, 2014, but prior to July 1, 2015, and who wish to 37905  
retake the examination. 37906

(c) The department shall adopt rules prescribing the 37907  
requirements for the end-of-course examination in science for 37908  
students who entered the ninth grade for the first time on or 37909  
after July 1, 2014, but prior to July 1, 2015, and who have not 37910  
met the requirement prescribed by section 3313.618 of the 37911

Revised Code by July 1, 2019, due to a student's failure to 37912  
satisfy division (A) (2) of section 3313.618 of the Revised Code. 37913

(9) The department shall not develop or administer an end- 37914  
of-course examination in the area of world history. 37915

(10) The department, in consultation with the chancellor 37916  
and the governor's office of workforce transformation, shall 37917  
determine a competency score for both of the Algebra I and 37918  
English language arts II end-of-course examinations for the 37919  
purpose of graduation eligibility. 37920

(C) The department shall convene a group of national 37921  
experts, state experts, and local practitioners to provide 37922  
advice, guidance, and recommendations for the alignment of 37923  
standards and model curricula to the assessments and in the 37924  
design of the end-of-course examinations prescribed by this 37925  
section. 37926

(D) Upon completion of the development of the assessment 37927  
system, the department shall adopt rules prescribing all of the 37928  
following: 37929

(1) A timeline and plan for implementation of the 37930  
assessment system, including a phased implementation if the 37931  
department determines such a phase-in is warranted; 37932

(2) The date after which a person shall meet the 37933  
requirements of the entire assessment system as a prerequisite 37934  
for a diploma of adult education under section 3313.611 of the 37935  
Revised Code; 37936

(3) Whether and the extent to which a person may be 37937  
excused from an American history end-of-course examination and 37938  
an American government end-of-course examination under division 37939  
(H) of section 3313.61 and division (B) (3) of section 3313.612 37940

of the Revised Code; 37941

(4) The date after which a person who has fulfilled the 37942  
curriculum requirement for a diploma but has not passed one or 37943  
more of the required assessments at the time the person 37944  
fulfilled the curriculum requirement shall meet the requirements 37945  
of the entire assessment system as a prerequisite for a high 37946  
school diploma under division (B) of section 3313.614 of the 37947  
Revised Code; 37948

(5) The extent to which the assessment system applies to 37949  
students enrolled in a dropout ~~recovery and prevention~~ and 37950  
recovery program for purposes of division (F) of section 37951  
3313.603 ~~and or a dropout prevention and recovery community~~ 37952  
school under section 3314.36 of the Revised Code. 37953

(E) (1) Any person enrolled in a nonchartered nonpublic 37954  
school or any person who is exempt from attendance at school for 37955  
the purpose of home education under section 3321.042 of the 37956  
Revised Code may choose to participate in the system of 37957  
assessments administered under divisions (B) (1) and (2) of this 37958  
section. However, no such person shall be required to 37959  
participate in the system of assessments. 37960

(2) The department shall adopt rules for the 37961  
administration and scoring of any assessments under division (E) 37962  
(1) of this section. 37963

(F) The department shall select at least one nationally 37964  
recognized job skills assessment. Each school district shall 37965  
administer that assessment to those students who opt to take it. 37966  
The department shall reimburse a school district for the costs 37967  
of administering that assessment. The department shall establish 37968  
the minimum score a student must attain on the job skills 37969



assessment in order to demonstrate a student's workforce 37970  
readiness and employability. The administration of the job 37971  
skills assessment to a student under this division shall not 37972  
exempt a school district from administering the assessments 37973  
prescribed in division (B) of this section to that student. 37974

**Sec. 3301.0714.** (A) The department of education and 37975  
workforce shall adopt rules for a statewide education management 37976  
information system. The rules shall require the department to 37977  
establish guidelines for the establishment and maintenance of 37978  
the system in accordance with this section and the rules adopted 37979  
under this section. The guidelines shall include: 37980

(1) Standards identifying and defining the types of data 37981  
in the system in accordance with divisions (B) and (C) of this 37982  
section; 37983

(2) Procedures for annually collecting and reporting the 37984  
data to the department in accordance with division (D) of this 37985  
section; 37986

(3) Procedures for annually compiling the data in 37987  
accordance with division (G) of this section; 37988

(4) Procedures for annually reporting the data to the 37989  
public in accordance with division (H) of this section; 37990

(5) Standards to provide strict safeguards to protect the 37991  
confidentiality of personally identifiable student data. 37992

(B) The guidelines adopted under this section shall 37993  
require the data maintained in the education management 37994  
information system to include at least the following: 37995

(1) Student participation and performance data, for each 37996  
grade in each school district as a whole and for each grade in 37997

each school building in each school district, that includes:	37998
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C) (3) of this section.	37999 38000 38001 38002 38003 38004 38005 38006 38007 38008 38009 38010 38011 38012 38013 38014 38015 38016
(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C) (4) (a) of this section.	38017 38018 38019 38020 38021 38022 38023 38024
(c) Average student grades in each subject in grades nine through twelve;	38025 38026
(d) Academic achievement levels as assessed under sections	38027

3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	38028
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	38029 38030 38031
(f) The numbers of students reported to the department pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	38032 38033 38034
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	38035 38036 38037 38038
(h) Expulsion rates;	38039
(i) Suspension rates;	38040
(j) Dropout rates;	38041
(k) Rates of retention in grade;	38042
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with the director's rules;	38043 38044 38045
(m) Graduation rates, to be calculated in a manner specified by the department that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	38046 38047 38048 38049 38050
<del>(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to</del>	38051 38052 38053 38054

~~report to the department the results of any diagnostic  
assessment administered to a kindergarten student, except for  
the language and reading assessment described in division (A) (2)  
of section 3301.0715 of the Revised Code, if the parent of that  
student requests the district not to report those results.~~

~~(e)~~—The number of students earning each state diploma seal  
included in the system prescribed under division (A) of section  
3313.6114 of the Revised Code;

~~(p)~~ (o) The number of students demonstrating competency  
for graduation using each option described in divisions (B) (1)  
(a) to (d) of section 3313.618 of the Revised Code;

~~(q)~~ (p) The number of students completing each  
foundational and supporting option as part of the demonstration  
of competency for graduation pursuant to division (B) (1) (b) of  
section 3313.618 of the Revised Code;

~~(r)~~ (q) The number of students enrolled in all-day  
kindergarten, as defined in section 3321.05 of the Revised Code.

(2) Personnel and classroom enrollment data for each  
school district, including:

(a) The total numbers of licensed employees and  
nonlicensed employees and the numbers of full-time equivalent  
licensed employees and nonlicensed employees providing each  
category of instructional service, instructional support  
service, and administrative support service used pursuant to  
division (C) (3) of this section. The guidelines adopted under  
this section shall require these categories of data to be  
maintained for the school district as a whole and, wherever  
applicable, for each grade in the school district as a whole,  
for each school building as a whole, and for each grade in each

school building. 38084

(b) The total number of employees and the number of full- 38085  
time equivalent employees providing each category of service 38086  
used pursuant to divisions (C) (4) (a) and (b) of this section, 38087  
and the total numbers of licensed employees and nonlicensed 38088  
employees and the numbers of full-time equivalent licensed 38089  
employees and nonlicensed employees providing each category used 38090  
pursuant to division (C) (4) (c) of this section. The guidelines 38091  
adopted under this section shall require these categories of 38092  
data to be maintained for the school district as a whole and, 38093  
wherever applicable, for each grade in the school district as a 38094  
whole, for each school building as a whole, and for each grade 38095  
in each school building. 38096

(c) The total number of regular classroom teachers 38097  
teaching classes of regular education and the average number of 38098  
pupils enrolled in each such class, in each of grades 38099  
kindergarten through five in the district as a whole and in each 38100  
school building in the school district. 38101

(d) The number of lead teachers employed by each school 38102  
district and each school building. 38103

(3) (a) Student demographic data for each school district, 38104  
including information regarding the gender ratio of the school 38105  
district's pupils, the racial make-up of the school district's 38106  
pupils, the number of English learners in the district, and an 38107  
appropriate measure of the number of the school district's 38108  
pupils who reside in economically disadvantaged households. The 38109  
demographic data shall be collected in a manner to allow 38110  
correlation with data collected under division (B) (1) of this 38111  
section. Categories for data collected pursuant to division (B) 38112  
(3) of this section shall conform, where appropriate, to 38113

standard practices of agencies of the federal government.	38114
(b) With respect to each student entering kindergarten,	38115
whether the student previously participated in a public	38116
preschool program, a private preschool program, or a head start	38117
program, and the number of years the student participated in	38118
each of these programs.	38119
(4) (a) The core curriculum and instructional materials	38120
being used for English language arts in each of grades pre-	38121
kindergarten to five;	38122
(b) The reading intervention programs being used in each	38123
of grades pre-kindergarten to twelve.	38124
(5) <u>Beginning with the 2025-2026 school year, the causes</u>	38125
<u>of student absences from school, including at least all of the</u>	38126
<u>following:</u>	38127
(a) <u>Chronic illness requiring hospitalization;</u>	38128
(b) <u>Chronic illness not requiring hospitalization;</u>	38129
(c) <u>Temporary medical absence with written explanation</u>	38130
<u>from a family doctor;</u>	38131
(d) <u>Temporary medical absence with explanation from</u>	38132
<u>parent, guardian, or legal custodian;</u>	38133
(e) <u>Regular medical or dental appointment;</u>	38134
(f) <u>Family-selected extra-curricular activity;</u>	38135
(g) <u>International student exchange program;</u>	38136
(h) <u>Participation in agricultural organization activities;</u>	38137
(i) <u>Family travel;</u>	38138
(j) <u>Foster care placement;</u>	38139

<u>(k) Foster care - student school transfer;</u>	38140
<u>(l) Foster care - required visitation;</u>	38141
<u>(m) Foster care - medical appointment;</u>	38142
<u>(n) Lack of transportation by a school district, if the district regularly provides transportation;</u>	38143 38144
<u>(o) Lack of transportation by parent, guardian, or custodian, if the school district does not regularly provide transportation;</u>	38145 38146 38147
<u>(p) Any additional categories identified through review of national and surrounding state best practices to identify the causes of student absences.</u>	38148 38149 38150
<u>(6) Any data required to be collected pursuant to federal law.</u>	38151 38152
(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:	38153 38154 38155 38156 38157 38158 38159 38160 38161
(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C) (1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in enrolled ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.	38162 38163 38164 38165 38166 38167

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C) (2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B) (1) (a) of this section. The guidelines shall require the cost units under division (C) (3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B) (1) (a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel



supervising or coordinating the delivery of the instructional 38198  
services category. 38199

(4) Support or extracurricular services costs for each 38200  
category of service directly provided to students and required 38201  
by guidelines adopted pursuant to division (B) (1) (b) of this 38202  
section. The guidelines shall require the cost units under 38203  
division (C) (4) of this section to be designed so that each of 38204  
them may be compiled and reported in terms of average 38205  
expenditure per pupil receiving the service in the school 38206  
district as a whole and average expenditure per pupil receiving 38207  
the service in each building in the school district and in terms 38208  
of a total cost for each category of service and, as a breakdown 38209  
of the total cost, a cost for each of the following components: 38210

(a) The cost of each support or extracurricular services 38211  
category required by guidelines adopted under division (B) (1) (b) 38212  
of this section that is provided directly to students by a 38213  
licensed employee, such as services provided by a guidance 38214  
counselor or any services provided by a licensed employee under 38215  
a supplemental contract; 38216

(b) The cost of each such services category provided 38217  
directly to students by a nonlicensed employee, such as 38218  
janitorial services, cafeteria services, or services of a sports 38219  
trainer; 38220

(c) The cost of the administrative services related to 38221  
each services category in division (C) (4) (a) or (b) of this 38222  
section, such as the cost of any licensed or nonlicensed 38223  
employees that develop, supervise, coordinate, or otherwise are 38224  
involved in administering or aiding the delivery of each 38225  
services category. 38226

(D) (1) The guidelines adopted under this section shall 38227  
require school districts to collect information about individual 38228  
students, staff members, or both in connection with any data 38229  
required by division (B) or (C) of this section or other 38230  
reporting requirements established in the Revised Code. The 38231  
guidelines may also require school districts to report 38232  
information about individual staff members in connection with 38233  
any data required by division (B) or (C) of this section or 38234  
other reporting requirements established in the Revised Code. 38235  
The guidelines shall not authorize school districts to request 38236  
social security numbers of individual students. The guidelines 38237  
shall prohibit the reporting under this section of a student's 38238  
name, address, and social security number to the department. The 38239  
guidelines shall also prohibit the reporting under this section 38240  
of any personally identifiable information about any student, 38241  
except for the purpose of assigning the data verification code 38242  
required by division (D) (2) of this section, to any other person 38243  
unless such person is employed by the school district or the 38244  
information technology center operated under section 3301.075 of 38245  
the Revised Code and is authorized by the district or technology 38246  
center to have access to such information or is employed by an 38247  
entity with which the department contracts for the scoring or 38248  
the development of state assessments. The guidelines may require 38249  
school districts to provide the social security numbers of 38250  
individual staff members and the county of residence for a 38251  
student. Nothing in this section prohibits the department from 38252  
providing a student's county of residence to the department of 38253  
taxation to facilitate the distribution of tax revenue. 38254

(2) (a) The guidelines shall provide for each school 38255  
district or community school to assign a data verification code 38256  
that is unique on a statewide basis over time to each student 38257

whose initial Ohio enrollment is in that district or school and 38258  
to report all required individual student data for that student 38259  
utilizing such code. The guidelines shall also provide for 38260  
assigning data verification codes to all students enrolled in 38261  
districts or community schools on the effective date of the 38262  
guidelines established under this section. The assignment of 38263  
data verification codes for other entities, as described in 38264  
division (D) (2) (d) of this section, the use of those codes, and 38265  
the reporting and use of associated individual student data 38266  
shall be coordinated by the department of education and 38267  
workforce in accordance with state and federal law. 38268

School districts shall report individual student data to 38269  
the department through the information technology centers 38270  
utilizing the code. The entities described in division (D) (2) (d) 38271  
of this section shall report individual student data to the 38272  
department in the manner prescribed by the department. 38273

(b) (i) Except as provided in sections 3301.941, 3310.11, 38274  
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 38275  
Code, and in division (D) (2) (b) (ii) of this section, at no time 38276  
shall the department have access to information that would 38277  
enable any data verification code to be matched to personally 38278  
identifiable student data. 38279

(ii) For the purpose of making per-pupil payments to 38280  
community schools under section 3317.022 of the Revised Code, 38281  
the department shall have access to information that would 38282  
enable any data verification code to be matched to personally 38283  
identifiable student data. 38284

(c) Each school district and community school shall ensure 38285  
that the data verification code is included in the student's 38286  
records reported to any subsequent school district, community 38287

school, or state institution of higher education, as defined in 38288  
section 3345.011 of the Revised Code, in which the student 38289  
enrolls. Any such subsequent district or school shall utilize 38290  
the same identifier in its reporting of data under this section. 38291

(d) (i) The director of any state agency that administers a 38292  
publicly funded program providing services to children who are 38293  
younger than compulsory school age, as defined in section 38294  
3321.01 of the Revised Code, including the directors of health, 38295  
job and family services, mental health and addiction services, 38296  
children and youth, and developmental disabilities, shall 38297  
request and receive, pursuant to sections 3301.0723 and 5180.33 38298  
of the Revised Code, a data verification code for a child who is 38299  
receiving those services. 38300

(ii) The director of developmental disabilities, director 38301  
of health, director of job and family services, director of 38302  
children and youth, director of mental health and addiction 38303  
services, medicaid director, executive director of the 38304  
commission on minority health, executive director of the 38305  
opportunities for Ohioans with disabilities agency, or director 38306  
of education and workforce, on behalf of a program that receives 38307  
public funds and provides services to children who are younger 38308  
than compulsory school age, may request and receive, pursuant to 38309  
section 3301.0723 of the Revised Code, a data verification code 38310  
for a child who is receiving services from the program. 38311

(E) The guidelines adopted under this section may require 38312  
school districts to collect and report data, information, or 38313  
reports other than that described in divisions (A), (B), and (C) 38314  
of this section for the purpose of complying with other 38315  
reporting requirements established in the Revised Code. The 38316  
other data, information, or reports may be maintained in the 38317

education management information system but are not required to 38318  
be compiled as part of the profile formats required under 38319  
division (G) of this section or the annual statewide report 38320  
required under division (H) of this section. 38321

(F) The board of education of each school district shall 38322  
annually collect and report to the department, in accordance 38323  
with the guidelines established by the department, the data 38324  
required pursuant to this section. A school district may collect 38325  
and report these data notwithstanding section 2151.357 or 38326  
3319.321 of the Revised Code. 38327

(G) The department shall, in accordance with the 38328  
procedures it adopts, annually compile the data reported by each 38329  
school district pursuant to division (D) of this section. The 38330  
department shall design formats for profiling each school 38331  
district as a whole and each school building within each 38332  
district and shall compile the data in accordance with these 38333  
formats. These profile formats shall: 38334

(1) Include all of the data gathered under this section in 38335  
a manner that facilitates comparison among school districts and 38336  
among school buildings within each school district; 38337

(2) Present the data on academic achievement levels as 38338  
assessed by the testing of student achievement maintained 38339  
pursuant to division (B) (1) (d) of this section. 38340

(H) (1) The department shall, in accordance with the 38341  
procedures it adopts, annually prepare a statewide report for 38342  
all school districts and the general public that includes the 38343  
profile of each of the school districts developed pursuant to 38344  
division (G) of this section. Copies of the report shall be sent 38345  
to each school district. 38346

(2) The department shall, in accordance with the 38347  
procedures it adopts, annually prepare an individual report for 38348  
each school district and the general public that includes the 38349  
profiles of each of the school buildings in that school district 38350  
developed pursuant to division (G) of this section. 38351

(I) Any data that is collected or maintained pursuant to 38352  
this section and that identifies an individual pupil is not a 38353  
public record for the purposes of section 149.43 of the Revised 38354  
Code. 38355

(J) As used in this section: 38356

(1) "School district" means any city, local, exempted 38357  
village, or joint vocational school district and, in accordance 38358  
with section 3314.17 of the Revised Code, any community school. 38359  
As used in division (L) of this section, "school district" also 38360  
includes any educational service center or other educational 38361  
entity required to submit data using the system established 38362  
under this section. 38363

(2) "Cost" means any expenditure for operating expenses 38364  
made by a school district excluding any expenditures for debt 38365  
retirement except for payments made to any commercial lending 38366  
institution for any loan approved pursuant to section 3313.483 38367  
of the Revised Code. 38368

(K) Any person who removes data from the information 38369  
system established under this section for the purpose of 38370  
releasing it to any person not entitled under law to have access 38371  
to such information is subject to section 2913.42 of the Revised 38372  
Code prohibiting tampering with data. 38373

(L) (1) In accordance with division (L) (2) of this section 38374  
and the rules adopted under division (L) (10) of this section, 38375

the department may sanction any school district that reports 38376  
incomplete or inaccurate data, reports data that does not 38377  
conform to data requirements and descriptions published by the 38378  
department, fails to report data in a timely manner, or 38379  
otherwise does not make a good faith effort to report data as 38380  
required by this section. 38381

(2) If the department decides to sanction a school 38382  
district under this division, the department shall take the 38383  
following sequential actions: 38384

(a) Notify the district in writing that the department has 38385  
determined that data has not been reported as required under 38386  
this section and require the district to review its data 38387  
submission and submit corrected data by a deadline established 38388  
by the department. The department also may require the district 38389  
to develop a corrective action plan, which shall include 38390  
provisions for the district to provide mandatory staff training 38391  
on data reporting procedures. 38392

(b) Withhold up to ten per cent of the total amount of 38393  
state funds due to the district for the current fiscal year and, 38394  
if not previously required under division (L) (2) (a) of this 38395  
section, require the district to develop a corrective action 38396  
plan in accordance with that division; 38397

(c) Withhold an additional amount of up to twenty per cent 38398  
of the total amount of state funds due to the district for the 38399  
current fiscal year; 38400

(d) Direct department staff or an outside entity to 38401  
investigate the district's data reporting practices and make 38402  
recommendations for subsequent actions. The recommendations may 38403  
include one or more of the following actions: 38404

- (i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 38405  
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- (ii) Conduct a site visit and evaluation of the district; 38407
- (iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 38408  
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- (iv) Continue monitoring the district's data reporting; 38411
- (v) Assign department staff to supervise the district's data management system; 38412  
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- (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 38414  
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- (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 38417  
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- (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 38421  
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- (ix) Any other action designed to correct the district's data reporting problems. 38426  
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- (3) Any time the department takes an action against a school district under division (L) (2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and 38428  
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maintain a copy of the report in its files. 38433

(4) If any action taken under division (L)(2) of this 38434  
section resolves a school district's data reporting problems to 38435  
the department's satisfaction, the department shall not take any 38436  
further actions described by that division. If the department 38437  
withheld funds from the district under that division, the 38438  
department may release those funds to the district, except that 38439  
if the department withheld funding under division (L)(2)(c) of 38440  
this section, the department shall not release the funds 38441  
withheld under division (L)(2)(b) of this section and, if the 38442  
department withheld funding under division (L)(2)(d) of this 38443  
section, the department shall not release the funds withheld 38444  
under division (L)(2)(b) or (c) of this section. 38445

(5) Notwithstanding anything in this section to the 38446  
contrary, the department may use its own staff or an outside 38447  
entity to conduct an audit of a school district's data reporting 38448  
practices any time the department has reason to believe the 38449  
district has not made a good faith effort to report data as 38450  
required by this section. If any audit conducted by an outside 38451  
entity under division (L)(2)(d)(i) or (5) of this section 38452  
confirms that a district has not made a good faith effort to 38453  
report data as required by this section, the district shall 38454  
reimburse the department for the full cost of the audit. The 38455  
department may withhold state funds due to the district for this 38456  
purpose. 38457

(6) Prior to issuing a revised report card for a school 38458  
district under division (L)(2)(d)(viii) of this section, the 38459  
department may hold a hearing to provide the district with an 38460  
opportunity to demonstrate that it made a good faith effort to 38461  
report data as required by this section. The hearing shall be 38462

conducted by a referee appointed by the department. Based on the 38463  
information provided in the hearing, the referee shall recommend 38464  
whether the department should issue a revised report card for 38465  
the district. If the referee affirms the department's contention 38466  
that the district did not make a good faith effort to report 38467  
data as required by this section, the district shall bear the 38468  
full cost of conducting the hearing and of issuing any revised 38469  
report card. 38470

(7) If the department determines that any inaccurate data 38471  
reported under this section caused a school district to receive 38472  
excess state funds in any fiscal year, the district shall 38473  
reimburse the department an amount equal to the excess funds, in 38474  
accordance with a payment schedule determined by the department. 38475  
The department may withhold state funds due to the district for 38476  
this purpose. 38477

(8) Any school district that has funds withheld under 38478  
division (L)(2) of this section may appeal the withholding in 38479  
accordance with Chapter 119. of the Revised Code. 38480

(9) In all cases of a disagreement between the department 38481  
and a school district regarding the appropriateness of an action 38482  
taken under division (L)(2) of this section, the burden of proof 38483  
shall be on the district to demonstrate that it made a good 38484  
faith effort to report data as required by this section. 38485

(10) The director of education and workforce shall adopt 38486  
rules under Chapter 119. of the Revised Code to implement 38487  
division (L) of this section. 38488

(M) No information technology center or school district 38489  
shall acquire, change, or update its student administration 38490  
software package to manage and report data required to be 38491

reported to the department unless it converts to a student 38492  
software package that is certified by the department. 38493

(N) The state board of education, in accordance with 38494  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 38495  
or revoke a license as defined under division (A) of section 38496  
3319.31 of the Revised Code that has been issued to any school 38497  
district employee found to have willfully reported erroneous, 38498  
inaccurate, or incomplete data to the education management 38499  
information system. 38500

(O) No person shall release or maintain any information 38501  
about any student in violation of this section. Whoever violates 38502  
this division is guilty of a misdemeanor of the fourth degree. 38503

~~(P) The department shall disaggregate the data collected 38504  
under division (B) (1) (n) of this section according to the race 38505  
and socioeconomic status of the students assessed. 38506~~

~~(Q) If the department cannot compile any of the 38507  
information required by division (I) of section 3302.03 of the 38508  
Revised Code based upon the data collected under this section, 38509  
the department shall develop a plan and a reasonable timeline 38510  
for the collection of any data necessary to comply with that 38511  
division. 38512~~

**Sec. 3301.0715.** (A) Except as required under division (B) 38513  
(1) of section 3313.608 or as specified in division (D) (3) of 38514  
section 3301.079 of the Revised Code, the board of education of 38515  
each city, local, and exempted village school district shall 38516  
administer each applicable diagnostic assessment developed and 38517  
provided to the district in accordance with section 3301.079 of 38518  
the Revised Code to the following: 38519

(1) Any student who transfers into the district or to a 38520

different school within the district if each applicable 38521  
diagnostic assessment was not administered by the district or 38522  
school the student previously attended in the current school 38523  
year, within thirty days after the date of transfer. If the 38524  
district or school into which the student transfers cannot 38525  
determine whether the student has taken any applicable 38526  
diagnostic assessment in the current school year, the district 38527  
or school may administer the diagnostic assessment to the 38528  
student. However, if a student transfers into the district prior 38529  
to the administration of the diagnostic assessments to all 38530  
students under division (B) of this section, the district may 38531  
administer the diagnostic assessments to that student on the 38532  
date or dates determined under that division. 38533

~~(2) Each kindergarten student, not earlier than the first- 38534  
day of July of the school year and not later than the twentieth- 38535  
day of instruction of that school year. 38536~~

~~For the purpose of division (A) (2) of this section, the 38537  
district shall administer the kindergarten readiness assessment 38538  
provided by the department of children and youth. In no case 38539  
shall the results of the readiness assessment be used to 38540  
prohibit a student from enrolling in kindergarten. 38541~~

~~(3) Each student enrolled in first, second, or third 38542  
grade. 38543~~

Division (A) of this section does not apply to students 38544  
with significant cognitive disabilities, as defined by the 38545  
department. 38546

(B) Each district board shall administer each diagnostic 38547  
assessment when the board deems appropriate, provided the 38548  
administration complies with section 3313.608 of the Revised 38549

Code. However, the board shall administer any diagnostic 38550  
assessment at least once annually to all students in the 38551  
appropriate grade level. A district board may administer any 38552  
diagnostic assessment in the fall and spring of a school year to 38553  
measure the amount of academic growth attributable to the 38554  
instruction received by students during that school year. 38555

(C) A district may use different diagnostic assessments 38556  
from those adopted under division (D) of section 3301.079 of the 38557  
Revised Code in order to satisfy the requirements of division 38558  
(A) (3) of this section if the district meets either of the 38559  
following conditions for the immediately preceding school year: 38560

(1) The district received a grade of "A" or "B" for the 38561  
performance index score under division (C) (1) (b) of section 38562  
3302.03 of the Revised Code or for the value-added progress 38563  
dimension under division (C) (1) (e) of that section. 38564

(2) The district received a performance rating of four 38565  
stars or higher for achievement under division (D) (3) (b) of 38566  
section 3302.03 of the Revised Code or for progress under 38567  
division (D) (3) (c) of that section. 38568

(D) Each district board shall utilize and score any 38569  
diagnostic assessment administered under division (A) of this 38570  
section in accordance with rules established by the department 38571  
of education ~~or the department of children and youth and~~ 38572  
workforce. After the administration of any diagnostic 38573  
assessment, each district shall provide a student's completed 38574  
diagnostic assessment, the results of such assessment, and any 38575  
other accompanying documents used during the administration of 38576  
the assessment to the parent of that student, and shall include 38577  
all such documents and information in any plan developed for the 38578  
student under division (C) of section 3313.608 of the Revised 38579

Code. Each district shall submit, in the manner prescribed by 38580  
~~each the~~ department, the results of ~~the all~~ diagnostic 38581  
assessments administered under this section, regardless of the 38582  
type of assessment used under section 3313.608 of the Revised 38583  
Code as follows:— 38584

~~(1) The results of the kindergarten readiness assessment to the department of children and youth;—~~ 38585  
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~~(2) The results of all diagnostic assessments to the department of education.~~ 38587  
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The department of education ~~and the department of children and youth~~ and workforce may issue reports with respect to the 38589  
data collected. ~~Either The~~ department may ~~report school and district level kindergarten diagnostic assessment data and use~~ 38590  
diagnostic assessment data to calculate the measures prescribed 38591  
by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 38592  
3302.03 of the Revised Code ~~and the data reported under division (D) (2) (e) of that section.~~ 38593  
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(E) Each district board shall provide intervention 38597  
services to students whose diagnostic assessments show that they 38598  
are failing to make satisfactory progress toward attaining the 38599  
academic standards for their grade level. 38600

~~(F) Any chartered nonpublic school may elect to administer the kindergarten readiness assessment to all kindergarten students enrolled in the school. If the school so elects, the chief administrator of the school shall notify the director of children and youth not later than the thirty-first day of March prior to any school year in which the school will administer the assessment. The department of children and youth shall furnish the assessment to the school at no cost to the school. In~~ 38601  
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~~administering the assessment, the school shall do all of the following:~~ 38609  
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~~(1) Enter into a written agreement with the department of children and youth specifying that the school will share each participating student's assessment data with the department of education and the department of children and youth and, that for the purpose of reporting the data to the department of education and department of children and youth, each participating student will be assigned a data verification code as described in division (D) (2) of section 3301.0714 of the Revised Code;~~ 38611  
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~~(2) Require the assessment to be administered by a teacher certified under section 3301.071 of the Revised Code who either has completed training on administering the kindergarten readiness assessment provided by the department of children and youth or has been trained by another person who has completed such training;~~ 38619  
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~~(3) Administer the assessment in the same manner as school districts are required to do under this section and the rules established under division (D) of this section.~~ 38625  
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~~(G) A school district in which less than eighty per cent of its students score at the proficient level or higher on the third-grade English language arts assessment prescribed under section 3301.0710 of the Revised Code shall establish a reading improvement plan supported by reading specialists. Prior to implementation, the plan shall be approved by the school district board of education.~~ 38628  
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**Sec. 3301.0723.** (A) All of the following apply to the independent contractor engaged by the department of education and workforce to create and maintain for school districts and 38635  
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community schools the student data verification codes required 38638  
by division (D) (2) of section 3301.0714 of the Revised Code: 38639

(1) Upon request of the director of any state agency that 38640  
administers a publicly funded program providing services to 38641  
children who are younger than compulsory school age, including 38642  
the directors of health, children and youth, mental health and 38643  
addiction services, and developmental disabilities, the 38644  
contractor shall assign a data verification code to a child who 38645  
is receiving such services and shall provide that code to the 38646  
director. 38647

(2) Upon request of the director of developmental 38648  
disabilities, director of health, director of job and family 38649  
services, director of children and youth, director of mental 38650  
health and addiction services, medicaid director, executive 38651  
director of the commission on minority health, executive 38652  
director of the opportunities for Ohioans with disabilities 38653  
agency, or director of education and workforce and on behalf of 38654  
a program that receives public funds and provides services to 38655  
children younger than compulsory school age, the contractor 38656  
shall assign a data verification code to a child who is 38657  
receiving such services from the program and shall provide that 38658  
code to the director. 38659

(3) The contractor also shall provide the codes requested 38660  
under division (A) of this section to the department of 38661  
education and workforce. 38662

For purposes of division (A) of this section, "compulsory 38663  
school age" has the same meaning as in section 3321.01 of the 38664  
Revised Code. 38665

(B) The director of a state agency that receives a child's 38666



data verification code under division (A) (1) of this section 38667  
shall use that code to submit information for that child to the 38668  
department of education and workforce in accordance with section 38669  
3301.0714 of the Revised Code. 38670

The director of a state agency that receives a child's 38671  
data verification code under division (A) (2) of this section 38672  
shall provide that code to the publicly or privately funded 38673  
program providing services to the child. The program shall use 38674  
that code to submit information for that child to the department 38675  
of education and workforce in accordance with section 3301.0714 38676  
of the Revised Code, but only to the extent permitted by federal 38677  
law. 38678

(C) A public school that receives from the independent 38679  
contractor the data verification code for a child assigned under 38680  
division (A) of this section shall not request or assign to that 38681  
child another data verification code under division (D) (2) of 38682  
section 3301.0714 of the Revised Code. That school and any other 38683  
public school in which the child subsequently enrolls shall use 38684  
the data verification code assigned under division (A) of this 38685  
section to report data relative to that student required under 38686  
section 3301.0714 of the Revised Code. 38687

**Sec. 3301.0727.** (A) As used in this section, "dropout 38688  
prevention and recovery community school" has the same meaning 38689  
as in section ~~3319.301~~3314.02 of the Revised Code. 38690

(B) Notwithstanding any provision to the contrary in 38691  
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 38692  
a dropout prevention and recovery community school shall do both 38693  
of the following with regard to the administration of end-of- 38694  
course examinations required under section 3301.0712 of the 38695  
Revised Code: 38696

(1) In addition to the annual testing windows established 38697  
by the director of education and workforce under division (C) of 38698  
section 3301.0710 of the Revised Code, administer the 38699  
examinations in an online or paper format based on the needs of 38700  
the student; 38701

(2) Adhere to security requirements prescribed under 38702  
section 3319.151 of the Revised Code for the online examinations 38703  
administered under division (B)(1) of this section. 38704

(C) The director of education and workforce shall 38705  
establish extended testing windows of ten weeks in duration in 38706  
the fall and spring for dropout prevention and recovery 38707  
community schools so that they may administer assessments in 38708  
closer proximity to when students complete related coursework. 38709  
The director also shall establish a summer testing window for 38710  
students participating in summer instruction. 38711

(D) Nothing in this section shall be construed to relieve 38712  
a dropout prevention and recovery community school from its 38713  
obligation to administer testing in-person as otherwise required 38714  
by law. 38715

**Sec. 3301.136.** The department of education and workforce 38716  
shall compile a list of tutoring programs that it considers to 38717  
be of high quality and have the potential to accelerate learning 38718  
for students in the areas of English language arts, mathematics, 38719  
science, and social studies. For this purpose, the department 38720  
shall request the qualifications of public and private entities 38721  
that provide tutoring programs for students. The requested 38722  
qualifications shall include program efficacy data or other 38723  
evidence of program effectiveness for students who participate 38724  
in the tutoring programs. The department shall establish a 38725  
rubric to evaluate the programs and determine a minimum score 38726

for a tutoring program to be included on the department's list. 38727

In compiling the list, the department may designate 38728  
individual tutoring programs as more appropriate for certain 38729  
grade levels, populations of students, or subject areas. 38730

The department shall immediately remove from the list any 38731  
tutoring program in the area of English language arts that the 38732  
department determines is not aligned to the science of reading 38733  
or uses a three-cueing approach, as defined in section 3313.6028 38734  
of the Revised Code. 38735

The department may establish multiple application periods 38736  
in any school year for entities to submit their qualifications 38737  
for consideration to be included on the list. However, the 38738  
department shall post the initial list of tutoring programs on 38739  
the department's web site not later than October 1, 2022. After 38740  
the initial list is posted, the department shall, at least every 38741  
three years thereafter, provide an opportunity for entities to 38742  
submit their qualifications for consideration to be included on 38743  
the list and post an updated list of tutoring programs on the 38744  
department's web site. No school district or school shall be 38745  
required to use a tutoring program on the list. 38746

**Sec. 3301.221.** (A) As used in this section and section 38747  
3313.60 of the Revised Code, "evidence-based" means a program or 38748  
practice that does either of the following: 38749

(1) Demonstrates a rationale based on high-quality 38750  
research findings or positive evaluation that such a program or 38751  
practice is likely to improve relevant outcomes and includes 38752  
ongoing efforts to examine the effects of the program or 38753  
practice; 38754

(2) Has a statistically significant effect on relevant 38755

outcomes based on: 38756

(a) Strong evidence from at least one well-designed and 38757  
well-implemented experimental study; 38758

(b) Moderate evidence from at least one well-designed and 38759  
well-implemented quasi-experimental study; or 38760

(c) Promising evidence from at least one well-designed and 38761  
well-implemented correlation study with statistical controls for 38762  
selection bias. 38763

(B) The department of education and workforce, in 38764  
consultation with the department of public safety and the 38765  
department of mental health and addiction services, shall 38766  
maintain a universal list of approved training programs, to be 38767  
posted on the department of education and workforce's web site, 38768  
for instruction in suicide awareness and prevention and violence 38769  
prevention as prescribed under division (A) (5) (h) of section 38770  
3313.60 and division (D) of section 3319.073 of the Revised 38771  
Code. The list of approved training programs shall include at 38772  
least one option that is free or of no cost to schools. The 38773  
approved training programs shall be evidence-based and include 38774  
the following: 38775

(1) How to instruct school personnel to identify the signs 38776  
and symptoms of depression, suicide, and self-harm in students; 38777

(2) How to instruct students to identify the signs and 38778  
symptoms of depression, suicide, and self-harm in their peers; 38779

(3) How to identify appropriate mental health services 38780  
within schools and within larger communities, and when and how 38781  
to refer youth and their families to those services; 38782

(4) How to teach students about mental health and 38783

depression, warning signs of suicide, and the importance of and 38784  
processes for seeking help on behalf of self and peers and 38785  
reporting of these behaviors; 38786

(5) How to identify observable warning signs and signals 38787  
of individuals who may be a threat to themselves or others; 38788

(6) The importance of taking threats seriously and seeking 38789  
help; 38790

(7) How students can report dangerous, violent, 38791  
threatening, harmful, or potentially harmful activity, including 38792  
the use of the district's chosen anonymous reporting program. 38793

(C) The department of education and workforce, in 38794  
consultation with the department of mental health and addiction 38795  
services, shall maintain a list of approved training programs, 38796  
to be posted on the department of education and workforce's web 38797  
site, for instruction in social inclusion as prescribed by 38798  
division (A) (5) (j) of section 3313.60 of the Revised Code. The 38799  
list of approved training programs shall include at least one 38800  
option that is free or of no cost to schools. The approved 38801  
training programs shall be evidence-based and include the 38802  
following: 38803

(1) What social isolation is and how to identify it in 38804  
others; 38805

(2) What social inclusion is and the importance of 38806  
establishing connections with peers; 38807

(3) When and how to seek help for peers who may be 38808  
socially isolated; 38809

(4) How to utilize strategies for more social inclusion in 38810  
classrooms and the school community. 38811

(D) A program that uses the success sequence curriculum 38812  
provided by Ohio adolescent health centers shall qualify as an 38813  
approved evidence-based training program under this section and 38814  
be considered to meet the minimum requirements to teach risk 38815  
prevention skills across the required subject areas to youth. 38816

**Sec. 3301.24.** (A) Not later than December 31, 2025, the 38817  
department of education and workforce shall develop a model 38818  
policy on the use of artificial intelligence in schools. The 38819  
model policy shall address appropriate use of artificial 38820  
intelligence by students and staff for educational purposes. 38821

(B) Not later than July 1, 2026, each school district, 38822  
community school established under Chapter 3314. of the Revised 38823  
Code, and STEM school established under Chapter 3326. of the 38824  
Revised Code shall adopt a policy on the use of artificial 38825  
intelligence. The district or school may adopt the department's 38826  
model policy developed under division (A) of this section. 38827

**Sec. 3301.541.** (A) (1) The director, head teacher, 38828  
elementary principal, or site administrator of a preschool 38829  
program shall request the superintendent of the bureau of 38830  
criminal identification and investigation to conduct a criminal 38831  
records check with respect to any applicant who has applied to 38832  
the preschool program for employment as a person responsible for 38833  
the care, custody, or control of a child. If the applicant does 38834  
not present proof that the applicant has been a resident of this 38835  
state for the five-year period immediately prior to the date 38836  
upon which the criminal records check is requested or does not 38837  
provide evidence that within that five-year period the 38838  
superintendent has requested information about the applicant 38839  
from the federal bureau of investigation in a criminal records 38840  
check, the director, head teacher, or elementary principal shall 38841

request that the superintendent obtain information from the 38842  
federal bureau of investigation as a part of the criminal 38843  
records check for the applicant. If the applicant presents proof 38844  
that the applicant has been a resident of this state for that 38845  
five-year period, the director, head teacher, or elementary 38846  
principal may request that the superintendent include 38847  
information from the federal bureau of investigation in the 38848  
criminal records check. 38849

(2) Any director, head teacher, elementary principal, or 38850  
site administrator required by division (A) (1) of this section 38851  
to request a criminal records check shall provide to each 38852  
applicant a copy of the form prescribed pursuant to division (C) 38853  
(1) of section 109.572 of the Revised Code, provide to each 38854  
applicant a standard impression sheet to obtain fingerprint 38855  
impressions prescribed pursuant to division (C) (2) of section 38856  
109.572 of the Revised Code, obtain the completed form and 38857  
impression sheet from each applicant, and forward the completed 38858  
form and impression sheet to the superintendent of the bureau of 38859  
criminal identification and investigation at the time the person 38860  
requests a criminal records check pursuant to division (A) (1) of 38861  
this section. 38862

(3) Any applicant who receives pursuant to division (A) (2) 38863  
of this section a copy of the form prescribed pursuant to 38864  
division (C) (1) of section 109.572 of the Revised Code and a 38865  
copy of an impression sheet prescribed pursuant to division (C) 38866  
(2) of that section and who is requested to complete the form 38867  
and provide a set of fingerprint impressions shall complete the 38868  
form or provide all the information necessary to complete the 38869  
form and provide the impression sheet with the impressions of 38870  
the applicant's fingerprints. If an applicant, upon request, 38871  
fails to provide the information necessary to complete the form 38872

or fails to provide impressions of the applicant's fingerprints, 38873  
the preschool program shall not employ that applicant for any 38874  
position for which a criminal records check is required by 38875  
division (A) (1) of this section. 38876

(B) (1) Except as provided in rules adopted by the 38877  
department of ~~education and workforce~~ children and youth in 38878  
accordance with division (E) of this section, no preschool 38879  
program shall employ a person as a person responsible for the 38880  
care, custody, or control of a child if the person previously 38881  
has been convicted of or pleaded guilty to any of the following: 38882

(a) A violation of section 2903.01, 2903.02, 2903.03, 38883  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 38884  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 38885  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 38886  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 38887  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 38888  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 38889  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 38890  
section 2905.04 of the Revised Code as it existed prior to July 38891  
1, 1996, a violation of section 2919.23 of the Revised Code that 38892  
would have been a violation of section 2905.04 of the Revised 38893  
Code as it existed prior to July 1, 1996, had the violation 38894  
occurred prior to that date, a violation of section 2925.11 of 38895  
the Revised Code that is not a minor drug possession offense, or 38896  
felonious sexual penetration in violation of former section 38897  
2907.12 of the Revised Code; 38898

(b) A violation of an existing or former law of this 38899  
state, any other state, or the United States that is 38900  
substantially equivalent to any of the offenses or violations 38901  
described in division (B) (1) (a) of this section. 38902



(2) A preschool program may employ an applicant 38903  
conditionally until the criminal records check required by this 38904  
section is completed and the preschool program receives the 38905  
results of the criminal records check. If the results of the 38906  
criminal records check indicate that, pursuant to division (B) 38907  
(1) of this section, the applicant does not qualify for 38908  
employment, the preschool program shall release the applicant 38909  
from employment. 38910

(C) (1) Each preschool program shall pay to the bureau of 38911  
criminal identification and investigation the fee prescribed 38912  
pursuant to division (C) (3) of section 109.572 of the Revised 38913  
Code for each criminal records check conducted in accordance 38914  
with that section upon the request pursuant to division (A) (1) 38915  
of this section of the director, head teacher, elementary 38916  
principal, or site administrator of the preschool program. 38917

(2) A preschool program may charge an applicant a fee for 38918  
the costs it incurs in obtaining a criminal records check under 38919  
this section. A fee charged under this division shall not exceed 38920  
the amount of fees the preschool program pays under division (C) 38921  
(1) of this section. If a fee is charged under this division, 38922  
the preschool program shall notify the applicant at the time of 38923  
the applicant's initial application for employment of the amount 38924  
of the fee and that, unless the fee is paid, the applicant will 38925  
not be considered for employment. 38926

(D) The report of any criminal records check conducted by 38927  
the bureau of criminal identification and investigation in 38928  
accordance with section 109.572 of the Revised Code and pursuant 38929  
to a request under division (A) (1) of this section is not a 38930  
public record for the purposes of section 149.43 of the Revised 38931  
Code and shall not be made available to any person other than 38932

the applicant who is the subject of the criminal records check 38933  
or the applicant's representative, the preschool program 38934  
requesting the criminal records check or its representative, and 38935  
any court, hearing officer, or other necessary individual in a 38936  
case dealing with the denial of employment to the applicant. 38937

(E) The department of ~~education and workforce~~ children and 38938  
youth shall adopt rules pursuant to Chapter 119. of the Revised 38939  
Code to implement this section, including rules specifying 38940  
circumstances under which a preschool program may hire a person 38941  
who has been convicted of an offense listed in division (B) (1) 38942  
of this section but who meets standards in regard to 38943  
rehabilitation set by the department. 38944

(F) Any person required by division (A) (1) of this section 38945  
to request a criminal records check shall inform each person, at 38946  
the time of the person's initial application for employment, 38947  
that the person is required to provide a set of impressions of 38948  
the person's fingerprints and that a criminal records check is 38949  
required to be conducted and satisfactorily completed in 38950  
accordance with section 109.572 of the Revised Code if the 38951  
person comes under final consideration for appointment or 38952  
employment as a precondition to employment for that position. 38953

(G) As used in this section: 38954

(1) "Applicant" means a person who is under final 38955  
consideration for appointment or employment in a position with a 38956  
preschool program as a person responsible for the care, custody, 38957  
or control of a child, except that "applicant" does not include 38958  
a person already employed by a board of education, community 38959  
school, or chartered nonpublic school in a position of care, 38960  
custody, or control of a child who is under consideration for a 38961  
different position with such board or school. 38962

(2) "Criminal records check" has the same meaning as in 38963  
section 109.572 of the Revised Code. 38964

(3) "Minor drug possession offense" has the same meaning 38965  
as in section 2925.01 of the Revised Code. 38966

(H) If the board of education of a local school district 38967  
adopts a resolution requesting the assistance of the educational 38968  
service center in which the local district has territory in 38969  
conducting criminal records checks of substitute teachers under 38970  
this section, the appointing or hiring officer of such 38971  
educational service center governing board shall serve for 38972  
purposes of this section as the appointing or hiring officer of 38973  
the local board in the case of hiring substitute teachers for 38974  
employment in the local district. 38975

**Sec. 3301.57.** (A) For the purpose of improving programs, 38976  
facilities, and implementation of the standards promulgated 38977  
under section 3301.53 of the Revised Code, ~~the department of~~ 38978  
~~education and workforce and the~~ department of children and youth 38979  
shall provide consultation and technical assistance to school 38980  
districts, county boards of developmental disabilities, 38981  
community schools, authorized private before and after school 38982  
care programs, and eligible nonpublic schools operating 38983  
preschool programs or school child programs, and in-service 38984  
training to preschool staff members, school child program staff 38985  
members, and nonteaching employees. 38986

(B) The department of education and workforce, the 38987  
department of children and youth, and the school district board 38988  
of education, county board of developmental disabilities, 38989  
community school, or eligible nonpublic school shall jointly 38990  
monitor each preschool program and each school child program. 38991

If the program receives any grant or other funding from the state or federal government, the department of education and workforce and the department of children and youth annually shall monitor all reports on attendance, financial support, and expenditures according to provisions for use of the funds.

(C) The ~~department of education and workforce and the~~ department of children and youth, at least once during every twelve-month period of operation of a preschool program or a licensed school child program, shall inspect the program and provide a written inspection report to the superintendent of the school district, county board of developmental disabilities, community school, or eligible nonpublic school. The ~~departments~~ department may inspect any program more than once, as considered necessary by the ~~departments~~ department, during any twelve-month period of operation. All inspections may be unannounced. No person shall interfere with any inspection conducted pursuant to this division or to the rules adopted pursuant to sections 3301.52 to 3301.59 of the Revised Code.

Upon receipt of any complaint that a preschool program or a licensed school child program is out of compliance with the requirements in sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections, the department of children and youth shall investigate and may inspect the program. If the complaint is related to a teacher, the department shall coordinate with the ~~department~~ state board of education to investigate and take action on a teacher's license.

(D) If a preschool program or a licensed school child program is determined to be out of compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections, the department of

children and youth shall notify the appropriate superintendent, 39022  
county board of developmental disabilities, community school, 39023  
authorized private before and after school care program, or 39024  
eligible nonpublic school in writing regarding the nature of the 39025  
violation, what must be done to correct the violation, and by 39026  
what date the correction must be made. If the correction is not 39027  
made by the date established by the department, it may commence 39028  
action under Chapter 119. of the Revised Code to close the 39029  
program or to revoke the license of the program. If a program 39030  
does not comply with an order to cease operation issued in 39031  
accordance with Chapter 119. of the Revised Code, the department 39032  
shall notify the attorney general, the prosecuting attorney of 39033  
the county in which the program is located, or the city 39034  
attorney, village solicitor, or other chief legal officer of the 39035  
municipal corporation in which the program is located that the 39036  
program is operating in violation of sections 3301.52 to 3301.59 39037  
of the Revised Code or the rules adopted under those sections 39038  
and in violation of an order to cease operation issued in 39039  
accordance with Chapter 119. of the Revised Code. Upon receipt 39040  
of the notification, the attorney general, prosecuting attorney, 39041  
city attorney, village solicitor, or other chief legal officer 39042  
shall file a complaint in the court of common pleas of the 39043  
county in which the program is located requesting the court to 39044  
issue an order enjoining the program from operating. The court 39045  
shall grant the requested injunctive relief upon a showing that 39046  
the program named in the complaint is operating in violation of 39047  
sections 3301.52 to 3301.59 of the Revised Code or the rules 39048  
adopted under those sections and in violation of an order to 39049  
cease operation issued in accordance with Chapter 119. of the 39050  
Revised Code. 39051

(E) ~~The department of education and workforce and~~ 39052

department of children and youth shall prepare an annual report 39053  
on inspections conducted under this section. The report shall 39054  
include the number of inspections conducted, the number and 39055  
types of violations found, and the steps taken to address the 39056  
violations. The ~~departments~~ department shall file the report 39057  
with the governor, the president and minority leader of the 39058  
senate, and the speaker and minority leader of the house of 39059  
representatives on or before the first day of January of each 39060  
year. 39061

**Sec. 3302.03.** Not later than the thirty-first day of July 39062  
of each year, the department of education and workforce shall 39063  
submit preliminary report card data for overall academic 39064  
performance and for each separate performance measure for each 39065  
school district, and each school building, in accordance with 39066  
this section. 39067

Annually, not later than the fifteenth day of September or 39068  
the preceding Friday when that day falls on a Saturday or 39069  
Sunday, the department shall assign a letter grade or 39070  
performance rating for overall academic performance and for each 39071  
separate performance measure for each school district, and each 39072  
school building in a district, in accordance with this section. 39073  
The department shall adopt rules pursuant to Chapter 119. of the 39074  
Revised Code to implement this section. The department's rules 39075  
shall establish performance criteria for each letter grade or 39076  
performance rating and prescribe a method by which the 39077  
department assigns each letter grade or performance rating. For 39078  
a school building to which any of the performance measures do 39079  
not apply, due to grade levels served by the building, the 39080  
department shall designate the performance measures that are 39081  
applicable to the building and that must be calculated 39082  
separately and used to calculate the building's overall grade or 39083

performance rating. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade or performance rating system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A) (1) For the 2012-2013 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the department. In adopting benchmarks for assigning letter grades under division (A) (1) (b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A) (1) (c) of this section, the department shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates.

In adopting benchmarks for assigning letter grades under 39113  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 39114  
department shall designate a four-year adjusted cohort 39115  
graduation rate of ninety-three per cent or higher for an "A" 39116  
and a five-year cohort graduation rate of ninety-five per cent 39117  
or higher for an "A." 39118

(e) The overall score under the value-added progress 39119  
dimension of a school district or building, for which the 39120  
department shall use up to three years of value-added data as 39121  
available. The letter grade assigned for this growth measure 39122  
shall be as follows: 39123

(i) A score that is at least one standard error of measure 39124  
above the mean score shall be designated as an "A." 39125

(ii) A score that is less than one standard error of 39126  
measure above but greater than one standard error of measure 39127  
below the mean score shall be designated as a "B." 39128

(iii) A score that is less than or equal to one standard 39129  
error of measure below the mean score but greater than two 39130  
standard errors of measure below the mean score shall be 39131  
designated as a "C." 39132

(iv) A score that is less than or equal to two standard 39133  
errors of measure below the mean score but is greater than three 39134  
standard errors of measure below the mean score shall be 39135  
designated as a "D." 39136

(v) A score that is less than or equal to three standard 39137  
errors of measure below the mean score shall be designated as an 39138  
"F." 39139

Whenever the value-added progress dimension is used as a 39140  
graded performance measure in this division and divisions (B) 39141



and (C) of this section, whether as an overall measure or as a 39142  
measure of separate subgroups, the grades for the measure shall 39143  
be calculated in the same manner as prescribed in division (A) 39144  
(1)(e) of this section. 39145

(f) The value-added progress dimension score for a school 39146  
district or building disaggregated for each of the following 39147  
subgroups: students identified as gifted, students with 39148  
disabilities, and students whose performance places them in the 39149  
lowest quintile for achievement on a statewide basis. Each 39150  
subgroup shall be a separate graded measure. 39151

(2) The department shall adopt a resolution describing the 39152  
performance measures, benchmarks, and grading system for the 39153  
2012-2013 school year and shall adopt rules in accordance with 39154  
Chapter 119. of the Revised Code that prescribe the methods by 39155  
which the performance measures under division (A)(1) of this 39156  
section shall be assessed and assigned a letter grade, including 39157  
performance benchmarks for each letter grade. 39158

At least forty-five days prior to the department's 39159  
adoption of rules to prescribe the methods by which the 39160  
performance measures under division (A)(1) of this section shall 39161  
be assessed and assigned a letter grade, the department shall 39162  
conduct a public presentation before the standing committees of 39163  
the house of representatives and the senate that consider 39164  
education legislation describing such methods, including 39165  
performance benchmarks. 39166

(3) There shall not be an overall letter grade for a 39167  
school district or building for the 2012-2013 school year. 39168

(B)(1) For the 2013-2014 school year, the department shall 39169  
issue grades as described in division (F) of this section for 39170

each of the following performance measures:	39171
(a) Annual measurable objectives;	39172
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B) (1) (b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	39173 39174 39175 39176 39177 39178 39179 39180
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B) (1) (c) of this section, the department shall designate ninety per cent or higher for an "A."	39181 39182 39183 39184 39185 39186 39187
(d) The four- and five-year adjusted cohort graduation rates;	39188 39189
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.	39190 39191 39192 39193
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for	39194 39195 39196 39197 39198 39199

achievement on a statewide basis. Each subgroup shall be a 39200  
separate graded measure. 39201

(g) Whether a school district or building is making 39202  
progress in improving literacy in grades kindergarten through 39203  
three, as determined using a method prescribed by the 39204  
department. The department shall adopt rules to prescribe 39205  
benchmarks and standards for assigning grades to districts and 39206  
buildings for purposes of division (B) (1) (g) of this section. In 39207  
adopting benchmarks for assigning letter grades under divisions 39208  
(B) (1) (g) and (C) (1) (g) of this section, the department shall 39209  
determine progress made based on the reduction in the total 39210  
percentage of students scoring below grade level, or below 39211  
proficient, compared from year to year on the reading and 39212  
writing diagnostic assessments administered under section 39213  
3301.0715 of the Revised Code and the third grade English 39214  
language arts assessment under section 3301.0710 of the Revised 39215  
Code, as applicable. The department shall designate for a "C" 39216  
grade a value that is not lower than the statewide average value 39217  
for this measure. No grade shall be issued under divisions (B) 39218  
(1) (g) and (C) (1) (g) of this section for a district or building 39219  
in which less than five per cent of students have scored below 39220  
grade level on the diagnostic assessment administered to 39221  
students in kindergarten under division (B) (1) of section 39222  
3313.608 of the Revised Code. 39223

(h) For a high mobility school district or building, an 39224  
additional value-added progress dimension score. For this 39225  
measure, the department shall use value-added data from the most 39226  
recent school year available and shall use assessment scores for 39227  
only those students to whom the district or building has 39228  
administered the assessments prescribed by section 3301.0710 of 39229  
the Revised Code for each of the two most recent consecutive 39230

school years. 39231

As used in this division, "high mobility school district  
or building" means a school district or building where at least  
twenty-five per cent of its total enrollment is made up of  
students who have attended that school district or building for  
less than one year. 39232  
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(2) In addition to the graded measures in division (B) (1)  
of this section, the department shall include on a school  
district's or building's report card all of the following  
without an assigned letter grade: 39237  
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(a) The percentage of students enrolled in a district or  
building participating in advanced placement classes and the  
percentage of those students who received a score of three or  
better on advanced placement examinations; 39241  
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(b) The number of a district's or building's students who  
have earned at least three college credits through dual  
enrollment or advanced standing programs, such as the post-  
secondary enrollment options program under Chapter 3365. of the  
Revised Code and state-approved career-technical courses offered  
through dual enrollment or statewide articulation, that appear  
on a student's transcript or other official document, either of  
which is issued by the institution of higher education from  
which the student earned the college credit. The credits earned  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of  
this section shall not include any that are remedial or  
developmental and shall include those that count toward the  
curriculum requirements established for completion of a degree. 39245  
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(c) The percentage of students enrolled in a district or  
building who have taken a national standardized test used for 39258  
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college admission determinations and the percentage of those 39260  
students who are determined to be remediation-free in accordance 39261  
with standards adopted under division (F) of section 3345.061 of 39262  
the Revised Code; 39263

(d) The percentage of the district's or the building's 39264  
students who receive industry-recognized credentials as approved 39265  
under section 3313.6113 of the Revised Code. 39266

(e) The percentage of students enrolled in a district or 39267  
building who are participating in an international baccalaureate 39268  
program and the percentage of those students who receive a score 39269  
of four or better on the international baccalaureate 39270  
examinations. 39271

(f) The percentage of the district's or building's 39272  
students who receive an honors diploma under division (B) of 39273  
section 3313.61 of the Revised Code. 39274

(3) The department shall adopt rules in accordance with 39275  
Chapter 119. of the Revised Code that prescribe the methods by 39276  
which the performance measures under divisions (B) (1) (f) and (B) 39277  
(1) (g) of this section will be assessed and assigned a letter 39278  
grade, including performance benchmarks for each grade. 39279

At least forty-five days prior to the department's 39280  
adoption of rules to prescribe the methods by which the 39281  
performance measures under division (B) (1) of this section shall 39282  
be assessed and assigned a letter grade, the department shall 39283  
conduct a public presentation before the standing committees of 39284  
the house of representatives and the senate that consider 39285  
education legislation describing such methods, including 39286  
performance benchmarks. 39287

(4) There shall not be an overall letter grade for a 39288

school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years. 39289  
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(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C) (1) of this section. The graded measures are as follows: 39291  
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(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students. 39296  
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(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C) (1) (b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F." 39306  
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(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter 39314  
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grades under division (C) (1) (c) of this section, the department 39319  
shall designate ninety per cent or higher for an "A." 39320

(d) The four- and five-year adjusted cohort graduation 39321  
rates; 39322

(e) The overall score under the value-added progress 39323  
dimension, or another measure of student academic progress if 39324  
adopted by the department, of a school district or building, for 39325  
which the department shall use up to three years of value-added 39326  
data as available. 39327

In adopting benchmarks for assigning letter grades for 39328  
overall score on value-added progress dimension under division 39329  
(C) (1) (e) of this section, the department shall prohibit the 39330  
assigning of a grade of "A" for that measure unless the 39331  
district's or building's grade assigned for value-added progress 39332  
dimension for all subgroups under division (C) (1) (f) of this 39333  
section is a "C" or higher. 39334

For the metric prescribed by division (C) (1) (e) of this 39335  
section, the department may adopt a student academic progress 39336  
measure to be used instead of the value-added progress 39337  
dimension. If the department adopts such a measure, it also 39338  
shall prescribe a method for assigning letter grades for the new 39339  
measure that is comparable to the method prescribed in division 39340  
(A) (1) (e) of this section. 39341

(f) The value-added progress dimension score of a school 39342  
district or building disaggregated for each of the following 39343  
subgroups: students identified as gifted in superior cognitive 39344  
ability and specific academic ability fields under Chapter 3324. 39345  
of the Revised Code, students with disabilities, and students 39346  
whose performance places them in the lowest quintile for 39347

achievement on a statewide basis, as determined by a method 39348  
prescribed by the department. Each subgroup shall be a separate 39349  
graded measure. 39350

The department may adopt student academic progress 39351  
measures to be used instead of the value-added progress 39352  
dimension. If the department adopts such measures, it also shall 39353  
prescribe a method for assigning letter grades for the new 39354  
measures that is comparable to the method prescribed in division 39355  
(A) (1) (e) of this section. 39356

(g) Whether a school district or building is making 39357  
progress in improving literacy in grades kindergarten through 39358  
three, as determined using a method prescribed by the 39359  
department. The department shall adopt rules to prescribe 39360  
benchmarks and standards for assigning grades to a district or 39361  
building for purposes of division (C) (1) (g) of this section. The 39362  
department shall designate for a "C" grade a value that is not 39363  
lower than the statewide average value for this measure. No 39364  
grade shall be issued under division (C) (1) (g) of this section 39365  
for a district or building in which less than five per cent of 39366  
students have scored below grade level on the kindergarten 39367  
diagnostic assessment under division (B) (1) of section 3313.608 39368  
of the Revised Code. 39369

(h) For a high mobility school district or building, an 39370  
additional value-added progress dimension score. For this 39371  
measure, the department shall use value-added data from the most 39372  
recent school year available and shall use assessment scores for 39373  
only those students to whom the district or building has 39374  
administered the assessments prescribed by section 3301.0710 of 39375  
the Revised Code for each of the two most recent consecutive 39376  
school years. 39377



As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (C) (1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum

requirements established for completion of a degree. 39408

(d) The percentage of the district's or building's 39409  
students who receive an honor's diploma under division (B) of 39410  
section 3313.61 of the Revised Code; 39411

(e) The percentage of the district's or building's 39412  
students who receive industry-recognized credentials as approved 39413  
under section 3313.6113 of the Revised Code; 39414

(f) The percentage of students enrolled in a district or 39415  
building who are participating in an international baccalaureate 39416  
program and the percentage of those students who receive a score 39417  
of four or better on the international baccalaureate 39418  
examinations; 39419

(g) The results of the college and career-ready 39420  
assessments administered under division (B) (1) of section 39421  
3301.0712 of the Revised Code; 39422

(h) Whether the school district or building has 39423  
implemented a positive behavior intervention and supports 39424  
framework in compliance with the requirements of section 3319.46 39425  
of the Revised Code, notated as a "yes" or "no" answer. 39426

(3) The department shall adopt rules pursuant to Chapter 39427  
119. of the Revised Code that establish a method to assign an 39428  
overall grade for a school district or school building for the 39429  
2017-2018 school year and each school year thereafter. The rules 39430  
shall group the performance measures in divisions (C) (1) and (2) 39431  
of this section into the following components: 39432

(a) Gap closing, which shall include the performance 39433  
measure in division (C) (1) (a) of this section; 39434

(b) Achievement, which shall include the performance 39435

measures in divisions (C) (1) (b) and (c) of this section; 39436

(c) Progress, which shall include the performance measures 39437  
in divisions (C) (1) (e) and (f) of this section; 39438

(d) Graduation, which shall include the performance 39439  
measure in division (C) (1) (d) of this section; 39440

(e) Kindergarten through third-grade literacy, which shall 39441  
include the performance measure in division (C) (1) (g) of this 39442  
section; 39443

(f) Prepared for success, which shall include the 39444  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 39445  
and (f) of this section. The department shall develop a method 39446  
to determine a grade for the component in division (C) (3) (f) of 39447  
this section using the performance measures in divisions (C) (2) 39448  
(a), (b), (c), (d), (e), and (f) of this section. When 39449  
available, the department may incorporate the performance 39450  
measure under division (C) (2) (g) of this section into the 39451  
component under division (C) (3) (f) of this section. When 39452  
determining the overall grade for the prepared for success 39453  
component prescribed by division (C) (3) (f) of this section, no 39454  
individual student shall be counted in more than one performance 39455  
measure. However, if a student qualifies for more than one 39456  
performance measure in the component, the department may, in its 39457  
method to determine a grade for the component, specify an 39458  
additional weight for such a student that is not greater than or 39459  
equal to 1.0. In determining the overall score under division 39460  
(C) (3) (f) of this section, the department shall ensure that the 39461  
pool of students included in the performance measures aggregated 39462  
under that division are all of the students included in the 39463  
four- and five-year adjusted graduation cohort. 39464

In the rules adopted under division (C) (3) of this section, the department shall adopt a method for determining a grade for each component in divisions (C) (3) (a) to (f) of this section. The department also shall establish a method to assign an overall grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the department adopts for assigning an overall grade shall give equal weight to the components in divisions (C) (3) (b) and (c) of this section.

At least forty-five days prior to the department's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade.

(D) For the 2021-2022 school year and each school year thereafter, all of the following apply:

(1) The department shall include on a school district's or building's report card all of the following performance measures without an assigned performance rating:

(a) Whether the district or building meets the gifted performance indicator under division (A) (2) of section 3302.02 of the Revised Code and the extent to which the district or building meets gifted indicator performance benchmarks;

(b) The extent to which the district or building meets the chronic absenteeism indicator under division (A) (3) of section 3302.02 of the Revised Code;

(c) Performance index score percentage for a district or building, which shall be calculated by dividing the district's or building's performance index score according to the performance index system created by the department by the maximum performance index score for a district or building. The maximum performance index score shall be as follows:

(i) For a building, the average of the highest two per cent of performance index scores achieved by a building for the school year for which a report card is issued;

(ii) For a district, the average of the highest two per cent of performance index scores achieved by a district for the school year for which a report card is issued.

(d) The overall score under the value-added progress dimension of a district or building, for which the department shall use three consecutive years of value-added data. In using three years of value-added data to calculate the measure prescribed under division (D)(1)(d) of this section, the department shall assign a weight of fifty per cent to the most recent year's data and a weight of twenty-five per cent to the data of each of the other years. However, if three consecutive years of value-added data is not available, the department shall use prior years of value-added data to calculate the measure, as follows:

(i) If two consecutive years of value-added data is not available, the department shall use one year of value-added data to calculate the measure.

(ii) If two consecutive years of value-added data is available, the department shall use two consecutive years of value-added data to calculate the measure. In using two years of

value-added data to calculate the measure, the department shall 39523  
assign a weight of sixty-seven per cent to the most recent 39524  
year's data and a weight of thirty-three per cent to the data of 39525  
the other year. 39526

(e) The four-year adjusted cohort graduation rate. 39527

(f) The five-year adjusted cohort graduation rate. 39528

(g) The percentage of students in the district or building 39529  
who score proficient or higher on the reading segment of the 39530  
third grade English language arts assessment under section 39531  
3301.0710 of the Revised Code. 39532

To the extent possible, the department shall include the 39533  
results of the summer administration of the third grade reading 39534  
assessment under section 3301.0710 of the Revised Code in the 39535  
performance measures prescribed under divisions (D) (1) (g) and 39536  
(h) of this section. 39537

(h) Whether a district or building is making progress in 39538  
improving literacy in grades kindergarten through three, as 39539  
determined using a method prescribed by the department. The 39540  
method shall determine progress made based on the reduction in 39541  
the total percentage of students scoring below grade level, or 39542  
below proficient, compared from year to year on the reading 39543  
segments of the diagnostic assessments administered under 39544  
section 3301.0715 of the Revised Code, ~~including the~~ 39545  
~~kindergarten readiness assessment,~~ and the third grade English 39546  
language arts assessment under section 3301.0710 of the Revised 39547  
Code, as applicable. The method shall not include a deduction 39548  
for students who did not pass the third grade English language 39549  
arts assessment under section 3301.0710 of the Revised Code and 39550  
were not on a reading improvement and monitoring plan. 39551

The performance measure prescribed under division (D) (1) 39552  
(h) of this section shall not be included on the report card of 39553  
a district or building in which less than ten per cent of 39554  
students have scored below grade level on the diagnostic 39555  
assessment administered to students in kindergarten under 39556  
division (B) (1) of section 3313.608 of the Revised Code. 39557

(i) The percentage of students in a district or building 39558  
who are promoted to the fourth grade ~~and not subject to~~ 39559  
~~retention under division (A) (2) of section 3313.608 of the~~ 39560  
~~Revised Code~~ based on the student's score on the third grade 39561  
English language arts assessment under division (A) (3) of 39562  
section 3301.0710 of the Revised Code or demonstrate competency 39563  
on an alternative assessment under division (C) of section 39564  
3313.608 of the Revised Code;— 39565

(j) A post-secondary readiness measure. This measure shall 39566  
be calculated by dividing the number of students included in the 39567  
four-year adjusted graduation rate cohort who demonstrate post- 39568  
secondary readiness by the total number of students included in 39569  
the denominator of the four-year adjusted graduation rate 39570  
cohort. Demonstration of post-secondary readiness shall include 39571  
a student doing any of the following: 39572

(i) Attaining a remediation-free score, in accordance with 39573  
standards adopted under division (F) of section 3345.061 of the 39574  
Revised Code, on a nationally standardized assessment prescribed 39575  
under division (B) (1) of section 3301.0712 of the Revised Code; 39576

(ii) Attaining required scores on three or more advanced 39577  
placement or international baccalaureate examinations. The 39578  
required score for an advanced placement examination shall be a 39579  
three or better. The required score for an international 39580  
baccalaureate examination shall be a four or better. A student 39581

may satisfy this condition with any combination of advanced placement or international baccalaureate examinations. 39582  
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(iii) Earning at least twelve college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code, an early college high school program under section 3313.6013 of the Revised Code, and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. Earned credits reported under division (D) (1) (j) (iii) of this section shall include credits that count toward the curriculum requirements established for completion of a degree, but shall not include any remedial or developmental credits. 39584  
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(iv) Meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code; 39597  
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(v) Earning an industry-recognized credential or license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license approved under section 3313.6113 of the Revised Code; 39599  
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(vi) Satisfying any of the following conditions: 39603

(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field; 39604  
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(II) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field; 39607  
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(III) Providing evidence of acceptance into an 39610



apprenticeship program after high school that is restricted to 39611  
participants eighteen years of age or older. 39612

(vii) Earning a cumulative score of proficient or higher 39613  
on three or more state technical assessments aligned with 39614  
section 3313.903 of the Revised Code in a single career pathway; 39615

(viii) Earning an OhioMeansJobs-readiness seal established 39616  
under section 3313.6112 of the Revised Code and completing two 39617  
hundred fifty hours of an internship or other work-based 39618  
learning experience that is either: 39619

(I) Approved by the business advisory council established 39620  
under section 3313.82 of the Revised Code that represents the 39621  
student's district; or 39622

(II) Aligned to the career-technical education pathway 39623  
approved by the department in which the student is enrolled. 39624

(ix) Providing evidence that the student has enlisted in a 39625  
branch of the armed services of the United States as defined in 39626  
section 5910.01 of the Revised Code. 39627

A student who satisfies more than one of the conditions 39628  
prescribed under this division shall be counted as one student 39629  
for the purposes of calculating the measure prescribed under 39630  
division (D) (1) (j) of this section. 39631

(2) In addition to the performance measures under division 39632  
(D) (1) of this section, the department shall report on a 39633  
district's or building's report card all of the following data 39634  
without an assigned performance rating: 39635

(a) The applicable performance indicators established by 39636  
the department under division (A) (1) of section 3302.02 of the 39637  
Revised Code; 39638

(b) The overall score under the value-added progress dimension of a district or building for the most recent school year; 39639  
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(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years; 39642  
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(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the following categories: 39646  
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(i) Students who are still enrolled in the district or building and receiving general education services; 39652  
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(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services; 39654  
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(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services; 39659  
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(iv) Students who are no longer enrolled in any district or building; 39663  
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(v) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the 39665  
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Revised Code than other students in the four- or five-year 39668  
adjusted cohort graduation rate. 39669

The department may disaggregate the data prescribed under 39670  
division (D) (2) (d) of this section according to other categories 39671  
that the department determines are appropriate. 39672

~~(e) The results of the kindergarten diagnostic assessment— 39673  
prescribed under division (D) of section 3301.079 of the Revised 39674  
Code;— 39675~~

~~(f) Post-graduate outcomes for students who were enrolled 39676  
in a district or building and received a high school diploma 39677  
under section 3313.61 or 3325.08 of the Revised Code in the 39678  
school year prior to the school year for which the report card 39679  
is issued, including the percentage of students who: 39680~~

(i) Enrolled in a post-secondary educational institution. 39681  
To the extent possible, the department shall disaggregate that 39682  
data according to whether the student enrolled in a four-year 39683  
institution of higher education, a two-year institution of 39684  
higher education, an Ohio technical center that provides adult 39685  
technical education services and is recognized by the chancellor 39686  
of higher education, or another type of post-secondary 39687  
educational institution. 39688

(ii) Entered an apprenticeship program registered with the 39689  
apprenticeship council established under Chapter 4139. of the 39690  
Revised Code. The department may include other job training 39691  
programs with similar rigor and outcomes. 39692

(iii) Attained gainful employment, as determined by the 39693  
department; 39694

(iv) Enlisted in a branch of the armed forces of the 39695  
United States, as defined in section 5910.01 of the Revised 39696

Code. 39697

~~(g)~~(f) Whether the school district or building has 39698  
implemented a positive behavior intervention and supports 39699  
framework in compliance with the requirements of section 3319.46 39700  
of the Revised Code, notated with a "yes" or "no"; 39701

~~(h)~~(g) The number and percentage of high school seniors in 39702  
each school year who completed the free application for federal 39703  
student aid; 39704

~~(i)~~(h) Beginning with the report card issued under this 39705  
section for the 2022-2023 school year, a student opportunity 39706  
profile measure that reports data regarding the opportunities 39707  
provided to students by a district or building. To the extent 39708  
possible, and when appropriate, the data shall be disaggregated 39709  
by grade level and subgroup. The measure also shall include data 39710  
regarding the statewide average, the average for similar school 39711  
districts, and, for a building, the average for the district in 39712  
which the building is located. The measure shall include all of 39713  
the following data for the district or building: 39714

(i) The average ratio of teachers of record to students in 39715  
each grade level in a district or building; 39716

(ii) The average ratio of school counselors to students in 39717  
a district or building; 39718

(iii) The average ratio of nurses to students in a 39719  
district or building; 39720

(iv) The average ratio of licensed librarians and library 39721  
media specialists to students in a district or building; 39722

(v) The average ratio of social workers to students in a 39723  
district or building; 39724

(vi) The average ratio of mental health professionals to students in a district or building;	39725 39726
(vii) The average ratio of paraprofessionals to students in a district or building;	39727 39728
(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	39729 39730
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	39731 39732
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	39733 39734
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	39735 39736 39737
(xii) The percentage of students enrolled in a performing or visual arts course;	39738 39739
(xiii) The percentage of students enrolled in a physical education or wellness course;	39740 39741
(xiv) The percentage of students enrolled in a world language course;	39742 39743
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	39744 39745
(xvi) The percentage of students participating in one or more cocurricular activities;	39746 39747
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	39748 39749 39750 39751

(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;

(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;

(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;

(xxi) The percentage of students who are transported by a school bus each school day;

(xxii) The ratio of portable technology devices that students may take home to the number of students.

The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.

~~(j)~~ (i) (i) The percentage of students included in the four- and five-year adjusted cohort graduation rates of the district or building who completed all of grades nine through twelve while enrolled in the district or building;

(ii) The four-year adjusted cohort graduation rate for only those students who were continuously enrolled in the same district or building for grades nine through twelve.

~~(k)~~ (j) Whether the district or building provides information about and promotes the college credit plus program established under Chapter 3365. of the Revised Code to students

in accordance with section 3365.04 of the Revised Code, notated 39780  
with a "yes" or "no"; 39781

~~(i)~~(k) The percentage of students in the district or 39782  
building to whom both of the following apply: 39783

(i) The students are promoted to fourth grade and not 39784  
subject to retention under division (A) (2) of section 3313.608 39785  
of the Revised Code. 39786

(ii) The students completed all of the grade levels 39787  
offered prior to the fourth grade in the district or building. 39788

(3) Except as provided in division (D) (3) (f) of this 39789  
section, the department shall use the method prescribed under 39790  
rules adopted under division (D) (4) of this section to assign 39791  
performance ratings of "one star," "two stars," "three stars," 39792  
"four stars," or "five stars," as described in division (F) of 39793  
this section, for a district or building for the individual 39794  
components prescribed under division (D) (3) of this section. The 39795  
department also shall assign an overall performance rating for a 39796  
district or building in accordance with division (D) (3) (g) of 39797  
this section. The method shall use the performance measures 39798  
prescribed under division (D) (1) of this section to calculate 39799  
performance ratings for components. The method may report data 39800  
under division (D) (2) of this section with corresponding 39801  
components, but shall not use the data to calculate performance 39802  
ratings for that component. The performance measures and 39803  
reported data shall be grouped together into components as 39804  
follows: 39805

(a) Gap closing. In addition to other criteria determined 39806  
appropriate by the department, performance ratings for the gap 39807  
closing component shall reflect whether each of the following 39808

performance measures are met or not met: 39809

(i) The gifted performance indicator as described in 39810  
division (D) (1) (a) of this section; 39811

(ii) The chronic absenteeism indicator as described in 39812  
division (D) (1) (b) of this section; 39813

(iii) For English learners, an English language 39814  
proficiency improvement indicator established by the department; 39815

(iv) The subgroup graduation targets; 39816

(v) The subgroup achievement targets in both mathematics 39817  
and English language arts; 39818

(vi) The subgroup progress targets in both mathematics and 39819  
English language arts. 39820

Achievement and progress targets under division (D) (3) (a) 39821  
of this section shall be calculated individually, and districts 39822  
and buildings shall receive a status of met or not met on each 39823  
measure. The department shall not require a subgroup of a 39824  
district or building to meet both the achievement and progress 39825  
targets at the same time to receive a status of met. 39826

The department shall not include any subgroup data in this 39827  
measure that includes data from fewer than fifteen students. Any 39828  
penalty for failing to meet the required assessment 39829  
participation rate must be partially in proportion to how close 39830  
the district or building was to meeting the rate requirement. 39831

(b) Achievement, which shall include the performance 39832  
measure in division (D) (1) (c) of this section and the reported 39833  
data in division (D) (2) (a) of this section. Performance ratings 39834  
for the achievement component shall be awarded as a percentage 39835  
of the maximum performance index score described in division (D) 39836



(1) (c) of this section. 39837

(c) Progress, which shall include the performance measure 39838  
in division (D) (1) (d) of this section and the reported data in 39839  
divisions (D) (2) (b) and (c) of this section; 39840

(d) Graduation, which shall include the performance 39841  
measures in divisions (D) (1) (e) and (f) of this section and the 39842  
reported data in divisions (D) (2) (d) and (j) of this section. 39843  
The four-year adjusted cohort graduation rate shall be assigned 39844  
a weight of sixty per cent and the five-year adjusted cohort 39845  
graduation rate shall be assigned a weight of forty per cent~~r~~. 39846

(e) Early literacy, which shall include the performance 39847  
measures in divisions (D) (1) (g), ~~-(h),~~ and (i) of this section 39848  
and the reported data in ~~divisions (D) (2) (e) and (l)~~ division (D) 39849  
(2) (k) of this section. 39850

If the measure prescribed under division (D) (1) (h) of this 39851  
section is included in a report card, performance ratings for 39852  
the early literacy component shall give a weight of forty per 39853  
cent to the measure prescribed under division (D) (1) (g) of this 39854  
section, a weight of thirty-five per cent to the measure 39855  
prescribed under division (D) (1) (i) of this section, and a 39856  
weight of twenty-five per cent to the measure prescribed under 39857  
division (D) (1) (h) of this section. 39858

If the measure prescribed under division (D) (1) (h) of this 39859  
section is not included in a report card of a district or 39860  
building, performance ratings for the early literacy component 39861  
shall give a weight of sixty per cent to the measure prescribed 39862  
under division (D) (1) (g) of this section and a weight of forty 39863  
per cent to the measure prescribed under division (D) (1) (i) of 39864  
this section. 39865

(f) College, career, workforce, and military readiness, 39866  
which shall include the performance measure in division (D) (1) 39867  
(j) of this section and the reported data in division ~~(D) (2) (f)~~ 39868  
(D) (2) (e) of this section. 39869

For the 2021-2022, 2022-2023, and 2023-2024 school years, 39870  
the department only shall report the data for, and not assign a 39871  
performance rating to, the college, career, workforce, and 39872  
military readiness component. The reported data shall include 39873  
the percentage of students who demonstrate post-secondary 39874  
readiness using any of the options described in division (D) (1) 39875  
(j) of this section. 39876

The department shall analyze the data included in the 39877  
performance measure prescribed in division (D) (1) (j) of this 39878  
section for the 2021-2022, 2022-2023, and 2023-2024 school 39879  
years. Using that data, the department shall develop and propose 39880  
rules for a method to assign a performance rating to the 39881  
college, career, workforce, and military readiness component 39882  
based on that measure. The method to assign a performance rating 39883  
shall not include a tiered structure or per student bonuses. The 39884  
rules shall specify that a district or building shall not 39885  
receive lower than a performance rating of three stars for the 39886  
component if the district's or building's performance on the 39887  
component meets or exceeds a level of improvement set by the 39888  
department. Notwithstanding division (D) (4) (b) of this section, 39889  
more than half of the total districts and buildings may earn a 39890  
performance rating of three stars on this component to account 39891  
for the districts and buildings that earned a performance rating 39892  
of three stars because they met or exceeded the level of 39893  
improvement set by the department. 39894

The department shall submit the rules to the joint 39895

committee on agency rule review. The committee shall conduct at 39896  
least one public hearing on the proposed rules and approve or 39897  
disapprove the rules. If the committee approves the rules, the 39898  
department shall adopt the rules in accordance with Chapter 119. 39899  
of the Revised Code. If the rules are adopted, the department 39900  
shall assign a performance rating to the college, career, 39901  
workforce, and military readiness component under the rules 39902  
beginning with the 2024-2025 school year, and for each school 39903  
year thereafter. If the committee disapproves the rules, the 39904  
component shall be included in the report card only as reported 39905  
data for the 2024-2025 school year, and each school year 39906  
thereafter. 39907

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 39908  
this section, beginning with the 2022-2023 school year, under 39909  
the method prescribed under rules adopted in division (D) (4) of 39910  
this section, the department shall use the performance ratings 39911  
assigned for the components prescribed in divisions (D) (3) (a) to 39912  
(e) of this section to determine and assign an overall 39913  
performance rating of "one star," "one and one-half stars," "two 39914  
stars," "two and one-half stars," "three stars," "three and one- 39915  
half stars," "four stars," "four and one-half stars," or "five 39916  
stars" for a district or building. The method shall give equal 39917  
weight to the components in divisions (D) (3) (b) and (c) of this 39918  
section. The method shall give equal weight to the components in 39919  
divisions (D) (3) (a), (d), and (e) of this section. The 39920  
individual weights of each of the components prescribed in 39921  
divisions (D) (3) (a), (d), and (e) of this section shall be equal 39922  
to one-half of the weight given to the component prescribed in 39923  
division (D) (3) (b) of this section. 39924

(ii) If the joint committee on agency rule review approves 39925  
the department's rules regarding the college, career, workforce, 39926

and military readiness component as described in division (D) (3) 39927  
(f) of this section, for the 2024-2025 school year, and each 39928  
school year thereafter, the department's method shall use the 39929  
components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) 39930  
of this section to calculate the overall performance rating. The 39931  
method shall give equal weight to the components in divisions 39932  
(D) (3) (b) and (c) of this section. The method shall give equal 39933  
weight to the components prescribed in divisions (D) (3) (a), (d), 39934  
(e), and (f) of this section. The individual weights of each of 39935  
the components prescribed in divisions (D) (3) (a), (d), (e), and 39936  
(f) of this section shall be equal to one-half the weight given 39937  
to the component prescribed in division (D) (3) (b) of this 39938  
section. 39939

If the joint committee on agency rule review disapproves 39940  
the department's rules regarding the college, career, workforce, 39941  
and military readiness component as described in division (D) (3) 39942  
(f) of this section, division (D) (3) (g) (ii) of this section does 39943  
not apply. 39944

(4) (a) The department shall adopt rules in accordance with 39945  
Chapter 119. of the Revised Code to establish the performance 39946  
criteria, benchmarks, and rating system necessary to implement 39947  
divisions (D) and (F) of this section, including the method for 39948  
the department to assign performance ratings under division (D) 39949  
(3) of this section. 39950

(b) In establishing the performance criteria, benchmarks, 39951  
and rating system, the department shall consult with stakeholder 39952  
groups and advocates that represent parents, community members, 39953  
students, business leaders, and educators from different school 39954  
typology regions. The department shall use data from prior 39955  
school years and simulations to ensure that there is meaningful 39956

differentiation among districts and buildings across all 39957  
performance ratings and that, except as permitted in division 39958  
(D) (3) (f) of this section, more than half of all districts or 39959  
buildings do not earn the same performance rating in any 39960  
component or overall performance rating. 39961

(c) The department shall adopt the rules prescribed by 39962  
division (D) (4) of this section not later than March 31, 2022. 39963  
However, the department shall notify districts and buildings of 39964  
the changes to the report card prescribed in law not later than 39965  
one week after September 30, 2021. 39966

(d) Prior to adopting or updating rules under division (D) 39967  
(4) of this section, the director of education and workforce and 39968  
the department shall conduct a public presentation before the 39969  
standing committees of the house of representatives and the 39970  
senate that consider primary and secondary education legislation 39971  
describing the format for the report card and the performance 39972  
criteria, benchmarks, and rating system, including the method to 39973  
assign performance ratings under division (D) (3) of this 39974  
section. 39975

(E) The department may develop a measure of student 39976  
academic progress for high school students using only data from 39977  
assessments in English language arts and mathematics. If the 39978  
department develops this measure, each school district and 39979  
applicable school building shall be assigned a separate letter 39980  
grade for it not sooner than the 2017-2018 school year. The 39981  
district's or building's grade for that measure shall not be 39982  
included in determining the district's or building's overall 39983  
letter grade. 39984

(F) (1) The letter grades assigned to a school district or 39985  
building under this section shall be as follows: 39986

(a) "A" for a district or school making excellent progress;	39987 39988
(b) "B" for a district or school making above average progress;	39989 39990
(c) "C" for a district or school making average progress;	39991
(d) "D" for a district or school making below average progress;	39992 39993
(e) "F" for a district or school failing to meet minimum progress.	39994 39995
(2) For the overall performance rating under division (D)	39996
(3) of this section, the department shall include a descriptor for each performance rating as follows:	39997 39998
(a) "Significantly exceeds state standards" for a performance rating of five stars;	39999 40000
(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;	40001 40002
(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;	40003 40004
(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;	40005 40006
(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.	40007 40008
(3) For performance ratings for each component under divisions (D) (3) (a) to (f) of this section, the department shall include a description of each component and performance rating.	40009 40010 40011
The description shall include component-specific context to each performance rating earned, estimated comparisons to other school	40012 40013

districts and buildings if appropriate, and any other 40014  
information determined by the department. The descriptions shall 40015  
be not longer than twenty-five words in length when possible. In 40016  
addition to such descriptions, the department shall include the 40017  
descriptors in division (F) (2) of this section for component 40018  
performance ratings. 40019

(4) Each report card issued under this section shall 40020  
include all of the following: 40021

(a) A graphic that depicts the performance ratings of a 40022  
district or school on a color scale. The color associated with a 40023  
performance rating of three stars shall be green and the color 40024  
associated with a performance rating of one star shall be red. 40025

(b) An arrow graphic that shows data trends for 40026  
performance ratings for school districts or buildings. The 40027  
department shall determine the data to be used for this graphic, 40028  
which shall include at least the three most recent years of 40029  
data. 40030

(c) A description regarding the weights that are assigned 40031  
to each component and used to determine an overall performance 40032  
rating, as prescribed under division (D) (3) (g) of this section, 40033  
which shall be included in the presentation of the overall 40034  
performance rating on each report card. 40035

(G) When reporting data on student achievement and 40036  
progress, the department shall disaggregate that data according 40037  
to the following categories: 40038

(1) Performance of students by grade-level; 40039

(2) Performance of students by race and ethnic group; 40040

(3) Performance of students by gender; 40041

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	40042 40043
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	40044 40045 40046
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	40047 40048
(7) Performance of students grouped by those who are economically disadvantaged;	40049 40050
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	40051 40052 40053
(9) Performance of students grouped by those who are classified as English learners;	40054 40055
(10) Performance of students grouped by those who have disabilities;	40056 40057
(11) Performance of students grouped by those who are classified as migrants;	40058 40059
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	40060 40061 40062 40063 40064 40065 40066 40067 40068
(13) Performance of students grouped by those who perform	40069



in the lowest quintile for achievement on a statewide basis, as 40070  
determined by a method prescribed by the department. 40071

The department may disaggregate data on student 40072  
performance according to other categories that the department 40073  
determines are appropriate. To the extent possible, the 40074  
department shall disaggregate data on student performance 40075  
according to any combinations of two or more of the categories 40076  
listed in divisions (G) (1) to (13) of this section that it deems 40077  
relevant. 40078

In reporting data pursuant to division (G) of this 40079  
section, the department shall not include in the report cards 40080  
any data statistical in nature that is statistically unreliable 40081  
or that could result in the identification of individual 40082  
students. For this purpose, the department shall not report 40083  
student performance data for any group identified in division 40084  
(G) of this section that contains less than ten students. If the 40085  
department does not report student performance data for a group 40086  
because it contains less than ten students, the department shall 40087  
indicate on the report card that is why data was not reported. 40088

(H) The department may include with the report cards any 40089  
additional education and fiscal performance data it deems 40090  
valuable. 40091

(I) The department shall include on each report card a 40092  
list of additional information collected by the department that 40093  
is available regarding the district or building for which the 40094  
report card is issued. When available, such additional 40095  
information shall include student mobility data disaggregated by 40096  
race and socioeconomic status, college enrollment data, and the 40097  
reports prepared under section 3302.031 of the Revised Code. 40098

The department shall maintain a site on the world wide 40099  
web. The report card shall include the address of the site and 40100  
shall specify that such additional information is available to 40101  
the public at that site. The department shall also provide a 40102  
copy of each item on the list to the superintendent of each 40103  
school district. The district superintendent shall provide a 40104  
copy of any item on the list to anyone who requests it. 40105

(J) (1) (a) Except as provided in division (J) (1) (b) of this 40106  
section, for any district that sponsors a conversion community 40107  
school under Chapter 3314. of the Revised Code, the department 40108  
shall combine data regarding the academic performance of 40109  
students enrolled in the community school with comparable data 40110  
from the schools of the district for the purpose of determining 40111  
the performance of the district as a whole on the report card 40112  
issued for the district under this section or section 3302.033 40113  
of the Revised Code. 40114

(b) The department shall not combine data from any 40115  
conversion community school that a district sponsors if a 40116  
~~majority of the students enrolled in the~~ conversion community 40117  
school ~~are enrolled in~~ is a dropout prevention and recovery 40118  
~~program that is operated by the community school, as described~~ 40119  
~~in division (B) (1) of defined in~~ section ~~3314.35~~ 3314.02 of the 40120  
Revised Code. The department shall include as an addendum to the 40121  
district's report card the ratings and performance measures that 40122  
are required under section 3314.017 of the Revised Code for any 40123  
community school to which division (J) (1) (b) of this section 40124  
applies. This addendum shall include, at a minimum, the data 40125  
specified in divisions (C) (1) (a), (C) (2), and (C) (3) of section 40126  
3314.017 of the Revised Code. 40127

(2) Any district that leases a building to a community 40128

school located in the district or that enters into an agreement 40129  
with a community school located in the district whereby the 40130  
district and the school endorse each other's programs may elect 40131  
to have data regarding the academic performance of students 40132  
enrolled in the community school combined with comparable data 40133  
from the schools of the district for the purpose of determining 40134  
the performance of the district as a whole on the district 40135  
report card. Any district that so elects shall annually file a 40136  
copy of the lease or agreement with the department. 40137

(3) Any municipal school district, as defined in section 40138  
3311.71 of the Revised Code, that sponsors a community school 40139  
located within the district's territory, or that enters into an 40140  
agreement with a community school located within the district's 40141  
territory whereby the district and the community school endorse 40142  
each other's programs, may exercise either or both of the 40143  
following elections: 40144

(a) To have data regarding the academic performance of 40145  
students enrolled in that community school combined with 40146  
comparable data from the schools of the district for the purpose 40147  
of determining the performance of the district as a whole on the 40148  
district's report card; 40149

(b) To have the number of students attending that 40150  
community school noted separately on the district's report card. 40151

The election authorized under division (J) (3) (a) of this 40152  
section is subject to approval by the governing authority of the 40153  
community school. 40154

Any municipal school district that exercises an election 40155  
to combine or include data under division (J) (3) of this 40156  
section, by the first day of October of each year, shall file 40157

with the department documentation indicating eligibility for 40158  
that election, as required by the department. 40159

(K) The department shall include on each report card the 40160  
percentage of teachers in the district or building who are 40161  
properly certified or licensed teachers, as defined in section 40162  
3319.074 of the Revised Code, and a comparison of that 40163  
percentage with the percentages of such teachers in similar 40164  
districts and buildings. 40165

(L) (1) In calculating English language arts, mathematics, 40166  
science, American history, or American government assessment 40167  
passage rates used to determine school district or building 40168  
performance under this section, the department shall include all 40169  
students taking an assessment with accommodation or to whom an 40170  
alternate assessment is administered pursuant to division (C) (1) 40171  
or (3) of section 3301.0711 of the Revised Code and all students 40172  
who take substitute examinations approved under division (B) (4) 40173  
of section 3301.0712 of the Revised Code in the subject areas of 40174  
science, American history and American government. 40175

(2) In calculating performance index scores, rates of 40176  
achievement on the performance indicators established by the 40177  
department under section 3302.02 of the Revised Code, and annual 40178  
measurable objectives for determining adequate yearly progress 40179  
for school districts and buildings under this section, the 40180  
department shall do all of the following: 40181

(a) Include for each district or building only those 40182  
students who are included in the ADM certified for the first 40183  
full school week of October and are continuously enrolled in the 40184  
district or building through the time of the spring 40185  
administration of any assessment prescribed by division (A) (1) 40186  
or (B) (1) of section 3301.0710 or division (B) of section 40187

3301.0712 of the Revised Code that is administered to the 40188  
student's grade level; 40189

(b) Include cumulative totals from both the fall and 40190  
spring administrations of the third grade English language arts 40191  
achievement assessment and, to the extent possible, the summer 40192  
administration of that assessment; 40193

(c) Include for each district or building any English 40194  
learner in accordance with the department's plan, as approved by 40195  
the United States secretary of education, to comply with the 40196  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 40197  
to 6339. 40198

As used in this section, "English learner" has the same 40199  
meaning as in section 3301.0731 of the Revised Code. 40200

(M) Beginning with the 2015-2016 school year and at least 40201  
once every three years thereafter, the department shall review 40202  
and may adjust the benchmarks for assigning letter grades or 40203  
performance ratings to the performance measures and components 40204  
prescribed under divisions (C) (3), (D), and (E) of this section. 40205

**Sec. 3302.034.** (A) The department of education and 40206  
workforce shall adopt and specify measures in addition to those 40207  
included on the report card issued under section 3302.03 of the 40208  
Revised Code. The measures adopted under this section shall be 40209  
reported separately, as specified under division (B) of this 40210  
section, for each school district, each building in a district, 40211  
each community school established under Chapter 3314., each STEM 40212  
school established under Chapter 3326., and each college- 40213  
preparatory boarding school established under Chapter 3328. of 40214  
the Revised Code. The measures shall include at least the 40215  
following: 40216

(1) Data for students who have passed over a grade or subject area under an acceleration policy prescribed under section 3324.10 of the Revised Code;	40217 40218 40219
(2) The number of students who are economically disadvantaged as determined by the department;	40220 40221
(3) The number of lead teachers employed by each district and each building once the data is available through the education management information system established under section 3301.0714 of the Revised Code;	40222 40223 40224 40225
(4) The amount of students screened and identified as gifted under Chapter 3324. of the Revised Code;	40226 40227
(5) <del>Postgraduate student outcome data as described under division (E) (2) (d) (ii) of section 3314.017 of the Revised Code,</del> <u>including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate;</u>	40228 40229 40230 40231 40232
(6) Availability of courses in fine arts;	40233
(7) Participation with other school districts to provide career-technical education services to students.	40234 40235
(B) The department shall report this information annually beginning with the 2013-2014 school year and make this information available on its web site for comparison purposes.	40236 40237 40238
<b>Sec. 3302.20.</b> (A) The department of education and workforce shall develop standards for determining, from the existing data reported in accordance with sections 3301.0714 and 3314.17 of the Revised Code, the amount of annual operating expenditures for classroom instructional purposes and for nonclassroom purposes for each city, exempted village, local,	40239 40240 40241 40242 40243 40244

and joint vocational school district, each community school 40245  
established under Chapter 3314. that is not an internet- or 40246  
computer-based community school, each internet- or computer- 40247  
based community school, and each STEM school established under 40248  
Chapter 3326. of the Revised Code. In developing the standards, 40249  
the department shall adapt existing standards used by 40250  
professional organizations, research organizations, and other 40251  
state governments. The department also shall align the 40252  
expenditure categories required for reporting under the 40253  
standards with the categories that are required for reporting to 40254  
the United States department of education under federal law. 40255

(B) (1) The department shall categorize all city, exempted 40256  
village, and local school districts into not less than three nor 40257  
more than five groups based primarily on average daily student 40258  
enrollment as reported on the most recent report card issued for 40259  
each district under section 3302.03 of the Revised Code. 40260

(2) The department shall categorize all joint vocational 40261  
school districts into not less than three nor more than five 40262  
groups based primarily on enrolled ADM as that term is defined 40263  
in section 3317.02 of the Revised Code rounded to the nearest 40264  
whole number. 40265

(3) The department shall categorize all community schools 40266  
that are not internet- or computer-based community schools into 40267  
not less than three nor more than five groups based primarily on 40268  
average daily student enrollment as reported on the most recent 40269  
report card issued for each community school under sections 40270  
3302.03 and 3314.012 of the Revised Code or, in the case of a 40271  
school to which section 3314.017 of the Revised Code applies, on 40272  
the total number of students reported under divisions (B) (1) and 40273  
(2) of section 3314.08 of the Revised Code. 40274

- (4) The department shall categorize all internet- or computer-based community schools into a single category. 40275  
40276
- (5) The department shall categorize all STEM schools into a single category. 40277  
40278
- (C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following: 40279  
40280  
40281  
40282
- (1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes; 40283  
40284  
40285
- (2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes; 40286  
40287  
40288
- (3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes; 40289  
40290  
40291
- (4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following: 40292  
40293  
40294
- (a) From highest to lowest percentage spent for classroom instructional purposes; 40295  
40296
- (b) From lowest to highest percentage spent for noninstructional purposes. 40297  
40298
- (5) The total operating expenditures per pupil for each district, community school, and STEM school; 40299  
40300
- (6) The total operating expenditure per equivalent pupils 40301



for each district, community school, and STEM school. 40302

(D) In its display of rankings within each category under 40303  
division (C)(4) of this section, the department shall make the 40304  
following notations: 40305

(1) Within each category of city, exempted village, and 40306  
local school districts, the department shall denote each 40307  
district that is: 40308

(a) Among the twenty per cent of all city, exempted 40309  
village, and local school districts statewide with the lowest 40310  
total operating expenditure per equivalent pupils; 40311

(b) Among the twenty per cent of all city, exempted 40312  
village, and local school districts statewide with the highest 40313  
performance index scores. 40314

(2) Within each category of joint vocational school 40315  
districts, the department shall denote each district that is: 40316

(a) Among the twenty per cent of all joint vocational 40317  
school districts statewide with the lowest total operating 40318  
expenditure per equivalent pupils; 40319

(b) Among the twenty per cent of all joint vocational 40320  
school districts statewide with the highest report card scores 40321  
under section 3302.033 of the Revised Code. 40322

(3) Within each category of community schools that are not 40323  
internet- or computer-based community schools, the department 40324  
shall denote each school that is: 40325

(a) Among the twenty per cent of all such community 40326  
schools statewide with the lowest total operating expenditure 40327  
per equivalent pupils; 40328

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.

(5) Within the category of STEM schools, the department shall denote each school that is:

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.

For purposes of divisions (D) (3) (b) and (4) (b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some ~~community schools that serve primarily students enrolled in dropout prevention and recovery programs~~ community schools.

(E) The department shall post in a prominent location on

its web site the information prescribed by divisions (C) and (D) 40357  
of this section. The department also shall include on each 40358  
district's, community school's, and STEM school's annual report 40359  
card issued under section 3302.03 or 3314.017 of the Revised 40360  
Code the respective information computed for the district or 40361  
school under divisions (C) (1) and (4) of this section, the 40362  
statewide information computed under division (C) (2) of this 40363  
section, and the information computed for the district's or 40364  
school's category under division (C) (3) of this section. 40365

(F) As used in this section: 40366

(1) "Internet- or computer-based community school" has the 40367  
same meaning as in section 3314.02 of the Revised Code. 40368

(2) A school district's, community school's, or STEM 40369  
school's performance index score rank is its performance index 40370  
score rank as computed under section 3302.21 of the Revised 40371  
Code. 40372

(3) "Expenditure per equivalent pupils" has the same 40373  
meaning as in section 3302.26 of the Revised Code. 40374

(4) "Dropout prevention and recovery community school" has 40375  
the same meaning as in section 3314.02 of the Revised Code. 40376

**Sec. 3305.05.** (A) As used in this section and section 40377  
3305.051 of the Revised Code, "academic or administrative 40378  
employee" means any full-time employee not receiving any 40379  
benefit, allowance, or other payment granted on the employee's 40380  
account from a state retirement system who, before August 1, 40381  
2005, met one of the following requirements: 40382

(1) The employee was a member of the faculty of a public 40383  
institution of higher education. 40384

(2) The employee was a member of the administrative staff 40385  
of a public institution of higher education serving in a 40386  
position in the unclassified civil service pursuant to section 40387  
124.11 of the Revised Code. 40388

(3) If section 124.11 of the Revised Code did not apply to 40389  
the public institution of higher education, the employee was a 40390  
member of the administrative staff of a public institution of 40391  
higher education serving in a position comparable to a position 40392  
in the unclassified civil service. 40393

In all cases of doubt, the board of trustees of the public 40394  
institution of higher education shall determine whether any 40395  
person is an academic or administrative employee for purposes of 40396  
this chapter, and the board's decision shall be final. 40397

(B) (1) Each person who, on August 1, 2005, is an eligible 40398  
employee of a public institution of higher education and has 40399  
accrued less than five years of service credit in a state 40400  
retirement system may, not later than one hundred twenty days 40401  
after August 1, 2005, make an election to participate in an 40402  
alternative retirement plan available at the employing public 40403  
institution, unless, prior to August 1, 2005, the person had an 40404  
opportunity pursuant to former section 3305.05 of the Revised 40405  
Code to make such an election as an academic or administrative 40406  
employee of that public institution of higher education. 40407

(2) An eligible employee whose employment with a public 40408  
institution of higher education commences on or after August 1, 40409  
2005, may, not later than one hundred twenty days after the 40410  
starting date of the employment, make an election to participate 40411  
in an alternative retirement plan available at the employing 40412  
public institution. 40413

(3) An eligible employee who, on or after August 1, 2005, 40414  
terminates employment at one public institution of higher 40415  
education and subsequently is employed by another public 40416  
institution of higher education in a position for which an 40417  
alternative retirement plan is available may, not later than one 40418  
hundred twenty days after the starting date of the employment, 40419  
elect to participate in an alternative retirement plan available 40420  
at that public institution. 40421

(C) (1) An eligible employee who makes an election to 40422  
participate in an alternative retirement plan under division (B) 40423  
of this section shall ~~submit~~make the election in writing and 40424  
sign the election. The public institution of higher education 40425  
employing the eligible employee may permit the employee to sign 40426  
the election by electronic signature. The employee shall submit 40427  
the election to the designated officer of the employee's 40428  
employing public institution of higher education. Once 40429  
submitted, the election is irrevocable while the eligible 40430  
employee continues to be employed by the public institution of 40431  
higher education. Not later than ten days after the election 40432  
becomes irrevocable, the officer shall file a certified copy of 40433  
the election with the state retirement system to which, apart 40434  
from the election, the employee's employment would be subject. 40435

Each public institution of higher education that employs a 40436  
person eligible to make an election under division (B) of this 40437  
section shall notify, in writing, the state retirement system 40438  
that applies to that employment in the manner specified by that 40439  
state retirement system. The notice shall include the person's 40440  
name and address. The notice shall be given not later than ten 40441  
days after the first date the person is on the institution's 40442  
payroll. 40443

(2) Elections made under division (B) of this section take effect as follows:

(a) An election under division (B) (1) of this section is effective as of the date on which the employee's election to participate in the alternative retirement plan becomes irrevocable.

(b) An election under division (B) (2) or (3) of this section is effective as of the electing employee's starting date of employment.

(3) An eligible employee's election under division (B) of this section applies to the employee's employment in all positions at that public institution, unless the employee terminates employment at the public institution and does not return to employment in any position at that public institution for at least three hundred sixty-five days after the date of termination.

(4) An eligible employee who makes an election under division (B) of this section is forever barred from claiming or purchasing service credit under any state retirement system for the period of employment while the election is in effect.

(D) (1) An eligible employee who fails to make an election under division (B) of this section within the one-hundred-twenty day election period shall be deemed to have elected to participate in the state retirement system that applies to the employee's employment.

(2) An eligible employee who fails to make an election under division (B) of this section shall not be permitted to make an election for employment in any other position at the public institution of higher education while employed at that

public institution, unless the employee terminates employment at 40473  
the public institution and does not return to employment in any 40474  
position at the public institution for at least three hundred 40475  
sixty-five days after the date of termination. 40476

**Sec. 3305.053.** (A) The board of trustees of a public 40477  
institution of higher education shall permit an employee who 40478  
makes an election under section 3305.05 or 3305.051 of the 40479  
Revised Code to do ~~all~~ both of the following: 40480

~~(A)~~ (1) Select, from among the providers that have entered 40481  
into an agreement with the public institution of higher 40482  
education under section 3305.04 of the Revised Code, the 40483  
provider of an investment option for that employee; 40484

~~(B)~~ (2) Subject to any terms and conditions established by 40485  
the public institution of higher education, change the provider 40486  
selected under division ~~(A)~~ (A) (1) of this section any time 40487  
during the plan year. 40488

(B) A public institution of higher education may allow an 40489  
employee who seeks to change the employee's provider under 40490  
division (A) (2) of this section to sign a form to change 40491  
providers by electronic signature. 40492

(C) If under division ~~(B)~~ (A) (2) of this section an 40493  
employee changes providers, the employee may direct the provider 40494  
to transfer to the new provider the employee's account balance 40495  
either in whole or in part, as directed by the employee, except 40496  
that the provider is not required to immediately transfer any 40497  
part of the account invested at the employee's election in a 40498  
fixed annuity account if the contract with the employee under 40499  
which the investment was made permits the provider to make such 40500  
a transfer over a period of time not exceeding ten years and the 40501

contract was filed with and approved by the department of 40502  
insurance pursuant to section 3911.011 of the Revised Code. 40503

**Sec. 3310.033.** (A) As used in this section: 40504

(1) "Foster child" means a child placed with a foster 40505  
caregiver, as defined in section 5103.02 of the Revised Code. 40506

(2) "Qualifying student" means a student who is not 40507  
entitled to attend school under section 3313.64 or 3313.65 of 40508  
the Revised Code in a school district in which the pilot project 40509  
scholarship program is operating under sections 3313.974 to 40510  
3313.979 of the Revised Code. 40511

(3) "Kinship caregiver" has the same meaning as in section 40512  
~~5101.85~~ 5180.50 of the Revised Code. 40513

(4) "Sibling" means any of the following: 40514

(a) A brother, half-brother, sister, or half-sister by 40515  
birth, marriage, or adoption; 40516

(b) A cousin by birth, marriage, or adoption who is 40517  
residing in the same household; 40518

(c) A foster child who is residing in the same household, 40519  
including a child who is subsequently adopted by the child's 40520  
foster family; 40521

(d) A child residing in the same household who is placed 40522  
with a guardian or legal custodian; 40523

(e) A child who is residing in the same household and is 40524  
being cared for by a kinship caregiver; 40525

(f) Any other child under eighteen years of age who has 40526  
resided in the same household for at least forty-five 40527  
consecutive days within the last calendar year. 40528



(5) "Caretaker" means the parent of a minor child or a relative acting in the parent's place. "Caretaker" also means another responsible adult who has care of the child and in whose household the child resides and, if not for residing in that household, the child would be homeless or likely to be homeless.

(B) Notwithstanding anything in the Revised Code to the contrary, a qualifying student shall be eligible for an educational choice scholarship under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section, if any of the following apply:

(1) The student's sibling received an educational choice scholarship under section 3310.03 of the Revised Code for the school year immediately prior to the school year for which the student is seeking a scholarship;

(2) The student is a foster child;

(3) The student is a child placed with a guardian, legal custodian, or kinship caregiver;

(4) The student is not a child placed with a guardian, legal custodian, or kinship caregiver, but has resided in the same household as such a child for at least forty-five consecutive days within the last calendar year;

(5) The student is not a foster child, but resides in a home that has received certification under section 5103.03 of the Revised Code;

(6) The student satisfies all of the following conditions:

(a) The student is not a foster child or a student described in division (B)(4) of this section.

(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.

(c) The student's parent or guardian resides in this state.

(7) The student is not a child described in division (B) (6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.

(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D) (2) and (3) of section 3310.03 of the Revised Code.

(D) The department of education and workforce may request any individual applying for a scholarship under this section on behalf of a qualifying student to provide appropriate documentation, as defined by the department, that the student meets the eligibility qualifications prescribed under this section. In the case of a student who qualifies under division (B) (6) of this section, such documentation shall be provided by the student's parent, guardian, or caretaker.

Sec. 3310.037. A student is not eligible to receive an educational choice scholarship awarded under sections 3310.01 to 3310.17 of the Revised Code if the treasurer of state has

established an educational savings account for the student under 40586  
section 3310.23 of the Revised Code for the school year for 40587  
which the scholarship is sought. 40588

**Sec. 3310.21.** As used in this section and sections 3310.22 40589  
to 3310.26 of the Revised Code: 40590

(A) "Chartered nonpublic school" has the same meaning as 40591  
in section 3310.01 of the Revised Code. 40592

(B) "Community school" means a community school 40593  
established under Chapter 3314. of the Revised Code. 40594

(C) "Parent" has the same meaning as in section 3313.98 of 40595  
the Revised Code. 40596

(D) "Participating school" means a nonchartered nonpublic 40597  
school that participates in the nonchartered educational savings 40598  
account program in accordance with section 3310.25 of the 40599  
Revised Code. 40600

(E) "Resident district" means the school district in which 40601  
a student is entitled to attend school under section 3313.64 or 40602  
3313.65 of the Revised Code. 40603

(F) "Scholarship account" means an educational savings 40604  
account established under section 3310.23 of the Revised Code. 40605

(G) "School district" means a city, local, or exempted 40606  
village school district. 40607

(H) "State scholarship" means a scholarship awarded under 40608  
the educational choice scholarship pilot program established 40609  
under sections 3310.01 to 3310.17 of the Revised Code, the 40610  
autism scholarship program established under section 3310.41 of 40611  
the Revised Code, the Jon Peterson special needs scholarship 40612  
program established under sections 3310.51 to 3310.64 of the 40613

Revised Code, or the pilot project scholarship program 40614  
established under sections 3313.974 to 3313.979 of the Revised 40615  
Code. 40616

(I) "STEM school" means a STEM school established under 40617  
Chapter 3326. of the Revised Code. 40618

**Sec. 3310.22.** (A) The nonchartered educational savings 40619  
account program is established to begin operating for the 2026- 40620  
2027 school year. The treasurer of state shall administer the 40621  
program with the assistance of the department of education and 40622  
workforce. Under the program, the treasurer of state shall 40623  
establish an educational savings account for each participating 40624  
student to purchase educational goods and services, including 40625  
tuition at participating schools. Funding for each educational 40626  
savings account shall be transferred by the department of 40627  
education and workforce from the nonchartered educational 40628  
savings account unit, as defined in section 3317.02 of the 40629  
Revised Code, in accordance with section 3317.022 of the Revised 40630  
Code. 40631

(B) The department shall establish a system under which a 40632  
student, parent, participating school, or any other individual 40633  
may submit a complaint about an alleged violation of the 40634  
program's requirements. The department shall investigate each 40635  
complaint that it receives. During the investigation, the 40636  
department shall provide updates to and respond to questions 40637  
from both the subject of the complaint and the party who 40638  
submitted the complaint. The department shall complete each 40639  
investigation promptly. 40640

Upon completion of an investigation, the department shall 40641  
submit to the party who submitted a complaint, the subject of 40642  
the complaint, and the treasurer of state a report regarding the 40643

investigation's findings, including whether the program's 40644  
requirements were violated. If the department's report indicates 40645  
the program's requirements were violated, the treasurer of state 40646  
shall determine a resolution to the complaint and require 40647  
corrective actions to be taken, including remediation plans and 40648  
other potential consequences for the subject of the complaint. 40649

(C) The treasurer of state shall establish due process 40650  
procedures for individuals and participating schools who are 40651  
determined noncompliant with the requirements of the program 40652  
under this section and sections 3310.24 and 3310.25 of the 40653  
Revised Code. The procedures shall provide an individual or 40654  
school with at least a notice of the noncompliance 40655  
determination, an opportunity for a hearing regarding it, and an 40656  
opportunity to appeal it prior to the treasurer of state 40657  
determining a resolution or undertaking any action regarding it. 40658

**Sec. 3310.23.** (A) Not later than March 1, 2026, the 40659  
treasurer of state shall develop an application procedure for 40660  
the nonchartered educational savings account program. Under the 40661  
procedure, the treasurer of state shall open an application 40662  
period for a school year on the first day of March immediately 40663  
prior to the first day of July of that school year. The parent 40664  
of a student enrolled in a participating school may submit an 40665  
application to participate in the program during that 40666  
application period. The treasurer of state shall accept and 40667  
process each application that is submitted. The application 40668  
shall require the parent to do all of the following: 40669

(1) Provide the student's and parent's names and address; 40670

(2) Provide documentation verifying the student's 40671  
enrollment and attendance at a participating school; 40672

- (3) Provide the student's participating school's tuition and fee schedule; 40673  
40674
- (4) Affirm that the student will take a nationally recognized standardized achievement assessment; 40675  
40676
- (5) If the parent is reapplying for a scholarship account in accordance with division (C) of this section, provide the student's nationally recognized standardized achievement assessment scores for the prior school year. As a matter of convenience, the student's participating school may submit the nationally recognized standardized achievement assessment scores on behalf of the student's parent. 40677  
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- (6) Affirm the parent will maintain records and related documentation regarding educational expenses on which the parent spends funds from the scholarship account, including any receipts for tuition, fees, textbooks, and curriculum materials; 40684  
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- (7) Affirm the parent will not enroll the student in a school district, community school, STEM school, or chartered nonpublic school while the student is participating in the program; 40688  
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40691
- (8) Affirm the parent will not use funds in a scholarship account for any purpose other than those described in division (A) of section 3310.24 of the Revised Code; 40692  
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40694
- (9) Provide other information determined necessary by the treasurer of state. 40695  
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- (B) For an educational savings account sought for the 2026-2027 school year, and for each school year thereafter, the treasurer of state shall approve a completed application submitted on behalf of a student, and establish an educational savings account for that student, if both of the following 40697  
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40700  
40701

apply: 40702

(1) The student is enrolling in any of grades kindergarten through twelve in a participating school for the school year for which an account is sought. 40703  
40704  
40705

(2) The student has not received a state scholarship for the school year for which an account is sought. 40706  
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(C) A student for whom an educational savings account is established under this section for a school year shall be required to reapply under this section to have an account established for a subsequent school year. 40708  
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The treasurer of state shall notify parents of students for whom a scholarship account is established of the renewal process, the deadline for renewal, and that failure to renew in a timely manner may result in a temporary suspension of access to funds until an account is renewed. The treasurer of state shall provide support to ensure a smooth transition from school year to school year for renewing parents and students. 40712  
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(D) To the extent practicable, the treasurer of state shall establish a scholarship account prior to the start of the school year for which it is sought if the parent submits an application prior to the school year's start. 40719  
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**Sec. 3310.24.** (A) Funds transferred by the department of education and workforce under section 3317.022 of the Revised Code to a scholarship account established for a student shall be used by the student's parent to pay for tuition and fees at a participating school. Any funds remaining in the scholarship account after paying for tuition and fees shall be used for textbooks, instructional materials, and supplies. 40723  
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(B) Upon request of the parent of a student for whom a 40730

scholarship account is established, the treasurer of state shall 40731  
disburse funds from that account by either of the following 40732  
methods as selected by the parent: 40733

(1) The treasurer of state shall disburse funds directly 40734  
to an approved vendor who provides educational goods or services 40735  
described in division (A) of this section to the student. The 40736  
treasurer of state shall establish a process to solicit and 40737  
approve vendors for the purposes of this section. Under that 40738  
process, a participating school that complies with the 40739  
requirements prescribed under section 3310.25 of the Revised 40740  
Code shall be considered an approved vendor. 40741

(2) The treasurer of state shall disburse funds to 40742  
reimburse the student's parent for any costs incurred by the 40743  
parent for educational goods or services described in division 40744  
(A) of this section for that student. Prior to disbursing funds 40745  
to reimburse a parent, the treasurer of state shall require that 40746  
the parent provide appropriate documentation, as determined by 40747  
the treasurer of state, that the costs incurred by the parent 40748  
are in accordance with division (A) of this section. 40749

(C) Any refund or other repayment of funds by a 40750  
participating school or other educational provider shall be 40751  
returned to the student's scholarship account. Such a refund or 40752  
repayment shall not be made directly to the student or the 40753  
student's parent. 40754

(D) If a student for whom a scholarship account has been 40755  
established for a school year disenrolls from the student's 40756  
participating school and does not enroll in a different 40757  
participating school during that school year, the treasurer of 40758  
state shall transfer the balance of any funds in the student's 40759  
account, including any prorated refund from a participating 40760



school, to the department of education and workforce. The 40761  
department shall distribute those funds as follows: 40762

(1) If the student enrolls in a school district, community 40763  
school, or STEM school, the department shall distribute the 40764  
funds to that district or school. 40765

(2) If the student enrolls in a chartered nonpublic school 40766  
or a nonchartered nonpublic school that is not a participating 40767  
school, or if the student receives home education in accordance 40768  
with section 3321.042 of the Revised Code, the department shall 40769  
distribute those funds to the student's resident district. 40770

(E) If the parent of a student for whom a scholarship 40771  
account is established for a school year reapplies to have an 40772  
account established for the immediately subsequent school year, 40773  
the treasurer of state shall, on the thirtieth day of June of 40774  
the school year for which the account is established, transfer 40775  
to the student's new account the balance of funds in the 40776  
student's old account. 40777

(F) If the parent of a student for whom a scholarship 40778  
account is established for a school year does not reapply to 40779  
have a new account established for the immediately subsequent 40780  
school year, the treasurer of state shall, on the thirteenth day 40781  
of June of the school year for which the account is established, 40782  
transfer the balance of any funds in the student's old account 40783  
to the department. The department shall distribute those funds 40784  
to the school district, community school, or STEM school in 40785  
which the students enrolls in the subsequent school year. If the 40786  
student has graduated high school or does not enroll in a 40787  
district or school, or receive a home education in accordance 40788  
with section 3321.042 of the Revised Code, in the subsequent 40789  
school year, the department shall distribute those funds to the 40790

student's resident district. 40791

(G) Nothing in this section prohibits the parent of a student for whom a scholarship account is established from making payments for the costs of educational goods and services not covered by the funds in that account. However, the parent of a student shall not deposit funds in the student's scholarship account. 40792  
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(H) The treasurer of state may conduct random audits to verify that parents are using funds from a student's scholarship account in accordance with this section. If the treasurer of state determines a misuse of funds, the treasurer of state shall take any action the treasurer of state determines appropriate, including suspension or termination of a student's participation in the program. 40798  
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**Sec. 3310.25.** (A) A nonchartered nonpublic school that elects to participate in the nonchartered educational savings account program for a school year shall notify the treasurer of state of that fact by a deadline established by the treasurer of state. 40805  
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(B) Each nonchartered nonpublic school that participates in the program shall do all of the following: 40810  
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(1) Maintain records and related documentation regarding the educational expenses on which the school spends the funds it receives under the program, including receipts for tuition, textbooks, and curricula; 40812  
40813  
40814  
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(2) Maintain a physical location in the state at which each student has regular and direct contact with teachers. For the purposes of this section, "physical location" does not include a building that primarily serves as a residence. 40816  
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(3) Notify the treasurer of state and the department of 40820  
any change in the school's name, school director, mailing 40821  
address, or physical location within fifteen days of the change; 40822

(4) Require the parent of a student for whom a scholarship 40823  
account is established to endorse the use of funds from a 40824  
scholarship account by the school or approve the transfer of 40825  
funds from the scholarship account to the school. 40826

(C) Each nonchartered nonpublic school that participates 40827  
in the program shall comply with the requirements prescribed 40828  
under the program. However, such schools are autonomous and not 40829  
an agent of the state or federal governments. Therefore, all of 40830  
the following apply: 40831

(1) The treasurer of state shall not regulate the 40832  
curriculum, instructional methods, or other aspects of a 40833  
school's educational program. 40834

(2) The program does not expand the authority of the 40835  
treasurer of state to impose on nonchartered nonpublic schools 40836  
any additional requirements beyond those expressly prescribed 40837  
under the program. 40838

(3) Nonchartered nonpublic schools that participate in the 40839  
program shall be given maximum freedom to provide for the 40840  
educational needs of their students. 40841

(D) The treasurer of state may remove a nonchartered 40842  
nonpublic school from the list of schools participating in the 40843  
program if the treasurer of state determines the school has 40844  
failed to comply with the requirements prescribed under this 40845  
section. 40846

(E) (1) The treasurer of state shall provide the department 40847  
with the list of nonchartered nonpublic schools that participate 40848

in the program. 40849

(2) Annually, the department shall do all of the following 40850  
regarding each nonchartered nonpublic school that participates 40851  
in the program: 40852

(a) Verify the school has filed with the department, in 40853  
accordance with section 3301.0732 of the Revised Code, a copy of 40854  
the report prescribed under section 3301.07 of the Revised Code; 40855

(b) Request from the board of health of the city or 40856  
general health district in which the school's physical location 40857  
is located a copy of any report of any inspection conducted by 40858  
the board of health of that physical location; 40859

(c) Request from the state fire marshal a copy of any 40860  
report of any fire inspection of the school's physical location; 40861

(d) Prepare and submit to the treasurer of state a report 40862  
regarding whether, based on the information collected under 40863  
divisions (E) (2) (a) to (c) of this section, the school is 40864  
compliant with the minimum education standards and health, fire, 40865  
and safety laws. 40866

(3) If the department's report under division (E) (2) (d) of 40867  
this section demonstrates that a school is not compliant, the 40868  
treasurer of state shall take any action the treasurer of state 40869  
determines appropriate against the school. 40870

(F) The treasurer of state may conduct random audits to 40871  
verify that nonchartered nonpublic schools that participate in 40872  
the program are using funds received under the program in 40873  
accordance with this section. If the treasurer of state 40874  
determines a misuse of funds, the treasurer of state shall take 40875  
any action the treasurer of state determines appropriate, 40876  
including suspension or termination of a school's participation 40877

in the program. 40878

Sec. 3310.26. (A) As used in this section: 40879

(1) "Adjusted gross income" has the same meaning as in section 5747.01 of the Revised Code. 40880  
40881

(2) "Base amount" means an amount equal to the maximum educational choice scholarship amount for the student's grade level under division (A) (10) (a) (ii) (I) of section 3317.022 of the Revised Code for the fiscal year multiplied by 0.75. 40882  
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(3) "Constant multiplier" means 0.50. 40886

(4) "Federal poverty level multiplier" means a percentage equal to the student's family income percentage of the federal poverty guidelines for the fiscal year. 40887  
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(5) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 40890  
40891

(6) "Minimum amount" means an amount equal to the base amount for the fiscal year multiplied by 0.10. 40892  
40893

(7) "Power equation" means the following formula: 40894

The federal poverty level multiplier X ln(constant multiplier) 40895  
40896

(B) The department of education and workforce shall determine the scholarship amount for a student for whom a scholarship account is established for a fiscal year, as follows: 40897  
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(1) For a student with a family adjusted gross income at or below four hundred fifty per cent of the federal poverty guidelines for the fiscal year, the base amount; 40901  
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(2) For a student with a family adjusted gross income 40904

above four hundred fifty per cent of the federal poverty 40905  
guidelines, an amount calculated according to the following 40906  
formula: 40907

The base amount X (1 / the constant multiplier)^4.5 X 40908  
e^power equation 40909

If the amount calculated for a student under division (B) 40910  
(2) of this division is less than the minimum amount, the 40911  
student's scholarship amount shall be the minimum amount. 40912

(C) For the purposes of calculating a scholarship amount 40913  
for a student under this section, the department shall require a 40914  
student's parent to submit documentation regarding the student's 40915  
family income. The department shall use the documentation 40916  
submitted for the first school year that the student has a 40917  
scholarship amount calculated under this section to calculate 40918  
the amount for that school year and each subsequent school year, 40919  
unless, for a subsequent school year, the parent requests the 40920  
department recalculate the student's scholarship amount based on 40921  
updated documentation. 40922

A parent shall submit documentation, or a request for a 40923  
recalculation, to the department in a form and manner prescribed 40924  
by the department. 40925

**Sec. 3310.41.** (A) As used in this section: 40926

(1) "Alternative public provider" means either of the 40927  
following providers that agrees to enroll a child in the 40928  
provider's special education program to implement the child's 40929  
individualized education program or an education plan developed 40930  
by the school district under division ~~(K)~~(L) of this section and 40931  
to which the child's parent owes fees for the services provided 40932  
to the child: 40933

- (a) A school district that is not the school district in which the child is entitled to attend school; 40934  
40935
- (b) A public entity other than a school district. 40936
- (2) "Eligible applicant" means any of the following: 40937
- (a) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. 40938  
40939  
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- When the marriage of the natural or adoptive parents of the child has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the child are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated. 40941  
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- (b) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency; 40952  
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- (c) The guardian of a qualified special education child, when a court has appointed a guardian for the child; 40956  
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- (d) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caretaker authorization affidavit under sections 3109.65 to 40958  
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3109.73 of the Revised Code; 40963

(e) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code; 40964  
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40966

(f) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age and less than twenty-two years of age. 40967  
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(3) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. 40970  
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~~(3)~~(4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code. 40973  
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~~(4)~~(5) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code. 40975  
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~~(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency.~~ 40978  
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(6) "Qualified special education child" is a child who is at least three years of age and less than twenty-two years of age and who either was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child or is eligible to enter school in any grade preschool 40985  
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through twelve or is less than twenty-two years of age in the 40992  
school district in which the child is entitled to attend school 40993  
in the school year in which a scholarship under this section is 40994  
~~first~~ sought for the child and for whom any of the following 40995  
conditions apply: 40996

(a) The school district in which the child is entitled to 40997  
attend school has identified the child as autistic. A child who 40998  
has been identified as having a "pervasive developmental 40999  
disorder - not otherwise specified (PPD-NOS)" shall be 41000  
considered to be an autistic child for purposes of this section. 41001

(b) The school district in which the child is entitled to 41002  
attend school has developed an individualized education program 41003  
under Chapter 3323. of the Revised Code for the child that 41004  
includes services related to autism. 41005

(c) The child has been diagnosed as autistic by a 41006  
physician or psychologist. 41007

(d) All of the following apply: 41008

(i) The child is enrolled in a chartered or nonchartered 41009  
nonpublic school, is home educated in accordance with section 41010  
3321.042 of the Revised Code, or is a student older than 41011  
compulsory school age and less than twenty-two years of age and 41012  
received a home education in accordance with section 3321.042 of 41013  
the Revised Code and has not received a diploma under section 41014  
3313.6110 of the Revised Code. 41015

(ii) The child has an individualized education program 41016  
developed under Chapter 3323. of the Revised Code that includes 41017  
services related to autism. 41018

(iii) The child is still eligible to receive transition 41019  
services under the child's individualized education program. 41020

(7) "Registered private provider" means a nonpublic school 41021  
or other nonpublic entity that has been approved by the 41022  
department of education and workforce to participate in the 41023  
program established under this section. 41024

(8) "Special education program" means a school or facility 41025  
that provides special education and related services to children 41026  
with disabilities. 41027

(B) There is hereby established the autism scholarship 41028  
program. Under the program, the department shall pay a 41029  
scholarship under section 3317.022 of the Revised Code to ~~the~~ 41030  
~~parent of each qualified special education child~~ an eligible 41031  
applicant upon application of that ~~parent~~ eligible applicant 41032  
pursuant to procedures and deadlines established by rule of the 41033  
department. Each scholarship shall be used only to pay tuition 41034  
for the child on whose behalf the scholarship is awarded to 41035  
attend a special education program or programs that implements 41036  
the child's individualized education program or education plan 41037  
and that is operated by an alternative public provider or by a 41038  
registered private provider, and to pay for other services 41039  
agreed to by the provider and the ~~parent of a qualified special~~ 41040  
~~education child~~ eligible applicant that are not included in the 41041  
individualized education program or education plan but are 41042  
associated with educating the child. Upon agreement with the 41043  
~~parent of a qualified special education child~~ eligible applicant, 41044  
the alternative public provider or the registered private 41045  
provider may modify the services provided to the child. The 41046  
purpose of the scholarship is to permit the ~~parent of a~~ 41047  
~~qualified special education child~~ eligible applicant the choice 41048  
to send the child to a special education program or programs, 41049  
instead of the one operated by or for the school district in 41050  
which the child is entitled to attend school, to receive the 41051

services prescribed in the child's individualized education 41052  
program or education plan once the individualized education 41053  
program or education plan is finalized and any other services 41054  
agreed to by the provider and the ~~parent of a qualified special~~  
~~education child~~ eligible applicant. The services provided under 41055  
the scholarship shall include an educational component or 41056  
services designed to assist the child to benefit from the 41057  
child's education. 41058  
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At the discretion of the eligible applicant, multiple 41060  
alternative public providers or registered private providers may 41061  
be contracted to provide services to implement an individualized 41062  
education program or education plan as the eligible applicant 41063  
and providers determine are necessary and associated with 41064  
educating the qualified special education child. A qualified 41065  
special education child shall not be limited to receiving 41066  
services from a single provider for any services as identified 41067  
in the individualized education program or education plan, 41068  
including a single type of service. 41069

(C) Services, including intervention services, educational 41070  
services, academic services, tutoring services, aide services, 41071  
and other related special education services, provided through 41072  
the program established under this section may be provided 41073  
virtually by any of the following: 41074

(1) An educational aide or assistant who holds a valid 41075  
permit issued under section 3319.088 of the Revised Code; 41076

(2) An instructional assistant who holds a valid permit 41077  
issued under section 3310.43 of the Revised Code; 41078

(3) A qualified, credentialed provider in accordance with 41079  
standards established by the department; 41080

(4) A teacher or substitute teacher licensed by the state 41081  
board of education. 41082

(D) A scholarship under this section shall not be awarded 41083  
to ~~the parent of a child~~ an eligible applicant while the child's 41084  
individualized education program is being developed by the 41085  
school district in which the child is entitled to attend school, 41086  
or while any administrative or judicial mediation or proceedings 41087  
with respect to the content of the child's individualized 41088  
education program are pending. A scholarship under this section 41089  
shall not be used for a child to attend a public special 41090  
education program that operates under a contract, compact, or 41091  
other bilateral agreement between the school district in which 41092  
the child is entitled to attend school and another school 41093  
district or other public provider, or for a child to attend a 41094  
community school established under Chapter 3314. of the Revised 41095  
Code. However, nothing in this section or in any rule adopted by 41096  
the department shall prohibit ~~a parent~~ an eligible applicant 41097  
whose child attends a public special education program under a 41098  
contract, compact, or other bilateral agreement, or ~~a parent~~ an 41099  
eligible applicant whose child attends a community school, from 41100  
applying for and accepting a scholarship under this section so 41101  
that the ~~parent~~ eligible applicant may withdraw the child from 41102  
that program or community school and use the scholarship for the 41103  
child to attend a special education program for which the ~~parent~~ 41104  
eligible applicant is required to pay for services for the 41105  
child. 41106

(E) Except for development of the child's individualized 41107  
education program or education plan, the school district in 41108  
which a qualified special education child is entitled to attend 41109  
school and the child's school district of residence, as defined 41110  
in section 3323.01 of the Revised Code, if different, are not 41111

obligated to provide the child with a free appropriate public 41112  
education under Chapter 3323. of the Revised Code for as long as 41113  
the child continues to attend the special education program 41114  
operated by either an alternative public provider or a 41115  
registered private provider for which a scholarship is awarded 41116  
under the autism scholarship program. If at any time, the 41117  
eligible applicant for the child decides no longer to accept 41118  
scholarship payments and enrolls the child in the special 41119  
education program of the school district in which the child is 41120  
entitled to attend school, that district shall provide the child 41121  
with a free appropriate public education under Chapter 3323. of 41122  
the Revised Code. 41123

(F) A child attending a special education program with a 41124  
scholarship under this section shall continue to be entitled to 41125  
transportation to and from that program in the manner prescribed 41126  
by law. 41127

(G) As prescribed in division (A) (2) (h) of section 3317.03 41128  
of the Revised Code, a child who is not a preschool child with a 41129  
disability for whom a scholarship is awarded under this section 41130  
shall be counted in the formula ADM of the district in which the 41131  
child is entitled to attend school and not in the formula ADM of 41132  
any other school district. 41133

(H) A scholarship shall not be paid under section 3317.022 41134  
of the Revised Code to ~~a parent~~ an eligible applicant for 41135  
payment of tuition owed to a nonpublic entity unless that entity 41136  
is a registered private provider. The department shall approve 41137  
entities that meet the standards established by rule of the 41138  
department for the program established under this section. 41139

(I) The department shall adopt rules under Chapter 119. of 41140  
the Revised Code prescribing procedures necessary to implement 41141

this section, including, but not limited to, procedures and 41142  
deadlines for ~~parents~~ eligible applicants to apply for 41143  
scholarships, standards for registered private providers, and 41144  
procedures for approval of entities as registered private 41145  
providers. 41146

The rules also shall specify that intervention services, 41147  
including virtual services, under the autism scholarship program 41148  
may be provided by a qualified, credentialed provider, including 41149  
an educator or substitute teacher licensed by the state board of 41150  
education, and shall additionally include, but not be limited 41151  
to, all of the following: 41152

(1) A behavior analyst certified by a nationally 41153  
recognized organization that certifies behavior analysts; 41154

(2) A psychologist licensed to practice in this state 41155  
under Chapter 4732. of the Revised Code; 41156

(3) An independent school psychologist or school 41157  
psychologist licensed to practice in this state under Chapter 41158  
4732. of the Revised Code; 41159

(4) Any person employed by a licensed psychologist, 41160  
licensed independent school psychologist, or licensed school 41161  
psychologist, while carrying out specific tasks, under the 41162  
licensee's supervision, as an extension of the licensee's legal 41163  
and ethical authority as specified under Chapter 4732. of the 41164  
Revised Code who is ascribed as "psychology trainee," 41165  
"psychology assistant," "psychology intern," or other 41166  
appropriate term that clearly implies their supervised or 41167  
training status; 41168

(5) Unlicensed persons holding a doctoral degree in 41169  
psychology or special education from a program approved by the 41170

department;	41171
(6) A "registered behavior technician" as described under rule 5123-9-41 of the Administrative Code working under the supervision and following the intervention plan of a certified Ohio behavior analyst or a behavior analyst certified by a nationally recognized organization that certifies behavior analysts;	41172 41173 41174 41175 41176 41177
(7) A "certified Ohio behavior analyst" under Chapter 4783. of the Revised Code;	41178 41179
(8) An occupational therapist or physical therapist licensed to practice in this state under Chapter 4755. of the Revised Code;	41180 41181 41182
(9) A speech-language pathologist licensed to practice in this state under Chapter 4753. of the Revised Code;	41183 41184
(10) An intervention specialist who holds a valid license issued by the state board;	41185 41186
(11) A literacy intervention specialist certified through pathways recognized by the Ohio dyslexia committee established by section 3323.25 of the Revised Code. To the extent that certification for any of the following positions is approved by the Ohio dyslexia committee under section 3323.25 of the Revised Code, literary intervention specialists may include:	41187 41188 41189 41190 41191 41192
(a) A structured literacy dyslexia interventionist;	41193
(b) A structured literacy dyslexia specialist;	41194
(c) A certified academic language practitioner;	41195
(d) A certified academic language therapist.	41196
(12) <u>An educational aide or assistant with a valid permit</u>	41197

issued under section 3319.088 of the Revised Code; 41198

(13) An instructional assistant with a valid permit issued 41199  
in accordance with section 3310.43 of the Revised Code; 41200

(14) Any other qualified individual as determined by the 41201  
department. 41202

The rules also shall specify that supervision of a 41203  
qualified, credentialed provider may be conducted virtually. 41204

(J) For billing purposes under the autism scholarship 41205  
program, services provided by a teacher or substitute teacher 41206  
licensed by the state board of education shall be classified as 41207  
academic services and shall not be classified as aide services. 41208  
The department shall use this differentiation to simplify 41209  
monthly audit procedures. 41210

(K) The department shall provide reasonable notice to all 41211  
parents of children eligible applicants receiving a scholarship 41212  
under the autism scholarship program, alternative public 41213  
providers, and registered private providers of any amendment to 41214  
a rule governing, or change in the administration of, the autism 41215  
scholarship program. 41216

~~(K)~~ (L) If a child qualifies for the autism scholarship 41217  
program pursuant to a diagnosis under division (A) (6) (c) of this 41218  
section and does not have an individualized education program 41219  
that includes services related to autism, the school district in 41220  
which the child is entitled to attend school shall develop an 41221  
education plan for the child. 41222

~~(L)~~ (M) Not later than the thirtieth day of June each year, 41223  
each alternative public provider and registered private provider 41224  
enrolling students receiving autism scholarships shall submit to 41225  
the department, in a form and manner prescribed by the 41226



department, the tuition rates charged by the provider for the 41227  
following school year. 41228

~~(M)~~(N) The department shall not require ~~the parent of a~~ 41229  
~~student~~ an eligible applicant who applies for or receives a 41230  
scholarship under this section to complete any kind of income 41231  
verification regarding the student's family income. 41232

(O) The department shall maintain a list of each 41233  
registered private provider and the location of that provider on 41234  
its publicly accessible web site. 41235

**Sec. 3310.412.** A student is not eligible to receive an 41236  
autism scholarship awarded under section 3310.41 of the Revised 41237  
Code if the treasurer of state has established an educational 41238  
savings account for the student under section 3310.23 of the 41239  
Revised Code for the school year for which the scholarship is 41240  
sought. 41241

**Sec. 3310.413.** As used in this section, "junior reserve 41242  
officer training corps program" means a junior reserve officer 41243  
training corps (JROTC) program approved by the congress of the 41244  
United States under title 10 of the United States Code. 41245

A qualified special education child, as defined in section 41246  
3310.41 of the Revised Code, receiving home education under 41247  
section 3321.042 of the Revised Code who participates in a 41248  
junior reserve officer training corps program maintained by the 41249  
child's resident school district in accordance with 10 U.S.C. 41250  
2031f(1) shall not be considered enrolled in that district for 41251  
purposes of determining eligibility for an autism scholarship 41252  
under section 3310.41 of the Revised Code. 41253

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of 41254  
the Revised Code: 41255

(A) "Alternative public provider" means either of the 41256  
following providers that agrees to enroll a child in the 41257  
provider's special education program to implement the child's 41258  
individualized education program and to which the eligible 41259  
applicant owes fees for the services provided to the child: 41260

(1) A school district that is not the school district in 41261  
which the child is entitled to attend school or the child's 41262  
school district of residence, if different; 41263

(2) A public entity other than a school district. 41264

(B) "Child with a disability" and "individualized 41265  
education program" have the same meanings as in section 3323.01 41266  
of the Revised Code. 41267

(C) "Eligible applicant" means any of the following: 41268

(1) Either of the natural or adoptive parents of a 41269  
qualified special education child, except as otherwise specified 41270  
in this division. When the marriage of the natural or adoptive 41271  
parents of the student has been terminated by a divorce, 41272  
dissolution of marriage, or annulment, or when the natural or 41273  
adoptive parents of the student are living separate and apart 41274  
under a legal separation decree, and a court has issued an order 41275  
allocating the parental rights and responsibilities with respect 41276  
to the child, "eligible applicant" means the residential parent 41277  
as designated by the court. If the court issues a shared 41278  
parenting decree, "eligible applicant" means either parent. 41279  
"Eligible applicant" does not mean a parent whose custodial 41280  
rights have been terminated. 41281

(2) The custodian of a qualified special education child, 41282  
when a court has granted temporary, legal, or permanent custody 41283  
of the child to an individual other than either of the natural 41284

or adoptive parents of the child or to a government agency; 41285

(3) The guardian of a qualified special education child, 41286  
when a court has appointed a guardian for the child; 41287

(4) The grandparent of a qualified special education 41288  
child, when the grandparent is the child's attorney in fact 41289  
under a power of attorney executed under sections 3109.51 to 41290  
3109.62 of the Revised Code or when the grandparent has executed 41291  
a caretaker authorization affidavit under sections 3109.65 to 41292  
3109.73 of the Revised Code; 41293

(5) The surrogate parent appointed for a qualified special 41294  
education child pursuant to division (B) of section 3323.05 and 41295  
section 3323.051 of the Revised Code; 41296

(6) A qualified special education child, if the child does 41297  
not have a custodian or guardian and the child is at least 41298  
eighteen years of age and less than twenty-two years of age. 41299

(D) "Entitled to attend school" means entitled to attend 41300  
school in a school district under sections 3313.64 and 3313.65 41301  
of the Revised Code. 41302

(E) "Formula ADM" has the same meaning as in section 41303  
3317.02 of the Revised Code. 41304

(F) "Qualified special education child" is a child for 41305  
whom all of the following conditions apply: 41306

(1) The child is at least ~~five~~ three years of age and less 41307  
than twenty-two years of age. 41308

(2) The school district in which the child is entitled to 41309  
attend school, or the child's school district of residence if 41310  
different, has identified the child as a child with a 41311  
disability. 41312

(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(4) The child either meets one of the following conditions:

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from ~~kindergarten~~ preschool through twelve in the school year prior to the school year in which a scholarship is ~~first~~ sought for the child;

(b) Is eligible to enter school in any grade ~~kindergarten~~ preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is ~~first~~ sought for the child;

(c) All of the following apply:

(i) The child is at least eighteen years of age and less than twenty-two years of age.

(ii) The child is enrolled in a chartered or nonchartered nonpublic school, is home educated in accordance with section 3321.042 of the Revised Code, or is a student older than compulsory school age and less than twenty-two years of age and received a home education in accordance with section 3321.042 of the Revised Code and has not received a diploma under section 3313.6110 of the Revised Code.

(iii) The child is still eligible to receive transition services under the child's individualized education program.

(5) The department of education and workforce has not

approved a scholarship for the child under the educational 41341  
choice scholarship pilot program, under sections 3310.01 to 41342  
3310.17 of the Revised Code, the autism scholarship program, 41343  
under section 3310.41 of the Revised Code, or the pilot project 41344  
scholarship program, under sections 3313.974 to 3313.979 of the 41345  
Revised Code for the same school year in which a scholarship 41346  
under the Jon Peterson special needs scholarship program is 41347  
sought. 41348

(6) The treasurer of state has not established an 41349  
educational savings account for the student under section 41350  
3310.23 of the Revised Code for the same school year in which a 41351  
scholarship under the Jon Peterson special needs scholarship 41352  
program is sought. 41353

(7) The child and the child's parents are in compliance 41354  
with the state compulsory attendance law under Chapter 3321. of 41355  
the Revised Code. 41356

(G) "Registered private provider" means a nonpublic school 41357  
or other nonpublic entity that has been registered by the 41358  
superintendent of public instruction under section 3310.58 of 41359  
the Revised Code prior to ~~the effective date of this amendment~~ 41360  
October 3, 2023, or the department of education and workforce on 41361  
or after that date. 41362

(H) "Scholarship" means a scholarship awarded under the 41363  
Jon Peterson special needs scholarship program pursuant to 41364  
sections 3310.51 to 3310.64 of the Revised Code. 41365

(I) "School district of residence" has the same meaning as 41366  
in section 3323.01 of the Revised Code. A community school 41367  
established under Chapter 3314. of the Revised Code is not a 41368  
"school district of residence" for purposes of sections 3310.51 41369

to 3310.64 of the Revised Code. 41370

(J) "School year" has the same meaning as in section 41371  
3313.62 of the Revised Code. 41372

(K) "Special education program" means a school or facility 41373  
that provides special education and related services to children 41374  
with disabilities. 41375

**Sec. 3310.52.** (A) The Jon Peterson special needs 41376  
scholarship program is hereby established. Under the program, 41377  
beginning with the 2012-2013 school year, subject to division 41378  
(B) of this section, the department of education and workforce 41379  
annually shall pay a scholarship under section 3317.022 of the 41380  
Revised Code to an eligible applicant for services provided by 41381  
an alternative public provider or a registered private provider 41382  
for a qualified special education child. The scholarship shall 41383  
be used only to pay all or part of the fees for the child to 41384  
attend the special education program or programs operated by the 41385  
alternative public provider or registered private provider to 41386  
implement the child's individualized education program or 41387  
programs, in lieu of the child's attending the special education 41388  
program operated by the school district in which the child is 41389  
entitled to attend school, and other services agreed to by the 41390  
provider and eligible applicant that are not included in the 41391  
individualized education program but are associated with 41392  
educating the child. 41393

At the discretion of an eligible applicant, multiple 41394  
alternative public providers or registered private providers may 41395  
be contracted to provide services to implement the 41396  
individualized education program as the eligible applicant and 41397  
providers determine are necessary and associated with educating 41398  
the qualified special education child. A qualified special 41399

education child is not limited to receiving services from a 41400  
single provider for any services as identified in the 41401  
individualized education program, including a single type of 41402  
service. 41403

Beginning in the 2014-2015 school year, if the child is 41404  
receiving special education services for a disability specified 41405  
in division (A) of section 3317.013 of the Revised Code, the 41406  
scholarship shall be used only to pay for related services that 41407  
are included in the child's individualized education program. 41408  
Upon agreement with the eligible applicant, the alternative 41409  
public provider or registered private provider may modify the 41410  
services provided to the child. 41411

Services, including intervention services, educational 41412  
services, academic services, tutoring services, aide services, 41413  
and other related special education services, provided through 41414  
the program established under this section may be provided 41415  
virtually by any of the following: 41416

(1) An educational aide or assistant who holds a valid 41417  
permit issued under section 3319.088 of the Revised Code; 41418

(2) An instructional assistant who holds a valid permit 41419  
issued under section 3310.43 of the Revised Code; 41420

(3) A qualified, credentialed provider in accordance with 41421  
standards established by the department; 41422

(4) A teacher or substitute teacher licensed by the state 41423  
board of education. 41424

(B) The number of scholarships awarded under the program 41425  
in any fiscal year shall not exceed five per cent of the total 41426  
number of students residing in the state identified as children 41427  
with disabilities during the previous fiscal year. 41428

(C) The department shall pay a scholarship under section 41429  
3317.022 of the Revised Code to the ~~parent of each qualified~~ 41430  
~~special education child~~ eligible applicant, unless the ~~parent~~ 41431  
eligible applicant authorizes a direct payment to the child's 41432  
provider, upon application of ~~that parent~~ in the manner 41433  
prescribed by the department. However, the department shall not 41434  
adopt specific dates for application deadlines for scholarships 41435  
under the program. 41436

(D) The department shall not require ~~the parent of a~~ 41437  
~~student~~ an eligible applicant who applies for or receives a 41438  
scholarship under this section to complete any kind of income 41439  
verification regarding the student's family income. 41440

**Sec. 3310.523.** As used in this section, "junior reserve 41441  
officer training corps program" means a junior reserve officer 41442  
training corps (JROTC) program approved by the congress of the 41443  
United States under title 10 of the United States Code. 41444

A qualified special education child receiving home 41445  
education under section 3321.042 of the Revised Code who 41446  
participates in a junior reserve officer training corps program 41447  
maintained by the child's resident school district in accordance 41448  
with 10 U.S.C. 2031f(1) shall not be considered enrolled in that 41449  
district for purposes of determining eligibility for a Jon 41450  
Peterson special needs scholarship under section 3310.52 of the 41451  
Revised Code. 41452

**Sec. 3310.58.** No nonpublic school or entity shall receive 41453  
payments from an eligible applicant for services for a qualified 41454  
special education child under the Jon Peterson special needs 41455  
scholarship program until the school or entity registers with 41456  
the department of education and workforce. The department shall 41457  
maintain a list of each registered private provider and the 41458



location of that provider on its publicly accessible web site. 41459

The department shall register and designate as a registered 41460  
private provider any nonpublic school or entity that meets the 41461  
following requirements: 41462

(A) The school or entity complies with the 41463  
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 41464  
whether the school or entity receives federal financial 41465  
assistance. 41466

(B) If the school or entity is not chartered by the 41467  
director of education and workforce under section 3301.16 of the 41468  
Revised Code, the school or entity agrees to comply with 41469  
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 41470  
if it were a school district. 41471

(C) The teaching and nonteaching professionals employed by 41472  
the school or entity, or employed by any subcontractors of the 41473  
school or entity, hold appropriate credentials for the qualified 41474  
special education children enrolled in and the services provided 41475  
through the special education program it operates. The list of 41476  
professionals who hold appropriate credentials to provide 41477  
services under a special education program include all of the 41478  
following: 41479

(1) A behavior analyst certified by a nationally 41480  
recognized organization that certifies behavior analysts; 41481

(2) A psychologist licensed to practice in this state 41482  
under Chapter 4732. of the Revised Code; 41483

(3) An independent school psychologist or school 41484  
psychologist licensed to practice in this state under Chapter 41485  
4732. of the Revised Code; 41486

(4) Any person employed by a licensed psychologist, 41487

licensed independent school psychologist, or licensed school 41488  
psychologist, while carrying out specific tasks, under the 41489  
licensee's supervision, as an extension of the licensee's legal 41490  
and ethical authority as specified under Chapter 4732. of the 41491  
Revised Code who is ascribed as "psychology trainee," 41492  
"psychology assistant," "psychology intern," or other 41493  
appropriate term that clearly implies their supervised or 41494  
training status; 41495

(5) An unlicensed person holding a doctoral degree in 41496  
psychology or special education from a program approved by the 41497  
department; 41498

(6) A registered behavior technician as described in rule 41499  
5123-9-41 of the Administrative Code working under the 41500  
supervision and following the intervention plan of a certified 41501  
Ohio behavior analyst or behavior analyst certified by a 41502  
nationally recognized organization that certifies behavior 41503  
analysts; 41504

(7) A certified Ohio behavior analyst under Chapter 4783. 41505  
of the Revised Code; 41506

(8) An occupational therapist or physical therapist 41507  
licensed to practice in this state under Chapter 4755. of the 41508  
Revised Code; 41509

(9) A speech-language pathologist licensed to practice in 41510  
this state under Chapter 4753. of the Revised Code; 41511

(10) An intervention specialist who holds a valid license 41512  
issued by the state board; 41513

(11) A literacy intervention specialist certified through 41514  
pathways recognized by the Ohio dyslexia committee established 41515  
by section 3323.25 of the Revised Code. To the extent that 41516

certification for any of the following positions is approved by 41517  
the Ohio dyslexia committee under section 3323.25 of the Revised 41518  
Code, literary intervention specialists may include: 41519

- (a) A structured literacy dyslexia interventionist; 41520
- (b) A structured literacy dyslexia specialist; 41521
- (c) A certified academic language practitioner; 41522
- (d) A certified academic language therapist. 41523

(12) An educational aide or assistant with a valid permit 41524  
issued under section 3319.088 of the Revised Code; 41525

(13) An instructional assistant with a valid permit issued 41526  
in accordance with section 3310.43 of the Revised Code; 41527

(14) Any other qualified individual as determined by the 41528  
department. 41529

(D) For billing purposes under the Jon Peterson special 41530  
needs scholarship program, services provided by a teacher or 41531  
substitute teacher licensed by the state board of education 41532  
shall be classified as academic services and shall not be 41533  
classified as aide services. The department shall use this 41534  
differentiation to simplify monthly audit procedures. 41535

(E) The school's or entity's educational program shall be 41536  
approved by the department. 41537

~~(E)~~(F) The school or entity meets applicable health and 41538  
safety standards established by law. 41539

~~(F)~~(G) The school or entity agrees to retain on file 41540  
documentation as required by the department. 41541

~~(G)~~(H) The school or entity agrees to provide a record of 41542  
the implementation of the individualized education program for 41543

each qualified special education child enrolled in the school's 41544  
or entity's special education program, including evaluation of 41545  
the child's progress, to the school district in which the child 41546  
is entitled to attend school, in the form and manner prescribed 41547  
by the department. 41548

~~(H)~~(I) The school or entity agrees that, if it declines to 41549  
enroll a particular qualified special education child, it will 41550  
notify in writing the eligible applicant of its reasons for 41551  
declining to enroll the child. 41552

**Sec. 3310.64.** The department of education and workforce 41553  
shall adopt rules in accordance with Chapter 119. of the Revised 41554  
Code prescribing procedures necessary to implement sections 41555  
3310.51 to 3310.63 of the Revised Code including, but not 41556  
limited to, procedures for parents to apply for scholarships, 41557  
standards for registered private providers, and procedures for 41558  
registration of private providers. 41559

The rules also shall specify that intervention services, 41560  
including virtual services, under the Jon Peterson special needs 41561  
scholarship program may be provided by a qualified, credentialed 41562  
provider, including an educator or substitute teacher licensed 41563  
by the state board of education, and shall additionally include, 41564  
but not be limited to, the credentialed professionals listed in 41565  
division (C) of section 3310.58 of the Revised Code. 41566

The rules also shall specify that supervision of a 41567  
qualified, credentialed provider may be conducted virtually. 41568

**Sec. 3313.41.** (A) Except as provided in divisions (C), 41569  
(D), and (F) of this section and in sections 3313.412 and 41570  
3313.413 of the Revised Code, when a board of education decides 41571  
to dispose of real or personal property that it owns in its 41572

corporate capacity and that exceeds in value ten thousand 41573  
dollars, it shall sell the property at public auction, after 41574  
giving at least thirty days' notice of the auction by 41575  
publication in a newspaper of general circulation in the school 41576  
district, by publication as provided in section 7.16 of the 41577  
Revised Code, or by posting notices in five of the most public 41578  
places in the school district in which the property, if it is 41579  
real property, is situated, or, if it is personal property, in 41580  
the school district of the board of education that owns the 41581  
property. The board may offer real property for sale as an 41582  
entire tract or in parcels. The board of education shall accept 41583  
the highest bid at a public auction under this division. 41584

(B) When the board of education has offered real or 41585  
personal property for sale at public auction at least once 41586  
pursuant to division (A) of this section, and the property has 41587  
not been sold, the board may sell it at a private sale. 41588  
Regardless of how it was offered at public auction, at a private 41589  
sale, the board shall, as it considers best, sell real property 41590  
as an entire tract or in parcels, and personal property in a 41591  
single lot or in several lots. 41592

(C) If a board of education decides to dispose of real or 41593  
personal property that it owns in its corporate capacity and 41594  
that exceeds in value ten thousand dollars, it may sell the 41595  
property to the adjutant general; to any subdivision or taxing 41596  
authority as respectively defined in section 5705.01 of the 41597  
Revised Code, township park district, board of park 41598  
commissioners established under Chapter 755. of the Revised 41599  
Code, or park district established under Chapter 1545. of the 41600  
Revised Code; to a wholly or partially tax-supported university, 41601  
university branch, or college; to a nonprofit institution of 41602  
higher education that has a certificate of authorization under 41603

Chapter 1713. of the Revised Code; to the governing authority of 41604  
a chartered nonpublic school; or to the board of trustees of a 41605  
school district library, upon such terms as are agreed upon. The 41606  
sale of real or personal property to the board of trustees of a 41607  
school district library is limited, in the case of real 41608  
property, to a school district library within whose boundaries 41609  
the real property is situated, or, in the case of personal 41610  
property, to a school district library whose boundaries lie in 41611  
whole or in part within the school district of the selling board 41612  
of education. 41613

(D) When a board of education decides to trade as a part 41614  
or an entire consideration, an item of personal property on the 41615  
purchase price of an item of similar personal property, it may 41616  
trade the same upon such terms as are agreed upon by the parties 41617  
to the trade. 41618

(E) The president and the treasurer of the board of 41619  
education shall execute and deliver deeds or other necessary 41620  
instruments of conveyance to complete any sale or trade under 41621  
this section. 41622

(F) When a board of education has identified a parcel of 41623  
real property that it determines is needed for school purposes, 41624  
the board may, upon a majority vote of the members of the board, 41625  
acquire that property by exchanging real property that the board 41626  
owns in its corporate capacity for the identified real property 41627  
or by using real property that the board owns in its corporate 41628  
capacity as part or an entire consideration for the purchase 41629  
price of the identified real property. Any exchange or 41630  
acquisition made pursuant to this division shall be made by a 41631  
conveyance executed by the president and the treasurer of the 41632  
board. 41633

(G) When a school district board of education has property 41634  
that the board, by resolution, finds is not needed for school 41635  
district use, is obsolete, or is unfit for the use for which it 41636  
was acquired, the board may donate that property in accordance 41637  
with this division if the fair market value of the property is, 41638  
in the opinion of the board, two thousand five hundred dollars 41639  
or less. 41640

The property may be donated to an eligible nonprofit 41641  
organization that is located in this state and is exempt from 41642  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3). 41643  
Before donating any property under this division, the board 41644  
shall adopt a resolution expressing its intent to make unneeded, 41645  
obsolete, or unfit-for-use school district property available to 41646  
these organizations. The resolution shall include guidelines and 41647  
procedures the board considers to be necessary to implement the 41648  
donation program and shall indicate whether the school district 41649  
will conduct the donation program or the board will contract 41650  
with a representative to conduct it. If a representative is 41651  
known when the resolution is adopted, the resolution shall 41652  
provide contact information such as the representative's name, 41653  
address, and telephone number. 41654

The resolution shall include within its procedures a 41655  
requirement that any nonprofit organization desiring to obtain 41656  
donated property under this division shall submit a written 41657  
notice to the board or its representative. The written notice 41658  
shall include evidence that the organization is a nonprofit 41659  
organization that is located in this state and is exempt from 41660  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3); 41661  
a description of the organization's primary purpose; a 41662  
description of the type or types of property the organization 41663  
needs; and the name, address, and telephone number of a person 41664

designated by the organization's governing board to receive 41665  
donated property and to serve as its agent. The written notice 41666  
may be submitted electronically to the board or its 41667  
representative. 41668

After adoption of the resolution, the board shall 41669  
continually post in the board's office notice of its intent to 41670  
donate school district property that is unneeded, obsolete, or 41671  
unfit for use to eligible nonprofit organizations. If the school 41672  
district maintains a web site on the internet, the notice shall 41673  
be posted continually at that web site. 41674

The board or its representatives shall maintain a list of 41675  
all nonprofit organizations that notify the board or its 41676  
representative of their desire to obtain donated property under 41677  
this division and that the board or its representative 41678  
determines to be eligible, in accordance with the requirements 41679  
set forth in this section and in the donation program's 41680  
guidelines and procedures, to receive donated property. 41681

The board or its representative also shall maintain a list 41682  
of all school district property the board finds to be unneeded, 41683  
obsolete, or unfit for use and to be available for donation 41684  
under this division. The list shall be posted continually in a 41685  
conspicuous location in the board's office, and, if the school 41686  
district maintains a web site on the internet, the list shall be 41687  
posted continually at that web site. An item of property on the 41688  
list shall be donated to the eligible nonprofit organization 41689  
that first declares to the board or its representative its 41690  
desire to obtain the item unless the board previously has 41691  
established, by resolution, a list of eligible nonprofit 41692  
organizations that shall be given priority with respect to the 41693  
item's donation. Priority may be given on the basis that the 41694



purposes of a nonprofit organization have a direct relationship 41695  
to specific school district purposes of programs provided or 41696  
administered by the board. A resolution giving priority to 41697  
certain nonprofit organizations with respect to the donation of 41698  
an item of property shall specify the reasons why the 41699  
organizations are given that priority. 41700

Members of the board shall consult with the Ohio ethics 41701  
commission, and comply with Chapters 102. and 2921. of the 41702  
Revised Code, with respect to any donation under this division 41703  
to a nonprofit organization of which a board member, any member 41704  
of a board member's family, or any business associate of a board 41705  
member is a trustee, officer, board member, or employee. 41706

(H) Except as provided in section 3313.413 of the Revised 41707  
Code, a board of education that plans to demolish a building 41708  
that it owns in its corporate capacity and that exceeds in value 41709  
ten thousand dollars shall offer the building for sale in the 41710  
manner prescribed under divisions (A) to (F) of this section 41711  
prior to demolishing the building. However, this division does 41712  
not apply to a building located on, or adjacent to, a tract or 41713  
parcel of land where other school district buildings are 41714  
located. 41715

**Sec. 3313.411.** (A) As used in this section: 41716

(1) "College-preparatory boarding school" means a college- 41717  
preparatory boarding school established under Chapter 3328. of 41718  
the Revised Code. 41719

(2) "Community school" means a community school 41720  
established under Chapter 3314. of the Revised Code. 41721

(3) "High-performing community school" has the same 41722  
meaning as in section 3313.413 of the Revised Code. 41723

(4) "STEM school" means a science, technology, 41724  
engineering, and mathematics school established under Chapter 41725  
3326. of the Revised Code. 41726

(5) "Unused school facilities" means either: 41727

(a) Any real property that has been used by a school 41728  
district for school operations, including, but not limited to, 41729  
academic instruction or administration, since July 1, 1998, but 41730  
has not been used in that capacity for one year; 41731

(b) Any school building that has been used for direct 41732  
academic instruction but less than sixty per cent of the 41733  
building was used for that purpose in the preceding school year. 41734

(B) (1) Except as provided in section 3313.412 of the 41735  
Revised Code, on and after June 30, 2011, any school district 41736  
board of education shall offer any unused school facilities it 41737  
owns in its corporate capacity for lease or sale to the 41738  
governing authorities of community schools, the boards of 41739  
trustees of any college-preparatory boarding schools, and the 41740  
governing bodies of any STEM schools, that are located within 41741  
the territory of the district. Not later than sixty days after 41742  
the district board makes the offer, interested governing 41743  
authorities, boards of trustees, and governing bodies shall 41744  
notify the district treasurer in writing of the intention to 41745  
lease or purchase the property. 41746

The district board shall give priority to the governing 41747  
authorities of high-performing community schools that are 41748  
located within the territory of the district. 41749

(2) At the same time that a district board makes the offer 41750  
required under division (B) (1) of this section, the board also 41751  
may, but shall not be required to, offer that property for sale 41752

or lease to the governing authorities of community schools with 41753  
plans, stipulated in their contracts entered into under section 41754  
3314.03 of the Revised Code, either to relocate their operations 41755  
to the territory of the district or to add facilities, as 41756  
authorized by ~~division (B) (3) or (4) of~~ under section 3314.05 of 41757  
the Revised Code, to be located within the territory of the 41758  
district. 41759

(C) (1) If, not later than sixty days after the district 41760  
board makes the offer, only one governing authority of a high- 41761  
performing community school offered the property under division 41762  
(B) of this section notifies the district treasurer in writing 41763  
of the intention to purchase the property pursuant to that 41764  
division, the district board shall sell the property to that 41765  
party for the appraised fair market value of the property as 41766  
determined in an appraisal of the property that is not more than 41767  
one year old. 41768

If, not later than sixty days after the district board 41769  
makes the offer, more than one governing authority of a high- 41770  
performing community school offered the property under division 41771  
(B) of this section notifies the district treasurer in writing 41772  
of the intention to purchase the property pursuant to that 41773  
division, the board shall conduct a public auction in the manner 41774  
required for auctions of district property under division (A) of 41775  
section 3313.41 of the Revised Code. Only the governing 41776  
authorities of high-performing community schools that notified 41777  
the district treasurer of the intention to purchase the property 41778  
pursuant to division (B) of this section are eligible to bid at 41779  
the auction. The district board is not obligated to accept any 41780  
bid for the property that is lower than the appraised fair 41781  
market value of the property as determined in an appraisal that 41782  
is not more than one year old. 41783

(2) If, not later than sixty days after the district board makes the offer, no governing authority of a high-performing community school notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division. 41784  
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If more than one such entity notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the entities that notified the district treasurer pursuant to division (B) of this section are eligible to bid at the auction. 41792  
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(3) If more than one governing authority of a high-performing community school notifies the district treasurer in writing of the intention to lease the property pursuant to division (B) of this section, the district board shall conduct a lottery to select from among those governing authorities the one qualified governing authority to which the district board shall lease the property. 41799  
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If no such governing authority of a high-performing community school notifies the district treasurer of its intention to lease the property pursuant to division (B) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division. If more than one other start-up community school, college-preparatory boarding school, or STEM school notified the 41806  
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district treasurer of its intention to lease the property 41814  
pursuant to division (B) of this section, the district board 41815  
shall conduct a lottery to select from among those parties the 41816  
one qualified party to which the district board shall lease the 41817  
property. 41818

(4) The lease price offered by a district board to a 41819  
community school, college-preparatory boarding school, or STEM 41820  
school under this section shall not be higher than the fair 41821  
market value for such a leasehold as determined in an appraisal 41822  
that is not more than one year old. 41823

(5) If no qualified party offered the property under 41824  
division (B) of this section accepts the offer to lease or buy 41825  
the property within sixty days after the offer is made, the 41826  
district board ~~may shall then offer the property to any other~~ 41827  
~~entity in accordance for sale in the manner prescribed under~~ 41828  
with divisions (A) to (F) of section 3313.41 of the Revised 41829  
Code. 41830

(D) Notwithstanding division (B) of this section, a school 41831  
district board may renew any agreement it originally entered 41832  
into prior to June 30, 2011, to lease real property to an entity 41833  
other than a community school, college-preparatory boarding 41834  
school, or STEM school. Nothing in this section shall affect the 41835  
leasehold arrangements between the district board and that other 41836  
entity. 41837

(E) (1) Except as provided in division (E) (2) of this 41838  
section, the governing authority of a community school, board of 41839  
trustees of a college-preparatory boarding school, or governing 41840  
body of a STEM school shall not sell any property purchased 41841  
under division (B) of this section within five years of 41842  
purchasing that property. 41843

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

(G) A school district board of education shall not be required to offer any unused school facilities it owns in its corporate capacity for lease or sale under this section if the facility is located on, or adjacent to, a tract or parcel of land where other school district facilities are located.

**Sec. 3313.413.** (A) As used in this section, "high-performing community school" means either a community school established under Chapter 3314. of the Revised Code that meets any of the following conditions:

~~(1) A community school established under Chapter 3314. of the Revised Code that meets the following conditions:~~

~~(a) Except as provided in division (A) (1) (b) or (c) of this section, the school both:~~

~~(i) Has received either a grade of "A," "B," or "C" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or a performance rating of three stars or higher for achievement under division (D) (3) (b) of that section; or has increased its performance index score under division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the Revised Code in each of the previous three years of operation; and~~

~~(ii) Has received either a grade of "A" or "B" for the value-added progress dimension under division (C) (1) (e) of~~

~~section 3302.03 of the Revised Code or a performance rating of~~ 41873  
~~four stars or higher for progress under division (D) (3) (e) of~~ 41874  
~~that section on its most recent report card rating issued under~~ 41875  
~~that section~~ Except as provided for in division (A) (2) or (3) of 41876  
this section, the community school does both of the following: 41877

(a) The school has a higher performance index score than 41878  
the school district in which the school is located on the two 41879  
most recent report cards issued under section 3302.03 of the 41880  
Revised Code. 41881

(b) The school either has a performance rating of four 41882  
stars or higher for progress on the most recent report card 41883  
issued under section 3302.03 of the Revised Code or is a school 41884  
described under division (B) (1) of section 3314.35 of the 41885  
Revised Code and did not receive a rating for progress on the 41886  
most recent report card. 41887

~~(b) (2) If the community school serves only grades~~ 41888  
~~kindergarten through three, the school received either a grade~~ 41889  
~~of "A" or "B" for making progress in improving literacy in~~ 41890  
~~grades kindergarten through three under division (C) (1) (g) of~~ 41891  
~~section 3302.03 of the Revised Code or a performance rating of~~ 41892  
~~four stars or higher for early literacy under division (D) (3) (e)~~ 41893  
~~of that section on its most recent report card issued under that~~ 41894  
~~section~~ 3302.03 of the Revised Code. 41895

~~(c) If the school primarily serves students enrolled in a~~ 41896  
~~dropout prevention and recovery program as described in division~~ 41897  
~~(B) (1) of section 3314.35 of the Revised Code, the school~~ 41898  
~~received a rating of "exceeds standards" on its most recent~~ 41899  
~~report card issued under section 3314.017 of the Revised Code.~~ 41900

~~(2) A newly established community school that is~~ 41901

~~implementing a community school model that has a track record of~~ 41902  
~~high-quality academic performance, as determined by the~~ 41903  
~~department of education and workforce.~~ (3) If the community 41904  
school has not commenced operations or has been in operation for 41905  
less than one school year, the school meets the following 41906  
conditions: 41907

(a) The school is replicating an operational and 41908  
instructional model used by a community school described in 41909  
division (A) (1) or (2) of this section. 41910

(b) The school either: 41911

(i) Has an operator that received an overall rating of 41912  
three stars or higher, or a "C" or higher, on its most recent 41913  
performance report published under section 3314.031 of the 41914  
Revised Code; 41915

(ii) Does not have an operator and is sponsored by a 41916  
sponsor that was rated "exemplary" or "effective" on its most 41917  
recent evaluation conducted under section 3314.016 of the 41918  
Revised Code. 41919

(B) When a school district board of education decides to 41920  
dispose of real property or demolish a building it owns in its 41921  
corporate capacity under section 3313.41 of the Revised Code, 41922  
the board shall first offer that property to the governing 41923  
authorities of all start-up community schools, the boards of 41924  
trustees of any college-preparatory boarding schools, ~~and~~ the 41925  
governing bodies of any STEM schools, and the governing 41926  
authorities of any chartered nonpublic schools that are located 41927  
within the territory of the district. Not later than sixty days 41928  
after the district board makes the offer, interested governing 41929  
authorities, boards of trustees, and governing bodies shall 41930



notify the district treasurer in writing of the intention to 41931  
purchase the property. 41932

The district board shall give priority to the governing 41933  
authorities of high-performing community schools that are 41934  
located within the territory of the district. 41935

(1) If more than one governing authority of a high- 41936  
performing community school notifies the district treasurer of 41937  
its intention to purchase the property pursuant to division (B) 41938  
of this section, the board shall conduct a public auction in the 41939  
manner required for auctions of district property under division 41940  
(A) of section 3313.41 of the Revised Code. Only the governing 41941  
authorities of high-performing community schools that notified 41942  
the district treasurer pursuant to division (B) of this section 41943  
are eligible to bid at the auction. 41944

(2) If no governing authority of a high-performing 41945  
community school notifies the district treasurer of its 41946  
intention to purchase the property pursuant to division (B) of 41947  
this section, the board shall then proceed with the offers from 41948  
all other start-up community schools, college-preparatory 41949  
boarding schools, ~~and~~ STEM schools, and chartered nonpublic 41950  
schools made pursuant to that division. If more than one such 41951  
entity notifies the district treasurer of its intention to 41952  
purchase the property pursuant to division (B) of this section, 41953  
the board shall conduct a public auction in the manner required 41954  
for auctions of district property under division (A) of section 41955  
3313.41 of the Revised Code. Only the entities that notified the 41956  
district treasurer pursuant to division (B) of this section are 41957  
eligible to bid at the auction. 41958

(3) If no governing authority, board of trustees, or 41959  
governing body notifies the district treasurer of its intention 41960

to purchase the property pursuant to division (B) of this 41961  
section, the district may then offer the property for sale in 41962  
the manner prescribed under divisions (A) to (F) of section 41963  
3313.41 of the Revised Code. 41964

(C) Notwithstanding anything to the contrary in sections 41965  
3313.41 and 3313.411 of the Revised Code, the purchase price of 41966  
any real property sold to any of the entities in accordance with 41967  
division (B) of this section shall not be more than the 41968  
appraised fair market value of that property as determined in an 41969  
appraisal of the property that is not more than one year old. 41970

(D) Not later than the first day of October of each year, 41971  
the department of education and workforce shall post in a 41972  
prominent location on its web site a list of schools that 41973  
qualify as high-performing community schools for purposes of 41974  
this section and section 3313.411 of the Revised Code. 41975

**Sec. 3313.5319.** (A) As used in this section: 41976

(1) "Qualifying school" means both of the following: 41977

(a) A school district or chartered nonpublic school that 41978  
elects to participate in athletic events regulated by an 41979  
interscholastic conference or an organization that regulates 41980  
either interscholastic conferences or interscholastic athletic 41981  
competition among member schools; 41982

(b) An interscholastic conference or an organization that 41983  
regulates either interscholastic conferences or interscholastic 41984  
athletic competition among member schools. 41985

(2) "School-affiliated event" means an athletic event, 41986  
play, musical, or any other school-related event or activity 41987  
that a qualifying school conducts, sponsors, or participates in 41988  
and for which a qualifying school charges admission to attend. 41989

"School-affiliated event" does not include any event or activity 41990  
that is conducted in a public facility that is leased by a 41991  
professional sports team or a privately owned facility. 41992

~~(B) Each qualifying school shall permit an individual to 41993  
pay cash for a ticket to a school-affiliated event. If a 41994  
qualifying school does not accept cash payment from an 41995  
individual who wishes to purchase a ticket to an event on the 41996  
date of that event, the school shall grant that individual a 41997  
free ticket if there are still tickets available and the 41998  
individual demonstrates that the individual has enough cash to 41999  
cover the full cost of the ticket. 42000~~

~~(C) A qualifying school shall not establish different 42001  
prices for tickets for a school-affiliated event based on 42002  
whether those tickets are purchased using cash or any other 42003  
payment method, except that the school may charge a processing 42004  
fee for any ticket purchased online or by credit card. 42005~~

~~(D) A qualifying school shall charge a student enrolled in 42006  
any school participating in a school-affiliated event a ticket 42007  
price that is less than the ticket price the school charges for 42008  
an adult for the same event. 42009~~

~~(E)(C) Each qualifying school that offers concessions for 42010  
sale at a school-affiliated event shall provide at least one 42011  
location where an individual may pay cash for concessions and, 42012  
if concessions are sold on multiple floors, at least one 42013  
location on each floor that accepts cash payment. 42014~~

**Sec. 3313.608.** (A) (1) Beginning with students who enter 42015  
third grade in the school year that starts July 1, 2009, and 42016  
until June 30, 2013, unless the student is excused under 42017  
division (C) of section 3301.0711 of the Revised Code from 42018

taking the assessment described in this section, for any student 42019  
who does not attain at least the equivalent level of achievement 42020  
designated under division (A) (3) of section 3301.0710 of the 42021  
Revised Code on the assessment prescribed under that section to 42022  
measure skill in English language arts expected at the end of 42023  
third grade, each school district, in accordance with the policy 42024  
adopted under section 3313.609 of the Revised Code, shall do one 42025  
of the following: 42026

(a) Promote the student to fourth grade if the student's 42027  
principal and reading teacher agree that other evaluations of 42028  
the student's skill in reading demonstrate that the student is 42029  
academically prepared to be promoted to fourth grade; 42030

(b) Promote the student to fourth grade but provide the 42031  
student with intensive intervention services in fourth grade; 42032

(c) Retain the student in third grade. 42033

(2) Beginning with students who enter third grade in the 42034  
2013-2014 school year, unless the student is excused under 42035  
division (C) of section 3301.0711 of the Revised Code from 42036  
taking the assessment described in this section, no school 42037  
district shall promote to fourth grade any student who does not 42038  
attain at least the equivalent level of achievement designated 42039  
under division (A) (3) of section 3301.0710 of the Revised Code 42040  
on the assessment prescribed under that section to measure skill 42041  
in English language arts expected at the end of third grade, 42042  
unless one of the following applies: 42043

(a) The student is an English learner who has been 42044  
enrolled in United States schools for less than three full 42045  
school years and has had less than three years of instruction in 42046  
an English as a second language program. 42047

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education and workforce.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e) (i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A) (2) (e) (i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an

altered instructional day that includes specialized diagnostic 42076  
information and specific research-based reading strategies for 42077  
the student that have been successful in improving reading among 42078  
low-performing readers. 42079

(f) A student's parent or guardian, in consultation with 42080  
the student's reading teacher and building principal, requests 42081  
that the student, regardless of if the student is reading at 42082  
grade level, be promoted to the fourth grade. 42083

A student who is promoted under division (A) (2) (f) of this 42084  
section shall continue to receive intensive reading instruction 42085  
in the same manner as a student retained under this section 42086  
until the student is able to read at grade level. 42087

(B) (1) Beginning in the 2012-2013 school year, to assist 42088  
students in meeting the third grade guarantee established by 42089  
this section, each school district board of education shall 42090  
adopt policies and procedures with which it annually shall 42091  
assess the reading skills of each student, except those students 42092  
with significant cognitive disabilities or other disabilities as 42093  
authorized by the department on a case-by-case basis, enrolled 42094  
in kindergarten to third grade and shall identify students who 42095  
are reading below their grade level. The reading skills 42096  
assessment shall be completed by the thirtieth day of September 42097  
for students in grades one to three, and by the twentieth day of 42098  
instruction of the school year for students in kindergarten. 42099  
Each district shall use the diagnostic assessment to measure 42100  
reading ability for the appropriate grade level adopted under 42101  
section 3301.079 of the Revised Code, or a comparable tool 42102  
approved by the department of education and workforce, to 42103  
identify such students. The policies and procedures shall 42104  
require the students' classroom teachers to be involved in the 42105

assessment and the identification of students reading below 42106  
grade level. The assessment may be administered electronically 42107  
using live, two-way video and audio connections whereby the 42108  
teacher administering the assessment may be in a separate 42109  
location from the student. 42110

(2) For each student identified by the diagnostic 42111  
assessment prescribed under this section as having reading 42112  
skills below grade level, the district shall do both of the 42113  
following: 42114

(a) Provide to the student's parent or guardian, in 42115  
writing, all of the following: 42116

(i) Notification that the student has been identified as 42117  
having a substantial deficiency in reading; 42118

(ii) A description of the current services that are 42119  
provided to the student; 42120

(iii) A description of the proposed supplemental 42121  
instructional services and supports that will be provided to the 42122  
student that are designed to remediate the identified areas of 42123  
reading deficiency; 42124

(iv) Notification that if the student attains a score in 42125  
the range designated under division (A) (3) of section 3301.0710 42126  
of the Revised Code on the assessment prescribed under that 42127  
section to measure skill in English language arts expected at 42128  
the end of third grade, the student shall be retained unless the 42129  
student is exempt under division (A) of this section. The 42130  
notification shall specify that the assessment under section 42131  
3301.0710 of the Revised Code is not the sole determinant of 42132  
promotion and that additional evaluations and assessments are 42133  
available to the student to assist parents and the district in 42134

knowing when a student is reading at or above grade level and 42135  
ready for promotion. 42136

(v) A statement that connects the child's proficiency 42137  
level in reading to long-term outcomes of success related to 42138  
proficiency in reading. 42139

(b) Provide intensive reading instruction services and 42140  
regular diagnostic assessments to the student immediately 42141  
following identification of a reading deficiency until the 42142  
development of the reading improvement and monitoring plan 42143  
required by division (C) of this section. These intervention 42144  
services shall be aligned with the science of reading as defined 42145  
under section 3313.6028 of the Revised Code and include 42146  
research-based reading strategies that have been shown to be 42147  
successful in improving reading among low-performing readers and 42148  
instruction targeted at the student's identified reading 42149  
deficiencies. 42150

(3) For each student retained under division (A) of this 42151  
section, the district shall do all of the following: 42152

(a) Provide intense remediation services until the student 42153  
is able to read at grade level. The remediation services shall 42154  
include intensive interventions in reading that address the 42155  
areas of deficiencies identified under this section including, 42156  
but not limited to, not less than ninety minutes of reading 42157  
instruction per day, and may include any of the following: 42158

(i) Small group instruction; 42159

(ii) Reduced teacher-student ratios; 42160

(iii) More frequent progress monitoring; 42161

(iv) Tutoring or mentoring; 42162



(v) Transition classes containing third and fourth grade students;	42163 42164
(vi) Extended school day, week, or year;	42165
(vii) Summer reading camps.	42166
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	42167 42168 42169 42170
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	42171 42172 42173
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	42174 42175 42176 42177 42178 42179 42180 42181
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	42182 42183 42184 42185 42186
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	42187 42188 42189
(C) For each student required to be provided intervention	42190

services under this section, the district shall develop a 42191  
reading improvement and monitoring plan within sixty days after 42192  
receiving the student's results on the diagnostic assessment or 42193  
comparable tool administered under division (B) (1) of this 42194  
section. The district shall involve the student's parent or 42195  
guardian and classroom teacher in developing the plan. The plan 42196  
shall include all of the following: 42197

(1) Identification of the student's specific reading 42198  
deficiencies; 42199

(2) A description of the additional instructional services 42200  
and support that will be provided to the student to remediate 42201  
the identified reading deficiencies; 42202

(3) Opportunities for the student's parent or guardian to 42203  
be involved in the instructional services and support described 42204  
in division (C) (2) of this section; 42205

(4) A process for monitoring the extent to which the 42206  
student receives the instructional services and support 42207  
described in division (C) (2) of this section; 42208

(5) A reading curriculum during regular school hours that 42209  
does all of the following: 42210

(a) Assists students to read at grade level; 42211

(b) Provides scientifically based and reliable assessment; 42212

(c) Provides initial and ongoing analysis of each 42213  
student's reading progress. 42214

(6) A statement that if the student does not attain at 42215  
least the equivalent level of achievement designated under 42216  
division (A) (3) of section 3301.0710 of the Revised Code on the 42217  
assessment prescribed under that section to measure skill in 42218

English language arts expected by the end of third grade, the 42219  
student may be retained in third grade. 42220

(7) ~~High-dosage~~ The provision of high-dosage tutoring 42221  
~~opportunities~~ aligned with the student's classroom instruction 42222  
through a state-approved vendor on the list of high-quality 42223  
tutoring vendors under section 3301.136 of the Revised Code or a 42224  
locally approved ~~opportunity program~~ that aligns with high- 42225  
dosage tutoring best practices identified by the department. 42226  
High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ 42227  
instruction time of at least three days per week, or at least 42228  
fifty hours over thirty-six weeks. High-dosage tutoring may be 42229  
incorporated into a student's regular classroom instruction. 42230

The district shall continue to provide the plan developed 42231  
under division (C) of this section until the student achieves 42232  
the required level of skill in reading for the student's current 42233  
grade level. 42234

Each student with a reading improvement and monitoring 42235  
plan under this division who enters third grade after July 1, 42236  
2013, shall be assigned to a teacher who satisfies one or more 42237  
of the criteria set forth in division (H) of this section. 42238

The district shall report any information requested by the 42239  
department about the reading improvement monitoring plans 42240  
developed under this division in the manner required by the 42241  
department. 42242

(D) Each school district shall report annually to the 42243  
department on its implementation and compliance with this 42244  
section using guidelines prescribed by the department. The 42245  
director of education and workforce annually shall report to the 42246  
governor and general assembly the number and percentage of 42247

students in grades kindergarten through four reading below grade 42248  
level based on the diagnostic assessments administered under 42249  
division (B) of this section and the achievement assessments 42250  
administered under divisions (A) (1) (a) and (b) of section 42251  
3301.0710 of the Revised Code in English language arts, 42252  
aggregated by school district and building; the types of 42253  
intervention services provided to students; and, if available, 42254  
an evaluation of the efficacy of the intervention services 42255  
provided. 42256

(E) Any summer remediation services funded in whole or in 42257  
part by the state and offered by school districts to students 42258  
under this section shall meet the following conditions: 42259

(1) The remediation methods are based on reliable 42260  
educational research. 42261

(2) The school districts conduct assessment before and 42262  
after students participate in the program to facilitate 42263  
monitoring results of the remediation services. 42264

(3) The parents of participating students are involved in 42265  
programming decisions. 42266

(F) Any intervention or remediation services required by 42267  
this section shall include intensive, explicit, and systematic 42268  
instruction. 42269

(G) This section does not create a new cause of action or 42270  
a substantive legal right for any person. 42271

(H) (1) Except as provided under divisions (H) (2), (3), and 42272  
(4) of this section, each student described in division (B) (3) 42273  
or (C) of this section who enters third grade for the first time 42274  
on or after July 1, 2013, shall be assigned a teacher who has at 42275  
least one year of teaching experience and who satisfies one or 42276

more of the following criteria: 42277

(a) The teacher holds a reading endorsement on the 42278  
teacher's license and has attained a passing score on the 42279  
corresponding assessment for that endorsement, as applicable. 42280

(b) The teacher has completed a master's degree program 42281  
with a major in reading. 42282

(c) The teacher was rated "most effective" for reading 42283  
instruction consecutively for the most recent two years based on 42284  
assessments of student growth measures developed by a vendor and 42285  
that is on the list of student assessments approved by the 42286  
department under division (B) (2) of section 3319.112 of the 42287  
Revised Code. 42288

(d) The teacher was rated "above expected value added," in 42289  
reading instruction, as determined by criteria established by 42290  
the department, for the most recent, consecutive two years. 42291

(e) The teacher has earned a passing score on a rigorous 42292  
test of principles of scientifically research-based reading 42293  
instruction as approved by the department. 42294

(f) The teacher holds an educator license for teaching 42295  
grades pre-kindergarten through three or four through nine 42296  
issued on or after July 1, 2017. 42297

(2) Notwithstanding division (H) (1) of this section, a 42298  
student described in division (B) (3) or (C) of this section who 42299  
enters third grade for the first time on or after July 1, 2013, 42300  
may be assigned to a teacher with less than one year of teaching 42301  
experience provided that the teacher meets one or more of the 42302  
criteria described in divisions (H) (1) (a) to (f) of this section 42303  
and that teacher is assigned a teacher mentor who meets the 42304  
qualifications of division (H) (1) of this section. 42305

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. The alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the department of education and workforce under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a registration under section 3319.221 of the Revised Code.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a

teacher may teach reading to any student who is an English 42336  
language learner, and has been in the United States for three 42337  
years or less, or to a student who has an individualized 42338  
education program developed under Chapter 3323. of the Revised 42339  
Code if that teacher holds an alternative credential approved by 42340  
the department or has successfully completed training that is 42341  
based on principles of scientifically research-based reading 42342  
instruction that has been approved by the department. The 42343  
alternative credentials and training described in this division 42344  
shall be aligned with the reading competencies adopted by the 42345  
department of education and workforce under section 3301.077 of 42346  
the Revised Code. 42347

(J) If, on or after June 4, 2013, a school district or 42348  
community school cannot furnish the number of teachers needed 42349  
who satisfy one or more of the criteria set forth in division 42350  
(H) of this section for the 2013-2014 school year, the school 42351  
district or community school shall develop and submit a staffing 42352  
plan by June 30, 2013. The staffing plan shall include criteria 42353  
that will be used to assign a student described in division (B) 42354  
(3) or (C) of this section to a teacher, credentials or training 42355  
held by teachers currently teaching at the school, and how the 42356  
school district or community school will meet the requirements 42357  
of this section. The school district or community school shall 42358  
post the staffing plan on its web site for the applicable school 42359  
year. 42360

Not later than March 1, 2014, and on the first day of 42361  
March in each year thereafter, a school district or community 42362  
school that has submitted a plan under this division shall 42363  
submit to the department a detailed report of the progress the 42364  
district or school has made in meeting the requirements under 42365  
this section. 42366

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year.

(K) The department of education and workforce shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

**Sec. 3313.609.** (A) As used in this section:—

~~(1) "Truant" means absent without excuse.~~

~~(2) "Academically prepared", "academically prepared"~~  
means whatever educational standard the board of education of each city, exempted village, local, and joint vocational school district establishes as necessary for the promotion of a student to the next grade level pursuant to the policy adopted under division (B) of this section.

(B) The board of education of each city, exempted village, local, and joint vocational school district shall adopt a grade promotion and retention policy for students that complies with this section and section 3313.608 of the Revised Code. The policy shall prohibit the promotion of a student to the next grade level if the student ~~has been truant for more than ten per cent of the required attendance days of the current school year~~ and has failed two or more of the required curriculum subject



areas in the current grade unless the student's principal and 42396  
the teachers of any failed subject areas agree that the student 42397  
is academically prepared to be promoted to the next grade level. 42398

**Sec. 3313.6013.** (A) As used in this section, "advanced 42399  
standing program" means a program that enables a student to earn 42400  
credit toward a degree from an institution of higher education 42401  
while enrolled in high school or that enables a student to 42402  
complete coursework while enrolled in high school that may earn 42403  
credit toward a degree from an institution of higher education 42404  
upon the student's attainment of a specified score on an 42405  
examination covering the coursework. Advanced standing programs 42406  
may include any of the following: 42407

(1) The college credit plus program established under 42408  
Chapter 3365. of the Revised Code; 42409

(2) Advanced placement courses; 42410

(3) International baccalaureate diploma courses; 42411

(4) Early college high school programs; 42412

(5) Courses that comply with the career-technical 42413  
education credit transfer criteria, policies, and procedures 42414  
established under section 3333.162 of the Revised Code. 42415

(B) Each city, local, exempted village, and joint 42416  
vocational school district and each chartered nonpublic high 42417  
school shall provide students enrolled in grades nine through 42418  
twelve with the opportunity to participate in an advanced 42419  
standing program. For this purpose, each school district and 42420  
chartered nonpublic high school shall offer at least one 42421  
advanced standing program in accordance with division (B) (1) or 42422  
(2) of this section, as applicable. 42423

(1) A city, local, or exempted village school district 42424  
meets the requirements of this division through its mandatory 42425  
participation in the college credit plus program established 42426  
under Chapter 3365. of the Revised Code. However, a city, local, 42427  
or exempted village school district may offer any other advanced 42428  
standing program, in addition to the college credit plus 42429  
program, and each joint vocational school district shall offer 42430  
at least one other advanced standing program, to students in 42431  
good standing, as defined by the partnership for continued 42432  
learning under section 3301.42 of the Revised Code as it existed 42433  
prior to October 16, 2009, or as subsequently defined by the 42434  
department of education and workforce. 42435

(2) A chartered nonpublic high school that elects to 42436  
participate in the college credit plus program established under 42437  
Chapter 3365. of the Revised Code meets the requirements of this 42438  
division. Each chartered nonpublic high school that elects not 42439  
to participate in the college credit plus program instead shall 42440  
offer at least one other advanced standing program to students 42441  
in good standing, as defined by the partnership for continued 42442  
learning under section 3301.42 of the Revised Code as it existed 42443  
prior to October 16, 2009, or as subsequently defined by the 42444  
department of education and workforce. 42445

(C) Each school district and each chartered nonpublic high 42446  
school, at least annually, shall provide information about the 42447  
advanced standing programs offered by the district or school to 42448  
all students enrolled in grades six through eleven. The district 42449  
or school shall include information about all of the following: 42450

(1) The process colleges and universities use in awarding 42451  
credit for advanced placement and international baccalaureate 42452  
courses and examinations, including minimum scores required by 42453

state institutions of higher education, as defined in section 42454  
3345.011 of the Revised Code, for a student to receive college 42455  
credit; 42456

(2) The availability of tuition and fee waivers for 42457  
advanced placement and international baccalaureate courses and 42458  
examinations; 42459

(3) The availability of online advanced placement or 42460  
international baccalaureate courses, including those that may be 42461  
available at no cost; 42462

(4) The benefits of earning postsecondary credit through 42463  
advanced placement or international baccalaureate courses; 42464

(5) The availability of advanced placement or 42465  
international baccalaureate courses offered throughout the 42466  
district. 42467

The district or school may include additional information 42468  
as determined appropriate by the district or school. 42469

(D) Except as provided for in Chapter 3365. of the Revised 42470  
Code, no city, local, exempted village, and joint vocational 42471  
school district shall charge an enrolled student an additional 42472  
fee or tuition for participation in any advanced standing 42473  
program offered by the district. Students may be required to pay 42474  
the costs associated with taking an advanced placement or 42475  
international baccalaureate examination. 42476

(E) Any agreement between a school district or school and 42477  
an associated college governing the operation of an early 42478  
college high school program shall be exempt from the 42479  
requirements of the college credit plus program, provided the 42480  
program meets the definition set forth in division (F) (2) of 42481  
this section and is approved by the director of education and 42482

workforce and the chancellor of higher education. 42483

The college credit plus program also shall not govern any 42484  
advanced placement course or international baccalaureate diploma 42485  
course as described under this section. 42486

(F) As used in this section: 42487

(1) "Associated college" means a public or private 42488  
college, as defined in section 3365.01 of the Revised Code, 42489  
which has entered into an agreement with a school district or 42490  
school to establish an early college high school program, as 42491  
described in division (F)(2) of this section, and awards 42492  
transcripted credit, as defined in section 3365.01 of the 42493  
Revised Code, to students through that program. 42494

(2) "Early college high school program" means a 42495  
partnership between at least one school district or school and 42496  
at least one institution of higher education that allows 42497  
participants to simultaneously complete requirements toward 42498  
earning a regular high school diploma and have the opportunity 42499  
to earn not less than twenty-four credits that are transferable 42500  
to the institutions of higher education in the partnership as 42501  
part of an organized course of study toward a post-secondary 42502  
degree or credential at no cost to the participant or 42503  
participant's family. The program also shall prioritize the 42504  
following students: 42505

(a) Students who are underrepresented in regard to 42506  
completing post-secondary education; 42507

(b) Students who are economically disadvantaged, as 42508  
defined by the department of education and workforce; 42509

(c) Students whose parents did not earn a college degree. 42510

**Sec. 3313.6022.** (A) As used in this section, "released time" means a period of time during which a student is excused from school to attend a course in religious instruction conducted by a private entity off school district property.

(B) A school district board of education shall adopt a policy that authorizes a student to be excused from school to attend a released time course in religious instruction for at least one hour per week, provided that each of the following applies:

(1) The student's parent or guardian gives written consent.

(2) The sponsoring entity maintains attendance records and makes them available to the school district the student attends.

(3) Transportation to and from the place of instruction, including transportation for students with disabilities, is the complete responsibility of the sponsoring entity, parent, guardian, or student.

(4) The sponsoring entity makes provisions for and assumes liability for the student.

(5) No public funds are expended and no public school personnel are involved in providing the religious instruction.

(6) The student assumes responsibility for any missed schoolwork.

While in attendance in a released time course in religious instruction, a student shall not be considered absent from school. No student may be released from a core curriculum subject course to attend a religious instruction course.

(C) A school district board of education shall collaborate

with a sponsoring entity of a released time course in religious 42539  
instruction to identify a time to offer the course during the 42540  
school day. 42541

(D) A policy adopted under division (B) of this section 42542  
shall not exceed either of the following: 42543

(1) For students in elementary school, one hundred twenty 42544  
minutes in total per week; 42545

(2) For students in high school, the amount of time that 42546  
is equivalent to attending two units of high school credit per 42547  
week. 42548

(E) A policy adopted under division (B) of this section 42549  
may authorize high school students to earn up to two units of 42550  
high school credit for the completion of a released time course 42551  
in religious instruction. In determining whether to award credit 42552  
for completion of such a course, the board shall evaluate the 42553  
course based on purely secular criteria that are substantially 42554  
the same criteria used to evaluate similar nonpublic high school 42555  
courses for purposes of determining whether to award credit for 42556  
such courses to a student transferring from a nonpublic high 42557  
school to a public high school. However, there shall be no 42558  
criteria requiring that released time courses be completed only 42559  
at a nonpublic school. The decision to award credit for a 42560  
released time course of religious instruction shall be neutral 42561  
to, and shall not involve any test for, religious content or 42562  
denominational affiliation. 42563

For purposes of this division, secular criteria may 42564  
include, but are not limited to, the following: 42565

(1) The number of hours of classroom instruction time; 42566

(2) A review of the course syllabus that reflects course 42567

requirements and materials used; 42568

(3) The methods of assessment used in the course; 42569

(4) The qualifications of the course instructor, which 42570  
shall be similar to the qualifications of other teachers within 42571  
the district. 42572

Notwithstanding division (C) (8) of section 3313.603 of the 42573  
Revised Code, high school credit awarded to a student for a 42574  
released time course in religious instruction may substitute for 42575  
the same amount of credit in subjects listed in that division. 42576

~~(E)~~ (F) A school district, member of a school district 42577  
board of education, or school district employee is not liable in 42578  
damages in a civil action for injury allegedly arising during a 42579  
student's transportation to or from a place of instruction when 42580  
private transportation is used under a released time policy 42581  
adopted under this section. This division does not eliminate, 42582  
limit, or reduce any other immunity or defense that a school 42583  
district, member of a school district board of education, or 42584  
school district employee may be entitled to under Chapter 2744. 42585  
or any other provision of the Revised Code or under the common 42586  
law of this state. 42587

**Sec. 3313.6028.** (A) (1) As used in Title XXXIII of the 42588  
Revised Code, "science of reading" means an interdisciplinary 42589  
body of scientific evidence that: 42590

(a) Informs how students learn to read and write 42591  
proficiently; 42592

(b) Explains why some students have difficulty with 42593  
reading and writing; 42594

(c) Indicates that all students benefit from explicit and 42595

systematic instruction in phonemic awareness, phonics, 42596  
vocabulary, fluency, comprehension, and writing to become 42597  
effective readers; 42598

(d) Does not rely on any model of teaching students to 42599  
read based on meaning, structure and syntax, and visual cues, 42600  
including a three-cueing approach. 42601

(2) As used in this section, "three-cueing approach" means 42602  
any model of teaching students to read based on meaning, 42603  
structure and syntax, and visual cues. 42604

(B) The department of education and workforce shall 42605  
establish a list of high-quality core curriculum and 42606  
instructional materials in English language arts, and a list of 42607  
evidence-based reading intervention programs, that are aligned 42608  
with the science of reading and strategies for effective 42609  
literacy instruction. 42610

(C) Beginning not later than the 2024-2025 school year, 42611  
each school district, community school established under Chapter 42612  
3314. of the Revised Code, and STEM school established under 42613  
Chapter 3326. of the Revised Code, shall use core curriculum and 42614  
instructional materials in English language arts in each of 42615  
grades pre-kindergarten to five and evidence-based reading 42616  
intervention programs in each of grades pre-kindergarten to 42617  
twelve only from the lists established under division (B) of 42618  
this section. Except as provided in division (D) of this 42619  
section, no district or school shall use any core curriculum, 42620  
instructional materials, or intervention program in grades pre- 42621  
kindergarten to five that use the three-cueing approach to teach 42622  
students to read. 42623

(D) A district or school may apply to the department for a 42624



waiver on an individual student basis to use curriculum, 42625  
instructional materials, or an intervention program in grades 42626  
pre-kindergarten through five that uses the three-cueing 42627  
approach to teach students to read, except as follows: 42628

(1) No student for whom a reading improvement and 42629  
monitoring plan has been developed under division (C) of section 42630  
3313.608 of the Revised Code shall be eligible for a waiver. 42631

(2) If a student has an individualized education program 42632  
that explicitly indicates the three-cueing approach is 42633  
appropriate for the student's learning needs, the student shall 42634  
not be required to have a waiver. 42635

In determining whether to approve a waiver requested under 42636  
this section, the department shall consider the performance of 42637  
the student's district or school on the state report card issued 42638  
under section 3302.03 of the Revised Code, including on the 42639  
early literacy component prescribed under division (D)(3)(e) of 42640  
that section. 42641

(E)(1) The department shall identify vendors that provide 42642  
professional development to educators, including pre-service 42643  
teachers and faculty employed by educator preparation programs, 42644  
on the use of high-quality core curriculum and instructional 42645  
materials and reading intervention programs on the lists 42646  
established under division (B) of this section. 42647

(2) A professional development committee established under 42648  
section 3319.22 of the Revised Code shall qualify any completed 42649  
professional development coursework provided by a vendor 42650  
described in division (E)(1) of this section to count towards 42651  
professional development coursework requirements for teacher 42652  
licensure renewal. 42653

(3) A professional development committee shall permit a teacher to apply any hours earned over the minimum amount of hours required for professional development coursework for teacher licensure renewal under division (E)(2) of this section to the next renewal period for that license.

Sec. 3313.6031. (A) As used in this section, "other high school" means any of the following that offers any of grades nine through twelve:

(1) A community school established under Chapter 3314. of the Revised Code;

(2) A STEM school established under Chapter 3326. of the Revised Code;

(3) A chartered nonpublic school.

(B) Each city, local, exempted village, and joint vocational school district and other high school that has students enrolled in courses that comply with the career-technical education credit transfer criteria, policies, and procedures established under section 3333.162 of the Revised Code shall adopt and implement a policy for the awarding of grades and the calculation of class standing for those courses.

A district's or school's policy under this section shall be equivalent to the district's or school's policy for courses taken under the advanced standing programs described in divisions (A)(1) to (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the district or school, including procedures for awarding a weighted grade or enhancing a student's class standing for those courses.

Sec. 3313.6032. (A) As used in this section, "advanced learning opportunities in mathematics" or "advanced mathematics

course" means learning opportunities or a course that provides 42683  
academic content or rigor that exceeds the standard mathematics 42684  
curriculum for the student's grade level, as determined by the 42685  
district. 42686

(B) Except as otherwise provided in division (C) of this 42687  
section, each city, local, exempted village, and joint- 42688  
vocational school district shall provide each student that 42689  
achieves an advanced level of skill on a mathematics achievement 42690  
assessment as prescribed under section 3301.0710 or end-of- 42691  
course examination under section 3301.0712 of the Revised Code 42692  
with advanced learning opportunities in mathematics including 42693  
advanced mathematics courses in the following school year. Each 42694  
student shall take any corresponding required achievement 42695  
assessment or end-of-course examination for any mathematics 42696  
course the student takes under those sections. 42697

(C) (1) No school district is subject to division (B) of 42698  
this section if it does not offer the advanced learning 42699  
opportunities in mathematics or an advanced mathematics course 42700  
for the grade level in which the student is enrolled for the 42701  
next school year. 42702

(2) Each school district shall notify the parent or 42703  
guardian of a student who qualifies for advanced learning 42704  
opportunities in mathematics under division (B) of this section 42705  
of that determination. The parent or guardian of any such 42706  
student may submit a written request for that student to not 42707  
receive the advanced learning opportunities in mathematics or to 42708  
not be enrolled in the advanced mathematics course. In which 42709  
case, the district shall not be required to provide that student 42710  
with advanced mathematics instruction under division (B) of this 42711  
section. 42712

**Sec. 3313.618.** (A) In addition to the curriculum 42713  
requirements specified by the board of education of a school 42714  
district or governing authority of a chartered nonpublic school, 42715  
each student entering ninth grade for the first time on or after 42716  
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 42717  
one of the following conditions or the conditions prescribed 42718  
under division (B) of this section in order to qualify for a 42719  
high school diploma: 42720

(1) Be remediation-free, in accordance with standards 42721  
adopted under division (F) of section 3345.061 of the Revised 42722  
Code, on each of the nationally standardized assessments in 42723  
English, mathematics, and reading; 42724

(2) Attain a score specified under division (B) (5) (c) of 42725  
section 3301.0712 of the Revised Code on the end-of-course 42726  
examinations prescribed under division (B) of section 3301.0712 42727  
of the Revised Code. 42728

(3) Attain a score that demonstrates workforce readiness 42729  
and employability on a nationally recognized job skills 42730  
assessment selected by the department of education and workforce 42731  
under division (F) of section 3301.0712 of the Revised Code and 42732  
obtain either an industry-recognized credential or a license 42733  
issued by a state agency or board for practice in a vocation 42734  
that requires an examination for issuance of that license. 42735

For the purposes of this division, the industry-recognized 42736  
credentials and licenses shall be as approved under section 42737  
3313.6113 of the Revised Code. 42738

A student may choose to qualify for a high school diploma 42739  
by satisfying any of the separate requirements prescribed by 42740  
divisions (A) (1) to (3) of this section. If the student's school 42741

district or school does not administer the examination 42742  
prescribed by one of those divisions that the student chooses to 42743  
take to satisfy the requirements of this section, the school 42744  
district or school may require that student to arrange for the 42745  
applicable scores to be sent directly to the district or school 42746  
by the company or organization that administers the examination. 42747

(B) In addition to the curriculum requirements specified 42748  
by the district board or school governing authority, each 42749  
student entering ninth grade for the first time on or after July 42750  
1, 2019, shall satisfy the following conditions in order to 42751  
qualify for a high school diploma: 42752

(1) Attain a competency score as determined under division 42753  
(B) (10) of section 3301.0712 of the Revised Code on each of the 42754  
Algebra I and English language arts II end-of-course 42755  
examinations prescribed under division (B) (2) of section 42756  
3301.0712 of the Revised Code. 42757

School districts and chartered nonpublic schools shall 42758  
offer remedial support to any student who fails to attain a 42759  
competency score on one or both of the Algebra I and English 42760  
language arts II end-of-course examinations. 42761

Following the first administration of the exam, if a 42762  
student fails to attain a competency score on one or both of the 42763  
Algebra I and English language arts II end-of-course 42764  
examinations that student must retake the respective examination 42765  
at least once. 42766

If a student fails to attain a competency score on a 42767  
retake examination, the student may demonstrate competency in 42768  
the failed subject area through one of the following options: 42769

(a) Earn course credit taken through the college credit 42770

plus program established under Chapter 3365. of the Revised Code 42771  
in the failed subject area; 42772

(b) Complete two of the following options, one of which 42773  
must be foundational: 42774

(i) Foundational options to demonstrate competency, which 42775  
include completing two hundred fifty hours of a work-based 42776  
learning experience with evidence of positive evaluations, 42777  
earning a cumulative score of proficient or higher on three or 42778  
more state technical assessments aligned with section 3313.903 42779  
of the Revised Code in a single career pathway, obtaining an 42780  
industry-recognized credential, or group of credentials, 42781  
approved under section 3313.6113 of the Revised Code that is at 42782  
least equal to the total number of points established under that 42783  
section to qualify for a high school diploma, obtaining a 42784  
license approved under section 3313.6113 of the Revised Code 42785  
that is issued by a state agency or board for practice in a 42786  
vocation that requires an examination for issuance of that 42787  
license, completing a pre-apprenticeship aligned with options 42788  
established under section 3313.904 of the Revised Code in the 42789  
student's chosen career field, completing an apprenticeship 42790  
registered with the apprenticeship council established under 42791  
section 4139.02 of the Revised Code in the student's chosen 42792  
career field, or providing evidence of acceptance into an 42793  
apprenticeship program after high school that is restricted to 42794  
participants eighteen years of age or older; 42795

(ii) Supporting options to demonstrate competency, which 42796  
~~include completing two hundred fifty hours of a work-based~~ 42797  
~~learning experience with evidence of positive evaluations,~~ 42798  
obtaining an OhioMeansJobs-readiness seal under section 42799  
3313.6112 of the Revised Code, or attaining a workforce 42800

readiness score, as determined by the department, on the 42801  
nationally recognized job skills assessment selected by the 42802  
department under division (F) of section 3301.0712 of the 42803  
Revised Code. 42804

(c) Provide evidence that the student has enlisted in a 42805  
branch of the armed services of the United States as defined in 42806  
section 5910.01 of the Revised Code. 42807

(d) Be remediation-free, in accordance with standards 42808  
adopted under division (F) of section 3345.061 of the Revised 42809  
Code, in the failed subject area on a nationally standardized 42810  
assessment prescribed under division (B) (1) of section 3301.0712 42811  
of the Revised Code. For English language arts II, a student 42812  
must be remediation-free in the subjects of English and reading 42813  
on the nationally standardized assessment. 42814

Subject to division (L) (2) of section 3313.61 of the 42815  
Revised Code, for any students receiving special education and 42816  
related services under Chapter 3323. of the Revised Code, the 42817  
individualized education program developed for the student under 42818  
that chapter shall specify the manner in which the student will 42819  
participate in the assessments administered under this division 42820  
or an alternate assessment in accordance with division (C) (1) of 42821  
section 3301.0711 of the Revised Code. 42822

(2) Earn at least two of the state diploma seals 42823  
prescribed under division (A) of section 3313.6114 of the 42824  
Revised Code, at least one of which shall be any of the 42825  
following: 42826

(a) The state seal of biliteracy established under section 42827  
3313.6111 of the Revised Code; 42828

(b) The OhioMeansJobs-readiness seal established under 42829

section 3313.6112 of the Revised Code; 42830

(c) One of the state diploma seals established under 42831  
divisions (C) (1) to (7) of section 3313.6114 of the Revised 42832  
Code. 42833

(C) (1) A student who transfers into an Ohio public or 42834  
chartered nonpublic high school from another state or enrolls in 42835  
such a high school after receiving home education or attending a 42836  
nonchartered, nontax-supported school in the previous school 42837  
year shall meet the requirements of division (B) or (D) of this 42838  
section, as applicable, in order to qualify for a high school 42839  
diploma. However, any student subject to division (B) of this 42840  
section who transfers or enrolls after the start of the 42841  
student's twelfth grade year and fails to attain a competency 42842  
score on the Algebra I or English language arts II end-of-course 42843  
examination shall not be required to retake the applicable 42844  
examination prior to demonstrating competency in the failed 42845  
subject area under the options prescribed in divisions (B) (1) (a) 42846  
to (d) of this section. 42847

(2) The department shall prescribe standards that allow a 42848  
transfer student who, prior to the student's transfer, took an 42849  
assessment described in division (B) (1) or (2) of section 42850  
3301.0712 or section 3313.619 of the Revised Code to apply the 42851  
score from that assessment towards graduation requirements at 42852  
the student's new public or chartered nonpublic school. 42853

(D) Notwithstanding division (B) of this section, in 42854  
addition to the curriculum requirements specified by the school 42855  
governing authority, a chartered nonpublic school student 42856  
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 42857  
Revised Code entering ninth grade for the first time on or after 42858  
July 1, 2019, shall qualify for a high school diploma if the 42859



student earns a remediation-free score in the areas of English, 42860  
mathematics, and reading, in accordance with standards adopted 42861  
under division (F) of section 3345.061 of the Revised Code, on a 42862  
nationally standardized assessment prescribed under division (B) 42863  
(1) of section 3301.0712 of the Revised Code. No such student 42864  
shall be required to take the Algebra I or English language arts 42865  
II end-of-course examination or earn diploma seals under this 42866  
section. 42867

(E) The department shall not create or require any 42868  
additional assessment for the granting of any type of high 42869  
school diploma other than as prescribed by this section. Except 42870  
as provided in sections 3313.6111, 3313.6112, and 3313.6114 of 42871  
the Revised Code, the department or the director of education 42872  
and workforce shall not create any endorsement or designation 42873  
that may be affiliated with a high school diploma. 42874

**Sec. 3313.6113.** (A) The director of education and 42875  
workforce, in collaboration with the governor's office of 42876  
workforce transformation and representatives of business 42877  
organizations, shall establish a committee to develop a list of 42878  
industry-recognized credentials and licenses that may be used to 42879  
qualify for a high school diploma under section 3313.618 of the 42880  
Revised Code and shall be used for state report card purposes 42881  
under section 3302.03 of the Revised Code. 42882

(B) The committee shall do the following: 42883

(1) Establish criteria for acceptable industry-recognized 42884  
credentials and licenses aligned with the in-demand jobs list 42885  
published by the department of job and family services; 42886

(2) Review the list of industry-recognized credentials and 42887  
licenses that was in existence on January 1, 2018, and update 42888

the list as it considers necessary; 42889

(3) Review and update the list of industry-recognized 42890  
credentials and licenses at least biennially; 42891

(4) Assign a point value for each industry-recognized 42892  
credential and establish the total number of points for 42893  
industry-recognized credentials that—a student must earn to 42894  
qualify for a high school diploma under sections 3313.618 and 42895  
3313.6114 of the Revised Code; 42896

(5) Update the list of industry-recognized credentials to 42897  
include a driver's license obtained by a student through a 42898  
driver education course offered by a school district in 42899  
accordance with section 3301.17 of the Revised Code. 42900

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 42901  
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 42902  
department of education and workforce shall include only those 42903  
students who earn an industry-recognized credential, or group of 42904  
credentials, at least equal to the total number of points 42905  
established by the committee under this section to qualify for a 42906  
high school diploma. 42907

**Sec. 3313.64.** (A) As used in this section and in section 42908  
3313.65 of the Revised Code: 42909

(1) (a) Except as provided in division (A) (1) (b) of this 42910  
section, "parent" means either parent, unless the parents are 42911  
separated or divorced or their marriage has been dissolved or 42912  
annulled, in which case "parent" means the parent who is the 42913  
residential parent and legal custodian of the child. When a 42914  
child is in the legal custody of a government agency or a person 42915  
other than the child's natural or adoptive parent, "parent" 42916  
means the parent with residual parental rights, privileges, and 42917

responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed,

certified, or approved by the state to operate the home for such purpose. 42947  
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(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state. 42949  
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(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 42952  
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(5) "Agency" means all of the following: 42954

(a) A public children services agency; 42955

(b) An organization that holds a certificate issued by the department of children and youth in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption; 42956  
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(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code. 42962  
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(6) A child is placed for adoption if either of the following occurs: 42966  
42967

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 42968  
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(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child. 42972  
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(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 42975  
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(8) "Child," unless otherwise indicated, includes preschool children with disabilities. 42977  
42978

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 42979  
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(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 42983  
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(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 42988  
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(2) Except as provided in division (B) (4) of this section or division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 42990  
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 42996  
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(b) The child resides in a home. 42999

(c) The child requires special education. 43000

(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where 43001  
43002

the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B) (1) of this section.

(4) (a) A child who does not reside in the district where the child's parent resides is not required to be admitted to the schools of the district in which the child resides if both of the following apply:

(i) The child resides in a home, or in a facility similarly licensed in another state, and the child was placed in the home or facility by the child's parent in consultation with, and upon the recommendation of, the Ohio resilience through integrated systems and excellence program for children and youth involved in multiple state systems.

(ii) The home provides education services that meet the minimum education standards under division (D) (2) of section 3301.07 of the Revised Code or, in the case of a facility located in another state, meets substantially similar requirements of the jurisdiction where the facility is located, except that the home or facility may provide the child with less than the minimum number of instructional hours required only as necessary to accommodate the child's treatment program.

(b) Upon a child's admission to a home pursuant to division (B) (4) (a) of this section, the home shall notify the district where the child's parent resides and the district where the home is located that the home is providing educational

services to the child until the child is discharged. Upon a 43032  
child's admission to a facility located in another state 43033  
pursuant to division (B) (4) (a) of this section, the facility 43034  
shall notify the district where the child's parent resides that 43035  
the facility is providing educational services to the child 43036  
until the child is discharged. In either case, the district 43037  
where the child's parent resides shall continue to enroll the 43038  
student as provided in division (C) (5) of this section and shall 43039  
excuse the child from attendance until the child is discharged 43040  
from the home or facility. 43041

(c) Upon a child's discharge from a home or facility, the 43042  
home or facility shall notify the district where the child's 43043  
parent resides. The home or facility and the district shall 43044  
collaborate on a supportive reentry plan into school for the 43045  
child. 43046

Division (B) of this section does not prohibit the board 43047  
of education of a school district from placing a child with a 43048  
disability who resides in the district in a special education 43049  
program outside of the district or its schools in compliance 43050  
with Chapter 3323. of the Revised Code. 43051

(C) A district shall not charge tuition for children 43052  
admitted under division (B) (1) or (3) of this section. If the 43053  
district admits a child under division (B) (2) of this section, 43054  
tuition shall be paid to the district that admits the child as 43055  
provided in divisions (C) (1) to (3) of this section, unless 43056  
division (C) (4) of this section applies to the child: 43057

(1) If the child receives special education in accordance 43058  
with Chapter 3323. of the Revised Code, the school district of 43059  
residence, as defined in section 3323.01 of the Revised Code, 43060  
shall pay tuition for the child in accordance with section 43061

3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 43062  
regardless of who has custody of the child or whether the child 43063  
resides in a home. 43064

(2) For a child that does not receive special education in 43065  
accordance with Chapter 3323. of the Revised Code, except as 43066  
otherwise provided in division (C)(2)(d) of this section, if the 43067  
child is in the permanent or legal custody of a government 43068  
agency or person other than the child's parent, tuition shall be 43069  
paid by: 43070

(a) The district in which the child's parent resided at 43071  
the time the court removed the child from home or at the time 43072  
the court vested legal or permanent custody of the child in the 43073  
person or government agency, whichever occurred first; 43074

(b) If the parent's residence at the time the court 43075  
removed the child from home or placed the child in the legal or 43076  
permanent custody of the person or government agency is unknown, 43077  
tuition shall be paid by the district in which the child resided 43078  
at the time the child was removed from home or placed in legal 43079  
or permanent custody, whichever occurred first; 43080

(c) If a school district cannot be established under 43081  
division (C)(2)(a) or (b) of this section, tuition shall be paid 43082  
by the district determined as required by section 2151.362 of 43083  
the Revised Code by the court at the time it vests custody of 43084  
the child in the person or government agency; 43085

(d) If at the time the court removed the child from home 43086  
or vested legal or permanent custody of the child in the person 43087  
or government agency, whichever occurred first, one parent was 43088  
in a residential or correctional facility or a juvenile 43089  
residential placement and the other parent, if living and not in 43090



such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education and workforce has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing

those services. 43120

If a child to whom division (C) (4) of this section applies 43121  
is a special education student, a district may choose whether to 43122  
receive a tuition payment for that child under division (C) (4) 43123  
of this section or to receive a payment for that child under 43124  
section 3323.14 of the Revised Code. If a district chooses to 43125  
receive a payment for that child under section 3323.14 of the 43126  
Revised Code, it shall not receive a tuition payment for that 43127  
child under division (C) (4) of this section. 43128

If a child to whom division (C) (4) of this section applies 43129  
is not a special education student, a district shall receive a 43130  
tuition payment for that child under division (C) (4) of this 43131  
section. 43132

In the case of a child to which division (C) (4) of this 43133  
section applies, the total educational cost to be paid for the 43134  
child shall be determined by a formula approved by the 43135  
department of education and workforce, which formula shall be 43136  
designed to calculate a per diem cost for the educational 43137  
services provided to the child for each day the child is served 43138  
and shall reflect the total actual cost incurred in providing 43139  
those services. The department shall certify the total 43140  
educational cost to be paid for the child to both the school 43141  
district providing the educational services and, if different, 43142  
the school district that is responsible to pay tuition for the 43143  
child. The department shall deduct the certified amount from the 43144  
state basic aid funds payable under Chapter 3317. of the Revised 43145  
Code to the district responsible to pay tuition and shall pay 43146  
that amount to the district providing the educational services 43147  
to the child. 43148

(5) In the case of a child to whom division (B) (4) of this 43149

section applies, and except as otherwise provided in division 43150  
(C) (5) (f) of this section, tuition shall be paid to the home or 43151  
facility for educational services provided to the child by the 43152  
school district in which the child's parent resides according to 43153  
the following: 43154

(a) The total educational cost to be paid for the child 43155  
shall be determined by a formula approved by the department of 43156  
education and workforce. The department shall design the formula 43157  
to calculate a per diem cost for the educational services 43158  
provided to the child for each day the child is served and shall 43159  
reflect the total actual cost incurred in providing those 43160  
services. The department shall certify the total educational 43161  
cost to be paid for the child to both the home or facility 43162  
providing the educational services and the district that is 43163  
responsible to pay the tuition for the child. The department 43164  
shall deduct the certified amount from the state basic aid funds 43165  
payable under Chapter 3317. of the Revised Code to the district 43166  
responsible to pay tuition and shall pay that amount to the home 43167  
or facility providing the educational services to the child. 43168

(b) The district responsible to pay tuition shall continue 43169  
to report the child in its enrollment for purposes of section 43170  
3317.03 of the Revised Code. 43171

(c) If the parent's residence changes to a different 43172  
school district while the child resides in the home or facility, 43173  
the department of education and workforce may re-determine the 43174  
school district responsible for tuition based on evidence 43175  
provided by the district currently responsible for tuition. 43176

(d) Upon a child's discharge from the home or facility, 43177  
the home or facility shall immediately notify the district where 43178  
the child's parent resides and the department of education and 43179

workforce. The notification shall include a certified transcript 43180  
of all coursework completed by the child while residing in the 43181  
home or facility. The district where the child's parent resides 43182  
shall accept all coursework completed by the child while in the 43183  
home or facility and shall award credit for that coursework in 43184  
accordance with district policy. 43185

(e) Following discharge from the home or facility and 43186  
return to the parent's residence, high school students shall 43187  
meet requirements under section 3313.618 of the Revised Code in 43188  
order to qualify for a high school diploma that are no more 43189  
stringent than those that apply to students who enroll into an 43190  
Ohio public or chartered nonpublic high school after receiving a 43191  
home education under section 3321.042 of the Revised Code. 43192

(f) If the child is provided educational services by a 43193  
chartered nonpublic school while residing in a home and the 43194  
child has been awarded a scholarship under a state scholarship 43195  
program, as defined in section 3301.0711 of the Revised Code, no 43196  
school district shall be responsible for paying tuition under 43197  
division (C) (5) of this section. 43198

(D) Tuition required to be paid under divisions (C) (2) and 43199  
(3) (a) of this section shall be computed in accordance with 43200  
section 3317.08 of the Revised Code. Tuition required to be paid 43201  
under division (C) (3) (b) of this section shall be computed in 43202  
accordance with section 3317.081 of the Revised Code. If a home 43203  
fails to pay the tuition required by division (C) (3) (b) of this 43204  
section, the board of education providing the education may 43205  
recover in a civil action the tuition and the expenses incurred 43206  
in prosecuting the action, including court costs and reasonable 43207  
attorney's fees. If the prosecuting attorney or city director of 43208  
law represents the board in such action, costs and reasonable 43209

attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F) (3) of this section shall submit to the board of

education of the district in which the parent is employed a 43239  
statement from the child's physician, certified nurse-midwife, 43240  
clinical nurse specialist, or certified nurse practitioner 43241  
certifying that the child's medical condition may require 43242  
emergency medical attention. The statement shall be supported by 43243  
such other evidence as the board may require. 43244

(4) Any child residing with a person other than the 43245  
child's parent is entitled, for a period not to exceed twelve 43246  
months, to attend school in the district in which that person 43247  
resides if the child's parent files an affidavit with the 43248  
superintendent of the district in which the person with whom the 43249  
child is living resides stating all of the following: 43250

(a) That the parent is serving outside of the state in the 43251  
armed services of the United States; 43252

(b) That the parent intends to reside in the district upon 43253  
returning to this state; 43254

(c) The name and address of the person with whom the child 43255  
is living while the parent is outside the state. 43256

(5) Any child under the age of twenty-two years who, after 43257  
the death of a parent, resides in a school district other than 43258  
the district in which the child attended school at the time of 43259  
the parent's death is entitled to continue to attend school in 43260  
the district in which the child attended school at the time of 43261  
the parent's death for the remainder of the school year, subject 43262  
to approval of that district board. 43263

(6) A child under the age of twenty-two years who resides 43264  
with a parent who is having a new house built in a school 43265  
district outside the district where the parent is residing is 43266  
entitled to attend school for a period of time in the district 43267

where the new house is being built. In order to be entitled to 43268  
such attendance, the parent shall provide the district 43269  
superintendent with the following: 43270

(a) A sworn statement explaining the situation, revealing 43271  
the location of the house being built, and stating the parent's 43272  
intention to reside there upon its completion; 43273

(b) A statement from the builder confirming that a new 43274  
house is being built for the parent and that the house is at the 43275  
location indicated in the parent's statement. 43276

(7) A child under the age of twenty-two years residing 43277  
with a parent who has a contract to purchase a house in a school 43278  
district outside the district where the parent is residing and 43279  
who is waiting upon the date of closing of the mortgage loan for 43280  
the purchase of such house is entitled to attend school for a 43281  
period of time in the district where the house is being 43282  
purchased. In order to be entitled to such attendance, the 43283  
parent shall provide the district superintendent with the 43284  
following: 43285

(a) A sworn statement explaining the situation, revealing 43286  
the location of the house being purchased, and stating the 43287  
parent's intent to reside there; 43288

(b) A statement from a real estate broker or bank officer 43289  
confirming that the parent has a contract to purchase the house, 43290  
that the parent is waiting upon the date of closing of the 43291  
mortgage loan, and that the house is at the location indicated 43292  
in the parent's statement. 43293

The district superintendent shall establish a period of 43294  
time not to exceed ninety days during which the child entitled 43295  
to attend school under division (F) (6) or (7) of this section 43296

may attend without tuition obligation. A student attending a school under division (F) (6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the



child's parent, and no other school district shall be required 43328  
to pay tuition for the child's attendance in that school 43329  
district. 43330

The enrollment of a child in a school district under this 43331  
division shall not be denied due to a delay in the school 43332  
district's receipt of any records required under section 43333  
3313.672 of the Revised Code or any other records required for 43334  
enrollment. Any days of attendance and any credits earned by a 43335  
child while enrolled in a school district under this division 43336  
shall be transferred to and accepted by any school district in 43337  
which the child subsequently enrolls. The department of 43338  
education and workforce shall adopt rules to ensure compliance 43339  
with this division. 43340

(10) Any child under the age of twenty-two years whose 43341  
parent has moved out of the school district after the 43342  
commencement of classes in the child's senior year of high 43343  
school is entitled, subject to the approval of that district 43344  
board, to attend school in the district in which the child 43345  
attended school at the time of the parental move for the 43346  
remainder of the school year and for one additional semester or 43347  
equivalent term. A district board may also adopt a policy 43348  
specifying extenuating circumstances under which a student may 43349  
continue to attend school under division (F)(10) of this section 43350  
for an additional period of time in order to successfully 43351  
complete the high school curriculum for the individualized 43352  
education program developed for the student by the high school 43353  
pursuant to section 3323.08 of the Revised Code. 43354

(11) As used in this division, "grandparent" means a 43355  
parent of a parent of a child. A child under the age of twenty- 43356  
two years who is in the custody of the child's parent, resides 43357

with a grandparent, and does not require special education is 43358  
entitled to attend the schools of the district in which the 43359  
child's grandparent resides, provided that, prior to such 43360  
attendance in any school year, the board of education of the 43361  
school district in which the child's grandparent resides and the 43362  
board of education of the school district in which the child's 43363  
parent resides enter into a written agreement specifying that 43364  
good cause exists for such attendance, describing the nature of 43365  
this good cause, and consenting to such attendance. 43366

In lieu of a consent form signed by a parent, a board of 43367  
education may request the grandparent of a child attending 43368  
school in the district in which the grandparent resides pursuant 43369  
to division (F)(11) of this section to complete any consent form 43370  
required by the district, including any authorization required 43371  
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 43372  
Revised Code. Upon request, the grandparent shall complete any 43373  
consent form required by the district. A school district shall 43374  
not incur any liability solely because of its receipt of a 43375  
consent form from a grandparent in lieu of a parent. 43376

Division (F)(11) of this section does not create, and 43377  
shall not be construed as creating, a new cause of action or 43378  
substantive legal right against a school district, a member of a 43379  
board of education, or an employee of a school district. This 43380  
section does not affect, and shall not be construed as 43381  
affecting, any immunities from defenses to tort liability 43382  
created or recognized by Chapter 2744. of the Revised Code for a 43383  
school district, member, or employee. 43384

(12) A child under the age of twenty-two years is entitled 43385  
to attend school in a school district other than the district in 43386  
which the child is entitled to attend school under division (B), 43387

(C), or (E) of this section provided that, prior to such 43388  
attendance in any school year, both of the following occur: 43389

(a) The superintendent of the district in which the child 43390  
is entitled to attend school under division (B), (C), or (E) of 43391  
this section contacts the superintendent of another district for 43392  
purposes of this division; 43393

(b) The superintendents of both districts enter into a 43394  
written agreement that consents to the attendance and specifies 43395  
that the purpose of such attendance is to protect the student's 43396  
physical or mental well-being or to deal with other extenuating 43397  
circumstances deemed appropriate by the superintendents. 43398

While an agreement is in effect under this division for a 43399  
student who is not receiving special education under Chapter 43400  
3323. of the Revised Code and notwithstanding Chapter 3327. of 43401  
the Revised Code, the board of education of neither school 43402  
district involved in the agreement is required to provide 43403  
transportation for the student to and from the school where the 43404  
student attends. 43405

A student attending a school of a district pursuant to 43406  
this division shall be allowed to participate in all student 43407  
activities, including interscholastic athletics, at the school 43408  
where the student is attending on the same basis as any student 43409  
who has always attended the schools of that district while of 43410  
compulsory school age. 43411

(13) All school districts shall comply with the "McKinney- 43412  
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 43413  
the education of homeless children. Each city, local, and 43414  
exempted village school district shall comply with the 43415  
requirements of that act governing the provision of a free, 43416

appropriate public education, including public preschool, to 43417  
each homeless child. 43418

When a child loses permanent housing and becomes a 43419  
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 43420  
child who is such a homeless person changes temporary living 43421  
arrangements, the child's parent or guardian shall have the 43422  
option of enrolling the child in either of the following: 43423

(a) The child's school of origin, as defined in 42 43424  
U.S.C.A. 11432(g) (3) (C); 43425

(b) The school that is operated by the school district in 43426  
which the shelter where the child currently resides is located 43427  
and that serves the geographic area in which the shelter is 43428  
located. 43429

(14) A child under the age of twenty-two years who resides 43430  
with a person other than the child's parent is entitled to 43431  
attend school in the school district in which that person 43432  
resides if both of the following apply: 43433

(a) That person has been appointed, through a military 43434  
power of attorney executed under section 574(a) of the "National 43435  
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 43436  
(1993), 10 U.S.C. 1044b, or through a comparable document 43437  
necessary to complete a family care plan, as the parent's agent 43438  
for the care, custody, and control of the child while the parent 43439  
is on active duty as a member of the national guard or a reserve 43440  
unit of the armed forces of the United States or because the 43441  
parent is a member of the armed forces of the United States and 43442  
is on a duty assignment away from the parent's residence. 43443

(b) The military power of attorney or comparable document 43444  
includes at least the authority to enroll the child in school. 43445

The entitlement to attend school in the district in which 43446  
the parent's agent under the military power of attorney or 43447  
comparable document resides applies until the end of the school 43448  
year in which the military power of attorney or comparable 43449  
document expires. 43450

(G) A board of education, after approving admission, may 43451  
waive tuition for students who will temporarily reside in the 43452  
district and who are either of the following: 43453

(1) Residents or domiciliaries of a foreign nation who 43454  
request admission as foreign exchange students; 43455

(2) Residents or domiciliaries of the United States but 43456  
not of Ohio who request admission as participants in an exchange 43457  
program operated by a student exchange organization. 43458

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 43459  
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 43460  
attend school or participate in a special education program in a 43461  
school district other than in the district where the child is 43462  
entitled to attend school under division (B) of this section. 43463

(I) (1) Notwithstanding anything to the contrary in this 43464  
section or section 3313.65 of the Revised Code, a child under 43465  
twenty-two years of age may attend school in the school district 43466  
in which the child, at the end of the first full week of October 43467  
of the school year, was entitled to attend school as otherwise 43468  
provided under this section or section 3313.65 of the Revised 43469  
Code, if at that time the child was enrolled in the schools of 43470  
the district but since that time the child or the child's parent 43471  
has relocated to a new address located outside of that school 43472  
district and within the same county as the child's or parent's 43473  
address immediately prior to the relocation. The child may 43474

continue to attend school in the district, and at the school to 43475  
which the child was assigned at the end of the first full week 43476  
of October of the current school year, for the balance of the 43477  
school year. Division (I) (1) of this section applies only if 43478  
both of the following conditions are satisfied: 43479

(a) The board of education of the school district in which 43480  
the child was entitled to attend school at the end of the first 43481  
full week in October and of the district to which the child or 43482  
child's parent has relocated each has adopted a policy to enroll 43483  
children described in division (I) (1) of this section. 43484

(b) The child's parent provides written notification of 43485  
the relocation outside of the school district to the 43486  
superintendent of each of the two school districts. 43487

(2) At the beginning of the school year following the 43488  
school year in which the child or the child's parent relocated 43489  
outside of the school district as described in division (I) (1) 43490  
of this section, the child is not entitled to attend school in 43491  
the school district under that division. 43492

(3) Any person or entity owing tuition to the school 43493  
district on behalf of the child at the end of the first full 43494  
week in October, as provided in division (C) of this section, 43495  
shall continue to owe such tuition to the district for the 43496  
child's attendance under division (I) (1) of this section for the 43497  
lesser of the balance of the school year or the balance of the 43498  
time that the child attends school in the district under 43499  
division (I) (1) of this section. 43500

(4) A pupil who may attend school in the district under 43501  
division (I) (1) of this section shall be entitled to 43502  
transportation services pursuant to an agreement between the 43503

district and the district in which the child or child's parent 43504  
has relocated unless the districts have not entered into such 43505  
agreement, in which case the child shall be entitled to 43506  
transportation services in the same manner as a pupil attending 43507  
school in the district under interdistrict open enrollment as 43508  
described in division (E) of section 3313.981 of the Revised 43509  
Code, regardless of whether the district has adopted an open 43510  
enrollment policy as described in division (B) (1) (b) or (c) of 43511  
section 3313.98 of the Revised Code. 43512

(J) This division does not apply to a child receiving 43513  
special education. 43514

A school district required to pay tuition pursuant to 43515  
division (C) (2) or (3) of this section or section 3313.65 of the 43516  
Revised Code shall have an amount deducted under division (C) of 43517  
section 3317.023 of the Revised Code equal to its own tuition 43518  
rate for the same period of attendance. A school district 43519  
entitled to receive tuition pursuant to division (C) (2) or (3) 43520  
of this section or section 3313.65 of the Revised Code shall 43521  
have an amount credited under division (C) of section 3317.023 43522  
of the Revised Code equal to its own tuition rate for the same 43523  
period of attendance. If the tuition rate credited to the 43524  
district of attendance exceeds the rate deducted from the 43525  
district required to pay tuition, the department of education 43526  
and workforce shall pay the district of attendance the 43527  
difference from amounts deducted from all districts' payments 43528  
under division (C) of section 3317.023 of the Revised Code but 43529  
not credited to other school districts under such division and 43530  
from appropriations made for such purpose. The treasurer of each 43531  
school district shall, by the fifteenth day of January and July, 43532  
furnish the director of education and workforce a report of the 43533  
names of each child who attended the district's schools under 43534

divisions (C) (2) and (3) of this section or section 3313.65 of 43535  
the Revised Code during the preceding six calendar months, the 43536  
duration of the attendance of those children, the school 43537  
district responsible for tuition on behalf of the child, and any 43538  
other information that the director requires. 43539

Upon receipt of the report the director, pursuant to 43540  
division (C) of section 3317.023 of the Revised Code, shall 43541  
deduct each district's tuition obligations under divisions (C) 43542  
(2) and (3) of this section or section 3313.65 of the Revised 43543  
Code and pay to the district of attendance that amount plus any 43544  
amount required to be paid by the state. 43545

(K) In the event of a disagreement, the director of 43546  
education and workforce shall determine the school district in 43547  
which the parent resides. 43548

(L) Nothing in this section requires or authorizes, or 43549  
shall be construed to require or authorize, the admission to a 43550  
public school in this state of a pupil who has been permanently 43551  
excluded from public school attendance by the director pursuant 43552  
to sections 3301.121 and 3313.662 of the Revised Code. 43553

(M) In accordance with division (B) (1) of this section, a 43554  
child whose parent is a member of the national guard or a 43555  
reserve unit of the armed forces of the United States and is 43556  
called to active duty, or a child whose parent is a member of 43557  
the armed forces of the United States and is ordered to a 43558  
temporary duty assignment outside of the district, may continue 43559  
to attend school in the district in which the child's parent 43560  
lived before being called to active duty or ordered to a 43561  
temporary duty assignment outside of the district, as long as 43562  
the child's parent continues to be a resident of that district, 43563  
and regardless of where the child lives as a result of the 43564



parent's active duty status or temporary duty assignment. 43565  
However, the district is not responsible for providing 43566  
transportation for the child if the child lives outside of the 43567  
district as a result of the parent's active duty status or 43568  
temporary duty assignment. 43569

**Sec. 3313.753.** (A) As used in this section: 43570

(1) "Electronic communications device" means any device 43571  
that is powered by batteries or electricity and that is capable 43572  
of receiving, transmitting, or receiving and transmitting 43573  
communications between two or more persons or a communication 43574  
from or to a person. 43575

(2) "School" means any school that is operated by a board 43576  
of education of a city, local, exempted village, or joint 43577  
vocational school district. 43578

(3) "School building" means any building in which any of 43579  
the instruction, extracurricular activities, or training 43580  
provided by a school is conducted. 43581

(4) "School grounds or premises" means either of the 43582  
following: 43583

(a) The parcel of real property on which any school 43584  
building is situated; 43585

(b) Any other parcel of real property that is owned or 43586  
leased by a board of education and on which some of the 43587  
instruction, extracurricular activities, or training of the 43588  
school is conducted. 43589

(B) The board of education of any city, exempted village, 43590  
local, joint vocational, or cooperative education school 43591  
district may adopt a policy prohibiting students from carrying 43592

an electronic communications device in any school building or on 43593  
any school grounds or premises of the district. The policy may 43594  
provide for exceptions to this prohibition as specified in the 43595  
policy. The policy shall specify any disciplinary measures that 43596  
will be taken for violation of this prohibition. 43597

If a board of education adopts a policy under this 43598  
division, the board shall post the policy in a central location 43599  
in each school building and make it available to students and 43600  
parents upon request. 43601

~~(C)(1)~~ (1) Not later than the first day of ~~July~~ January 43602  
that immediately follows ~~the effective date of this amendment~~ the 43603  
effective date of this amendment, each school district board of 43604  
education shall adopt a policy governing the use of cellular 43605  
telephones by students during school hours. The policy shall ~~de-~~ 43606  
~~all of the following:~~ 43607

~~(1) Emphasize that student cellular telephone use be as~~ 43608  
~~limited as possible during school hours;~~ 43609

~~(2) Reduce cellular telephone-related distractions in~~ 43610  
~~classroom settings;~~ 43611

~~(3)~~ prohibit all cellular telephone use by students during 43612  
the instructional day, except as described in division (C) (2) of 43613  
this section. 43614

(2) If determined appropriate by the district board, or if 43615  
included in a student's individualized education program 43616  
developed under Chapter 3323. of the Revised Code or plan 43617  
developed under section 504 of the "Rehabilitation Act of 1973," 43618  
29 U.S.C. 794, ~~permit~~ students to may use cellular telephones or 43619  
other electronic communications devices for student learning or 43620  
to monitor or address a health concern. 43621

(D) ~~Division (C) of this section shall not be construed to require a district board to adopt a policy that prohibits all cellular telephone use by students. Nonetheless, any~~ Any district board that adopts a policy that prohibits all cellular telephone use by students shall be considered to have met the requirements in division (C) of this section.

(E) Any district board that adopts a policy that meets the requirements prescribed in division (C) of this section prior to ~~the effective date of this amendment~~ the effective date of this amendment, shall be considered to have met the requirement to adopt a policy under this section.

(F) Each district board that adopts a policy under this section after ~~the effective date of this amendment~~ the effective date of this amendment, shall do so at a public meeting of the board.

(G) Each district board shall make any policy it adopts under this section publicly available and post it prominently on its publicly accessible web site, if it has one.

(H) Not later than sixty days after ~~the effective date of this amendment~~ the effective date of this amendment, the department of education and workforce shall develop a model policy that meets the requirements prescribed in division (C) of this section. To the extent possible, the model policy shall take into account available research concerning the effect of the use of cellular telephones by students in school settings. The model policy may be utilized by districts and schools.

**Sec. 3313.90.** As used in this section, "formula ADM" has the same meaning as in section 3317.02 of the Revised Code. Notwithstanding division (D) of section 3311.19 and division (D)

of section 3311.52 of the Revised Code, the provisions of this 43651  
section that apply to a city school district do not apply to any 43652  
joint vocational or cooperative education school district. 43653

(A) Except as provided in division (B) of this section, 43654  
each city, local, and exempted village school district shall, by 43655  
one of the following means, provide to students enrolled in 43656  
grades seven through twelve career-technical education adequate 43657  
to prepare a student enrolled therein for an occupation: 43658

(1) Establishing and maintaining a career-technical 43659  
education program that meets standards adopted by the department 43660  
of education and workforce; 43661

(2) Being a member of a joint vocational school district 43662  
that meets standards adopted by the department; 43663

(3) Contracting for career-technical education with a 43664  
joint vocational school district or another school district that 43665  
meets the standards adopted by the department. 43666

The standards of the department shall include criteria for 43667  
the participation by nonpublic students in career-technical 43668  
education programs without financial assessment, charge, or 43669  
tuition to such student except such assessments, charges, or 43670  
tuition paid by resident public school students in such 43671  
programs. Such nonpublic school students shall be included in 43672  
the formula ADM of the school district maintaining the career- 43673  
technical education program as part-time students in proportion 43674  
to the time spent in the career-technical education program. 43675

By the thirtieth day of October of each year, the director 43676  
of education and workforce shall determine and certify to the 43677  
superintendent of each school district subject to this section 43678  
either that the district is in compliance with the requirements 43679

of this section for the current school year or that the district 43680  
is not in compliance. If the director certifies that the 43681  
district is not in compliance, the director shall notify the 43682  
board of education of the district of the actions necessary to 43683  
bring the district into compliance with this section. 43684

In meeting standards established by the department, school 43685  
districts, where practicable, shall provide career-technical 43686  
education programs in high schools. A minimum enrollment of 43687  
~~fifteen hundred students in grades nine through twelve is~~ 43688  
~~established as a base for comprehensive career-technical~~ 43689  
~~education course offerings. Beginning with the 2015-2016 school~~ 43690  
~~year, this base shall increase to a minimum enrollment of two~~ 43691  
thousand two hundred fifty students in grades seven through 43692  
twelve is the base for comprehensive career-technical education 43693  
course offerings. A school district may meet this requirement 43694  
alone, through a cooperative arrangement pursuant to section 43695  
3313.92 of the Revised Code, through school district 43696  
consolidation, by membership in a joint vocational school 43697  
district, by contract with a school district, by contract with a 43698  
school licensed by any state agency established by the Revised 43699  
Code which school operates its courses offered for contracting 43700  
with public schools under standards as to staffing and 43701  
facilities comparable to those prescribed by the department for 43702  
public schools provided no instructor in such courses shall be 43703  
required to be certificated by the department, or in a 43704  
combination of such ways. Exceptions to the minimum enrollment 43705  
prescribed by this section may be made by the department based 43706  
on sparsity of population or other factors indicating that 43707  
comprehensive educational and career-technical education 43708  
programs as required by this section can be provided through an 43709  
alternate plan. 43710

(B) ~~If~~ Until July 1, 2026, the department shall waive the requirement for a city, local, or exempted village school district to provide career-technical education to students enrolled in grades seven and eight for that particular school year, if the board of education of a city, local, or exempted village school that district adopts a resolution that specifies the district's intent not to provide career-technical education to students enrolled in grades seven and eight for a particular school year and submits that resolution to the department by the thirtieth day of September of that school year, ~~the department shall waive the requirement for that district to provide career-technical education to students enrolled in grades seven and eight for that particular school year.~~

**Sec. 3313.901.** (A) As used in this section, "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code.

(B) Upon approval by the department of education and workforce, any city, exempted village, local, or joint vocational school district may contract with an Ohio technical center to serve students in any of grades seven to twelve who are enrolled in a career-technical education program at the district but cannot enroll in a course at the district for any of the following reasons:

(1) The course is at capacity and cannot serve all students who want to enroll in the course.

(2) The student has a scheduling conflict that prevents the student from taking the course at the time offered by the district.

(3) The district does not offer the course due to lack of

enrollment, lack of a qualified teacher, or lack of facilities. 43740

(4) Any other reason determined by the department. 43741

(C) School districts shall apply to the department for 43742  
approval to contract with an Ohio technical center under this 43743  
section. Applicants shall submit a plan to the department 43744  
describing how the district and the Ohio technical center will 43745  
establish a collaborative partnership to provide career- 43746  
technical education to students. Prior to approval, the 43747  
department shall consider the extent to which the partnership 43748  
will increase access to career-technical education courses for 43749  
students. 43750

(D) If the department approves an application under this 43751  
section, the school district that received that approval shall 43752  
do all of the following: 43753

(1) Award a student high school credit for completion of 43754  
any career-technical education course at an Ohio technical 43755  
center; 43756

(2) Report the student in the education management 43757  
information system established under section 3301.0714 of the 43758  
Revised Code as enrolled in the district for the time the 43759  
student is taking a course at an Ohio technical center, but the 43760  
district shall indicate that the course is being taken through a 43761  
center rather than at the district; 43762

(3) Not count a student taking a course at an Ohio 43763  
technical center as more than one full-time equivalent student, 43764  
unless the student is enrolled full-time in the district during 43765  
the regularly scheduled school day and takes the course at the 43766  
center during time outside of normal school hours; 43767

(4) Pay the Ohio technical center for each student taking 43768

a course at the technical center. The payment amount shall be 43769  
the lesser of the standard tuition charged for the course by the 43770  
center or the applicable one of the following: 43771

(a) If the center is located on the same campus as the 43772  
high school in which the student is enrolled, the amount equal 43773  
to the statewide average base cost per pupil and the amount 43774  
applicable to the student pursuant to division (C) of section 43775  
3317.014 of the Revised Code for the portion of the full-time 43776  
equivalency the student is enrolled in the course, without 43777  
application of the district's state share percentage; 43778

(b) If the center is not located on the same campus as the 43779  
high school in which the student is enrolled, \$7,500. 43780

(E) A district and an Ohio technical center may enter into 43781  
an agreement under this section to establish alternate amounts 43782  
than those prescribed under division (D) of this section that 43783  
the district will pay to the center. 43784

(F) A district may use career-technical education funds 43785  
received under division (C) of section 3317.014 of the Revised 43786  
Code to pay for any costs incurred by students enrolling in 43787  
courses at an Ohio technical center under this section. The 43788  
department shall consider that cost as an approved career- 43789  
technical education expense under division ~~(F)~~ (E) of section 43790  
3317.014 of the Revised Code. 43791

(G) Notwithstanding anything to the contrary in the 43792  
Revised Code, an individual who holds an adult education permit 43793  
issued by the state board of education and is employed by an 43794  
Ohio technical center may provide instruction to a student in 43795  
grades seven through twelve who is taking a course at an Ohio 43796  
technical center under this section. 43797



(H) If the department approves an application from a school district to contract with an Ohio technical center under this section, the district shall not prohibit a student enrolled in the district from taking any course for which the district has contracted at the technical center.

Sec. 3313.902. (A) As used in this section:

(1) "Competency-based educational program" means any system of academic instruction, assessment, grading, and reporting in which individuals receive credit based on demonstrations and assessments of their learning rather than the amount of time they spend studying a subject. A competency-based educational program shall encourage accelerated learning among individuals who master academic materials quickly while providing additional instructional support time for individuals who need it.

(2) "Eligible individual" means an individual who satisfies all of the following criteria:

(a) The individual is at least eighteen years of age.

(b) The individual is officially withdrawn from school.

(c) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code.

(3) "Eligible provider" means a city, local, or exempted village school district that operates a dropout prevention and recovery program or a joint vocational school district that operates an adult education program.

(4) "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code.

(B) An eligible provider may establish a competency-based educational program that complies with standards adopted by the department of education and workforce and may enroll eligible individuals in the program for up to three consecutive school years for the purpose of earning a high school diploma. The provider shall establish a career plan for each individual enrolled in the program that specifies the individual's career goals and describes how the individual will demonstrate competency or earn course credits under division (C) of this section to earn a diploma and attain the individual's career goals. 43826  
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(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the department shall award a high school diploma to an individual enrolled in a program under division (B) of this section who meets either of the following conditions: 43837  
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(1) The individual demonstrates competency by completing at least three of the following activities, at least one of which shall be the activity described in division (C) (1) (a) or (b) of this section: 43842  
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(a) Attaining a competency score as determined under division (B) (10) of section 3301.0712 of the Revised Code on each of the Algebra I and English language arts II end-of-course examinations prescribed under division (B) (2) of that section; 43846  
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(b) Attaining a workforce readiness score, as determined by the department, on the nationally recognized job skills assessment selected by the department under division (F) of section 3301.0712 of the Revised Code; 43850  
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(c) Obtaining an industry-recognized credential, or group 43854

of credentials, in a single career field approved under section 3313.6113 of the Revised Code that meets the criteria established under that section to qualify for a high school diploma or earning an industry-recognized credential that is aligned to a technical education program provided by an Ohio technical center; 43855  
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(d) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway; 43861  
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(e) Doing either of the following: 43864

(i) Completing a pre-apprenticeship program aligned with options established under section 3313.904 of the Revised Code in the individual's chosen career field and providing evidence of acceptance into a registered apprenticeship program in that career field; 43865  
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(ii) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the individual's chosen career field. 43870  
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(f) Completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations; 43873  
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(g) Obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code. 43875  
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(2) The individual demonstrates competency by completing at least two of the activities described in divisions (C) (1) (a) to (g) of this section and earns course credits distributed as follows: 43877  
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(a) English language arts, four credits; 43881

(b) Mathematics, four credits. One credit may be a career- 43882

based mathematics course aligned to the individual's career plan 43883  
developed under division (B) of this section. 43884

(c) Science, three credits; 43885

(d) Social studies, three credits; 43886

(e) Financial literacy, one-half credit. The one-half 43887  
credit of financial literacy may be applied toward the number of 43888  
mathematics or social studies credits required under division 43889  
(C) (2) of this section. 43890

(D) An eligible provider shall report each individual 43891  
enrolled in a program under division (B) of this section to the 43892  
department. The department annually shall certify the enrollment 43893  
and attendance of each individual reported under this division 43894  
and shall pay the provider up to \$7,500 for each such individual 43895  
per school year, as determined by the department based on the 43896  
extent of the individual's successful completion of the diploma 43897  
requirements prescribed in division (C) of this section. 43898

(E) Notwithstanding anything in this section to the 43899  
contrary, an eligible provider may request that the department 43900  
allow an eligible individual to enroll in a program under 43901  
division (B) of this section for more than three consecutive 43902  
school years due to a hardship experienced by the individual 43903  
that necessitates additional time to meet the diploma 43904  
requirements prescribed in division (C) of this section. 43905

(F) An eligible individual shall not be assigned to 43906  
classes or settings with individuals who are younger than 43907  
eighteen years of age. 43908

(G) Each eligible provider shall contact each individual 43909  
to whom a diploma is awarded under this section to collect data 43910  
on the individual's career and educational outcomes at six 43911

months, twelve months, and eighteen months after the awarding of 43912  
the diploma. At each time of contact, the provider shall request 43913  
information regarding whether the individual is gainfully 43914  
employed, participating in an apprenticeship, enrolled in 43915  
postsecondary education, or serving in the military. The 43916  
provider shall report the data collected to the department in 43917  
the manner determined by the department. 43918

(H) The department shall adopt rules as necessary to 43919  
administer this section. The rules may include all of the 43920  
following: 43921

(1) Standards for competency-based educational programs; 43922

(2) Standards for applying an individual's work or life 43923  
experiences toward the requirements of division (C) of this 43924  
section; 43925

(3) Requirements for determining the amount paid to 43926  
providers under division (D) of this section; 43927

(4) Guidelines for approving or denying a hardship request 43928  
made under division (E) of this section. 43929

**Sec. 3313.975.** As used in this section and in sections 43930  
3313.976 to 3313.979 of the Revised Code, "the pilot project 43931  
school district" or "the district" means any school district 43932  
included in the pilot project scholarship program pursuant to 43933  
this section. 43934

(A) The director of education and workforce shall 43935  
implement the pilot project scholarship program and shall 43936  
include in such program any school districts that are or have 43937  
ever been under federal court order requiring supervision and 43938  
operational management of the district by the state 43939  
superintendent or director. The program shall provide for a 43940

number of students residing in any such district to receive 43941  
scholarships to attend alternative schools, and for an equal 43942  
number of students to receive tutorial assistance grants while 43943  
attending public school in any such district. 43944

(B) The director shall establish an application process 43945  
and deadline for accepting applications from students residing 43946  
in the district to participate in the scholarship program. In 43947  
the initial year of the program students may only use a 43948  
scholarship to attend school in grades kindergarten through 43949  
third. 43950

The director shall award as many scholarships and tutorial 43951  
assistance grants as can be funded given the amount appropriated 43952  
for the program. 43953

(C) (1) The pilot project program shall continue in effect 43954  
each year that the general assembly has appropriated sufficient 43955  
money to fund scholarships and tutorial assistance grants. In 43956  
each year the program continues, new students may receive 43957  
scholarships in grades kindergarten to twelve. A student who has 43958  
received a scholarship may continue to receive one until the 43959  
student has completed grade twelve. 43960

(2) If the general assembly discontinues the scholarship 43961  
program, all students who are attending an alternative school 43962  
under the pilot project shall be entitled to continued 43963  
admittance to that specific school through all grades that are 43964  
provided in such school, under the same conditions as when they 43965  
were participating in the pilot project. The director shall 43966  
continue to make scholarship payments in accordance with section 43967  
3317.022 of the Revised Code for students who remain enrolled in 43968  
an alternative school under this provision in any year that 43969  
funds have been appropriated for this purpose. 43970

If funds are not appropriated, the tuition charged to the parents of a student who remains enrolled in an alternative school under this provision shall not be increased beyond the amount equal to the amount of the scholarship plus any additional amount charged that student's parent in the most recent year of attendance as a participant in the pilot project, except that tuition for all the students enrolled in such school may be increased by the same percentage.

(D) Notwithstanding sections 124.39 and 3311.83 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

(E) Except as provided for in division (C) (2) of section 3365.07 of the Revised Code, the director shall not require the parent of a student who applies for or receives a scholarship under the pilot project program to complete any kind of income verification regarding the student's family income.

(F) A student is not eligible to receive a scholarship under sections 3313.975 to 3313.979 of the Revised Code if the treasurer of state has established an educational savings account for the student under section 3310.23 of the Revised Code for the school year for which the scholarship is sought.

**Sec. 3314.013.** (A) Until May 22, 2013, no internet- or 44001  
computer-based community school shall operate unless the school 44002  
was open for instruction as of May 1, 2005. No entity described 44003  
in division (C) (1) of section 3314.02 of the Revised Code shall 44004  
enter into a contract to sponsor an internet- or computer-based 44005  
community school, including a conversion school, between May 1, 44006  
2005, and May 22, 2013, except as follows: 44007

(1) The entity may renew a contract that the entity 44008  
entered into with an internet- or computer-based community 44009  
school prior to May 1, 2005, if the school was open for 44010  
operation as of that date. 44011

(2) The entity may assume sponsorship of an existing 44012  
internet- or computer-based community school that was formerly 44013  
sponsored by another entity and may enter into a contract with 44014  
that community school in accordance with section 3314.03 of the 44015  
Revised Code. 44016

If a sponsor entered into a contract with an internet- or 44017  
computer-based community school, including a conversion school, 44018  
but the school was not open for operation as of May 1, 2005, the 44019  
contract shall be void and the entity shall not enter into 44020  
another contract with the school until May 22, 2013. 44021

(B) (1) Beginning on July 1, 2013, up to five new internet- 44022  
or computer-based community schools may open each year, subject 44023  
to approval of the director of education and workforce under 44024  
division (B) (2) of this section. 44025

(2) The director shall approve applications for new 44026  
internet- or computer-based community schools from only those 44027  
applicants demonstrating experience and quality. 44028

The department of education and workforce shall adopt 44029



rules prescribing measures to determine experience and quality 44030  
of applicants in accordance with Chapter 119. of the Revised 44031  
Code. The measures shall include, but not be limited to, the 44032  
following considerations: 44033

(a) The sponsor's experience with online schools; 44034

(b) The operator's experience with online schools; 44035

(c) The sponsor's and operator's previous record for 44036  
student performance; 44037

(d) A preference for operators with previous experience in 44038  
Ohio. 44039

(3) The department shall notify any new internet- or 44040  
computer-based community school governed by division (B) of this 44041  
section of whether the director has approved or disapproved the 44042  
school's application to open for the 2013-2014 school year not 44043  
later than July 1, 2013. Notwithstanding the dates prescribed 44044  
for adoption and signing on sponsor contracts in division (D) of 44045  
section 3314.02 of the Revised Code, or the date for opening a 44046  
school for instruction required by division (A)(25) of section 44047  
3314.03 of the Revised Code, a new internet- or computer-based 44048  
community school approved for opening for the 2013-2014 school 44049  
year under division (B) of this section may open and operate in 44050  
that school year regardless of whether it has complied with 44051  
those contract and opening dates. For each school year 44052  
thereafter, the school shall comply with all applicable 44053  
provisions of this chapter. 44054

(4) Notwithstanding divisions (B)(1) and (2) of this 44055  
section, a sponsor rated "exemplary" on its most recent 44056  
evaluation conducted under section 3314.016 of the Revised Code 44057  
is permitted to open up to two new internet- or computer-based 44058

community schools that ~~will primarily serve students enrolled in~~ 44059  
~~a~~ are dropout prevention and recovery program ~~community schools~~ 44060  
each year, not to exceed six new schools in a five-year period. 44061

(C) Nothing in division (A) or (B) of this section 44062  
prohibits an internet- or computer-based community school from 44063  
increasing the number of grade levels it offers. 44064

**Sec. 3314.015.** (A) The department of education and 44065  
workforce shall be responsible for the oversight of any and all 44066  
sponsors of the community schools established under this chapter 44067  
and shall provide technical assistance to schools and sponsors 44068  
in their compliance with applicable laws and the terms of the 44069  
contracts entered into under section 3314.03 of the Revised Code 44070  
and in the development and start-up activities of those schools. 44071  
In carrying out its duties under this section, the department 44072  
shall do all of the following: 44073

(1) In providing technical assistance to proposing 44074  
parties, governing authorities, and sponsors, conduct training 44075  
sessions and distribute informational materials; 44076

(2) Approve entities to be sponsors of community schools; 44077

(3) Monitor and evaluate, as required under section 44078  
3314.016 of the Revised Code, the effectiveness of any and all 44079  
sponsors in their oversight of the schools with which they have 44080  
contracted; 44081

(4) By December thirty-first of each year, issue a report 44082  
to the governor, the speaker of the house of representatives, 44083  
the president of the senate, and the chairpersons of the house 44084  
and senate committees principally responsible for education 44085  
matters regarding the effectiveness of academic programs, 44086  
operations, and legal compliance and of the financial condition 44087

of all community schools established under this chapter and on 44088  
the performance of community school sponsors; 44089

(5) From time to time, make legislative recommendations to 44090  
the general assembly designed to enhance the operation and 44091  
performance of community schools. 44092

(B) (1) Except as provided in sections 3314.021 and 44093  
3314.027 of the Revised Code, no entity shall enter into a 44094  
preliminary agreement under division (C) (2) of section 3314.02 44095  
of the Revised Code or renew an existing contract to sponsor a 44096  
community school until it has received approval from the 44097  
department to sponsor community schools under this chapter and 44098  
has entered into a written agreement with the department 44099  
regarding the manner in which the entity will conduct such 44100  
sponsorship. 44101

On and after July 1, 2017, each entity that sponsors a 44102  
community school in this state, except for an entity described 44103  
in sections 3314.021 and 3314.027 of the Revised Code, shall 44104  
attain approval from the department in order to continue 44105  
sponsoring schools regardless of whether that entity intends to 44106  
enter into a preliminary agreement or renew an existing 44107  
contract. 44108

All new and renewed agreements between the department and 44109  
a sponsor shall contain specific language addressing the 44110  
parameters under which the department can intervene and 44111  
potentially revoke sponsorship authority in the event that the 44112  
sponsor is unwilling or unable to fulfill its obligations. 44113  
Additionally, each agreement shall set forth any territorial 44114  
restrictions and limits on the number of schools that entity may 44115  
sponsor, provide for an annual evaluation process, and include a 44116  
stipulation permitting the department to modify the agreement 44117

under the following circumstances: 44118

(a) Poor fiscal management; 44119

(b) Lack of academic progress. 44120

(2) The initial term of a sponsor's agreement with the 44121  
department shall be for up to five years. 44122

(a) An agreement entered into with the department pursuant 44123  
to this section may be renewed for a term of up to ten years 44124  
using the following criteria: 44125

(i) The academic performance of students enrolled in each 44126  
community school the entity sponsors, as determined by the 44127  
department pursuant to division (B)(1)(a) of section 3314.016 of 44128  
the Revised Code; 44129

(ii) The sponsor's adherence to quality practices, as 44130  
determined by the department pursuant to division (B)(1)(b) of 44131  
section 3314.016 of the Revised Code; 44132

(iii) The sponsor's compliance with all applicable laws 44133  
and administrative rules. 44134

(b) Each agreement between the department and a sponsor 44135  
shall specify that entities with an overall rating of 44136  
"exemplary" for at least two consecutive years shall not be 44137  
subject to the limit on the number of community schools the 44138  
entity may sponsor or any territorial restrictions on 44139  
sponsorship, for so long as that entity continues to be rated 44140  
"exemplary." 44141

(c) The department shall adopt in accordance with Chapter 44142  
119. of the Revised Code rules containing criteria, procedures, 44143  
and deadlines for processing applications for approval of 44144  
sponsors, for oversight of sponsors, for notifying a sponsor of 44145

noncompliance with applicable laws and administrative rules 44146  
under division (F) of this section, for revocation of the 44147  
approval of sponsors under division (C) of this section, and for 44148  
entering into written agreements with sponsors. The rules shall 44149  
require an entity to submit evidence of the entity's ability and 44150  
willingness to comply with the provisions of division ~~(D)~~(C) of 44151  
section 3314.03 of the Revised Code. The rules also shall 44152  
require all entities approved as sponsors to demonstrate a 44153  
record of financial responsibility and successful implementation 44154  
of educational programs. If an entity seeking approval to 44155  
sponsor community schools in this state sponsors or operates 44156  
schools in another state, at least one of the schools sponsored 44157  
or operated by the entity must be comparable to or better than 44158  
the performance of Ohio schools in need of continuous 44159  
improvement under section 3302.03 of the Revised Code, as 44160  
determined by the department. 44161

Subject to section 3314.016 of the Revised Code, an entity 44162  
that sponsors community schools may enter into preliminary 44163  
agreements and sponsor up to one hundred schools, provided each 44164  
school and the contract for sponsorship meets the requirements 44165  
of this chapter. A sponsor that was rated "exemplary" on its 44166  
most recent rating under section 3314.016 of the Revised Code 44167  
may sponsor up to two hundred such schools. 44168

(3) The department shall determine, pursuant to criteria 44169  
specified in rules adopted in accordance with Chapter 119. of 44170  
the Revised Code, whether the mission proposed to be specified 44171  
in the contract of a community school to be sponsored by a state 44172  
university board of trustees or the board's designee under 44173  
division (C)(1)(e) of section 3314.02 of the Revised Code 44174  
complies with the requirements of that division. Such 44175  
determination of the department is final. 44176

(4) The department shall determine, pursuant to criteria 44177  
specified in rules adopted in accordance with Chapter 119. of 44178  
the Revised Code, if any tax-exempt entity under section 501(c) 44179  
(3) of the Internal Revenue Code that is proposed to be a 44180  
sponsor of a community school is an education-oriented entity 44181  
for purpose of satisfying the condition prescribed in division 44182  
(C) (1) (f) (iii) of section 3314.02 of the Revised Code. Such 44183  
determination of the department is final. 44184

(C) If at any time the department finds that a sponsor is 44185  
not in compliance or is no longer willing to comply with its 44186  
contract with any community school or with the department's 44187  
rules for sponsorship, the department shall conduct a hearing in 44188  
accordance with Chapter 119. of the Revised Code on that matter. 44189  
If after the hearing, the department has confirmed the original 44190  
finding, it may revoke the sponsor's approval to sponsor 44191  
community schools. In that case, the department's office of Ohio 44192  
school sponsorship, established under section 3314.029 of the 44193  
Revised Code, may assume the sponsorship of any schools with 44194  
which the sponsor has contracted until the earlier of the 44195  
expiration of two school years or until a new sponsor as 44196  
described in division (C) (1) of section 3314.02 of the Revised 44197  
Code is secured by the school's governing authority. The office 44198  
of Ohio school sponsorship may extend the term of the contract 44199  
in the case of a school for which it has assumed sponsorship 44200  
under this division as necessary to accommodate the term of the 44201  
department's authorization to sponsor the school specified in 44202  
this division. Community schools sponsored under this division 44203  
shall not apply to the limit on directly authorized community 44204  
schools under division (A) (3) of section 3314.029 of the Revised 44205  
Code. However, nothing in this division shall preclude a 44206  
community school affected by this division from applying for 44207

sponsorship under that section. 44208

(D) The decision of the department to disapprove an entity 44209  
for sponsorship of a community school or to revoke approval for 44210  
such sponsorship under division (C) of this section, may be 44211  
appealed by the entity in accordance with section 119.12 of the 44212  
Revised Code. 44213

(E) The department shall adopt procedures for use by a 44214  
community school governing authority and sponsor when the school 44215  
permanently closes and ceases operation, which shall include at 44216  
least procedures for data reporting to the department, handling 44217  
of student records, distribution of assets in accordance with 44218  
section 3314.074 of the Revised Code, and other matters related 44219  
to ceasing operation of the school. 44220

(F) (1) In lieu of revoking a sponsor's authority to 44221  
sponsor community schools under division (C) of this section, if 44222  
the department finds that a sponsor is not in compliance with 44223  
applicable laws and administrative rules, the department shall 44224  
declare in a written notice to the sponsor the specific laws or 44225  
rules, or both, for which the sponsor is noncompliant. A sponsor 44226  
notified under division (F) (1) of this section shall respond to 44227  
the department not later than fourteen days after the 44228  
notification with a proposed plan to remedy the conditions for 44229  
which the sponsor was found to be noncompliant. The department 44230  
shall approve or disapprove the plan not later than fourteen 44231  
days after receiving it. If the plan is disapproved, the sponsor 44232  
may submit a revised plan to the department not later than 44233  
fourteen days after receiving notification of disapproval from 44234  
the department or not later than sixty days after the date the 44235  
sponsor received notification of noncompliance from the 44236  
department, whichever is earlier. The department shall approve 44237

or disapprove the revised plan not later than fourteen days 44238  
after receiving it or not later than sixty days after the date 44239  
the sponsor received notification of noncompliance from the 44240  
department, whichever is earlier. A sponsor may continue to make 44241  
revisions by the deadlines prescribed in division (F) (1) of this 44242  
section to any revised plan that is disapproved by the 44243  
department until the sixtieth day after the date the sponsor 44244  
received notification of noncompliance from the department. 44245

If a plan or a revised plan is approved, the sponsor shall 44246  
implement it not later than sixty days after the date the 44247  
sponsor received notification of noncompliance from the 44248  
department or not later than thirty days after the plan is 44249  
approved, whichever is later. If a sponsor does not respond to 44250  
the department or implement an approved compliance plan by the 44251  
deadlines prescribed by division (F) (1) of this section, or if a 44252  
sponsor does not receive approval of a compliance plan on or 44253  
before the sixtieth day after the date the sponsor received 44254  
notification of noncompliance from the department, the 44255  
department shall declare in written notice to the sponsor that 44256  
the sponsor is in probationary status, and may limit the 44257  
sponsor's ability to sponsor additional schools. 44258

(2) A sponsor that has been placed on probationary status 44259  
under division (F) (1) of this section may apply to the 44260  
department for its probationary status to be lifted. The 44261  
application for a sponsor's probationary status to be lifted 44262  
shall include evidence, occurring after the initial notification 44263  
of noncompliance, of the sponsor's compliance with applicable 44264  
laws and administrative rules. Not later than fourteen days 44265  
after receiving an application from the sponsor, the department 44266  
shall decide whether or not to remove the sponsor's probationary 44267  
status. 44268



(G) In carrying out its duties under this chapter, the department shall not impose requirements on community schools or their sponsors that are not permitted by law or duly adopted rules.

(H) This section applies to entities that sponsor conversion community schools and new start-up schools.

(I) Nothing in divisions (C) to (F) of this section prohibits the department from taking any action permitted or required under the written agreement between the department and a sponsoring entity without a hearing on the matter, in the event that the sponsor is unwilling or unable to fulfill its obligations.

**Sec. 3314.016.** This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A) (2) and (B) (1) of section 3314.015 of the Revised Code. The office of Ohio school sponsorship established under section 3314.029 of the Revised Code shall be rated under division (B) of this section, but divisions (A) and (C) of this section do not apply to the office.

(A) An entity that sponsors a community school shall be permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets all of the following criteria:

(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education and workforce.

(2) The entity is not rated as "ineffective" under 44298  
division (B)(6) of this section. 44299

(3) Except as set forth in sections 3314.021 and 3314.027 44300  
of the Revised Code, the entity has received approval from and 44301  
entered into an agreement with the department pursuant to 44302  
section 3314.015 of the Revised Code. 44303

(B)(1) The department shall develop and implement an 44304  
evaluation system that annually rates and assigns an overall 44305  
rating to each entity that sponsors a community school. The 44306  
department, not later than the first day of February of each 44307  
year, shall post on the department's web site the framework for 44308  
the evaluation system, including technical documentation that 44309  
the department intends to use to rate sponsors for the next 44310  
school year. The department shall solicit public comment on the 44311  
evaluation system for thirty consecutive days. Not later than 44312  
the first day of April of each year, the department shall 44313  
compile and post on the department's web site all public 44314  
comments that were received during the public comment period. 44315  
The evaluation system shall be posted on the department's web 44316  
site by the fifteenth day of July of each school year. Any 44317  
changes to the evaluation system after that date shall take 44318  
effect the following year. The evaluation system shall be based 44319  
on the following components: 44320

(a) Academic performance of students enrolled in community 44321  
schools sponsored by the same entity. The academic performance 44322  
component shall be derived from the performance measures 44323  
prescribed for the state report cards under section 3302.03 or 44324  
3314.017 of the Revised Code, and shall be based on the 44325  
performance of the schools for the school year for which the 44326  
evaluation is conducted. In addition to the academic performance 44327

for a specific school year, the academic performance component 44328  
shall also include year-to-year changes in the overall sponsor 44329  
portfolio. For a community school for which no graded 44330  
performance measures are applicable or available, the department 44331  
shall use nonreport card performance measures specified in the 44332  
contract between the community school and the sponsor under 44333  
division (A) (4) of section 3314.03 of the Revised Code. 44334

(b) Adherence by a sponsor to the quality practices 44335  
prescribed by the department under division (B) (3) of this 44336  
section. For a sponsor that was rated "effective" or "exemplary" 44337  
on its most recent rating, the department may evaluate that 44338  
sponsor's adherence to quality practices once over a period of 44339  
three years. If the department elects to evaluate a sponsor once 44340  
over a period of three years, the most recent rating for a 44341  
sponsor's adherence to quality practices shall be used when 44342  
determining an annual overall rating conducted under this 44343  
section. 44344

(c) Compliance with all applicable laws and administrative 44345  
rules by an entity that sponsors a community school. 44346

Under the evaluation system prescribed under division (B) 44347  
(1) of this section, the department shall not assign an overall 44348  
rating of "ineffective" or lower to an entity that sponsors a 44349  
community school solely because that entity received no points 44350  
on one of the components prescribed under that division. 44351

(2) In calculating an academic performance component, the 44352  
department shall exclude all community schools that have been in 44353  
operation for not more than two full school years and all 44354  
community schools described in division (B) (2) of section 44355  
3314.35 of the Revised Code. However, the academic performance 44356  
of the community schools described in division (B) (2) of section 44357

3314.35 of the Revised Code shall be reported, but shall not be 44358  
used as a factor when determining a sponsoring entity's rating 44359  
under this section. 44360

(3) The department, in consultation with entities that 44361  
sponsor community schools, shall prescribe quality practices for 44362  
community school sponsors and develop an instrument to measure 44363  
adherence to those quality practices. The quality practices 44364  
shall be based on standards developed by the national 44365  
association of charter school authorizers or any other 44366  
nationally organized community school organization. 44367

(4) (a) The department may permit peer review of a 44368  
sponsor's adherence to the quality practices prescribed under 44369  
division (B) (3) of this section. Peer reviewers shall be limited 44370  
to individuals employed by sponsors rated "effective" or 44371  
"exemplary" on the most recent ratings conducted under this 44372  
section. 44373

(b) The department shall require individuals participating 44374  
in peer review under division (B) (4) (a) of this section to 44375  
complete training approved or established by the department. 44376

(c) The department may enter into an agreement with 44377  
another entity to provide training to individuals conducting 44378  
peer review of sponsors. Prior to entering into an agreement 44379  
with an entity, the department shall review and approve of the 44380  
entity's training program. 44381

(5) The director of education and workforce shall adopt 44382  
rules in accordance with Chapter 119. of the Revised Code 44383  
prescribing standards for measuring compliance with applicable 44384  
laws and rules under division (B) (1) (c) of this section. 44385

(6) The department annually shall rate all entities that 44386

sponsor community schools as either "exemplary," "effective," 44387  
"ineffective," or "poor," based on the components prescribed by 44388  
division (B) of this section, where each component is weighted 44389  
equally. A separate rating shall be given by the department for 44390  
each component of the evaluation system. 44391

The department shall publish the ratings between the first 44392  
day of October and the fifteenth day of November. 44393

Prior to the publication of the final ratings, the 44394  
department shall designate and provide notice of a period of at 44395  
least ten business days during which each sponsor may review the 44396  
information used by the department to determine the sponsor's 44397  
rating on the components prescribed by division (B) (1) of this 44398  
section. If the sponsor believes there is an error in the 44399  
department's evaluation, the sponsor may request adjustments to 44400  
the rating of any of those components based on documentation 44401  
previously submitted as part of an evaluation. The sponsor shall 44402  
provide to the department any necessary evidence or information 44403  
to support the requested adjustments. The department shall 44404  
review the evidence and information, determine whether an 44405  
adjustment is valid, and promptly notify the sponsor of its 44406  
determination and reasons. If any adjustments to the data could 44407  
result in a change to the rating on the applicable component or 44408  
to the overall rating, the department shall recalculate the 44409  
ratings prior to publication. 44410

The department shall provide training on an annual basis 44411  
regarding the evaluation system prescribed under this section. 44412  
The training shall, at a minimum, describe methodology, 44413  
timelines, and data required for the evaluation system. The 44414  
first training session shall occur not later than March 2, 2016. 44415  
Beginning in 2018, the training shall be made available to each 44416

entity that sponsors a community school by the fifteenth day of 44417  
July of each year and shall include guidance on any changes made 44418  
to the evaluation system. 44419

(7) (a) Entities with an overall rating of "exemplary" for 44420  
the two most recent years in which the entity was evaluated may 44421  
take advantage of the following incentives: 44422

(i) Renewal of the written agreement with the department, 44423  
not to exceed ten years, provided that the entity consents to 44424  
continued evaluation of adherence to quality practices as 44425  
described in division (B) (1) (b) of this section; 44426

(ii) The ability to extend the term of the contract 44427  
between the sponsoring entity and the community school beyond 44428  
the term described in the written agreement with the department; 44429

(iii) An exemption from the preliminary agreement and 44430  
contract adoption and execution deadline requirements prescribed 44431  
in division (D) of section 3314.02 of the Revised Code; 44432

(iv) An exemption from the automatic contract expiration 44433  
requirement, should a new community school fail to open by the 44434  
thirtieth day of September of the calendar year in which the 44435  
community school contract is executed; 44436

(v) No limit on the number of community schools the entity 44437  
may sponsor; 44438

(vi) No territorial restrictions on sponsorship. 44439

An entity may continue to sponsor any community schools 44440  
with which it entered into agreements under division (B) (7) (a) 44441  
(v) or (vi) of this section while rated "exemplary," 44442  
notwithstanding the fact that the entity later receives a lower 44443  
overall rating. 44444

(b) Entities with an overall rating of "exemplary" or "effective" for the three most recent years in which the entity was evaluated shall be evaluated by the department once every three years.

(c) (i) Entities that receive an overall rating of "ineffective" shall be prohibited from sponsoring any new or additional community schools during the time in which the sponsor is rated as "ineffective" and shall be subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the department.

(ii) Entities that receive an overall rating of "ineffective" on their three most recent ratings shall have all sponsorship authority revoked. Within thirty days after receiving its third rating of "ineffective," the entity may appeal the revocation of its sponsorship authority to the director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the director shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(d) Entities that receive an overall rating of "poor" shall have all sponsorship authority revoked. Within thirty days after receiving a rating of "poor," the entity may appeal the revocation of its sponsorship authority to the director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The

hearing shall be conducted within thirty days after receipt of 44475  
the notice of appeal. Within forty-five days after the hearing 44476  
is completed, the director shall determine whether the 44477  
revocation is appropriate based on the hearing conducted by the 44478  
independent hearing officer, and if determined appropriate, the 44479  
revocation shall be confirmed. 44480

(8) For the 2014-2015 school year and each school year 44481  
thereafter, student academic performance prescribed under 44482  
division (B)(1)(a) of this section shall include student 44483  
academic performance data from dropout prevention and recovery 44484  
~~community schools that primarily serve students enrolled in a~~ 44485  
~~dropout prevention and recovery program.~~ 44486

(C) If the governing authority of a community school 44487  
enters into a contract with a sponsor prior to the date on which 44488  
the sponsor is prohibited from sponsoring additional schools 44489  
under division (A) of this section and the school has not opened 44490  
for operation as of that date, that contract shall be void and 44491  
the school shall not open until the governing authority secures 44492  
a new sponsor by entering into a contract with the new sponsor 44493  
under section 3314.03 of the Revised Code. However, the 44494  
department's office of Ohio school sponsorship, established 44495  
under section 3314.029 of the Revised Code, may assume the 44496  
sponsorship of the school until the earlier of the expiration of 44497  
two school years or until a new sponsor is secured by the 44498  
school's governing authority. A community school sponsored by 44499  
the department under this division shall not be included when 44500  
calculating the maximum number of directly authorized community 44501  
schools permitted under division (A)(3) of section 3314.029 of 44502  
the Revised Code. 44503

(D) When an entity's authority to sponsor schools is 44504



revoked pursuant to division (B) (7) (c) or (d) of this section, 44505  
the office of Ohio school sponsorship shall assume sponsorship 44506  
of any schools with which the original sponsor has contracted 44507  
for the remainder of that school year. The office may continue 44508  
sponsoring those schools until the earlier of: 44509

(1) The expiration of two school years from the time that 44510  
sponsorship is revoked; 44511

(2) When a new sponsor is secured by the governing 44512  
authority pursuant to division (C) (1) of section 3314.02 of the 44513  
Revised Code. 44514

Any community school sponsored under this division shall 44515  
not be counted for purposes of directly authorized community 44516  
schools under division (A) (3) of section 3314.029 of the Revised 44517  
Code. 44518

(E) The department shall recalculate the rating for the 44519  
2017-2018 school year for each sponsor of a community school 44520  
that receives recalculated ratings pursuant to division (I) of 44521  
section 3314.017 of the Revised Code. 44522

**Sec. 3314.017.** (A) The department of education and 44523  
workforce shall prescribe by rules, adopted in accordance with 44524  
Chapter 119. of the Revised Code, an academic performance rating 44525  
and report card system that satisfies the requirements of this 44526  
section for dropout prevention and recovery community schools 44527  
~~that primarily serve students enrolled in dropout prevention and~~ 44528  
~~recovery programs as described in division (B) (1) of section~~ 44529  
~~3314.35 of the Revised Code,~~ to be used in lieu of the system 44530  
prescribed under sections 3302.03 and 3314.012 of the Revised 44531  
Code beginning with the 2012-2013 school year. Each such school 44532  
shall comply with the testing and reporting requirements of the 44533

system as prescribed by the department. 44534

(B) Nothing in this section shall at any time relieve a 44535  
school from its obligations under the "No Child Left Behind Act 44536  
of 2001" to make "adequate yearly progress," as both that act 44537  
and that term are defined in section 3302.01 of the Revised 44538  
Code, or a school's amenability to the provisions of section 44539  
3302.04 or 3302.041 of the Revised Code. The department shall 44540  
continue to report each school's performance as required by the 44541  
act and to enforce applicable sanctions under section 3302.04 or 44542  
3302.041 of the Revised Code. 44543

(C) The rules adopted by the department shall prescribe 44544  
the following performance indicators for the rating and report 44545  
card system required by this section: 44546

(1) Graduation rate for each of the following student 44547  
cohorts: 44548

(a) The number of students who graduate in four years or 44549  
less with a regular high school diploma divided by the number of 44550  
students who form the adjusted cohort for the graduating class; 44551

(b) The number of students who graduate in five years with 44552  
a regular high school diploma divided by the number of students 44553  
who form the adjusted cohort for the four-year graduation rate; 44554

(c) The number of students who graduate in six years with 44555  
a regular high school diploma divided by the number of students 44556  
who form the adjusted cohort for the four-year graduation rate; 44557

(d) The number of students who graduate in seven years 44558  
with a regular high school diploma divided by the number of 44559  
students who form the adjusted cohort for the four-year 44560  
graduation rate; 44561

(e) The number of students who graduate in eight years 44562  
with a regular high school diploma divided by the number of 44563  
students who form the adjusted cohort for the four-year 44564  
graduation rate. 44565

(2) The percentage of twelfth-grade students currently 44566  
enrolled in the school who have attained the designated passing 44567  
score on all of the state high school achievement assessments 44568  
required under division (B) (1) of section 3301.0710 of the 44569  
Revised Code or the cumulative performance score on the end-of- 44570  
course examinations prescribed under division (B) (2) of section 44571  
3301.0712 of the Revised Code, whichever applies, and other 44572  
students enrolled in the school, regardless of grade level, who 44573  
are within three months of their twenty-second birthday and have 44574  
attained the designated passing score on all of the state high 44575  
school achievement assessments or the cumulative performance 44576  
score on the end-of-course examinations, whichever applies, by 44577  
their twenty-second birthday; 44578

(3) Annual measurable objectives as defined in section 44579  
3302.01 of the Revised Code; 44580

(4) Growth in student achievement in reading, or 44581  
mathematics, or both as measured by separate nationally norm- 44582  
referenced assessments that have developed appropriate standards 44583  
for students enrolled in dropout prevention and recovery 44584  
programs, adopted or approved by the department. 44585

(D) (1) The department's rules shall prescribe the expected 44586  
performance levels and benchmarks for each of the indicators 44587  
prescribed by division (C) of this section based on the data 44588  
gathered by the department under division (G) of this section 44589  
and simulations created by the department. Based on a school's 44590  
level of attainment or nonattainment of the expected performance 44591

levels and benchmarks for each of the indicators, the department 44592  
shall rate each school in one of the following categories: 44593

(a) Exceeds standards; 44594

(b) Meets standards; 44595

(c) Does not meet standards. 44596

(2) The department's rules shall establish all of the 44597  
following: 44598

(a) Performance levels and benchmarks for the indicators 44599  
described in divisions (C) (1) to (3) of this section; 44600

(b) Both of the following: 44601

(i) Performance levels and benchmarks for the indicator 44602  
described in division (C) (4) of this section; 44603

(ii) Standards for awarding a dropout prevention and 44604  
recovery community school ~~described in division (B) (1) of~~ 44605  
~~section 3314.35 of the Revised Code~~ an overall designation, 44606  
which shall be calculated as follows: 44607

(I) Thirty per cent of the score shall be based on the 44608  
indicators described in division (C) (1) of this section that are 44609  
applicable to the school year for which the overall designation 44610  
is granted. 44611

(II) Thirty per cent of the score shall be based on the 44612  
indicators described in division (C) (4) of this section. 44613

(III) Twenty per cent of the score shall be based on the 44614  
indicators described in division (C) (2) of this section. 44615

(IV) Twenty per cent of the score shall be based on the 44616  
indicators described in division (C) (3) of this section. 44617

(3) If both of the indicators described in divisions (C) 44618  
(1) and (2) of this section improve by ten per cent for two 44619  
consecutive years, a school shall be rated not less than "meets 44620  
standards." 44621

The rating and the relevant performance data for each 44622  
school shall be posted on the department's web site, and a copy 44623  
of the rating and data shall be provided to the governing 44624  
authority of the community school. 44625

~~(E) (1) For the 2012-2013 school year, the department shall 44626  
issue a report card including the following performance 44627  
measures, but without a performance rating as described in 44628  
divisions (D) (1) (a) to (c) of this section, for each community 44629  
school described in division (B) (1) of section 3314.35 of the 44630  
Revised Code:— 44631~~

~~(a) The graduation rates as described in divisions (C) (1) 44632  
(a) to (c) of this section;— 44633~~

~~(b) The percentage of twelfth-grade students and other 44634  
students who have attained a designated passing score on high 44635  
school achievement assessments as described in division (C) (2) 44636  
of this section;— 44637~~

~~(c) The statewide average for the graduation rates and 44638  
assessment passage rates described in divisions (C) (1) (a) to (c) 44639  
and (C) (2) of this section;— 44640~~

~~(d) Annual measurable objectives described in division (C) 44641  
(3) of this section. — 44642~~

~~(2) For the 2013-2014 school year, the department shall 44643  
issue a report card including the following performance measures 44644  
for each community school described in division (B) (1) of 44645  
section 3314.35 of the Revised Code:— 44646~~

~~(a) The graduation rates described in divisions (C) (1) (a) to (d) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;~~ 44647  
44648  
44649

~~(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;~~ 44650  
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44654

~~(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;~~ 44655  
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44657

~~(d) Both of the following without an assigned rating:~~ 44658

~~(i) Growth in annual student achievement in reading and mathematics described in division (C) (4) of this section, if available;~~ 44659  
44660  
44661

~~(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.~~ 44662  
44663  
44664

~~(3) Beginning with the 2014-2015 school year, and annually thereafter, the (E) The department annually shall issue a report card for each dropout prevention and recovery community school described in division (B) (1) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D) (1) (a) to (c) of this section:~~ 44665  
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~~(a) (1) The graduation rates as described in division (C) (1) of this section;~~ 44672  
44673

~~(b) (2) The percentage of twelfth-grade students and other~~ 44674

students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;

~~(e)~~(3) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;

~~(d)~~(4) Growth in annual student achievement in reading and mathematics as described in division (C) (4) of this section;

~~(e)~~(5) An overall performance designation for the school calculated under rules adopted under division (D) (2) of this section.

The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating.

(F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division ~~(E) (3)~~ (E) of this section for each community school to which this section applies.

(G) For the purposes of prescribing performance levels and benchmarks under division (D) of this section, the department shall gather and analyze data from prior school years for each ~~dropout prevention and recovery community school described in division (B) (1) of section 3314.35 of the Revised Code.~~ Each such school shall cooperate with the department. The department shall consult with stakeholder groups in performing its duties

under this division. 44704

(H) The department shall review the performance levels and 44705  
benchmarks for performance indicators in the report card issued 44706  
under this section and may revise them based on the data 44707  
collected under division (G) of this section. 44708

(I) For the purposes of division (F) of section 3314.351 44709  
of the Revised Code, the department shall recalculate the 44710  
ratings for each school under division (E)(3) of this section 44711  
for the 2017-2018 school year and calculate the ratings under 44712  
that division for the 2018-2019 school year using the indicators 44713  
prescribed by division (C) of this section, as it exists on and 44714  
after July 18, 2019. 44715

**Sec. 3314.02.** (A) As used in this chapter: 44716

(1) "Sponsor" means the board of education of a school 44717  
district or the governing board of an educational service center 44718  
that agrees to the conversion of all or part of a school or 44719  
building under division (B) of this section, or an entity listed 44720  
in division (C)(1) of this section, which has been approved by 44721  
the department of education and workforce to sponsor community 44722  
schools or is exempted by section 3314.021 or 3314.027 of the 44723  
Revised Code from obtaining approval, and with which the 44724  
governing authority of a community school enters into a contract 44725  
under section 3314.03 of the Revised Code. 44726

(2) "Pilot project area" means the school districts 44727  
included in the territory of the former community school pilot 44728  
project established by former Section 50.52 of Am. Sub. H.B. No. 44729  
215 of the 122nd general assembly. 44730

(3) "Challenged school district" means any of the 44731  
following: 44732



- (a) A school district that is part of the pilot project area; 44733  
44734
- (b) A school district that meets one of the following conditions: 44735  
44736
- (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 44737  
44738  
44739  
44740
- (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code; 44741  
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- (iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section; 44746  
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- (iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D) (3) (c) of that section. 44753  
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- (c) A big eight school district; 44759
- (d) A school district ranked in the lowest five per cent of school districts according to performance index score under 44760  
44761

section 3302.21 of the Revised Code. 44762

(4) "Big eight school district" means a school district 44763  
that for fiscal year 1997 had both of the following: 44764

(a) A percentage of children residing in the district and 44765  
participating in the predecessor of Ohio works first greater 44766  
than thirty per cent, as reported pursuant to section 3317.10 of 44767  
the Revised Code; 44768

(b) An average daily membership greater than twelve 44769  
thousand, as reported pursuant to former division (A) of section 44770  
3317.03 of the Revised Code. 44771

(5) "New start-up school" means a community school other 44772  
than one created by converting all or part of an existing public 44773  
school or educational service center building, as designated in 44774  
the school's contract pursuant to division (A)(17) of section 44775  
3314.03 of the Revised Code. 44776

(6) "Urban school district" means one of the state's 44777  
twenty-one urban school districts as defined in division (O) of 44778  
section 3317.02 of the Revised Code as that section existed 44779  
prior to July 1, 1998. 44780

(7) "Internet- or computer-based community school" means a 44781  
community school established under this chapter in which the 44782  
enrolled students work primarily from their residences on 44783  
assignments in nonclassroom-based learning opportunities 44784  
provided via an internet- or other computer-based instructional 44785  
method that does not rely on regular classroom instruction or 44786  
via comprehensive instructional methods that include internet- 44787  
based, other computer-based, and noncomputer-based learning 44788  
opportunities unless a student receives career-technical 44789  
education under section 3314.086 of the Revised Code. 44790

A community school that operates mainly as an internet- or 44791  
computer-based community school and provides career-technical 44792  
education under section 3314.086 of the Revised Code shall be 44793  
considered an internet- or computer-based community school, even 44794  
if it provides some classroom-based instruction, so long as it 44795  
provides instruction via the methods described in this division. 44796

(8) "Operator" or "management company" means either of the 44797  
following: 44798

(a) An individual or organization that manages the daily 44799  
operations of a community school pursuant to a contract between 44800  
the operator or management company and the school's governing 44801  
authority; 44802

(b) A nonprofit organization that provides programmatic 44803  
oversight and support to a community school under a contract 44804  
with the school's governing authority and that retains the right 44805  
to terminate its affiliation with the school if the school fails 44806  
to meet the organization's quality standards. 44807

(9) "Alliance municipal school district" has the same 44808  
meaning as in section 3311.86 of the Revised Code. 44809

(10) "Dropout prevention and recovery community school" 44810  
means a community school that enrolls only students who are at 44811  
least fourteen years of age and not older than twenty-one years 44812  
of age and who, at the time of their initial enrollment, are at 44813  
least one grade level behind their cohort age groups or 44814  
experience crises that significantly interfere with their 44815  
academic progress such that they are prevented from continuing 44816  
their traditional educational programs. 44817

(B) (1) Any person or group of individuals may initially 44818  
propose under this division the conversion of all or a portion 44819

of a public school to a community school. The proposal shall be 44820  
made to the board of education of the city, local, exempted 44821  
village, or joint vocational school district in which the public 44822  
school is proposed to be converted. 44823

(2) Any person or group of individuals may initially 44824  
propose under this division the conversion of all or a portion 44825  
of a building operated by an educational service center to a 44826  
community school. The proposal shall be made to the governing 44827  
board of the service center. 44828

On or after July 1, 2017, except as provided in section 44829  
3314.027 of the Revised Code, any educational service center 44830  
that sponsors a community school shall be approved by and enter 44831  
into a written agreement with the department as described in 44832  
section 3314.015 of the Revised Code. 44833

(3) Upon receipt of a proposal, and after an agreement has 44834  
been entered into pursuant to section 3314.015 of the Revised 44835  
Code, a board may enter into a preliminary agreement with the 44836  
person or group proposing the conversion of the public school or 44837  
service center building, indicating the intention of the board 44838  
to support the conversion to a community school. A proposing 44839  
person or group that has a preliminary agreement under this 44840  
division may proceed to finalize plans for the school, establish 44841  
a governing authority for the school, and negotiate a contract 44842  
with the board. Provided the proposing person or group adheres 44843  
to the preliminary agreement and all provisions of this chapter, 44844  
the board shall negotiate in good faith to enter into a contract 44845  
in accordance with section 3314.03 of the Revised Code and 44846  
division (C) of this section. 44847

(4) The sponsor of a conversion community school proposed 44848  
to open in an alliance municipal school district shall be 44849

subject to approval by the department of education and workforce 44850  
for sponsorship of that school using the criteria established 44851  
under division (A) of section 3311.87 of the Revised Code. 44852

Division (B) (4) of this section does not apply to a 44853  
sponsor that, on or before September 29, 2015, was exempted 44854  
under section 3314.021 or 3314.027 of the Revised Code from the 44855  
requirement to be approved for sponsorship under divisions (A) 44856  
(2) and (B) (1) of section 3314.015 of the Revised Code. 44857

(5) A school established in accordance with division (B) 44858  
of this section that later enters into a sponsorship contract 44859  
with an entity that is not a school district or educational 44860  
service center shall, at the time of entering into the new 44861  
contract, be deemed a community school established in accordance 44862  
with division (C) of this section. 44863

(C) (1) Provided all other conditions of sponsorship and 44864  
governance are satisfied, any person or group of individuals may 44865  
propose under this division the establishment of a new start-up 44866  
school regardless of the school's proposed location. The 44867  
proposal may be made to any of the following entities: 44868

(a) The board of education of the district in which the 44869  
school is proposed to be located; 44870

(b) The board of education of any joint vocational school 44871  
district with territory in the county in which is located the 44872  
majority of the territory of the district in which the school is 44873  
proposed to be located; 44874

(c) The board of education of any other city, local, or 44875  
exempted village school district having territory in the same 44876  
county where the district in which the school is proposed to be 44877  
located has the major portion of its territory; 44878

(d) The governing board of any educational service center, 44879  
regardless of the location of the proposed school, may sponsor a 44880  
new start-up school if all of the following are satisfied: 44881

(i) If applicable, it satisfies the requirements of 44882  
division (E) of section 3311.86 of the Revised Code; 44883

(ii) It is approved to do so by the department; 44884

(iii) It enters into an agreement with the department 44885  
under section 3314.015 of the Revised Code. 44886

(e) A sponsoring authority designated by the board of 44887  
trustees of any of the thirteen state universities listed in 44888  
section 3345.011 of the Revised Code or the board of trustees 44889  
itself as long as a mission of the proposed school to be 44890  
specified in the contract under division (A) (2) of section 44891  
3314.03 of the Revised Code and as approved by the department 44892  
under division (B) (3) of section 3314.015 of the Revised Code 44893  
will be the practical demonstration of teaching methods, 44894  
educational technology, or other teaching practices that are 44895  
included in the curriculum of the university's teacher 44896  
preparation program approved by the chancellor of higher 44897  
education; 44898

(f) Any qualified tax-exempt entity under section 501(c) 44899  
(3) of the Internal Revenue Code as long as all of the following 44900  
conditions are satisfied: 44901

(i) The entity has been in operation for at least five 44902  
years prior to applying to be a community school sponsor. 44903

(ii) The entity has assets of at least five hundred 44904  
thousand dollars and a demonstrated record of financial 44905  
responsibility. 44906

(iii) The department has determined that the entity is an education-oriented entity under division (B) (4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C) (1) of this section may enter into a preliminary agreement pursuant to division (C) (2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written

agreement with the department pursuant to section 3314.015 of 44937  
the Revised Code. 44938

(2) A preliminary agreement indicates the intention of an 44939  
entity described in division (C) (1) of this section to sponsor 44940  
the community school. A proposing person or group that has such 44941  
a preliminary agreement may proceed to finalize plans for the 44942  
school, establish a governing authority as described in division 44943  
(E) of this section for the school, and negotiate a contract 44944  
with the entity. Provided the proposing person or group adheres 44945  
to the preliminary agreement and all provisions of this chapter, 44946  
the entity shall negotiate in good faith to enter into a 44947  
contract in accordance with section 3314.03 of the Revised Code. 44948

(3) A new start-up school that is established in a school 44949  
district described in either division (A) (3) (b) or (d) of this 44950  
section may continue in existence once the school district no 44951  
longer meets the conditions described in either division, 44952  
provided there is a valid contract between the school and a 44953  
sponsor. 44954

(4) A copy of every preliminary agreement entered into 44955  
under this division shall be filed with the director of 44956  
education and workforce. 44957

(D) A majority vote of the board of a sponsoring entity 44958  
and a majority vote of the members of the governing authority of 44959  
a community school shall be required to adopt a contract and 44960  
convert the public school or educational service center building 44961  
to a community school or establish the new start-up school. 44962  
Beginning September 29, 2005, adoption of the contract shall 44963  
occur not later than the fifteenth day of March, and signing of 44964  
the contract shall occur not later than the fifteenth day of 44965  
May, prior to the school year in which the school will open. The 44966



governing authority shall notify the department of education and workforce when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E) (1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, and siblings, as well as in-laws residing in the same household as the person serving on the governing authority.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

(2) (a) No person shall serve on the governing authority or operate the community school under contract with the governing authority under any of the following circumstances:

(i) The person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(ii) The person would otherwise be subject to division (B) of section 3319.31 of the Revised Code with respect to refusal, limitation, or revocation of a license to teach, if the person were a licensed educator.

(iii) The person has pleaded guilty to or been convicted of theft in office under section 2921.41 of the Revised Code, or has pleaded guilty to or been convicted of a substantially similar offense in another state.

(b) No person shall serve on the governing authority or

engage in the financial day-to-day management of the community 44996  
school under contract with the governing authority unless and 44997  
until that person has submitted to a criminal records check in 44998  
the manner prescribed by section 3319.39 of the Revised Code. 44999

(c) Each sponsor of a community school shall annually 45000  
verify that a finding for recovery has not been issued by the 45001  
auditor of state against any individual or individuals who 45002  
propose to create a community school or any member of the 45003  
governing authority, the operator, or any employee of each 45004  
community school with responsibility for fiscal operations or 45005  
authorization to expend money on behalf of the school. 45006

(3) No person shall serve on the governing authorities of 45007  
more than five start-up community schools at the same time 45008  
unless both of the following apply: 45009

(a) The person serves in a volunteer capacity and receives 45010  
no compensation under division (E)(5) of this section from any 45011  
governing authority on which the person serves. 45012

(b) For any school that has an operator, the operator is a 45013  
nonprofit organization. 45014

(4) (a) For a community school established under this 45015  
chapter that is not sponsored by a school district or an 45016  
educational service center, no present or former member, or 45017  
immediate relative of a present or former member, of the 45018  
governing authority shall be an owner, employee, or consultant 45019  
of the community school's sponsor or operator, unless at least 45020  
one year has elapsed since the conclusion of the person's 45021  
membership on the governing authority. 45022

(b) For a community school established under this chapter 45023  
that is sponsored by a school district or an educational service 45024

center, no present or former member, or immediate relative of a 45025  
present or former member, of the governing authority shall: 45026

(i) Be an officer of the district board or service center 45027  
governing board that serves as the community school's sponsor, 45028  
unless at least one year has elapsed since the conclusion of the 45029  
person's membership on the governing authority; 45030

(ii) Serve as an employee of, or a consultant for, the 45031  
department, division, or section of the sponsoring district or 45032  
service center that is directly responsible for sponsoring 45033  
community schools, or have supervisory authority over such a 45034  
department, division, or section, unless at least one year has 45035  
elapsed since the conclusion of the person's membership on the 45036  
governing authority. 45037

(5) The governing authority of a start-up or conversion 45038  
community school may provide by resolution for the compensation 45039  
of its members. However, no individual who serves on the 45040  
governing authority of a start-up or conversion community school 45041  
shall be compensated more than one hundred twenty-five dollars 45042  
per meeting of that governing authority and no such individual 45043  
shall be compensated more than a total amount of five thousand 45044  
dollars per year for all governing authorities upon which the 45045  
individual serves. Each member of the governing authority may be 45046  
paid compensation for attendance at an approved training 45047  
program, provided that such compensation shall not exceed sixty 45048  
dollars a day for attendance at a training program three hours 45049  
or less in length and one hundred twenty-five dollars a day for 45050  
attendance at a training program longer than three hours in 45051  
length. 45052

(6) No person who is the employee of a school district or 45053  
educational service center shall serve on the governing 45054

authority of any community school sponsored by that school 45055  
district or service center. 45056

(7) Each member of the governing authority of a community 45057  
school shall annually file a disclosure statement setting forth 45058  
the names of any immediate relatives or business associates 45059  
employed by any of the following within the previous three 45060  
years: 45061

(a) The sponsor or operator of that community school; 45062

(b) A school district or educational service center that 45063  
has contracted with that community school; 45064

(c) A vendor that is or has engaged in business with that 45065  
community school. 45066

(8) No person who is a member of a school district board 45067  
of education shall serve on the governing authority of any 45068  
community school. 45069

(F) (1) A new start-up school that is established prior to 45070  
August 15, 2003, in an urban school district that is not also a 45071  
big-eight school district may continue to operate after that 45072  
date and the contract between the school's governing authority 45073  
and the school's sponsor may be renewed, as provided under this 45074  
chapter, after that date. 45075

(2) A community school that was established prior to June 45076  
29, 1999, and is located in a county contiguous to the pilot 45077  
project area and in a school district that was not a challenged 45078  
school district may continue to operate after that date, 45079  
provided the school complies with all provisions of this 45080  
chapter. The contract between the school's governing authority 45081  
and the school's sponsor may be renewed. 45082

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school.

(4) The department of education and workforce shall not restrict the establishment of a new start-up community school to those located in a challenged school district as was required by this section prior to September 30, 2021.

**Sec. 3314.021.** (A) This section applies to any entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and that satisfies the conditions specified in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the Revised Code but does not satisfy the condition specified in division (C)(1)(f)(i) of that section.

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 of the Revised Code, and subject to division (D)(2) of this section, an entity described in division (A) of this section may do both of the following without obtaining the department of education and workforce's initial approval of its sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code:

(1) Succeed the board of trustees of a state university located in the pilot project area or that board's designee as the sponsor of a community school established under this chapter;

(2) Continue to sponsor that school in conformance with the terms of the contract between the board of trustees or its

designee and the governing authority of the community school and 45112  
renew that contract as provided in division ~~(E)~~(D) of section 45113  
3314.03 of the Revised Code. 45114

(C) The entity that succeeds the board of trustees or the 45115  
board's designee as sponsor of a community school under division 45116  
(B) of this section also may enter into contracts to sponsor 45117  
other community schools regardless of the proposed school's 45118  
location, without obtaining the department's initial approval of 45119  
its sponsorship of those schools under divisions (A) (2) and (B) 45120  
(1) of section 3314.015 of the Revised Code as long as the 45121  
contracts conform with and the entity complies with all other 45122  
requirements of this chapter. 45123

(D) (1) Regardless of the entity's authority to sponsor 45124  
community schools without the initial approval of the 45125  
department, the entity is under the continuing oversight of the 45126  
department in accordance with rules adopted under section 45127  
3314.015 of the Revised Code. 45128

(2) If an entity described in division (A) of this section 45129  
receives a rating below "effective" under division (B) of 45130  
section 3314.016 of the Revised Code for two or more consecutive 45131  
years, that entity shall receive approval from the department to 45132  
sponsor community schools and enter into a written agreement 45133  
with the department in accordance with division (B) (1) of 45134  
section 3314.015 of the Revised Code prior to entering into any 45135  
further preliminary agreements under division (C) (2) of section 45136  
3314.02 of the Revised Code or renewing any existing contract to 45137  
sponsor a community school. 45138

(E) (1) As used in division (E) of this section: 45139

(a) "Board of trustees" means a board of trustees of a 45140

state university located in the pilot project area. 45141

(b) "Rating" means a sponsor rating under section 3314.016 45142  
of the Revised Code. 45143

(2) Notwithstanding anything to the contrary in division 45144  
(B) (7) (b) of section 3314.016 of the Revised Code, for the 45145  
purposes of that division, the department shall consider an 45146  
entity that succeeded a board of trustees as the sponsor of a 45147  
community school in accordance with division (B) (1) of this 45148  
section to have received the same rating for the 2016-2017 45149  
school year as the board of trustees, provided all of the 45150  
following apply: 45151

(a) The department assigned the board of trustees a rating 45152  
of either "effective" or "exemplary" for the 2016-2017 school 45153  
year. 45154

(b) The department did not assign the entity its own 45155  
rating for the 2016-2017 school year. 45156

(c) The department assigned the entity its own rating for 45157  
the 2017-2018 school year. 45158

**Sec. 3314.03.** A copy of every contract entered into under 45159  
this section shall be filed with the director of education and 45160  
workforce. The department of education and workforce shall make 45161  
available on its web site a copy of every approved, executed 45162  
contract filed with the director under this section. 45163

(A) Each contract entered into between a sponsor and the 45164  
governing authority of a community school shall specify the 45165  
following: 45166

(1) That the school shall be established as either of the 45167  
following: 45168

- (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 45169  
45170  
45171
- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 45172  
45173
- (2) The education program of the school, including the school's mission and educational philosophy, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 45174  
45175  
45176  
45177
- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 45178  
45179  
45180  
45181
- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 45182  
45183  
45184  
45185
- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 45186  
45187  
45188
- (6) (a) Dismissal procedures; 45189
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. 45190  
45191  
45192  
45193  
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45195
- (7) The ways by which the school will achieve racial and 45196



ethnic balance reflective of the community it serves; 45197

(8) Requirements for financial audits by the auditor of 45198  
state. The contract shall require financial records of the 45199  
school to be maintained in the same manner as are financial 45200  
records of school districts, pursuant to rules of the auditor of 45201  
state. Audits shall be conducted in accordance with section 45202  
117.10 of the Revised Code. 45203

(9) An addendum to the contract outlining the facilities 45204  
to be used that contains at least the following information: 45205

(a) A detailed description of each facility used for 45206  
instructional purposes; 45207

(b) The annual costs associated with leasing each facility 45208  
that are paid by or on behalf of the school; 45209

(c) The annual mortgage principal and interest payments 45210  
that are paid by the school; 45211

(d) The name of the lender or landlord, identified as 45212  
such, and the lender's or landlord's relationship to the 45213  
operator, if any. 45214

(10) Qualifications of employees, including both of the 45215  
following: 45216

(a) A requirement that the school's classroom teachers be 45217  
licensed in accordance with sections 3319.22 to 3319.31 of the 45218  
Revised Code, except that a community school may engage 45219  
noncertificated persons to teach up to twelve hours or forty 45220  
hours per week pursuant to section 3319.301 of the Revised Code; 45221

(b) A prohibition against the school employing an 45222  
individual described in section 3314.104 of the Revised Code in 45223  
any position. 45224

(11) That the school will comply with the following requirements: 45225  
45226

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 45227  
45228  
45229

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 45230  
45231  
45232

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 45233  
45234  
45235  
45236

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 45237  
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1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 45255  
the Revised Code as if it were a school district and will comply 45256  
with section 3301.0714 of the Revised Code in the manner 45257  
specified in section 3314.17 of the Revised Code. 45258

(e) The school shall comply with Chapter 102. and section 45259  
2921.42 of the Revised Code. 45260

(f) The school will comply with sections 3313.61, 45261  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 45262  
Revised Code, except that for students who enter ninth grade for 45263  
the first time before July 1, 2010, the requirement in sections 45264  
3313.61 and 3313.611 of the Revised Code that a person must 45265  
successfully complete the curriculum in any high school prior to 45266  
receiving a high school diploma may be met by completing the 45267  
curriculum adopted by the governing authority of the community 45268  
school rather than the curriculum specified in Title XXXVIII of 45269  
the Revised Code or any rules of the department. Beginning with 45270  
students who enter ninth grade for the first time on or after 45271  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 45272  
of the Revised Code that a person must successfully complete the 45273  
curriculum of a high school prior to receiving a high school 45274  
diploma shall be met by completing the requirements prescribed 45275  
in section 3313.6027 and division (C) of section 3313.603 of the 45276  
Revised Code, unless the person qualifies under division (D) or 45277  
(F) of that section. Each school shall comply with the plan for 45278  
awarding high school credit based on demonstration of subject 45279  
area competency, and beginning with the 2017-2018 school year, 45280  
with the updated plan that permits students enrolled in seventh 45281  
and eighth grade to meet curriculum requirements based on 45282  
subject area competency adopted by the department under 45283  
divisions (J) (1) and (2) of section 3313.603 of the Revised 45284  
Code. Beginning with the 2018-2019 school year, the school shall 45285

comply with the framework for granting units of high school 45286  
credit to students who demonstrate subject area competency 45287  
through work-based learning experiences, internships, or 45288  
cooperative education developed by the department under division 45289  
(J) (3) of section 3313.603 of the Revised Code. 45290

(g) The school governing authority will submit within four 45291  
months after the end of each school year a report of its 45292  
activities and progress in meeting the goals and standards of 45293  
divisions (A) (3) and (4) of this section and its financial 45294  
status to the sponsor and the parents of all students enrolled 45295  
in the school. 45296

(h) The school, unless it is an internet- or computer- 45297  
based community school, will comply with section 3313.801 of the 45298  
Revised Code as if it were a school district. 45299

(i) If the school is the recipient of moneys from a grant 45300  
awarded under the federal race to the top program, Division (A), 45301  
Title XIV, Sections 14005 and 14006 of the "American Recovery 45302  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 45303  
the school will pay teachers based upon performance in 45304  
accordance with section 3317.141 and will comply with section 45305  
3319.111 of the Revised Code as if it were a school district. 45306

(j) If the school operates a preschool program that is 45307  
licensed by the department under sections 3301.52 to 3301.59 of 45308  
the Revised Code, the school shall comply with sections 3301.50 45309  
to 3301.59 of the Revised Code and the minimum standards for 45310  
preschool programs prescribed in rules adopted by the department 45311  
of children and youth under section 3301.53 of the Revised Code. 45312

(k) The school will comply with sections 3313.6021 and 45313  
3313.6023 of the Revised Code as if it were a school district 45314

unless it is either of the following: 45315

(i) An internet- or computer-based community school; 45316

(ii) A community school in which a majority of the 45317  
enrolled students are children with disabilities as described in 45318  
division (B) (2) of section 3314.35 of the Revised Code. 45319

(1) The school will comply with section 3321.191 of the 45320  
Revised Code, unless it is an internet- or computer-based 45321  
community school that is subject to section 3314.261 of the 45322  
Revised Code. 45323

(12) Arrangements for providing health and other benefits 45324  
to employees; 45325

(13) The length of the contract, which shall begin at the 45326  
beginning of an academic year. No contract shall exceed five 45327  
years unless such contract has been renewed pursuant to division 45328  
~~(E)~~(D) of this section. 45329

(14) The governing authority of the school, which shall be 45330  
responsible for carrying out the provisions of the contract; 45331

(15) A financial plan detailing an estimated school budget 45332  
for each year of the period of the contract and specifying the 45333  
total estimated per pupil expenditure amount for each such year. 45334

(16) Requirements and procedures regarding the disposition 45335  
of employees of the school in the event the contract is 45336  
terminated or not renewed pursuant to section 3314.07 of the 45337  
Revised Code; 45338

(17) Whether the school is to be created by converting all 45339  
or part of an existing public school or educational service 45340  
center building or is to be a new start-up school, and if it is 45341  
a converted public school or service center building, 45342

~~specification~~ both of the following: 45343

(a) Specification of any duties or responsibilities of an 45344  
employer that the board of education or service center governing 45345  
board that operated the school or building before conversion is 45346  
delegating to the governing authority of the community school 45347  
with respect to all or any specified group of employees provided 45348  
the delegation is not prohibited by a collective bargaining 45349  
agreement applicable to such employees; 45350

(b) Alternative arrangements for current public school 45351  
students who choose not to attend the converted school and for 45352  
teachers who choose not to teach in the school or building after 45353  
conversion. 45354

(18) Provisions establishing procedures for resolving 45355  
disputes or differences of opinion between the sponsor and the 45356  
governing authority of the community school; 45357

(19) A provision requiring the governing authority to 45358  
adopt a policy regarding the admission of students who reside 45359  
outside the district in which the school is located. That policy 45360  
shall comply with the admissions procedures specified in 45361  
sections 3314.06 and 3314.061 of the Revised Code and, at the 45362  
sole discretion of the authority, shall do one of the following: 45363

(a) Prohibit the enrollment of students who reside outside 45364  
the district in which the school is located; 45365

(b) Permit the enrollment of students who reside in 45366  
districts adjacent to the district in which the school is 45367  
located; 45368

(c) Permit the enrollment of students who reside in any 45369  
other district in the state. 45370

(20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school.

(25) Beginning in the 2006-2007 school year, the school 45400  
will open for operation not later than the thirtieth day of 45401  
September each school year, unless the mission of the school as 45402  
specified under division (A)(2) of this section is solely to 45403  
serve dropouts. In its initial year of operation, if the school 45404  
fails to open by the thirtieth day of September, or within one 45405  
year after the adoption of the contract pursuant to division (D) 45406  
of section 3314.02 of the Revised Code if the mission of the 45407  
school is solely to serve dropouts, the contract shall be void. 45408

(26) Whether the school's governing authority is planning 45409  
to seek designation for the school as a STEM school equivalent 45410  
under section 3326.032 of the Revised Code; 45411

(27) That the school's attendance and participation 45412  
policies will be available for public inspection; 45413

(28) That the school's attendance and participation 45414  
records shall be made available to the department, auditor of 45415  
state, and school's sponsor to the extent permitted under and in 45416  
accordance with the "Family Educational Rights and Privacy Act 45417  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 45418  
regulations promulgated under that act, and section 3319.321 of 45419  
the Revised Code; 45420

(29) If a school operates using the blended learning 45421  
model, as defined in section 3301.079 of the Revised Code, all 45422  
of the following information: 45423

(a) An indication of what blended learning model or models 45424  
will be used; 45425

(b) A description of how student instructional needs will 45426  
be determined and documented; 45427

(c) The method to be used for determining competency, 45428



granting credit, and promoting students to a higher grade level; 45429

(d) The school's attendance requirements, including how 45430  
the school will document participation in learning 45431  
opportunities; 45432

(e) A statement describing how student progress will be 45433  
monitored; 45434

(f) A statement describing how private student data will 45435  
be protected; 45436

(g) A description of the professional development 45437  
activities that will be offered to teachers. 45438

(30) A provision requiring that all moneys the school's 45439  
operator loans to the school, including facilities loans or cash 45440  
flow assistance, must be accounted for, documented, and bear 45441  
interest at a fair market rate; 45442

(31) A provision requiring that, if the governing 45443  
authority contracts with an attorney, accountant, or entity 45444  
specializing in audits, the attorney, accountant, or entity 45445  
shall be independent from the operator with which the school has 45446  
contracted. 45447

(32) A provision requiring the governing authority to 45448  
adopt an enrollment and attendance policy that requires a 45449  
student's parent to notify the community school in which the 45450  
student is enrolled when there is a change in the location of 45451  
the parent's or student's primary residence. 45452

(33) A provision requiring the governing authority to 45453  
adopt a student residence and address verification policy for 45454  
students enrolling in or attending the school. 45455

(34) A provision establishing the process by which the 45456

governing authority of the school will be selected in the 45457  
future. 45458

(35) A description of the management and administration of 45459  
the school. 45460

(36) A provision requiring the governing authority to 45461  
adopt policies and procedures to establish internal financial 45462  
controls for the school. 45463

~~(B) The community school shall also submit to the sponsor-~~ 45464  
~~a comprehensive plan for the school. The plan shall specify the-~~ 45465  
~~following:~~ 45466

~~(1) The process by which the governing authority of the~~ 45467  
~~school will be selected in the future;~~ 45468

~~(2) The management and administration of the school;~~ 45469

~~(3) If the community school is a currently existing public~~ 45470  
~~school or educational service center building, alternative~~ 45471  
~~arrangements for current public school students who choose not-~~ 45472  
~~to attend the converted school and for teachers who choose not-~~ 45473  
~~to teach in the school or building after conversion;~~ 45474

~~(4) The instructional program and educational philosophy~~ 45475  
~~of the school;~~ 45476

~~(5) Internal financial controls.~~ 45477

~~When submitting the plan under this division, the school~~ 45478  
~~shall also submit copies of all policies and procedures~~ 45479  
~~regarding internal financial controls adopted by the governing~~ 45480  
~~authority of the school.~~ 45481

~~(C) A contract entered into under section 3314.02 of the~~ 45482  
~~Revised Code between a sponsor and the governing authority of a~~ 45483

community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

~~(D)~~ (C) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(4) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(5) Have in place a plan of action to be undertaken in the

event the community school experiences financial difficulties or 45513  
closes prior to the end of a school year. 45514

~~(E)~~ (D) Upon the expiration of a contract entered into 45515  
under this section, the sponsor of a community school may, with 45516  
the approval of the governing authority of the school, renew 45517  
that contract for a period of time determined by the sponsor, 45518  
but not ending earlier than the end of any school year, if the 45519  
sponsor finds that the school's compliance with applicable laws 45520  
and terms of the contract and the school's progress in meeting 45521  
the academic goals prescribed in the contract have been 45522  
satisfactory. Any contract that is renewed under this division 45523  
remains subject to the provisions of sections 3314.07, 3314.072, 45524  
and 3314.073 of the Revised Code. 45525

~~(F)~~ (E) If a community school fails to open for operation 45526  
within one year after the contract entered into under this 45527  
section is adopted pursuant to division (D) of section 3314.02 45528  
of the Revised Code or permanently closes prior to the 45529  
expiration of the contract, the contract shall be void and the 45530  
school shall not enter into a contract with any other sponsor. A 45531  
school shall not be considered permanently closed because the 45532  
operations of the school have been suspended pursuant to section 45533  
3314.072 of the Revised Code. 45534

**Sec. 3314.034.** (A) Subject to division (B) of this 45535  
section, and except as described in division (E) of this 45536  
section, any community school to which either of the following 45537  
conditions apply shall be prohibited from entering into a 45538  
contract with a new sponsor: 45539

(1) The community school has received, on the most recent 45540  
report card issued for that school under section 3302.03 of the 45541  
Revised Code, either of the following: 45542

(a) A grade of "D" or "F" for the performance index score, 45543  
under division (C) (1) (b) of section 3302.03 of the Revised Code, 45544  
and an overall grade of "D" or "F" for the value-added progress 45545  
dimension or another measure of student academic progress if 45546  
adopted by the department of education and workforce, under 45547  
division (C) (1) (e) of that section; 45548

(b) A performance rating of less than three stars for 45549  
achievement under division (D) (3) (b) of section 3302.03 of the 45550  
Revised Code and a performance rating of less than three stars 45551  
for progress under division (D) (3) (c) of that section. 45552

(2) The community school is ~~one in which a majority of the~~ 45553  
~~students are enrolled in a dropout prevention and recovery-~~ 45554  
~~program~~ community school, and it has received a rating of "does 45555  
not meet standards" for the annual student growth measure and 45556  
combined graduation rates on the most recent report card issued 45557  
for the school under section 3314.017 of the Revised Code. 45558

(B) A community school to which division (A) of this 45559  
section applies may enter into a contract with a new sponsor if 45560  
all of the following conditions are satisfied: 45561

(1) The proposed sponsor received a rating of "effective" 45562  
or higher pursuant to division (B) (6) of section 3314.016 of the 45563  
Revised Code on its most recent evaluation conducted according 45564  
to that section, or the proposed sponsor is the office of Ohio 45565  
school sponsorship established in section 3314.029 of the 45566  
Revised Code. 45567

(2) The community school submits a request to enter into a 45568  
new contract with a sponsor. 45569

(3) The community school has not submitted a prior request 45570  
that was granted. 45571

(4) The department grants the school's request pursuant to 45572  
division (C) of this section. 45573

(C)(1) A school shall submit a request to change sponsors 45574  
under this section not later than on the fifteenth day of 45575  
February of the year in which the school wishes to do so. If a 45576  
community school to which division (A)(1) of this section 45577  
applies submits a request to the department to enter into a 45578  
contract with a new sponsor and a majority of the school's 45579  
students are children with disabilities receiving special 45580  
education and related services under Chapter 3323. of the 45581  
Revised Code, the department shall at least consider the 45582  
school's performance as measured against the average performance 45583  
of all other community schools that primarily serve children 45584  
with disabilities. 45585

(2) The department shall grant or deny the request not 45586  
later than thirty days after the department receives it. If the 45587  
department denies the request, the community school may submit 45588  
an appeal to the director of education and workforce who shall 45589  
hold a hearing in accordance with Chapter 119. of the Revised 45590  
Code. The community school shall file its notice of appeal to 45591  
the director not later than ten days after receiving the 45592  
decision from the department. The director shall conduct the 45593  
hearing not later than thirty days after receiving the school's 45594  
notice of appeal and act upon the determination of the hearing 45595  
officer not later than the twenty-fifth day of June of the year 45596  
in which the school wishes to change sponsors. 45597

(D) Factors to be considered during a hearing held 45598  
pursuant to division (C) of this section include, but are not 45599  
limited to, the following: 45600

(1) The school's impact on the students and the community 45601

or communities it serves;	45602
(2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve;	45603 45604 45605
(3) The sponsor's annual evaluations of the community school under division <del>(D)(2)</del> <u>(c)(2)</u> of section 3314.03 of the Revised Code for the previous three years;	45606 45607 45608
(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;	45609 45610 45611
(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;	45612 45613 45614
(6) The fiscal stability of the school;	45615
(7) The results of any audits of the school by the auditor of state;	45616 45617
(8) The length of time the school has been under the oversight of its current sponsor;	45618 45619
(9) The number of times the school has changed sponsors prior to the current request;	45620 45621
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	45622 45623
(E) Notwithstanding anything to the contrary in this section, if a community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code meets both of the following	45624 45625 45626 45627 45628

criteria, the school may enter into a contract with a new 45629  
sponsor, provided that the new sponsor satisfies the criteria in 45630  
division (B) (1) of this section: 45631

(1) The school received, on its most recent report card 45632  
issued under section 3302.03 of the Revised Code, a performance 45633  
rating of at least three stars for progress under division (D) 45634  
(3) (c) of that section. 45635

(2) As calculated for the most recent school year under 45636  
section 3302.035 of the Revised Code, the school's performance 45637  
index score for students with disabilities was higher than the 45638  
performance index score for students with disabilities of the 45639  
school district in which the school is located. 45640

**Sec. 3314.05.** (A) The contract between the community 45641  
school and the sponsor shall specify the facilities to be used 45642  
for the community school and the method of acquisition. ~~Except~~ 45643  
~~as provided in divisions (B) (3) and (4) of this section, no~~ 45644  
~~community school shall be established in more than one school-~~ 45645  
~~district under the same contract.~~ 45646

(B) Division (B) of this section shall not apply to 45647  
internet- or computer-based community schools. 45648

(1) A community school may be located in multiple 45649  
facilities under the same contract ~~only if the limitations on~~ 45650  
~~availability of space prohibit serving all the grade levels~~ 45651  
~~specified in the contract in a single facility or division (B)~~ 45652  
~~(2), (3), or (4) of this section applies to the school. The~~ 45653  
~~school shall not offer the same grade level classrooms in more~~ 45654  
~~than one facility.~~ 45655

~~(2) A community school may be located in multiple~~ 45656  
~~facilities under the same contract and, notwithstanding division~~ 45657



~~(B) (1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:~~ 45658  
45659  
45660

~~(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A) (8) (b) of section 3314.02 of the Revised Code.~~ 45661  
45662  
45663

~~(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.~~ 45664  
45665  
45666

~~(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:—~~ 45667  
45668  
45669

~~(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;—~~ 45670  
45671  
45672

~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (c) or (B) (1) (c) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code;—~~ 45673  
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~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code;—~~ 45681  
45682  
45683  
45684  
45685

~~(iv) For the 2021-2022 school year and any school year—~~ 45686

~~thereafter, an overall performance rating of three stars under  
division (D) (3) of section 3302.03 of the Revised Code or an  
overall performance designation of "meets standards" under  
division (E) (3) (e) of section 3314.017 of the Revised Code.~~

~~(3) On and after September 30, 2021, a new start-up  
community school may be established in two school districts  
under the same contract regardless of the proposed location of  
either district if both of the following apply:~~

~~(a) The school operates not more than one facility in each  
school district and, in accordance with division (B) (1) of this  
section, the school does not offer the same grade level  
classrooms in both facilities; and~~

~~(b) Transportation between the two facilities does not  
require more than thirty minutes of direct travel time as  
measured by school bus.~~

~~(4) A community school may be located in multiple  
facilities under the same contract and, notwithstanding division  
(B) (1) of this section, may assign students in the same grade  
level to multiple facilities, as long as both of the following  
apply:~~

~~(a) The facilities are all located in the same county or  
in any county adjacent to the county in which the community  
school's primary facility is located.~~

~~(b) Either of the following conditions are satisfied:~~

~~(i) The community school is sponsored by a board of  
education of a city, local, or exempted village school district  
having territory in the same county where the facilities of the  
community school are located or in any county adjacent to the  
county in which the community school's primary facility is~~

located; 45716

(ii) The community school is managed by an operator. 45717

(2) In the case of a community school ~~to which division~~ 45718  
~~(B) (4) of this section applies and~~ that maintains facilities in 45719  
more than one school district, the school's governing authority 45720  
shall designate one of those districts to be considered the 45721  
school's primary location and the district in which the school 45722  
is located for the purposes of division (A) (19) of section 45723  
3314.03 and divisions (C) and (H) of section 3314.06 of the 45724  
Revised Code and for all other purposes of this chapter and 45725  
shall notify the department of that designation. 45726

A community school governing authority that elects to 45727  
modify a community school's primary location shall notify the 45728  
department of that modification. 45729

~~(5)~~ (3) Any facility used for a community school shall 45730  
meet all health and safety standards established by law for 45731  
school buildings. 45732

(C) In the case where a community school is proposed to be 45733  
located in a facility owned by a school district or educational 45734  
service center, the facility may not be used for such community 45735  
school unless the district or service center board owning the 45736  
facility enters into an agreement for the community school to 45737  
utilize the facility. Use of the facility may be under any terms 45738  
and conditions agreed to by the district or service center board 45739  
and the school. 45740

(D) Two or more separate community schools may be located 45741  
in the same facility. 45742

(E) In the case of a community school that is located in 45743  
multiple facilities, beginning July 1, 2012, the department 45744

shall assign a unique identification number to the school and to 45745  
each facility maintained by the school. Each number shall be 45746  
used for identification purposes only. Nothing in this division 45747  
shall be construed to require the department to calculate the 45748  
amount of funds paid under this chapter, or to compute any data 45749  
required for the report cards issued under section 3314.012 of 45750  
the Revised Code, for each facility separately. The department 45751  
shall make all such calculations or computations for the school 45752  
as a whole. 45753

~~(F) (1) In the case of a community school that exists prior 45754  
to September 30, 2021, to which division (B) (3) of this section 45755  
applies, if only one of the school districts in which the school 45756  
is established was located in a challenged school district prior 45757  
to September 30, 2021, that district continues to be considered 45758  
the school's primary location and the district in which the 45759  
school is located for the purposes of division (A) (19) of 45760  
section 3314.03 and divisions (C) and (H) of section 3314.06 of 45761  
the Revised Code and for all other purposes of this chapter 45762  
unless and until the school's governing authority designates a 45763  
different school district as the school's primary location in 45764  
accordance with division (F) (2) of this section. If both of the 45765  
school districts in which the school is established were 45766  
challenged school districts on that date, and the primary 45767  
location was already designated by the school's governing 45768  
authority pursuant to the requirements of this section as it 45769  
existed prior to September 30, 2021, that designation remains 45770  
unless and until the school's governing authority designates a 45771  
different primary location. 45772~~

~~(2) (a) On and after September 30, 2021, when a new start- 45773  
up community school is established in two school districts under 45774  
the same contract, the school's governing authority shall 45775~~

~~designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of education and workforce of that designation.~~

~~(b) A community school governing authority that elects to modify a community school's primary location, whether in accordance with division (F) (1) of this section or otherwise, shall notify the department of that modification.~~

**Sec. 3314.07.** (A) The expiration of the contract for a community school between a sponsor and a school shall be the date provided in the contract. A successor contract may be entered into pursuant to division ~~(E)~~ (D) of section 3314.03 of the Revised Code unless the contract is terminated or not renewed pursuant to this section.

(B) (1) A sponsor may choose not to renew a contract at its expiration or may choose to terminate a contract prior to its expiration for any of the following reasons:

(a) Failure to meet student performance requirements stated in the contract;

(b) Failure to meet generally accepted standards of fiscal management;

(c) Violation of any provision of the contract or applicable state or federal law;

(d) Other good cause.

(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the

contract under section 3314.072 of the Revised Code. 45804

(3) Not later than the fifteenth day of January in the 45805  
year in which the sponsor intends to terminate or take actions 45806  
not to renew the community school's contract, the sponsor shall 45807  
notify the school of the proposed action in writing. The notice 45808  
shall include the reasons for the proposed action in detail, the 45809  
effective date of the termination or nonrenewal, and a statement 45810  
that the school may, within fourteen days of receiving the 45811  
notice, request an informal hearing before the sponsor. Such 45812  
request must be in writing. The informal hearing shall be held 45813  
within fourteen days of the receipt of a request for the 45814  
hearing. Not later than fourteen days after the informal 45815  
hearing, the sponsor shall issue a written decision either 45816  
affirming or rescinding the decision to terminate or not renew 45817  
the contract. 45818

(4) The termination of a contract under this section shall 45819  
be effective upon the occurrence of the later of the following 45820  
events: 45821

(a) The date the sponsor notifies the school of its 45822  
decision to terminate the contract as prescribed in division (B) 45823  
(3) of this section; 45824

(b) If an informal hearing is requested under division (B) 45825  
(3) of this section and as a result of that hearing the sponsor 45826  
affirms its decision to terminate the contract, the effective 45827  
date of the termination specified in the notice issued under 45828  
division (B) (3) of this section. 45829

(5) Any community school whose contract is terminated or 45830  
not renewed under division (B) (1) (a) or (b) of this section 45831  
shall close permanently at the end of the current school year or 45832

on a date specified in the notification of termination or 45833  
nonrenewal under division (B) (3) of this section. Any community 45834  
school whose contract is terminated or not renewed for failure 45835  
to meet student performance requirements stated in the contract, 45836  
or for failure to meet generally accepted standards of fiscal 45837  
management under this division shall not enter into a contract 45838  
with any other sponsor. 45839

(C) A child attending a community school whose contract 45840  
has been terminated, nonrenewed, or suspended or that closes for 45841  
any reason shall be admitted to the schools of the district in 45842  
which the child is entitled to attend under section 3313.64 or 45843  
3313.65 of the Revised Code. Any deadlines established for the 45844  
purpose of admitting students under section 3313.97 or 3313.98 45845  
of the Revised Code shall be waived for students to whom this 45846  
division pertains. 45847

(D) If a community school does not intend to renew a 45848  
contract with its sponsor, the community school shall notify its 45849  
sponsor in writing of that fact at least one hundred eighty days 45850  
prior to the expiration of the contract. Such a community school 45851  
may enter into a contract with a new sponsor in accordance with 45852  
section 3314.03 of the Revised Code upon the expiration of the 45853  
previous contract. 45854

(E) A sponsor of a community school and the officers, 45855  
directors, or employees of such a sponsor are immune from civil 45856  
liability for any action authorized under this chapter or the 45857  
contract entered into with the school under section 3314.03 of 45858  
the Revised Code that is taken to fulfill the sponsor's 45859  
responsibility to oversee and monitor the school. The sponsor 45860  
and its officers, directors, or employees are not liable in 45861  
damages in a tort or other civil action for harm allegedly 45862

arising from any of the following: 45863

(1) A failure of the community school or any of its 45864  
officers, directors, or employees to perform any statutory or 45865  
common law duty or responsibility or any other legal obligation; 45866

(2) An action or omission of the community school or any 45867  
of its officers, directors, or employees that results in harm. 45868

(3) A failure of the community school or any of its 45869  
officers, directors, or employees to meet the obligations of any 45870  
contract or other obligation entered into on behalf of the 45871  
community school and another party. 45872

(F) As used in this section: 45873

(1) "Harm" means injury, death, or loss to person or 45874  
property. 45875

(2) "Tort action" means a civil action for damages for 45876  
injury, death, or loss to person or property other than a civil 45877  
action for damages for a breach of contract or another agreement 45878  
between persons. 45879

**Sec. 3314.08.** (A) As used in this section: 45880

(1) "IEP" has the same meaning as in section 3323.01 of 45881  
the Revised Code. 45882

(2) "Resident district" means the school district in which 45883  
a student is entitled to attend school under section 3313.64 or 45884  
3313.65 of the Revised Code. 45885

(B) The department of education and workforce shall adopt 45886  
rules requiring the governing authority of each community school 45887  
established under this chapter to annually report all of the 45888  
following: 45889



- (1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP; 45890  
45891  
45892  
45893
- (2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP; 45894  
45895  
45896  
45897
- (3) The number of students reported under division (B) (2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code; 45898  
45899  
45900  
45901
- (4) The full-time equivalent number of students reported under divisions (B) (1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) (1) to (5) of section 3317.014 of the Revised Code that are provided by the community school; 45902  
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45905  
45906
- (5) The number of students reported under divisions (B) (1) and (2) of this section who are not reported under division (B) (4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) (1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned; 45907  
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45909  
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- (6) The number of students reported under divisions (B) (1) and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code; 45914  
45915  
45916  
45917
- (7) The number of students reported under divisions (B) (1) 45918

and (2) of this section who are economically disadvantaged, as 45919  
defined by the department. A student shall not be categorically 45920  
excluded from the number reported under division (B) (7) of this 45921  
section based on anything other than family income. 45922

(8) For each student, the city, exempted village, or local 45923  
school district in which the student is entitled to attend 45924  
school under section 3313.64 or 3313.65 of the Revised Code. 45925

(9) The number of students enrolled in a preschool program 45926  
operated by the school that is licensed under sections 3301.52 45927  
to 3301.59 of the Revised Code who are not receiving special 45928  
education and related services pursuant to an IEP. 45929

A school district board and a community school governing 45930  
authority shall include in their respective reports under 45931  
division (B) of this section any child admitted in accordance 45932  
with division (A) (2) of section 3321.01 of the Revised Code. 45933

A governing authority of a community school shall not 45934  
include in its report under divisions (B) (1) to (9) of this 45935  
section any student for whom tuition is charged under division 45936  
(F) of this section. 45937

(C) (1) (a) If a community school's costs for a fiscal year 45938  
for a student receiving special education and related services 45939  
pursuant to an IEP for a disability described in divisions (B) 45940  
to (F) of section 3317.013 of the Revised Code exceed the 45941  
threshold cost for serving the student as specified in division 45942  
(B) of section 3317.0214 of the Revised Code, the school may 45943  
submit to the director of education and workforce documentation, 45944  
as prescribed by the director, of all its costs for that 45945  
student. Upon submission of documentation for a student of the 45946  
type and in the manner prescribed, the department shall pay to 45947

the community school an amount equal to the school's costs for 45948  
the student in excess of the threshold costs. 45949

(b) The community school shall report under division (C) 45950  
(1)(a) of this section, and the department shall pay for, only 45951  
the costs of educational expenses and the related services 45952  
provided to the student in accordance with the student's 45953  
individualized education program. Any legal fees, court costs, 45954  
or other costs associated with any cause of action relating to 45955  
the student may not be included in the amount. 45956

(2) In any fiscal year, a community school receiving funds 45957  
under division (A) (7) of section 3317.022 of the Revised Code 45958  
shall spend those funds only for the purposes that the 45959  
department designates as approved for career-technical education 45960  
expenses. Career-technical education expenses approved by the 45961  
department shall include only expenses connected to the delivery 45962  
of career-technical programming to career-technical students. 45963  
The department shall require the school to report data annually 45964  
so that the department may monitor the school's compliance with 45965  
the requirements regarding the manner in which funding received 45966  
under division (A) (7) of section 3317.022 of the Revised Code 45967  
may be spent. 45968

(3) Notwithstanding anything to the contrary in section 45969  
3313.90 of the Revised Code, except as provided in division (C) 45970  
(5) of this section, all funds received under division (A) (7) of 45971  
section 3317.022 of the Revised Code shall be spent in the 45972  
following manner: 45973

(a) At least seventy-five per cent of the funds shall be 45974  
spent on curriculum development, purchase, and implementation; 45975  
instructional resources and supplies; industry-based program 45976  
certification; student assessment, credentialing, and placement; 45977

curriculum specific equipment purchases and leases; career- 45978  
technical student organization fees and expenses; home and 45979  
agency linkages; work-based learning experiences; professional 45980  
development; and other costs directly associated with career- 45981  
technical education programs including development of new 45982  
programs. 45983

(b) Not more than twenty-five per cent of the funds shall 45984  
be used for personnel expenditures. 45985

(4) A community school shall spend the funds it receives 45986  
under division (A) (4) of section 3317.022 of the Revised Code in 45987  
accordance with section 3317.25 of the Revised Code. 45988

(5) The department may waive the requirement in division 45989  
(C) (3) of this section for any community school that exclusively 45990  
provides one or more career-technical workforce development 45991  
programs in arts and communications that are not equipment- 45992  
intensive, as determined by the department. 45993

(6) For fiscal years ~~2024~~-2026 and ~~2025~~2027, a community 45994  
school shall spend the funds it receives under division (A) (5) 45995  
of section 3317.022 of the Revised Code only for services for 45996  
English learners. 45997

(D) A board of education sponsoring a community school may 45998  
utilize local funds to make enhancement grants to the school or 45999  
may agree, either as part of the contract or separately, to 46000  
provide any specific services to the community school at no cost 46001  
to the school. 46002

(E) A community school may not levy taxes or issue bonds 46003  
secured by tax revenues. 46004

(F) No community school shall charge tuition for the 46005  
enrollment of any student who is a resident of this state. A 46006

community school may charge tuition for the enrollment of any student who is not a resident of this state. 46007  
46008

(G) (1) (a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to section 3317.022 of the Revised Code. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school. 46009  
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(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 46016  
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(2) The state is not liable for debt incurred by the governing authority of a community school. 46018  
46019

(H) The department shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The department shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division: 46020  
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(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code. 46030  
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(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later 46034  
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of the date on which the school both has received documentation 46036  
of the student's enrollment from a parent and the student has 46037  
commenced participation in learning opportunities as defined in 46038  
the contract with the sponsor, or thirty days prior to the date 46039  
on which the student is entered into the education management 46040  
information system established under section 3301.0714 of the 46041  
Revised Code. For purposes of applying this division and 46042  
divisions (H) (3) and (4) of this section to a community school 46043  
student, "learning opportunities" shall be defined in the 46044  
contract, which shall describe both classroom-based and non- 46045  
classroom-based learning opportunities and shall be in 46046  
compliance with criteria and documentation requirements for 46047  
student participation which shall be established by the 46048  
department. Any student's instruction time in non-classroom- 46049  
based learning opportunities shall be certified by an employee 46050  
of the community school. A student's enrollment shall be 46051  
considered to cease on the date on which any of the following 46052  
occur: 46053

(a) The community school receives documentation from a 46054  
parent terminating enrollment of the student. 46055

(b) The community school is provided documentation of a 46056  
student's enrollment in another public or private school. 46057

(c) The community school ceases to offer learning 46058  
opportunities to the student pursuant to the terms of the 46059  
contract with the sponsor or the operation of any provision of 46060  
this chapter. 46061

Except as otherwise specified in this paragraph, beginning 46062  
in the 2011-2012 school year, any student who completed the 46063  
prior school year in an internet- or computer-based community 46064  
school shall be considered to be enrolled in the same school in 46065

the subsequent school year until the student's enrollment has 46066  
ceased as specified in division (H) (2) of this section. The 46067  
department shall continue paying amounts for the student under 46068  
section 3317.022 of the Revised Code without interruption at the 46069  
start of the subsequent school year. However, if the student 46070  
without a legitimate excuse fails to participate in the first 46071  
seventy-two consecutive hours of learning opportunities offered 46072  
to the student in that subsequent school year, the student shall 46073  
be considered not to have re-enrolled in the school for that 46074  
school year and the department shall recalculate the payments to 46075  
the school for that school year to account for the fact that the 46076  
student is not enrolled. 46077

(3) The department shall determine each community school 46078  
student's percentage of full-time equivalency based on the 46079  
percentage of learning opportunities offered by the community 46080  
school to that student, reported either as number of hours or 46081  
number of days, is of the total learning opportunities offered 46082  
by the community school to a student who attends for the 46083  
school's entire school year. However, no internet- or computer- 46084  
based community school shall be credited for any time a student 46085  
spends participating in learning opportunities beyond ten hours 46086  
within any period of twenty-four consecutive hours. Whether it 46087  
reports hours or days of learning opportunities, each community 46088  
school shall offer not less than nine hundred twenty hours of 46089  
learning opportunities during the school year. 46090

(4) With respect to the calculation of full-time 46091  
equivalency under division (H) (3) of this section, the 46092  
department shall waive the number of hours or days of learning 46093  
opportunities not offered to a student because the community 46094  
school was closed during the school year due to disease 46095  
epidemic, hazardous weather conditions, law enforcement 46096

emergencies, inoperability of school buses or other equipment 46097  
necessary to the school's operation, damage to a school 46098  
building, or other temporary circumstances due to utility 46099  
failure rendering the school building unfit for school use, so 46100  
long as the school was actually open for instruction with 46101  
students in attendance during that school year for not less than 46102  
the minimum number of hours required by this chapter. The 46103  
department shall treat the school as if it were open for 46104  
instruction with students in attendance during the hours or days 46105  
waived under this division. 46106

(I) The department of education and workforce shall reduce 46107  
the amounts paid under section 3317.022 of the Revised Code to 46108  
reflect payments made to colleges under section 3365.07 of the 46109  
Revised Code. 46110

(J) (1) No student shall be considered enrolled in any 46111  
internet- or computer-based community school or, if applicable 46112  
to the student, in any community school that is required to 46113  
provide the student with a computer pursuant to division (C) of 46114  
section 3314.22 of the Revised Code, unless both of the 46115  
following conditions are satisfied: 46116

(a) The student possesses or has been provided with all 46117  
required hardware and software materials and all such materials 46118  
are operational so that the student is capable of fully 46119  
participating in the learning opportunities specified in the 46120  
contract between the school and the school's sponsor as required 46121  
by division (A) (23) of section 3314.03 of the Revised Code; 46122

(b) The school is in compliance with division (A) of 46123  
section 3314.22 of the Revised Code, relative to such student. 46124

(2) In accordance with policies adopted by the department 46125



of education and workforce, in consultation with the auditor of 46126  
state, the department shall reduce the amounts otherwise payable 46127  
under section 3317.022 of the Revised Code to any community 46128  
school that includes in its program the provision of computer 46129  
hardware and software materials to any student, if such hardware 46130  
and software materials have not been delivered, installed, and 46131  
activated for each such student in a timely manner or other 46132  
educational materials or services have not been provided 46133  
according to the contract between the individual community 46134  
school and its sponsor. 46135

The director and the auditor of state shall jointly 46136  
establish a method for auditing any community school to which 46137  
this division pertains to ensure compliance with this section. 46138

The director, auditor of state, and the governor shall 46139  
jointly make recommendations to the general assembly for 46140  
legislative changes that may be required to assure fiscal and 46141  
academic accountability for such schools. 46142

(K) (1) If the department determines that a review of a 46143  
community school's enrollment is necessary, such review shall be 46144  
completed and written notice of the findings shall be provided 46145  
to the governing authority of the community school and its 46146  
sponsor within ninety days of the end of the community school's 46147  
fiscal year, unless extended for a period not to exceed thirty 46148  
additional days for one of the following reasons: 46149

(a) The department and the community school mutually agree 46150  
to the extension. 46151

(b) Delays in data submission caused by either a community 46152  
school or its sponsor. 46153

(2) If the review results in a finding that additional 46154

funding is owed to the school, such payment shall be made within 46155  
thirty days of the written notice. If the review results in a 46156  
finding that the community school owes moneys to the state, the 46157  
following procedure shall apply: 46158

(a) Within ten business days of the receipt of the notice 46159  
of findings, the community school may appeal the department's 46160  
determination to the director. 46161

(b) The director shall conduct an informal hearing on the 46162  
matter within thirty days of receipt of such an appeal and shall 46163  
issue a decision within fifteen days of the conclusion of the 46164  
hearing. 46165

(c) Any decision made by the director under this division 46166  
is final. 46167

(3) If it is decided that the community school owes moneys 46168  
to the state, the department shall deduct such amount from the 46169  
school's future payments in accordance with guidelines issued by 46170  
the director. 46171

(L) The department shall not pay to a community school 46172  
under section 3317.022 of the Revised Code any amount for any of 46173  
the following: 46174

(1) Any student who has graduated from the twelfth grade 46175  
of a public or nonpublic high school; 46176

(2) Any student who is not a resident of the state; 46177

(3) Any student who was enrolled in the community school 46178  
during the previous school year when assessments were 46179  
administered under section 3301.0711 of the Revised Code but did 46180  
not take one or more of the assessments required by that section 46181  
and was not excused pursuant to division (C) (1) or (3) of that 46182

section, unless the director grants the student a waiver from 46183  
the requirement to take the assessment and a parent is not 46184  
paying tuition for the student pursuant to section 3314.26 of 46185  
the Revised Code. The director may grant a waiver only for good 46186  
cause in accordance with rules adopted by the department. 46187

(4) Any student who has attained the age of twenty-two 46188  
years, except for veterans of the armed services whose 46189  
attendance was interrupted before completing the recognized 46190  
twelve-year course of the public schools by reason of induction 46191  
or enlistment in the armed forces and who apply for enrollment 46192  
in a community school not later than four years after 46193  
termination of war or their honorable discharge. If, however, 46194  
any such veteran elects to enroll in special courses organized 46195  
for veterans for whom tuition is paid under federal law, or 46196  
otherwise, the department shall not pay to a community school 46197  
under section 3317.022 of the Revised Code any amount for that 46198  
veteran. 46199

**Sec. 3314.089.** (A) In any fiscal year, a community school 46200  
receiving funds calculated under division (A) (8) of section 46201  
3317.022 of the Revised Code shall spend those funds only for 46202  
the purposes that the department designates as approved for 46203  
career-technical education expenses. Career-technical education 46204  
expenses approved by the department shall include only expenses 46205  
connected to the delivery of career-technical programming to 46206  
career-technical students. The department shall require the 46207  
school to report data annually so that the department may 46208  
monitor the school's compliance with the requirements regarding 46209  
the manner in which funding received under division (A) (8) of 46210  
section 3317.022 of the Revised Code may be spent. 46211

(B) Except as provided in division (C) of this section, 46212

all funds received under division (A) (8) of section 3317.022 of 46213  
the Revised Code shall be spent in the following manner: 46214

(1) At least seventy-five per cent of the funds shall be 46215  
spent on curriculum development, purchase, and implementation; 46216  
instructional resources and supplies; industry-based program 46217  
certification; student assessment, credentialing, and placement; 46218  
curriculum specific equipment purchases and leases; career- 46219  
technical student organization fees and expenses; home and 46220  
agency linkages; work-based learning experiences; professional 46221  
development; and other costs directly associated with career- 46222  
technical education programs including development of new 46223  
programs. 46224

(2) Not more than twenty-five per cent of the funds shall 46225  
be used for personnel expenditures. 46226

(C) The department may waive the requirements in division 46227  
(B) of this section for any community school that exclusively 46228  
provides one or more career-technical workforce development 46229  
programs in arts and communications that are not equipment- 46230  
intensive, as determined by the department. 46231

~~(D) In any fiscal year, a community school receiving funds 46232  
under division (H) of section 3317.014 of the Revised Code shall 46233  
spend those funds only on the following purposes:— 46234~~

~~(1) Delivery of career awareness programs to students 46235  
enrolled in grades kindergarten through twelve;— 46236~~

~~(2) Provision of a common, consistent curriculum to 46237  
students throughout their primary and secondary education;— 46238~~

~~(3) Assistance to teachers in providing a career- 46239  
development curriculum to students;— 46240~~

~~(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;~~ 46241  
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~~(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job-shadowing, across all career pathways at each grade level.~~ 46244  
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~~The department may deny payment under division (E) of section 3317.014 of the Revised Code to any school that the department determines is using funds paid under division (H) of section 3317.014 of the Revised Code for other purposes.~~ 46247  
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**Sec. 3314.19.** The sponsor of each community school shall 46251  
provide the ~~following~~ assurances required under this section in 46252  
writing to the department of education and workforce not later 46253  
than ~~ten~~ five business days prior to the opening of the school's 46254  
first year of operation or, if the school is not an internet- or 46255  
computer-based community school and it ~~changes the~~ relocates to 46256  
a different building from which it operates or opens a satellite 46257  
location, not later than five business days prior to the opening 46258  
of the first year it operates from the new building: facility. 46259  
In cases where a school adds a facility to the existing school 46260  
location or the school is an internet or computer-based 46261  
community school and changes its location or adds a satellite 46262  
location, the sponsor shall provide the assurances not later 46263  
than one day prior to the operation in the new facility. The 46264  
assurances shall include the following statements: 46265

(A) That a current copy of the contract between the 46266  
sponsor and the governing authority of the school entered into 46267  
under section 3314.03 of the Revised Code has been filed with 46268  
the department and that any subsequent modifications to that 46269  
contract will be filed with the department; 46270

(B) That the school has submitted to the sponsor a plan 46271  
for providing special education and related services to students 46272  
with disabilities and has demonstrated the capacity to provide 46273  
those services in accordance with Chapter 3323. of the Revised 46274  
Code and federal law; 46275

(C) That the school has a plan and procedures for 46276  
administering the achievement and diagnostic assessments 46277  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 46278  
the Revised Code; 46279

(D) That school personnel have the necessary training, 46280  
knowledge, and resources to properly use and submit information 46281  
to all databases maintained by the department for the collection 46282  
of education data, including the education management 46283  
information system established under section 3301.0714 of the 46284  
Revised Code in accordance with methods and timelines 46285  
established under section 3314.17 of the Revised Code; 46286

(E) That all required information about the school has 46287  
been submitted to the Ohio education directory system or any 46288  
successor system; 46289

(F) That the school will enroll at least the minimum 46290  
number of students required by division (A) (11) (a) of section 46291  
3314.03 of the Revised Code in the school year for which the 46292  
assurances are provided; 46293

(G) That all classroom teachers are licensed in accordance 46294  
with sections 3319.22 to 3319.31 of the Revised Code, except for 46295  
noncertificated persons engaged to teach up to twelve hours or 46296  
forty hours per week pursuant to section 3319.301 of the Revised 46297  
Code; 46298

(H) That the school's fiscal officer is in compliance with 46299

section 3314.011 of the Revised Code;	46300
(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;	46301 46302 46303 46304
(J) That the school holds all of the following:	46305
(1) Proof of property ownership or a lease for the facilities used by the school;	46306 46307
(2) A certificate of occupancy;	46308
(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	46309 46310 46311 46312
(4) A satisfactory health and safety inspection;	46313
(5) A satisfactory fire inspection;	46314
(6) A valid food permit, if applicable.	46315
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	46316 46317 46318
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;	46319 46320 46321 46322
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	46323 46324 46325
(N) That, for any school that operates using the blended	46326

learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:

(1) An indication of what blended learning model or models will be used;

(2) A description of how student instructional needs will be determined and documented;

(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(4) The school's attendance requirements, including how the school will document participation in learning opportunities;

(5) A statement describing how student progress will be monitored;

(6) A statement describing how private student data will be protected;

(7) A description of the professional development activities that will be offered to teachers.

**Sec. 3314.191.** Notwithstanding any provision to the contrary in the Revised Code, the department of education and workforce shall make no payment under section 3317.022 of the Revised Code to a community school opening for its first year of operation until the sponsor of that school confirms all of the following:

(A) The school is in compliance with the provisions described in divisions (A), (H), (I), and (J) (3) of section 3314.19 of the Revised Code.



(B) The sponsor has approved the financial controls 46354  
required by the ~~comprehensive plan for the school contract~~ the 46355  
sponsor enters into with the governing authority of the 46356  
community school under ~~division (B) (5) of~~ section 3314.03 of the 46357  
Revised Code. 46358

(C) The school facilities will be ready and open for use 46359  
by the date prescribed in the contract entered into under 46360  
section 3314.03 of the Revised Code, and the sponsor has 46361  
reviewed any lease, purchase agreement, permits required by 46362  
statute or contract, and construction plans. 46363

(D) The chief administrator of the community school 46364  
actively is managing daily operations at the school. 46365

(E) The projected enrollment reported to the department is 46366  
accurate. 46367

**Sec. 3314.261.** This section shall not apply to an 46368  
internet- or computer-based community school ~~in which a majority~~ 46369  
~~of the students are enrolled in a dropout prevention and~~ 46370  
~~recovery program~~ that is a dropout prevention and recovery 46371  
community school. 46372

(A) For purposes of this section, "instructional 46373  
activities" means the following classroom-based or nonclassroom- 46374  
based activities that a student is expected to complete, 46375  
participate in, or attend during any given school day: 46376

(1) Online logins to curriculum or programs; 46377

(2) Offline activities; 46378

(3) Completed assignments within a particular program, 46379  
curriculum, or class; 46380

(4) Testing; 46381

- (5) Face-to-face communications or meetings with school staff or service providers; 46382  
46383
- (6) Telephone or video conferences with school staff or service providers; 46384  
46385
- (7) Other documented communication with school staff or service providers related to school curriculum or programs. 46386  
46387
- (B) (1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions: 46388  
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- (a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year; 46393  
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- (b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B) (1) (b) of this section. 46396  
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- (2) If a student is not considered in attendance under division (B) (1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not participate. 46400  
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- (3) In the event that a student has thirty or more hours of unexcused absences in any semester, the internet- or computer-based community school in which the student is enrolled shall submit a written report to the student's parent, guardian, or custodian. 46405  
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(C) Notwithstanding section 3321.191 of the Revised Code, each internet- or computer-based community school shall develop and adopt a policy regarding failure to participate in instructional activities. The policy shall state that a student shall become subject to certain consequences, including disenrollment from the school, if both of the following conditions are satisfied:

(1) After the student's parent, guardian, or custodian receives a written report under division (B)(2) of this section, the student fails to comply with the policy adopted under division (C) of this section within a reasonable period of time specified by the school;

(2) Other intervention strategies contained in the policy adopted under division (C) of this section fail to cause a student's attendance to comply with the policy.

(D) If an internet- or computer-based community school disenrolled a student pursuant to a policy adopted under division (C) of this section, the student shall not be eligible to re-enroll in that school for the remainder of the school year in which the student is disenrolled. This division does not prohibit a disenrolled student from enrolling in another internet- or computer-based community school.

(E) If an internet- or computer-based community school disenrolls a student pursuant to a policy adopted under division (C) of this section, the school shall do both of the following:

(1) Provide the student's parent, guardian, or custodian with a list of alternative educational options available to the student;

(2) Within forty-eight hours of the student's

disenrollment, notify the student's resident school district in writing. 46439  
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(F) Nothing in this section shall be construed to affect 46441  
the procedure for automatically withdrawing a student from 46442  
school that must be adopted as part of a school's attendance 46443  
policy in accordance with division (A) (6) (b) of section 3314.03 46444  
of the Revised Code. 46445

**Sec. 3314.29.** (A) This section applies to any internet- or 46446  
computer-based community school that meets all of the following 46447  
conditions: 46448

(1) Serves all of grades kindergarten through twelve; 46449

(2) Has an enrollment of at least two thousand students; 46450

(3) Has a sponsor that was not rated ineffective or poor 46451  
on its most recent evaluation under section 3314.016 of the 46452  
Revised Code. 46453

(B) Beginning with the 2018-2019 school year, the 46454  
governing authority of a community school to which this section 46455  
applies may adopt a resolution to divide the school into two or 46456  
three separate schools as follows: 46457

(1) If the school is divided into two schools, one school 46458  
shall serve grades kindergarten through eight and one school 46459  
shall serve grades nine through twelve. 46460

(2) If the school is divided into three schools, one 46461  
school shall serve grades kindergarten through five, one school 46462  
shall serve grades six through eight, and one school shall serve 46463  
grades nine through twelve. 46464

(C) The resolution adopted by the governing authority 46465  
shall not be effective unless approved by the school's sponsor. 46466

Following approval of the resolution by the sponsor, and by the 46467  
fifteenth day of March prior to the school year in which it will 46468  
take effect, the governing authority shall file the resolution 46469  
with the department of education and workforce. The division of 46470  
the schools shall be effective on the first day of July 46471  
succeeding the date the resolution is filed with the department. 46472

(D) All of the following shall apply to each new school 46473  
created as a result of the resolution authorized by this section 46474  
and to the school that is divided as a result of the resolution: 46475

(1) Each school shall have the same governing authority. 46476

(2) The sponsor and governing authority shall enter into a 46477  
separate contract under section 3314.03 of the Revised Code for 46478  
each school. 46479

(3) No school shall ~~primarily serve students enrolled in-~~ 46480  
~~be a dropout prevention and recovery program operated by the~~ 46481  
~~school~~ community school. 46482

(4) No school shall be permitted to divide again under 46483  
this section. 46484

(5) Notwithstanding anything to the contrary in division 46485  
(B) (2) of section 3314.016 of the Revised Code, each school 46486  
shall be included in the calculation of the academic performance 46487  
component for purposes of rating the schools' sponsor under the 46488  
evaluation system prescribed by that section. 46489

(6) Each school shall be subject to the laws contained in 46490  
Chapter 3314. of the Revised Code, except as otherwise specified 46491  
in this section. 46492

(E) The department shall issue a report card under section 46493  
3314.012 of the Revised Code for each new school created as a 46494

result of the resolution authorized by this section and for the 46495  
school that is divided as a result of the resolution. For 46496  
purposes of the report cards and other reporting requirements 46497  
under this chapter, the department shall assign the school that 46498  
serves the highest grades the same internal retrieval number 46499  
previously used by the school that is divided under this 46500  
section. The department shall assign a new internal retrieval 46501  
number to each other school resulting from the division. 46502

Notwithstanding division (A) of section 3314.012 of the 46503  
Revised Code, the ratings a school receives on its report card 46504  
for the first two full school years after the division under 46505  
this section shall count toward closure of the school under 46506  
section 3314.35 of the Revised Code and any other matter that is 46507  
based on report card ratings or measures. 46508

**Sec. 3314.35.** (A) Except as provided in division (B) of 46509  
this section and section 3314.355 of the Revised Code, this 46510  
section applies to any community school that meets one of the 46511  
following criteria: 46512

(1) The school does not offer a grade level higher than 46513  
three and, for the three most recent school years, satisfies 46514  
either of the following criteria: 46515

(a) The school has received a performance rating of one 46516  
star for early literacy under division (D)(3)(e) of section 46517  
3302.03 of the Revised Code; 46518

(b) The school has received an overall performance rating 46519  
of less than two stars under division (D)(3) of section 3302.03 46520  
of the Revised Code. 46521

(2) The school offers any of grade levels four to eight 46522  
but does not offer a grade level higher than nine and, for the 46523

three most recent school years, satisfies either of the 46524  
following criteria: 46525

(a) The school has received a performance rating of one 46526  
star for both achievement under division (D) (3) (b) of section 46527  
3302.03 of the Revised Code and progress under division (D) (3) 46528  
(c) of that section; 46529

(b) The school has received an overall performance rating 46530  
of less than two stars under division (D) of section 3302.03 of 46531  
the Revised Code and a performance rating of one star for 46532  
progress under division (D) (3) (c) of that section. 46533

(3) The school offers any of grade levels ten to twelve 46534  
and, for the three most recent school years, satisfies either of 46535  
the following criteria: 46536

(a) The school has received a performance rating of "one 46537  
star" for achievement under division (D) (3) (b) of section 46538  
3302.03 of the Revised Code and has not met annual measurable 46539  
objectives for gap closing under division (D) (3) (a) of that 46540  
section, as determined by the department of education and 46541  
workforce; 46542

(b) The school has received an overall performance rating 46543  
of less than two stars under division (D) of section 3302.03 of 46544  
the Revised Code and a performance rating of one star for 46545  
progress under division (D) (1) (b) of that section. 46546

For purposes of division (A) of this section only, the 46547  
department shall calculate the value-added progress dimension 46548  
for a community school using assessment scores for only those 46549  
students to whom the school has administered the achievement 46550  
assessments prescribed by section 3301.0710 of the Revised Code 46551  
for at least the two most recent school years but using value- 46552

added data from only the most recent school year. 46553

(B) This section does not apply to either of the 46554  
following: 46555

(1) Any dropout prevention and recovery community school 46556  
~~in which a majority of the students are enrolled in a dropout~~ 46557  
~~prevention and recovery program that is operated by the school.~~ 46558  
Rather, such schools shall be subject to closure only as 46559  
provided in section 3314.351 of the Revised Code. However, prior 46560  
to July 1, 2014, a community school in which a majority of the 46561  
students are enrolled in a dropout prevention and recovery 46562  
program shall be exempt from this section only if it has been 46563  
granted a waiver under section 3314.36 of the Revised Code. 46564

(2) Any community school in which a majority of the 46565  
enrolled students are children with disabilities receiving 46566  
special education and related services in accordance with 46567  
Chapter 3323. of the Revised Code. 46568

(C) Any community school to which this section applies 46569  
shall permanently close at the conclusion of the school year in 46570  
which the school first becomes subject to this section. The 46571  
sponsor and governing authority of the school shall comply with 46572  
all procedures for closing a community school adopted by the 46573  
department under division (E) of section 3314.015 of the Revised 46574  
Code. The governing authority of the school shall not enter into 46575  
a contract with any other sponsor under section 3314.03 of the 46576  
Revised Code after the school closes. 46577

(D) Nothing in this section or in any other provision of 46578  
the Revised Code prohibits the sponsor of a community school 46579  
from exercising its option not to renew a contract for any 46580  
reason or from terminating a contract prior to its expiration 46581



for any of the reasons set forth in section 3314.07 of the Revised Code. 46582  
46583

**Sec. 3314.351.** (A) This section applies to any dropout prevention and recovery community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program~~. Except as provided in division (F) of this section, any such community school that has received a designation of "does not meet standards," as described in division (D)(1) of section 3314.017 of the Revised Code on the report card issued under that section, for the three most recent school years shall be subject to closure in accordance with this section. 46584  
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(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June. 46593  
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A school so notified shall close as required. 46598

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016. 46599  
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(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes. 46604  
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(E) Nothing in this section or in any other provision of 46610

the Revised Code prohibits the sponsor of a community school 46611  
from exercising its option not to renew a contract for any 46612  
reason or from terminating a contract prior to its expiration 46613  
for any of the reasons set forth in section 3314.07 of the 46614  
Revised Code. 46615

(F) Beginning in the 2019-2020 school year, no school 46616  
shall be subject to closure under this section based on the 46617  
report card issued for that school for the 2017-2018 or 2018- 46618  
2019 school year if the school received an overall rating of 46619  
"meets standards" or "exceeds standards" for the 2017-2018 or 46620  
2018-2019 school year pursuant to division (I) of section 46621  
3314.017 of the Revised Code. However, no school permanently 46622  
closed under this section prior to the 2019-2020 school year 46623  
shall be eligible to reopen based on the calculated or 46624  
recalculated ratings under division (I) of section 3314.017 of 46625  
the Revised Code. 46626

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 46627  
not apply to any dropout prevention and recovery community 46628  
~~school in which a majority of the students are enrolled in a~~ 46629  
~~dropout prevention and recovery program that is operated by the~~ 46630  
~~school and that~~ has been granted a waiver by the former 46631  
department of education prior to July 1, 2014. 46632

(B) All dropout prevention and recovery community schools 46633  
~~in which a majority of the students are enrolled in a dropout~~ 46634  
~~prevention and recovery program~~ are subject to the provisions of 46635  
section 3314.351 of the Revised Code, regardless of whether a 46636  
waiver has been granted under this section prior to July 1, 46637  
2014. Thereafter, no waivers shall be granted under this 46638  
section. 46639

**Sec. 3314.361.** ~~Notwithstanding anything to the contrary in~~ 46640

~~this chapter, a~~ A community school that operates a drug recovery program in cooperation with a court shall be considered a dropout prevention and recovery ~~program~~ community school for purposes of this chapter, ~~regardless of the ages of students or grade levels served by the school~~ and shall comply with all enrollment restrictions applicable to such a school. 46641  
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Sec. 3314.362. Notwithstanding division (A)(10) of section 3314.02 of the Revised Code, a community school that primarily serves students enrolled in a dropout prevention and recovery program may continue to operate in the 2025-2026 and 2026-2027 school years without complying with that division and shall be considered a dropout prevention and recovery community school for the purposes of Title XXXIII of the Revised Code for those school years. 46647  
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Notwithstanding anything in the Revised Code to the contrary, beginning July 1, 2027, any community school that primarily serves students enrolled in a dropout prevention and recovery program is a dropout prevention and recovery community school, as defined in division (A)(10) of section 3314.02 of the Revised Code. Prior to that date, the school, upon approval of the school's sponsor, shall do one or both of the following with any grades that do not comply with division (A)(10) of section 3314.02 of the Revised Code: 46655  
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(A) Transfer those grades to a separate community school. The department of education and workforce shall assign the separate community school its own internal retrieval number. 46664  
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(B) Cease offering those grades. 46667

The school shall assist students who are not eligible to enroll in the dropout prevention and recovery community school 46668  
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to transfer to a separate community school or enroll in a 46670  
different school, as applicable. 46671

**Sec. 3314.38.** (A) As used in this section: 46672

(1) "Competency-based educational program" and "eligible 46673  
individual" have the same meanings as in section 3313.902 of the 46674  
Revised Code. 46675

(2) "Eligible provider" means a community school that 46676  
operates a dropout prevention and recovery program. 46677

(B) An eligible provider may establish a competency-based 46678  
educational program that complies with standards adopted by the 46679  
department of education and workforce and may enroll eligible 46680  
individuals in the program for up to three consecutive school 46681  
years for the purpose of earning a high school diploma. The 46682  
provider shall establish a career plan for each individual 46683  
enrolled in the program that specifies the individual's career 46684  
goals and describes how the individual will demonstrate 46685  
competency or earn course credits under division (C) of section 46686  
3313.902 of the Revised Code to earn a diploma and attain the 46687  
individual's career goals. Notwithstanding sections 3313.61, 46688  
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 46689  
Revised Code, the department shall award a high school diploma 46690  
to an individual enrolled in a program who satisfies one of the 46691  
conditions specified in division (C) of section 3313.902 of the 46692  
Revised Code. 46693

(C) An eligible provider shall report each individual 46694  
enrolled in a program under division (B) of this section to the 46695  
department. This report shall be in addition to the report 46696  
required under division (B) of section 3314.08 of the Revised 46697  
Code. The department annually shall certify the enrollment and 46698

attendance of each individual reported under this division and 46699  
shall pay the provider up to \$7,500 per school year, as 46700  
determined by the department based on the extent of the 46701  
individual's successful completion of the diploma requirements 46702  
prescribed in division (C) of section 3313.902 of the Revised 46703  
Code. 46704

(D) An eligible provider that enrolls individuals under 46705  
division (B) of this section is subject to the requirements of 46706  
section 3313.902 of the Revised Code, as applicable. 46707

**Sec. 3314.381.** ~~(A) As used in this section, "dropout~~ 46708  
~~recovery community school" has the same meaning as in section~~ 46709  
~~3319.301 of the Revised Code.~~ 46710

~~(B)~~ The department of education and workforce shall 46711  
establish the dropout prevention and recovery advisory council. 46712  
The council shall provide a forum for communication and 46713  
collaboration between the department and parties involved in the 46714  
establishment and operation of dropout prevention and recovery 46715  
community schools, including sponsors and operators. 46716

~~(C)~~ (B) The advisory council shall consist of the following 46717  
members appointed by the director of education and workforce: 46718

(1) Two members of the state board of education; 46719

(2) One employee of the department who works directly with 46720  
dropout prevention and recovery community schools, including any 46721  
employee who works as a liaison with such schools; 46722

(3) Seven individuals with experience in dropout 46723  
prevention and recovery community schools, their operators, and 46724  
their sponsors. In appointing these individuals, the director 46725  
shall ensure they represent a diverse array of schools in terms 46726  
of enrollment, programs, learning models, and methods of 46727

instruction. 46728

~~(D)~~(C) The advisory council shall, in collaboration with 46729  
the director, review all existing rules and guidance previously 46730  
developed or adopted by the department pursuant to division ~~(D)~~ 46731  
(C) of section 3314.382 of the Revised Code. 46732

**Sec. 3314.382.** (A) ~~As used in this section, "dropout~~ 46733  
~~recovery community school" has the same meaning as in section~~ 46734  
~~3319.301 of the Revised Code.~~ 46735

~~(B)~~ Notwithstanding anything to the contrary in the 46736  
Revised Code, the department of education and workforce shall 46737  
only adopt rules in accordance with Chapter 119. of the Revised 46738  
Code for any requirement to be imposed on a dropout prevention 46739  
and recovery community school. The department shall not develop 46740  
guidelines that impose requirements on the general and uniform 46741  
operation of a dropout prevention and recovery community school. 46742

~~(C)~~(B) Pursuant to section 119.035 of the Revised Code, 46743  
prior to adoption, the dropout prevention and recovery advisory 46744  
council established under section 3314.381 of the Revised Code 46745  
shall review any proposed rule described in division ~~(B)~~(A) of 46746  
this section. 46747

~~(D)~~(C) Any guidance document previously developed by the 46748  
department that establishes general and uniform operations 46749  
regarding a dropout recovery community school in effect on ~~the~~ 46750  
~~effective date of this section~~ October 3, 2023, is void after 46751  
that date. 46752

**Sec. 3315.063.** No board of education of any school 46753  
district shall expend more than fifteen per cent of the board's 46754  
annual operating budget on administrative salaries and benefits 46755  
and other costs associated with the district's administrative 46756

offices. 46757

**Sec. 3317.01.** As used in this section, "school district," 46758  
unless otherwise specified, means any city, local, exempted 46759  
village, joint vocational, or cooperative education school 46760  
district and any educational service center. 46761

This chapter shall be administered by the department of 46762  
education and workforce. The department of education and 46763  
workforce shall calculate the amounts payable to each school 46764  
district and shall certify the amounts payable to each eligible 46765  
district to the treasurer of the district as provided by this 46766  
chapter. Certification of moneys pursuant to this section shall 46767  
include the amounts payable to each school building, at a 46768  
frequency determined by the department, for each subgroup of 46769  
students, as defined in section 3317.40 of the Revised Code, 46770  
receiving services, provided for by state funding, from the 46771  
district or school. No moneys shall be distributed pursuant to 46772  
this chapter without the approval of the controlling board. 46773

The department shall, in accordance with appropriations 46774  
made by the general assembly, meet the financial obligations of 46775  
this chapter. 46776

Moneys distributed to school districts pursuant to this 46777  
chapter shall be calculated based on the annual enrollment 46778  
calculated from the three reports required under ~~sections~~ 46779  
section 3317.03 and ~~3317.036~~ of the Revised Code and paid on a 46780  
fiscal year basis, beginning with the first day of July and 46781  
extending through the thirtieth day of June. In any given fiscal 46782  
year, prior to school districts submitting the first report 46783  
required under section 3317.03 of the Revised Code, enrollment 46784  
for the districts shall be calculated based on the third report 46785  
submitted by the districts for the previous fiscal year. The 46786

moneys appropriated for each fiscal year shall be distributed 46787  
periodically to each school district unless otherwise provided 46788  
for. The department, in June of each year, shall submit to the 46789  
controlling board the department's year-end distributions 46790  
pursuant to this chapter. 46791

Except as otherwise provided, payments under this chapter 46792  
shall be made only to those school districts in which: 46793

(A) The school district, except for any educational 46794  
service center and any joint vocational or cooperative education 46795  
school district, levies for current operating expenses at least 46796  
twenty mills, unless the school district is levying less than 46797  
that amount due solely to the operation of section 5705.316 of 46798  
the Revised Code. Levies for joint vocational or cooperative 46799  
education school districts or county school financing districts, 46800  
limited to or to the extent apportioned to current expenses, 46801  
shall be included in this qualification requirement. School 46802  
district income tax levies under Chapter 5748. of the Revised 46803  
Code, limited to or to the extent apportioned to current 46804  
operating expenses, shall be included in this qualification 46805  
requirement to the extent determined by the tax commissioner 46806  
under division (C) of section 3317.021 of the Revised Code. 46807

(B) The school year next preceding the fiscal year for 46808  
which such payments are authorized meets the requirement of 46809  
section 3313.48 of the Revised Code, with regard to the minimum 46810  
number of hours school must be open for instruction with pupils 46811  
in attendance, for individualized parent-teacher conference and 46812  
reporting periods, and for professional meetings of teachers. 46813

A school district shall not be considered to have failed 46814  
to comply with this division because schools were open for 46815  
instruction but either twelfth grade students were excused from 46816



attendance for up to the equivalent of three school days or only 46817  
a portion of the kindergarten students were in attendance for up 46818  
to the equivalent of three school days in order to allow for the 46819  
gradual orientation to school of such students. 46820

A board of education or governing board of an educational 46821  
service center which has not conformed with other law and the 46822  
rules pursuant thereto, shall not participate in the 46823  
distribution of funds authorized by this chapter, except for 46824  
good and sufficient reason established to the satisfaction of 46825  
the department and the state controlling board. 46826

All funds allocated to school districts under this 46827  
chapter, except those specifically allocated for other purposes, 46828  
shall be used to pay current operating expenses only. 46829

**Sec. 3317.011.** This section shall apply only for fiscal 46830  
years ~~2024–2026~~ and ~~2025~~2027. 46831

(A) As used in this section: 46832

(1) "Average administrative assistant salary" means the 46833  
average salary of administrative assistants employed by city, 46834  
local, and exempted village school districts in this state with 46835  
salaries greater than \$20,000 but less than \$65,000, using 46836  
fiscal year 2022 data, as determined by the department of 46837  
education and workforce. 46838

(2) "Average bookkeeping and accounting employee salary" 46839  
means the average salary of bookkeeping employees and accounting 46840  
employees employed by city, local, and exempted village school 46841  
districts in this state with salaries greater than \$20,000 but 46842  
less than \$80,000, using fiscal year 2022 data, as determined by 46843  
the department. 46844

(3) "Average clerical staff salary" means the average 46845

salary of clerical staff employed by city, local, and exempted  
village school districts in this state with salaries greater  
than \$15,000 but less than \$50,000, using fiscal year 2022 data,  
as determined by the department.

(4) "Average counselor salary" means the average salary of  
counselors employed by city, local, and exempted village school  
districts in this state with salaries greater than \$30,000 but  
less than \$95,000, using fiscal year 2022 data, as determined by  
the department.

(5) "Average education management information system  
support employee salary" means the average salary of accounting  
employees employed by city, local, and exempted village school  
districts in this state with salaries greater than \$30,000 but  
less than \$90,000, using fiscal year 2022 data, as determined by  
the department.

(6) "Average librarian and media staff salary" means the  
average salary of librarians and media staff employed by city,  
local, and exempted village school districts in this state with  
salaries greater than \$30,000 but less than \$95,000, using  
fiscal year 2022 data, as determined by the department.

(7) "Average other district administrator salary" means  
the average salary of all assistant superintendents and  
directors employed by city, local, and exempted village school  
districts in this state with salaries greater than \$50,000 but  
less than \$135,000, using fiscal year 2022 data, as determined  
by the department.

(8) "Average principal salary" means the average salary of  
all principals employed by city, local, and exempted village  
school districts in this state with salaries greater than

\$50,000 but less than \$120,000, using fiscal year 2022 data, as 46875  
determined by the department. 46876

(9) "Average superintendent salary" means the average 46877  
salary of all superintendents employed by city, local, and 46878  
exempted village school districts in this state with salaries 46879  
greater than \$60,000 but less than \$180,000, using fiscal year 46880  
2022 data, as determined by the department. 46881

(10) "Average teacher cost" for a fiscal year is equal to 46882  
the sum of the following: 46883

(a) The average salary of teachers employed by city, 46884  
local, and exempted village school districts in this state with 46885  
salaries greater than \$30,000 but less than \$95,000, using 46886  
fiscal year 2022 data, as determined by the department; 46887

(b) An amount for teacher benefits equal to 0.16 times the 46888  
average salary calculated under division (A) (10) (a) of this 46889  
section; 46890

(c) An amount for district-paid insurance costs equal to 46891  
the following product: 46892

The statewide weighted average employer-paid monthly premium 46893  
based on data reported by city, local, and exempted village 46894  
school districts to the state employment relations board for the 46895  
health insurance survey conducted in accordance with divisions 46896  
(K) (5) and (6) of section 4117.02 of the Revised Code using 46897  
fiscal year 2022 data X 12 46898

(11) "Eligible school district" means a city, local, or 46899  
exempted village school district that satisfies one of the 46900  
following: 46901

(a) The district is a member of an organization that 46902

regulates interscholastic athletics. 46903

(b) The district has teams in at least three different 46904  
sports that participate in an interscholastic league. 46905

(B) When calculating a district's aggregate base cost 46906  
under this section, the department shall use data from fiscal 46907  
year 2022 for all of the following: 46908

(1) The average salaries determined under divisions (A) 46909  
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 46910  
section; 46911

(2) The amount for teacher benefits determined under 46912  
division (A)(10)(b) of this section; 46913

(3) The district-paid insurance costs determined under 46914  
division (A)(10)(c) of this section; 46915

(4) The spending determined under divisions (E)(4)(a), (E) 46916  
(5)(a), (E)(6)(a), and (H)(1) of this section and the 46917  
corresponding student counts determined under divisions (E)(4) 46918  
(b), (E)(5)(b), (E)(6)(b), and (H)(2) of this section; 46919

(5) The information determined under division (G)(3) of 46920  
this section. 46921

(C) A city, local, or exempted village school district's 46922  
aggregate base cost for a fiscal year shall be equal to the 46923  
following sum: 46924

(The district's teacher base cost for that fiscal year computed 46925  
under division (D) of this section) + (the district's student 46926  
support base cost for that fiscal year computed under division 46927  
(E) of this section) + (the district's leadership and 46928  
accountability base cost for that fiscal year computed under 46929  
division (F) of this section) + (the district's building 46930

leadership and operations base cost for that fiscal year 46931  
computed under division (G) of this section) + (the athletic co- 46932  
curricular activities base cost for that fiscal year computed 46933  
under division (H) of this section, if the district is an 46934  
eligible school district) 46935

(D) The department shall compute a district's teacher base 46936  
cost for a fiscal year as follows: 46937

(1) Calculate the district's classroom teacher cost for 46938  
that fiscal year as follows: 46939

(a) Determine the full-time equivalency of students in the 46940  
district's base cost enrolled ADM for that fiscal year that are 46941  
enrolled in kindergarten and divide that number by 20; 46942

(b) Determine the full-time equivalency of students in the 46943  
district's base cost enrolled ADM for that fiscal year that are 46944  
enrolled in grades one through three and divide that number by 46945  
23; 46946

(c) Determine the full-time equivalency of students in the 46947  
district's base cost enrolled ADM for that fiscal year that are 46948  
enrolled in grades four through eight but are not enrolled in a 46949  
career-technical education program or class described under 46950  
section 3317.014 of the Revised Code and divide that number by 46951  
25; 46952

(d) Determine the full-time equivalency of students in the 46953  
district's base cost enrolled ADM for that fiscal year that are 46954  
enrolled in grades nine through twelve but are not enrolled in a 46955  
career-technical education program or class described under 46956  
section 3317.014 of the Revised Code and divide that number by 46957  
27; 46958

(e) Determine the full-time equivalency of students in the 46959

district's base cost enrolled ADM for that fiscal year that are 46960  
enrolled in a career-technical education program or class, as 46961  
certified under divisions (B) (11), (12), (13), (14), and (15) of 46962  
section 3317.03 of the Revised Code, and divide that number by 46963  
18; 46964

(f) Compute the sum of the quotients obtained under 46965  
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 46966

(g) Compute the classroom teacher cost by multiplying the 46967  
average teacher cost for that fiscal year by the sum computed 46968  
under division (D) (1) (f) of this section. 46969

(2) Calculate the district's special teacher cost for that 46970  
fiscal year as follows: 46971

(a) Divide the district's base cost enrolled ADM for that 46972  
fiscal year by 150; 46973

(b) If the quotient obtained under division (D) (2) (a) of 46974  
this section is greater than 6, the special teacher cost shall 46975  
be equal to that quotient multiplied by the average teacher cost 46976  
for that fiscal year. 46977

(c) If the quotient obtained under division (D) (2) (a) of 46978  
this section is less than or equal to 6, the special teacher 46979  
cost shall be equal to 6 multiplied by the average teacher cost 46980  
for that fiscal year. 46981

(3) Calculate the district's substitute teacher cost for 46982  
that fiscal year in accordance with the following formula: 46983

(a) Compute the substitute teacher daily rate with 46984  
benefits by multiplying the substitute teacher daily rate of \$90 46985  
by 1.16; 46986

(b) Compute the substitute teacher cost in accordance with 46987

the following formula: 46988

[The sum computed under division (D) (1) (f) of this section + 46989  
(the greater of the quotient obtained under division (D) (2) (a) 46990  
of this section and 6)] X the amount computed under division (D) 46991  
(3) (a) of this section X 5 46992

(4) Calculate the district's professional development cost 46993  
for that fiscal year in accordance with the following formula: 46994

[The sum computed under division (D) (1) (f) of this section + 46995  
(the greater of the quotient obtained under division (D) (2) (a) 46996  
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 46997  
(b) of this section for that fiscal year)/180] X 4 46998

(5) Calculate the district's teacher base cost for that 46999  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 47000  
and (4) of this section. 47001

(E) The department shall compute a district's student 47002  
support base cost for a fiscal year as follows: 47003

(1) Calculate the district's guidance counselor cost for 47004  
that fiscal year as follows: 47005

(a) Determine the number of students in the district's 47006  
base cost enrolled ADM for that fiscal year that are enrolled in 47007  
grades nine through twelve and divide that number by 360; 47008

(b) Compute the counselor cost in accordance with the 47009  
following formula: 47010

(The greater of the quotient obtained under division (E) (1) (a) 47011  
of this section and 1) X [(the average counselor salary for that 47012  
fiscal year X 1.16) + the amount specified under division (A) 47013  
(10) (c) of this section for that fiscal year] 47014

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows: 47015  
47016

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000; 47017  
47018

(b) Compute the librarian and media staff cost in accordance with the following formula: 47019  
47020

The quotient obtained under division (E) (2) (a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 47021  
47022  
47023  
47024

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows: 47025  
47026

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250; 47027  
47028

(b) Compute the staffing cost for student wellness and success in accordance with the following formula: 47029  
47030

(The greater of the quotient obtained under division (E) (3) (a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 47031  
47032  
47033  
47034

(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows: 47035  
47036

(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2022 data; 47037  
47038  
47039  
47040

(b) Determine the sum of the enrolled ADM of every school 47041



district in the state using fiscal year 2022 data as specified 47042  
under division (E) (4) (a) of this section; 47043

(c) Compute the academic co-curricular activities cost in 47044  
accordance with the following formula: 47045

(The amount determined under division (E) (4) (a) of this section 47046  
/ the sum determined under division (E) (4) (b) of this section) X 47047  
the district's base cost enrolled ADM for the fiscal year for 47048  
which the academic co-curricular activities cost is computed 47049

(5) Calculate the district's building safety and security 47050  
cost for that fiscal year as follows: 47051

(a) Determine the total amount of spending for building 47052  
safety and security reported by city, local, and exempted 47053  
village school districts to the department using fiscal year 47054  
2022 data; 47055

(b) Determine the sum of the enrolled ADM of every school 47056  
district in the state that reported the data specified under 47057  
division (E) (5) (a) of this section using fiscal year 2022 data; 47058

(c) Compute the building safety and security cost in 47059  
accordance with the following formula: 47060

(The amount determined under division (E) (5) (a) of this section 47061  
/ the sum determined under division (E) (5) (a) of this section) X 47062  
the district's base cost enrolled ADM for the fiscal year for 47063  
which the building safety and security cost is computed 47064

(6) Calculate the district's supplies and academic content 47065  
cost for that fiscal year as follows: 47066

(a) Determine the total amount of spending for supplies 47067  
and academic content, excluding supplies for transportation and 47068  
maintenance, reported by city, local, and exempted village 47069

school districts to the department using fiscal year 2022 data; 47070

(b) Determine the sum of the enrolled ADM of every school 47071  
district in the state using fiscal year 2022 data as specified 47072  
under division (E) (6) (a) of this section; 47073

(c) Compute the supplies and academic content cost in 47074  
accordance with the following formula: 47075

(The amount determined under division (E) (6) (a) of this section 47076  
/ the sum determined under division (E) (6) (b) of this section) X 47077  
the district's base cost enrolled ADM for the fiscal year for 47078  
which the supplies and academic content cost is computed 47079

(7) Calculate the district's technology cost for that 47080  
fiscal year in accordance with the following formula: 47081

$\$37.50 \times$  the district's base cost enrolled ADM for that fiscal 47082  
year 47083

(8) Calculate the district's student support base cost for 47084  
that fiscal year, which equals the sum of divisions (E) (1), (2), 47085  
(3), (4), (5), (6), and (7) of this section. 47086

(F) The department shall compute a district's leadership 47087  
and accountability base cost for a fiscal year as follows: 47088

(1) Calculate the district's superintendent cost for that 47089  
fiscal year as follows: 47090

(a) If the district's base cost enrolled ADM for that 47091  
fiscal year is greater than 4,000, then the district's 47092  
superintendent cost shall be equal to  $[(\$160,000 \times 1.16) +$  the 47093  
amount specified under division (A) (10) (c) of this section for 47094  
that fiscal year]. 47095

(b) If the district's base cost enrolled ADM for that 47096

fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X  $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$ ;

(ii)  $(\$80,000 \times 1.16)$  + the amount specified under division (A) (10) (c) of this section for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to  $[(\$80,000 \times 1.16) + \text{the amount specified under division (A) (10) (c) of this section for that fiscal year}]$ .

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to  $[(\$130,000 \times 1.16) + \text{the amount specified under division (A) (10) (c) of this section for that fiscal year}]$ .

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X  $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$ ;

(ii)  $(\$60,000 \times 1.16)$  + the amount specified under division (A) (10) (c) of this section for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to  $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10) (c) of this section for that fiscal year}]$ .

(c) of this section for that fiscal year]. 47125

(3) Calculate the district's other district administrator 47126  
cost for that fiscal year as follows: 47127

(a) Divide the average other district administrator salary 47128  
for that fiscal year by the average superintendent salary for 47129  
that fiscal year; 47130

(b) Divide the district's base cost enrolled ADM for that 47131  
fiscal year by 750; 47132

(c) Compute the other district administrator cost in 47133  
accordance with the following formula: 47134

{[(The district's superintendent cost for that fiscal year 47135  
calculated under division (F) (1) of this section - the amount 47136  
specified under division (A) (10) (c) of this section for that 47137  
fiscal year) X the quotient obtained under division (F) (3) (a) of 47138  
this section] + the amount specified under division (A) (10) (c) 47139  
of this section} X (the greater of the quotient obtained under 47140  
division (F) (3) (b) of this section and 2) 47141

(4) Calculate the district's fiscal support cost for that 47142  
fiscal year as follows: 47143

(a) Divide the district's base cost enrolled ADM for that 47144  
fiscal year by 850; 47145

(b) Determine the lesser of the following: 47146

(i) The maximum of the quotient obtained under division 47147  
(F) (4) (a) of this section and 2; 47148

(ii) 35. 47149

(c) Compute the fiscal support cost in accordance with the 47150  
following formula: 47151

The number obtained under division (F) (4) (b) of this section X 47152  
[(the average bookkeeping and accounting employee salary for 47153  
that fiscal year X 1.16) + the amount specified under division 47154  
(A) (10) (c) of this section for that fiscal year] 47155

(5) Calculate the district's education management 47156  
information system support cost for that fiscal year as follows: 47157

(a) Divide the district's base cost enrolled ADM for that 47158  
fiscal year by 5,000; 47159

(b) Compute the education management information system 47160  
support cost in accordance with the following formula: 47161

(The greater of the quotient obtained under division (F) (5) (a) 47162  
of this section and 1) X [(the average education management 47163  
information system support employee salary for that fiscal year 47164  
X 1.16) + the amount specified under division (A) (10) (c) of this 47165  
section for that fiscal year] 47166

(6) Calculate the district's leadership support cost for 47167  
that fiscal year as follows: 47168

(a) Determine the greater of the quotient obtained under 47169  
division (F) (3) (b) of this section and 2, and add 1 to that 47170  
number; 47171

(b) Divide the number obtained under division (F) (6) (a) of 47172  
this section by 3; 47173

(c) Compute the leadership support cost in accordance with 47174  
the following formula: 47175

(The greater of the quotient obtained under division (F) (6) (b) 47176  
of this section and 1) X [(the average administrative assistant 47177  
salary for that fiscal year X 1.16) + the amount specified under 47178  
division (A) (10) (c) of this section for that fiscal year] 47179

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula: 47180  
47181  
47182

\$31 X the district's base cost enrolled ADM for that fiscal year 47183

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section. 47184  
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(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 47188  
47189  
47190

(1) Calculate the district's building leadership cost for that fiscal year as follows: 47191  
47192

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 47193  
47194

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 47195  
47196

(c) Compute the building leadership cost in accordance with the following formula: 47197  
47198

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of this section for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section 47199  
47200  
47201  
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47205

(2) Calculate the district's building leadership support cost for that fiscal year as follows: 47206  
47207

- (a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 47208  
47209
- (b) Determine the number of school buildings in the district for ~~that~~ the preceding fiscal year; 47210  
47211
- (c) Compute the building leadership support cost in accordance with the following formula: 47212  
47213
- (i) If the quotient obtained under division (G) (2) (a) of this section is less than the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.
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47221
- (ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.
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- (3) Calculate the district's building operations cost for that fiscal year as follows: 47231  
47232
- (a) Determine both of the following: 47233
- (i) The average building square feet per pupil for all city, local, and exempted village school district buildings in the state; 47234  
47235  
47236

(ii) The average cost per square foot for all city, local, and exempted village school district buildings in the state.	47237 47238
(b) Compute the building operations cost in accordance with the following formula:	47239 47240
The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of this section X the number determined under division (G) (3) (a) (ii) of this section) - (the amount determined under division (E) (5) (a) of this section for that fiscal year/ the sum determined under division (E) (5) (b) of this section for that fiscal year)]	47241 47242 47243 47244 47245 47246
(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.	47247 47248 47249
(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:	47250 47251 47252
(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year;	47253 47254 47255
(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;	47256 47257
(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:	47258 47259
(The amount determined under division (H) (1) of this section / the sum determined under division (H) (2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed	47260 47261 47262 47263
<b>Sec. 3317.012.</b> This section shall apply only for fiscal	47264



years ~~2024-2026~~ and ~~2025~~2027. 47265

(A) As used in this section, "average administrative 47266  
assistant salary," "average bookkeeping and accounting employee 47267  
salary," "average clerical staff salary," "average counselor 47268  
salary," "average education management information system 47269  
support employee salary," "average librarian and media staff 47270  
salary," "average other district administrator salary," "average 47271  
principal salary," "average superintendent salary," and "average 47272  
teacher cost" have the same meanings as in section 3317.011 of 47273  
the Revised Code. 47274

(B) When calculating a district's aggregate base cost 47275  
under this section, the department shall use data from fiscal 47276  
year 2022 for all of the following: 47277

(1) The average salaries determined under divisions (A) 47278  
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of 47279  
section 3317.011 of the Revised Code; 47280

(2) The amount for teacher benefits determined under 47281  
division (A) (10) (b) of section 3317.011 of the Revised Code; 47282

(3) The district-paid insurance costs determined under 47283  
division (A) (10) (c) of section 3317.011 of the Revised Code; 47284

(4) Spending determined under divisions (E) (4) (a), (E) (5) 47285  
(a), and (H) (1) of section 3317.011 of the Revised Code and the 47286  
corresponding student counts determined under divisions (E) (4) 47287  
(b), (E) (5) (b), and (H) (2) of that section; 47288

(5) The information determined under division (G) (3) of 47289  
section 3317.011 of the Revised Code. 47290

(C) A joint vocational school district's aggregate base 47291  
cost for a fiscal year shall be equal to the following sum: 47292

The district's teacher base cost for that fiscal year computed	47293
under division (D) of this section + the district's student	47294
support base cost for that fiscal year computed under division	47295
(E) of this section + the district's leadership and	47296
accountability base cost for that fiscal year computed under	47297
division (F) of this section + the district's building	47298
leadership and operations base cost for that fiscal year	47299
computed under division (G) of this section	47300
(D) The department of education and workforce shall	47301
compute a district's teacher base cost for a fiscal year as	47302
follows:	47303
(1) Calculate the district's classroom teacher cost for	47304
that fiscal year as follows:	47305
(a) Determine the full-time equivalency of students in the	47306
district's base cost enrolled ADM for that fiscal year that are	47307
enrolled in a career-technical education program or class, as	47308
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of	47309
section 3317.03 of the Revised Code, and divide that number by	47310
18;	47311
(b) Determine the full-time equivalency of students in the	47312
district's base cost enrolled ADM for that fiscal year that are	47313
enrolled in grades six through eight but are not enrolled in a	47314
career-technical education program or class described under	47315
section 3317.014 of the Revised Code and divide that number by	47316
25;	47317
(c) Determine the full-time equivalency of students in the	47318
district's base cost enrolled ADM for that fiscal year that are	47319
enrolled in grades nine through twelve but are not enrolled in a	47320
career-technical education program or class described under	47321

section 3317.014 of the Revised Code and divide that number by 47322  
27; 47323

(d) Compute the sum of the quotients obtained under 47324  
divisions (D) (1) (a), (b), and (c) of this section; 47325

(e) Compute the classroom teacher base cost by multiplying 47326  
the average teacher cost for that fiscal year by the sum 47327  
computed under division (D) (1) (d) of this section. 47328

(2) Calculate the district's cost for that fiscal year for 47329  
teachers providing health and physical education, instruction 47330  
regarding employability and soft skills, development and 47331  
coordination of internships and job placements, career-technical 47332  
student organization activities, pre-apprenticeship and 47333  
apprenticeship coordination, and any assessment related to 47334  
career-technical education, including any nationally recognized 47335  
job skills or end-of-course assessment, as follows: 47336

(a) Divide the district's base cost enrolled ADM for that 47337  
fiscal year by 150; 47338

(b) If the quotient obtained under division (D) (2) (a) of 47339  
this section is greater than 6, the teacher cost shall be equal 47340  
to that quotient multiplied by the average teacher cost for that 47341  
fiscal year. 47342

(c) If the quotient obtained under division (D) (2) (a) of 47343  
this section is less than or equal to 6, the teacher cost shall 47344  
be equal to 6 multiplied by the average teacher cost for that 47345  
fiscal year. 47346

(3) Calculate the district's substitute teacher cost for 47347  
that fiscal year in accordance with the following formula: 47348

(a) Compute the substitute teacher daily rate with benefits 47349

by multiplying the substitute teacher daily rate of \$90 by 1.16; 47350

(b) Compute the substitute teacher cost in accordance with 47351  
the following formula: 47352

[The sum computed under division (D) (1) (d) of this section + 47353  
(the greater of the quotient obtained under division (D) (2) (a) 47354  
of this section and 6)] X the amount computed under division (D) 47355  
(3) (a) of this section X 5 47356

(4) Calculate the district's professional development cost 47357  
for that fiscal year in accordance with the following formula: 47358

[The sum computed under division (D) (1) (d) of this section + 47359  
(the greater of the quotient obtained under division (D) (2) (a) 47360  
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 47361  
(b) of section 3317.011 of the Revised Code for that fiscal 47362  
year)/180] X 4 47363

(5) Calculate the district's teacher base cost for that 47364  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 47365  
and (4) of this section. 47366

(E) The department shall compute a district's student 47367  
support base cost for a fiscal year as follows: 47368

(1) Calculate the district's guidance counselor cost for 47369  
that fiscal year as follows: 47370

(a) Determine the number of students in the district's 47371  
base cost enrolled ADM for that fiscal year that are enrolled in 47372  
grades nine through twelve and divide that number by 360; 47373

(b) Compute the counselor cost in accordance with the 47374  
following formula: 47375

(The greater of the quotient obtained under division (E) (1) (a) 47376

of this section and 1) X [(the average counselor salary for that 47377  
fiscal year X 1.16) + the amount specified under division (A) 47378  
(10) (c) of section 3317.011 of the Revised Code for that fiscal 47379  
year] 47380

(2) Calculate the district's librarian and media staff 47381  
cost for that fiscal year as follows: 47382

(a) Divide the district's base cost enrolled ADM for that 47383  
fiscal year by 1,000; 47384

(b) Compute the librarian and media staff cost in 47385  
accordance with the following formula: 47386

The quotient obtained under division (E) (2) (a) of this section X 47387  
[(the average librarian and media staff salary for that fiscal 47388  
year X 1.16) + the amount specified under division (A) (10) (c) of 47389  
section 3317.011 of the Revised Code for that fiscal year] 47390

(3) Calculate the district's staffing cost for student 47391  
wellness and success for that fiscal year as follows: 47392

(a) Divide the district's base cost enrolled ADM for that 47393  
fiscal year by 250; 47394

(b) Compute the staffing cost for student wellness and 47395  
success in accordance with the following formula: 47396

The quotient obtained under division (E) (3) (a) of this section X 47397  
[(the average counselor salary for that fiscal year X 1.16) + 47398  
the amount specified under division (A) (10) (c) of section 47399  
3317.011 of the Revised Code for that fiscal year] 47400

(4) Calculate the district's cost for that fiscal year for 47401  
career-technical curriculum specialists and coordinators, career 47402  
assessment and program placement, recruitment and orientation, 47403  
student success coordination, analysis of test results, 47404

development of intervention and remediation plans and monitoring 47405  
of those plans, and satellite program coordination in accordance 47406  
with the following formula: 47407

[ (The amount determined under division (E) (4) (a) of section 47408  
3317.011 of the Revised Code for that fiscal year / the sum 47409  
determined under division (E) (4) (b) of section 3317.011 of the 47410  
Revised Code) + (the amount determined under division (H) (1) of 47411  
section 3317.011 of the Revised Code for that fiscal year / the 47412  
sum determined under division (H) (2) of section 3317.011 of the 47413  
Revised Code) ] X the district's base cost enrolled ADM for the 47414  
fiscal year for which the district's cost under this division is 47415  
computed 47416

(5) Compute the district's building safety and security 47417  
cost for that fiscal year in accordance with the following 47418  
formula: 47419

(The amount determined under division (E) (5) (a) of section 47420  
3317.011 of the Revised Code for that fiscal year / the sum 47421  
determined under division (E) (5) (b) of section 3317.011 of the 47422  
Revised Code) X the district's base cost enrolled ADM for the 47423  
fiscal year for which the building safety and security cost is 47424  
computed 47425

(6) Compute the district's supplies and academic content 47426  
cost for that fiscal year in accordance with the following 47427  
formula: 47428

(The amount determined under division (E) (6) (a) of section 47429  
3317.011 of the Revised Code for that fiscal year / the sum 47430  
determined under division (E) (6) (b) of section 3317.011 of the 47431  
Revised Code) X the district's base cost enrolled ADM for the 47432  
fiscal year for which the supplies and academic content cost is 47433

computed	47434
(7) Calculate the district's technology cost for that	47435
fiscal year in accordance with the following formula:	47436
\$37.50 X the district's base cost enrolled ADM for that fiscal	47437
year	47438
(8) Calculate the district's student support base cost for	47439
that fiscal year, which equals the sum of divisions (E) (1), (2),	47440
(3), (4), (5), (6), and (7) of this section.	47441
(F) The department shall compute a district's leadership	47442
and accountability base cost for a fiscal year as follows:	47443
(1) Calculate the district's superintendent cost for that	47444
fiscal year as follows:	47445
(a) If the district's base cost enrolled ADM for that	47446
fiscal year is greater than 4,000, then the district's	47447
superintendent cost shall be equal to [(\$160,000 X 1.16) + the	47448
amount specified under division (A) (10) (c) of section 3317.011	47449
of the Revised Code for that fiscal year].	47450
(b) If the district's base cost enrolled ADM for that	47451
fiscal year is less than or equal to 4,000 but greater than or	47452
equal to 500, the district's superintendent cost shall be equal	47453
to the sum of the following:	47454
(i) (The district's base cost enrolled ADM for that fiscal	47455
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500};	47456
(ii) (\$80,000 X 1.16) + the amount specified under division	47457
(A) (10) (c) of section 3317.011 of the Revised Code for that	47458
fiscal year.	47459
(c) If the district's base cost enrolled ADM is less than	47460

500, then the district's superintendent cost shall be equal to 47461  
[ $(\$80,000 \times 1.16)$  + the amount specified under division (A) (10) 47462  
(c) of section 3317.011 of the Revised Code for that fiscal 47463  
year]. 47464

(2) Calculate the district's treasurer cost for that 47465  
fiscal year as follows: 47466

(a) If the district's base cost enrolled ADM for that 47467  
fiscal year is greater than 4,000, then the district's treasurer 47468  
cost shall be equal to [ $(\$130,000 \times 1.16)$  + the amount specified 47469  
under division (A) (10) (c) of section 3317.011 of the Revised 47470  
Code for that fiscal year]. 47471

(b) If the district's base cost enrolled ADM for that 47472  
fiscal year is less than or equal to 4,000 but greater than or 47473  
equal to 500, the district's treasurer cost shall be equal to 47474  
the sum of the following: 47475

(i)  $(\text{The district's base cost enrolled ADM for that fiscal}$  47476  
 $\text{year} - 500) \times \{ [ (\$130,000 \times 1.16) - (\$60,000 \times 1.16) ] / 3500 \};$  47477

(ii)  $(\$60,000 \times 1.16)$  + the amount specified under division 47478  
(A) (10) (c) of section 3317.011 of the Revised Code for that 47479  
fiscal year. 47480

(c) If the district's base cost enrolled ADM is less than 47481  
500, then the district's treasurer cost shall be equal to 47482  
[ $(\$60,000 \times 1.16)$  + the amount specified under division (A) (10) 47483  
(c) of section 3317.011 of the Revised Code for that fiscal 47484  
year]. 47485

(3) Calculate the district's other district administrator 47486  
cost for that fiscal year as follows: 47487

(a) Divide the average other district administrator salary 47488



for that fiscal year by the average superintendent salary for 47489  
that fiscal year; 47490

(b) Divide the district's base cost enrolled ADM for that 47491  
fiscal year by 750; 47492

(c) Compute the other district administrator cost in 47493  
accordance with the following formula: 47494

{[(The district's superintendent cost for that fiscal year 47495  
calculated under division (F) (1) of this section - the amount 47496  
specified under division (A) (10) (c) of section 3317.011 of the 47497  
Revised Code for that fiscal year) X the quotient obtained under 47498  
division (F) (3) (a) of this section] + the amount specified under 47499  
division (A) (10) (c) of section 3317.011 of the Revised Code} X 47500  
(the greater of the quotient obtained under division (F) (3) (b) 47501  
of this section and 2) 47502

(4) Calculate the district's fiscal support cost for that 47503  
fiscal year as follows: 47504

(a) Divide the district's base cost enrolled ADM for that 47505  
fiscal year by 850; 47506

(b) Determine the lesser of the following: 47507

(i) The maximum of the quotient obtained under division 47508  
(F) (4) (a) of this section and 2; 47509

(ii) 35. 47510

(c) Compute the fiscal support cost in accordance with the 47511  
following formula: 47512

The number obtained under division (F) (4) (b) of this section X 47513  
[(the average bookkeeping and accounting employee salary for 47514  
that fiscal year X 1.16) + the amount specified under division 47515

(A) (10) (c) of section 3317.011 of the Revised Code for that 47516  
fiscal year] 47517

(5) Calculate the district's education management 47518  
information system support cost for that fiscal year as follows: 47519

(a) Divide the district's base cost enrolled ADM for that 47520  
fiscal year by 5,000; 47521

(b) Compute the education management information system 47522  
support cost in accordance with the following formula: 47523

(The greater of the quotient obtained under division (F) (5) (a) 47524  
of this section and 1) X [(the average education management 47525  
information system support employee salary for that fiscal year 47526  
X 1.16) + the amount specified under division (A) (10) (c) of 47527  
section 3317.011 of the Revised Code for that fiscal year] 47528

(6) Calculate the district's leadership support cost for 47529  
that fiscal year as follows: 47530

(a) Determine the greater of the quotient obtained under 47531  
division (F) (3) (b) of this section and 2 and add 1 to that 47532  
number; 47533

(b) Divide the number obtained under division (F) (6) (a) of 47534  
this section by 3; 47535

(c) Compute the leadership support cost in accordance with 47536  
the following formula: 47537

(The greater of the quotient obtained under division (F) (6) (b) 47538  
of this section and 1) X [(the average administrative assistant 47539  
salary for that fiscal year X 1.16) + the amount specified under 47540  
division (A) (10) (c) of section 3317.011 of the Revised Code for 47541  
that fiscal year] 47542

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula: 47543  
47544  
47545

\$31 X the district's base cost enrolled ADM for that fiscal year 47546

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section; 47547  
47548  
47549  
47550

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 47551  
47552  
47553

(1) Calculate the district's building leadership cost for that fiscal year as follows: 47554  
47555

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 47556  
47557

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 47558  
47559

(c) Compute the building leadership cost in accordance with the following formula: 47560  
47561

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section 47562  
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47569

(2) Calculate the district's building leadership support 47570

cost for that fiscal year as follows: 47571

(a) Divide the district's base cost enrolled ADM for that 47572  
fiscal year by 400; 47573

(b) Determine the number of school buildings in the 47574  
district for ~~that~~ the preceding fiscal year; 47575

(c) Compute the building leadership support cost in 47576  
accordance with the following formula: 47577

(i) If the quotient obtained under division (G) (2) (a) of 47578  
this section is less than the number obtained under division (G) 47579  
(2) (b) of this section, then the district's building leadership 47580  
support cost shall be equal to {the number obtained under 47581  
division (G) (2) (b) of this section X [(the average clerical 47582  
staff salary X 1.16) + the amount specified under division (A) 47583  
(10) (c) of section 3317.011 of the Revised Code for that fiscal 47584  
year]}. 47585

(ii) If the quotient obtained under division (G) (2) (a) of 47586  
this section is greater than or equal to the number obtained 47587  
under division (G) (2) (b) of this section, then the district's 47588  
building leadership support cost shall be equal to {[the lesser 47589  
of (the number obtained under division (G) (2) (b) of this section 47590  
X 3) and the quotient obtained under division (G) (2) (a) of this 47591  
section] X [(the average clerical staff salary for that fiscal 47592  
year X 1.16) + the amount specified under division (A) (10) (c) of 47593  
section 3317.011 of the Revised Code for that fiscal year]}. 47594

(3) Compute the district's building operations cost for 47595  
that fiscal year in accordance with the following formula: 47596

The district's base cost enrolled ADM for that fiscal year X 47597  
[(the number determined under division (G) (3) (a) (i) of section 47598  
3317.011 of the Revised Code X the number determined under 47599

division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) 47600  
- (the amount determined under division (E) (5) (a) of section 47601  
3317.011 of the Revised Code for that fiscal year / the sum 47602  
determined under division (E) (5) (b) of section 3317.011 of the 47603  
Revised Code for that fiscal year)] 47604

(4) Calculate the district's building leadership and 47605  
operations base cost for that fiscal year, which equals the sum 47606  
of divisions (G) (1), (2), and (3) of this section. 47607

**Sec. 3317.014.** (A) The multiples for the following 47608  
categories of career-technical education programs approved by 47609  
the department of education and workforce under section 3317.161 47610  
of the Revised Code shall be as follows: 47611

(1) A multiple of 0.6230 for students enrolled in career- 47612  
technical education workforce development programs in 47613  
agricultural and environmental systems, construction 47614  
technologies, engineering and science technologies, finance, 47615  
health science, information technology, and manufacturing 47616  
technologies, each of which shall be defined by the department 47617  
in consultation with the governor's office of workforce 47618  
transformation; 47619

(2) A multiple of 0.5905 for students enrolled in 47620  
workforce development programs in business and administration, 47621  
hospitality and tourism, human services, law and public safety, 47622  
transportation systems, and arts and communications, each of 47623  
which shall be defined by the department in consultation with 47624  
the governor's office of workforce transformation; 47625

(3) A multiple of 0.2154 for students enrolled in career- 47626  
based intervention programs, which shall be defined by the 47627  
department in consultation with the governor's office of 47628

workforce transformation; 47629

(4) A multiple of 0.1830 for students enrolled in 47630  
workforce development programs in education and training, 47631  
marketing, workforce development academics, public 47632  
administration, and career development, each of which shall be 47633  
defined by the department in consultation with the governor's 47634  
office of workforce transformation; 47635

(5) A multiple of 0.1570 for students enrolled in family 47636  
and consumer science programs, which shall be defined by the 47637  
department in consultation with the governor's office of 47638  
workforce transformation. 47639

(B) The multiple for career-technical education associated 47640  
services, as defined by the department, shall be 0.0294. 47641

(C) The department shall calculate career-technical 47642  
education funds for each funding unit that is a city, local, 47643  
exempted village, or joint vocational school district or the 47644  
community and STEM school unit as follows: 47645

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 47646  
the following: 47647

(a) The funding unit's category one career-technical 47648  
education ADM X the multiple specified in division (A) (1) of 47649  
this section X the statewide average career-technical base cost 47650  
per pupil for that fiscal year X if the funding unit is a city, 47651  
local, exempted village, or joint vocational school district, 47652  
the district's state share percentage; 47653

(b) The funding unit's category two career-technical 47654  
education ADM X the multiple specified in division (A) (2) of 47655  
this section X the statewide average career-technical base cost 47656  
per pupil for that fiscal year X if the funding unit is a city, 47657

local, exempted village, or joint vocational school district, 47658  
the district's state share percentage; 47659

(c) The funding unit's category three career-technical 47660  
education ADM X the multiple specified in division (A) (3) of 47661  
this section X the statewide average career-technical base cost 47662  
per pupil for that fiscal year X if the funding unit is a city, 47663  
local, exempted village, or joint vocational school district, 47664  
the district's state share percentage; 47665

(d) The funding unit's category four career-technical 47666  
education ADM X the multiple specified in division (A) (4) of 47667  
this section X the statewide average career-technical base cost 47668  
per pupil for that fiscal year X if the funding unit is a city, 47669  
local, exempted village, or joint vocational school district, 47670  
the district's state share percentage; 47671

(e) The funding unit's category five career-technical 47672  
education ADM X the multiple specified in division (A) (5) of 47673  
this section X the statewide average career-technical base cost 47674  
per pupil for that fiscal year X if the funding unit is a city, 47675  
local, exempted village, or joint vocational school district, 47676  
the district's state share percentage. 47677

(2) For fiscal year ~~2026~~2028 and each fiscal year 47678  
thereafter, the sum of the following: 47679

(a) An amount calculated in a manner determined by the 47680  
general assembly times the funding unit's category one career- 47681  
technical education ADM; 47682

(b) An amount calculated in a manner determined by the 47683  
general assembly times the funding unit's category two career- 47684  
technical education ADM; 47685

(c) An amount calculated in a manner determined by the 47686

general assembly times the funding unit's category three career-technical education ADM; 47687  
47688

(d) An amount calculated in a manner determined by the 47689  
general assembly times the funding unit's category four career-technical education ADM; 47690  
47691

(e) An amount calculated in a manner determined by the 47692  
general assembly times the funding unit's category five career-technical education ADM. 47693  
47694

(3) Payment of funds calculated under division (C) of this 47695  
section is subject to approval under section 3317.161 of the Revised Code. 47696  
47697

(D) Subject to division (I) of section 3317.023 of the 47698  
Revised Code, the department shall calculate career-technical 47699  
associated services funds for each funding unit that is a city, 47700  
local, exempted village, or joint vocational school district or 47701  
the community and STEM school unit as follows: 47702

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 47703  
product: 47704

(If the funding unit is a city, local, exempted village, or 47705  
joint vocational school district, the funding unit's state share 47706  
percentage) X the multiple for career-technical education 47707  
associated services specified under division (B) of this section 47708  
X the statewide average career-technical base cost per pupil for 47709  
that fiscal year X the sum of the funding unit's categories one 47710  
through five career-technical education ADM 47711

(2) For fiscal year ~~2026-2028~~ and each fiscal year 47712  
thereafter, an amount calculated in a manner determined by the 47713  
general assembly times the funding unit's categories one through 47714  
five career-technical education ADM. 47715



~~(E) (1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning district as follows:—~~

~~(a) For fiscal years 2024 and 2025, an amount equal to the following product:—~~

~~The sum of enrolled ADM for all districts and schools within the career technical planning district X \$7.50, for fiscal year 2024, or \$10, for fiscal year 2025—~~

~~(b) For fiscal year 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.—~~

~~(2) The lead district of a career technical planning district shall use career awareness and exploration funds in accordance with division (H) of this section.—~~

~~(F) (1) In any fiscal year, a school district receiving funds calculated under division (C) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The~~

department shall require the school district to report data 47745  
annually so that the department may monitor the district's 47746  
compliance with the requirements regarding the manner in which 47747  
funding calculated under division (C) of this section may be 47748  
spent. 47749

(2) All funds received under division (C) of this section 47750  
shall be spent in the following manner: 47751

(a) At least seventy-five per cent of the funds shall be 47752  
spent on curriculum development, purchase, and implementation; 47753  
instructional resources and supplies; industry-based program 47754  
certification; student assessment, credentialing, and placement; 47755  
curriculum specific equipment purchases and leases; career- 47756  
technical student organization fees and expenses; home and 47757  
agency linkages; work-based learning experiences; professional 47758  
development; and other costs directly associated with career- 47759  
technical education programs including development of new 47760  
programs. 47761

(b) Not more than twenty-five per cent of the funds shall 47762  
be used for personnel expenditures. 47763

~~(G)~~(F) In any fiscal year, a school district receiving 47764  
funds calculated under division (D) of this section, or through 47765  
a transfer of funds pursuant to division (I) of section 3317.023 47766  
of the Revised Code, shall spend those funds only for the 47767  
purposes that the department designates as approved for career- 47768  
technical education associated services expenses, which may 47769  
include such all of the following purposes as apprenticeship 47770  
~~coordinators, coordinators for other career-technical education~~ 47771  
~~services, career-technical evaluation, and other purposes~~ 47772  
~~designated by the department.:~~ 47773

- (1) Engaging and collaborating with education and workforce stakeholders in the service area; 47774  
47775
- (2) Developing and maintaining a comprehensive plan to increase career-focused education activities; 47776  
47777
- (3) Ensuring that plans are informed by quality data and using data to expand access to career-focused activities for all students; 47778  
47779  
47780
- (4) Planning and allocating resources for the growth, sustainability, and enhancement of career-focused activities in the long term; 47781  
47782  
47783
- (5) Establishing continuous improvement and program approval processes. 47784  
47785

The department may deny payment of funds calculated under division (D) of this section to any district that the department determines is not operating those services or is using funds calculated under division (D) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes. 47786  
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~~(H) In any fiscal year, a lead district of a career-technical planning district receiving funds under division (E) of this section, shall utilize those funds to deliver relevant career awareness and exploration programs to all students within its career technical planning district in a manner that is consistent with the career-technical planning district's plan that is on file with the department. The lead district that receives funds under this division shall spend those funds only for the following purposes:—~~ 47792  
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~~(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;—~~ 47801  
47802

~~(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;~~ 47803  
47804

~~(3) Assistance to teachers in providing a career development curriculum to students;~~ 47805  
47806

~~(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;~~ 47807  
47808  
47809

~~(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level~~ 47810  
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~~—~~ 47813

~~The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.~~ 47814  
47815  
47816

**Sec. 3317.016.** As used in this section, "English learner" 47817  
has the same meaning as in section 3301.0731 of the Revised 47818  
Code. 47819

The multiples for English learners shall be as follows: 47820

(A) A multiple of 0.2104 for each student who has been 47821  
identified as an English learner following the state's 47822  
standardized identification process enrolled in schools in the 47823  
United States for 180 school days or less. 47824

(B) A multiple of 0.1577 for each student who, for fiscal 47825  
years ~~2024–2026~~ and ~~2025–2027~~ has been identified as an English 47826  
learner following the state's standardized identification 47827  
process and enrolled in schools in the United States for more 47828  
than 180 school days until the student achieves a proficient 47829  
score on the spring administration of the state's English 47830

language proficiency assessments prescribed by division (C) (3) 47831  
of section 3301.0711 of the Revised Code or who, for fiscal year 47832  
~~2026~~2028 and each fiscal year thereafter, satisfies criteria 47833  
specified by the general assembly for purposes of this division. 47834

(C) A multiple of 0.1053 for each student who, for fiscal 47835  
years ~~2024~~2026 and ~~2025~~2027, achieves a score of proficient on 47836  
the spring administration of the state's English language 47837  
proficiency assessments prescribed by division (C) (3) of section 47838  
3301.0711 of the Revised Code for the two school years following 47839  
the school year in which the student achieved that level of 47840  
achievement or who, for fiscal year ~~2026~~2028 and each fiscal 47841  
year thereafter, satisfies criteria specified by the general 47842  
assembly for purposes of this division. 47843

**Sec. 3317.017.** This section shall apply only for fiscal 47844  
years ~~2024~~2026 and ~~2025~~2027. 47845

(A) The department of education and workforce shall 47846  
compute a city, local, or exempted village school district's 47847  
per-pupil local capacity amount for a fiscal year as follows: 47848

(1) Calculate the district's valuation per pupil for that 47849  
fiscal year as follows: 47850

(a) Determine the minimum of the district's three-year 47851  
average valuation for the fiscal year for which the calculation 47852  
is made and the district's taxable value for the most recent tax 47853  
year for which data is available; 47854

(b) Divide the amount determined under division (A) (1) (a) 47855  
of this section by the district's base cost enrolled ADM for the 47856  
fiscal year for which the calculation is made. 47857

(2) Calculate the district's local share federal adjusted 47858  
gross income per pupil for that fiscal year as follows: 47859

- (a) Determine the minimum of the following: 47860
- (i) The average of the total federal adjusted gross income 47861  
of the district's residents for the three most recent tax years 47862  
for which data is available, as certified under section 3317.021 47863  
of the Revised Code; 47864
- (ii) The total federal adjusted gross income of the 47865  
district's residents for the most recent tax year for which data 47866  
is available, as certified under section 3317.021 of the Revised 47867  
Code. 47868
- (b) Divide the amount determined under division (A) (2) (a) 47869  
of this section by the district's base cost enrolled ADM for the 47870  
fiscal year for which the calculation is made. 47871
- (3) Calculate the district's adjusted local share federal 47872  
adjusted gross income per pupil for that fiscal year as follows: 47873
- (a) Determine both of the following: 47874
- (i) The median federal adjusted gross income of the 47875  
district's residents for the most recent tax year for which data 47876  
is available, as certified under section 3317.021 of the Revised 47877  
Code; 47878
- (ii) The number of state tax returns filed by taxpayers 47879  
residing in the district for the most recent tax year for which 47880  
data is available, as certified under section 3317.021 of the 47881  
Revised Code. 47882
- (b) Compute the product of divisions (A) (3) (a) (i) and (ii) 47883  
of this section; 47884
- (c) Divide the amount determined under division (A) (3) (b) 47885  
of this section by the district's base cost enrolled ADM for the 47886  
fiscal year for which the calculation is made. 47887

(4) Calculate the district's per-pupil local capacity percentage as follows: 47888  
47889

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A) (3) (a) (i) of this section for that fiscal year; 47890  
47891  
47892

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A) (3) (a) (i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A) (4) (a) of this section; 47893  
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47895  
47896  
47897

(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the district with the highest ratio calculated under division (A) (4) (b) of this section to the district with the lowest ratio calculated under division (A) (4) (b) of this section; 47898  
47899  
47900  
47901  
47902

(d) Determine the district's per-pupil local capacity percentage as follows: 47903  
47904

(i) If the ratio calculated for the district under division (A) (4) (b) of this section is greater than or equal to the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025. 47905  
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(ii) If the ratio calculated for the district under division (A) (4) (b) of this section is less than the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to 47911  
47912  
47913  
47914  
47915  
47916

an amount calculated as follows: 47917

{[(The ratio calculated for the district under division (A) (4) 47918  
(b) of this section - 1) X 0.0025]/ (the ratio calculated under 47919  
division (A) (4) (b) of this section for the district with the 47920  
fortieth highest ratio as determined under division (A) (4) (c) of 47921  
this section - 1)} + 0.0225 47922

(iii) If the ratio calculated for the district under 47923  
division (A) (4) (b) of this section is less than or equal to 1.0, 47924  
the district's per-pupil local capacity percentage shall be 47925  
equal to the amount calculated under division (A) (4) (b) of this 47926  
section times 0.0225. 47927

(5) Calculate the district's per-pupil local capacity 47928  
amount for that fiscal year as follows: 47929

(The district's valuation per pupil calculated under division 47930  
(A) (1) of this section for that fiscal year X the district's 47931  
per-pupil local capacity percentage calculated under division 47932  
(A) (4) of this section X 0.60) + (the district's local share 47933  
federal adjusted gross income per pupil calculated under 47934  
division (A) (2) of this section for that fiscal year X the 47935  
district's per-pupil local capacity percentage calculated under 47936  
division (A) (4) of this section X 0.20 ) + (the district's 47937  
adjusted local share federal adjusted gross income per pupil 47938  
calculated under division (A) (3) of this section for that fiscal 47939  
year X the district's per-pupil local capacity percentage 47940  
calculated under division (A) (4) of this section X 0.20) 47941

(B) The department shall compute a city, local, or 47942  
exempted village school district's state share for a fiscal year 47943  
as follows: 47944

(1) If the district's per-pupil local capacity amount for 47945



that fiscal year divided by the district's base cost per pupil 47946  
for that fiscal year is greater than 0.90, then the district's 47947  
state share shall be equal to (the district's base cost per 47948  
pupil for that fiscal year X 0.10 X the district's enrolled ADM 47949  
for that fiscal year). 47950

(2) If the district's per-pupil local capacity amount for 47951  
that fiscal year divided by the district's base cost per pupil 47952  
for that fiscal year is less than or equal to 0.90, then the 47953  
district's state share for that fiscal year shall be equal to 47954  
[(the district's base cost per pupil for that fiscal year - the 47955  
district's per-pupil local capacity amount for that fiscal year) 47956  
X the district's enrolled ADM for that fiscal year]. 47957

(C) The department shall compute a city, local, or 47958  
exempted village school district's state share percentage for a 47959  
fiscal year as follows: 47960

(the district's base cost per pupil amount for that fiscal year 47961  
- the district's per pupil local capacity amount for that fiscal 47962  
year)/(the district's base cost per pupil amount for that fiscal 47963  
year). 47964

If the result is less than 0.10, the state share 47965  
percentage shall be 0.10. 47966

**Sec. 3317.018.** (A) The statewide average base cost per 47967  
pupil shall be determined as follows: 47968

(1) For fiscal year 2024, the statewide average base cost 47969  
per pupil shall be equal to the sum of the aggregate base cost 47970  
calculated for all city, local, and exempted village school 47971  
districts in the state for that fiscal year under section 47972  
3317.011 of the Revised Code divided by the sum of the base cost 47973  
enrolled ADMs of all of the city, local, and exempted village 47974

school districts in the state for that fiscal year. 47975

(2) For fiscal ~~year~~years 2025, 2026, and 2027, the 47976  
statewide average base cost per pupil shall be equal to the 47977  
amount calculated under division (A)(1) of this section. 47978

(B) The statewide average career-technical base cost per 47979  
pupil shall be determined as follows: 47980

(1) For fiscal year 2024, the statewide average career- 47981  
technical base cost per pupil shall be equal to the sum of the 47982  
aggregate base cost calculated for all joint vocational school 47983  
districts in the state for that fiscal year under section 47984  
3317.012 of the Revised Code divided by the sum of the base cost 47985  
enrolled ADMs of all of the joint vocational school districts in 47986  
the state for that fiscal year. 47987

(2) For fiscal ~~year~~years 2025, 2026, and 2027, the 47988  
statewide average career-technical base cost per pupil shall be 47989  
equal to the amount calculated under division (B)(1) of this 47990  
section. 47991

**Sec. 3317.019.** (A)(1) Subject to division (C) of this 47992  
section, for fiscal years ~~2024-2026~~ and ~~2025~~2027, the department 47993  
of education and workforce shall pay temporary transitional aid 47994  
to each city, local, and exempted village school district 47995  
according to the following formula: 47996

(The district's funding base, as that term is defined in section 47997  
3317.02 of the Revised Code, X 0.95 for fiscal year 2026 or 0.90 47998  
for fiscal year 2027) - (the district's payment under section 47999  
3317.022 of the Revised Code ~~— the district's payment for~~ 48000  
~~supplemental targeted assistance under section 3317.0218 of the~~ 48001  
~~Revised Code for the fiscal year for which each payment is~~ 48002  
~~computed~~) 48003

If the computation made under division (A) (1) of this section results in a negative number, the district's funding under division (A) (1) of this section shall be zero. 48004  
48005  
48006

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the department shall pay temporary transitional transportation aid to that district according to the following formula: 48007  
48008  
48009

[(The amount calculated for the district for fiscal year 2020 under division (A) (2) of Section 265.220 of H.B. 166 of the 133rd general assembly, prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020) - (the district's payment for fiscal year 2019 under division (D) (2) of section 3314.091 of the Revised Code as that division existed prior to September 30, 2021)] X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027] - (the district's payment under section 3317.0212 of the Revised Code for the fiscal year for which the payment is computed) 48010  
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If the computation made under division (A) (2) of this section results in a negative number, the district's funding under division (A) (2) of this section shall be zero. 48021  
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(B) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year ~~2024-2026~~ or fiscal year ~~2025~~2027, but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall adjust, as necessary, the district's funding base, as that term is defined in section 3317.02 of the Revised Code, according to the amounts received by the district in the immediately preceding fiscal year for career-technical education students who attend the newly 48024  
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established joint vocational school district. 48034

(C) (1) For purposes of division (C) of this section, a 48035  
district's "decrease threshold" for a fiscal year is the greater 48036  
of the following: 48037

(a) Twenty; 48038

(b) Ten per cent of the number of the district's students 48039  
counted under division (A) (1) (b) of section 3317.03 of the 48040  
Revised Code for the previous fiscal year. 48041

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, if a district 48042  
has fewer students counted under division (A) (1) (b) of section 48043  
3317.03 of the Revised Code for that fiscal year than for the 48044  
previous fiscal year and the positive difference between those 48045  
two student counts is greater than or equal to the district's 48046  
decrease threshold for that fiscal year, the amount paid to the 48047  
district under division (A) of this section shall be reduced by 48048  
the following amount: 48049

The statewide average base cost per pupil X [(the positive 48050  
difference between the number of the district's students counted 48051  
under division (A) (1) (b) of section 3317.03 of the Revised Code 48052  
for that fiscal year and the number of the district's students 48053  
counted under that division for the previous fiscal year) - the 48054  
district's decrease threshold for that fiscal year] 48055

At no time, however, shall the amount paid to a district 48056  
under division (A) of this section be less than zero. 48057

**Sec. 3317.0110.** This section shall apply only for fiscal 48058  
years ~~2024-2026~~ and ~~2025~~2027. 48059

(A) As used in this section: 48060

(1) "Average teacher cost" for a fiscal year has the same 48061

meaning as in section 3317.011 of the Revised Code. 48062

(2) "Eligible community or STEM school" means a community 48063  
or STEM school that satisfies one of the following: 48064

(a) The school is a member of an organization that 48065  
regulates interscholastic athletics. 48066

(b) The school has teams in at least three different 48067  
sports that participate in an interscholastic league. 48068

(B) When calculating a community or STEM school's 48069  
aggregate base cost under this section, the department shall use 48070  
data from fiscal year 2022 for the average teacher cost. 48071

(C) A community or STEM school's aggregate base cost for a 48072  
fiscal year shall be equal to the following sum: 48073

(The school's teacher base cost for that fiscal year computed 48074  
under division (D) of this section) + (the school's student 48075  
support base cost for that fiscal year computed under division 48076  
(E) of this section) + (the school's leadership and 48077  
accountability base cost for that fiscal year computed under 48078  
division (F) of this section) + (the school's building 48079  
leadership and operations base cost for that fiscal year 48080  
computed under division (G) of this section) + (the school's 48081  
athletic co-curricular activities base cost for that fiscal year 48082  
computed under division (H) of this section, if the school is an 48083  
eligible community or STEM school) 48084

(D) The department of education shall compute a community 48085  
or STEM school's teacher base cost for a fiscal year as follows: 48086

(1) Calculate the school's classroom teacher cost for that 48087  
fiscal year as follows: 48088

(a) Determine the full-time equivalency of students 48089

enrolled in the school for that fiscal year that are enrolled in kindergarten and divide that number by 20; 48090  
48091

(b) Determine the full-time equivalency of students 48092  
enrolled in the school for that fiscal year that are enrolled in 48093  
grades one through three and divide that number by 23; 48094

(c) Determine the full-time equivalency of students 48095  
enrolled in the school for that fiscal year that are enrolled in 48096  
grades four through eight but are not enrolled in a career- 48097  
technical education program or class described under section 48098  
3317.014 of the Revised Code and divide that number by 25; 48099

(d) Determine the full-time equivalency of students 48100  
enrolled in the school for that fiscal year that are enrolled in 48101  
grades nine through twelve but are not enrolled in a career- 48102  
technical education program or class described under section 48103  
3317.014 of the Revised Code and divide that number by 27; 48104

(e) Determine the full-time equivalency of students 48105  
enrolled in the school for that fiscal year that are enrolled in 48106  
a career-technical education program or class, as reported under 48107  
division (B) (4) of section 3314.08 of the Revised Code, and 48108  
divide that number by 18; 48109

(f) Compute the sum of the quotients obtained under 48110  
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 48111

(g) Compute the classroom teacher cost by multiplying the 48112  
average teacher cost for that fiscal year by the sum computed 48113  
under division (D) (1) (f) of this section. 48114

(2) Calculate the school's special teacher cost for that 48115  
fiscal year as follows: 48116

(a) Divide the number of students enrolled in the school 48117

for that fiscal year by 150; 48118

(b) Compute the special teacher cost by multiplying the 48119  
quotient obtained under division (D) (2) (a) of this section by 48120  
the average teacher cost for that fiscal year. 48121

(3) Calculate the school's substitute teacher cost for 48122  
that fiscal year in accordance with the following formula: 48123

(a) Compute the substitute teacher daily rate with 48124  
benefits by multiplying the substitute teacher daily rate of \$90 48125  
by 1.16; 48126

(b) Compute the substitute teacher cost in accordance with 48127  
the following formula: 48128

(The sum computed under division (D) (1) (f) of this section + the 48129  
quotient obtained under division (D) (2) (a) of this section) X 48130  
the amount computed under division (D) (3) (a) of this section X 5 48131

(4) Calculate the school's professional development cost 48132  
for that fiscal year in accordance with the following formula: 48133

(The sum computed under division (D) (1) (f) of this section + the 48134  
quotient obtained under division (D) (2) (a) of this section) X 48135  
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of 48136  
the Revised Code for that fiscal year)/180] X 4 48137

(5) Calculate the school's teacher base cost for that 48138  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 48139  
and (4) of this section. 48140

(E) The department shall compute a community or STEM 48141  
school's student support base cost for a fiscal year as follows: 48142

The number of students enrolled in the school for that fiscal 48143  
year X [(the sum of the student support base cost calculated for 48144

all city, local, and exempted village school districts in the 48145  
state for that fiscal year under division (E) of section 48146  
3317.011 of the Revised Code) / the sum of the base cost 48147  
enrolled ADMs of all of the city, local, and exempted village 48148  
school districts in the state for that fiscal year] 48149

(F) The department shall compute a community or STEM 48150  
school's leadership and accountability base cost for a fiscal 48151  
year as follows: 48152

The number of students enrolled in the school for that fiscal 48153  
year X (the sum of the leadership and accountability base cost 48154  
calculated for all city, local, and exempted village school 48155  
districts in the state for that fiscal year under division (F) 48156  
of section 3317.011 of the Revised Code / the sum of the base 48157  
cost enrolled ADMs of all of the city, local, and exempted 48158  
village school districts in the state for that fiscal year) 48159

(G) The department shall compute a community or STEM 48160  
school's building leadership and operations base cost for a 48161  
fiscal year as follows: 48162

The number of students enrolled in the school for that fiscal 48163  
year X (the sum of the building leadership and accountability 48164  
base cost calculated for all city, local, and exempted village 48165  
school districts in the state for that fiscal year under 48166  
division (G) of section 3317.011 of the Revised Code / the sum 48167  
of the base cost enrolled ADMs of all of the city, local, and 48168  
exempted village school districts in the state for that fiscal 48169  
year) 48170

(H) If a community or STEM school is an eligible community 48171  
or STEM school, the department shall compute the school's 48172  
athletic co-curricular activities base cost for a fiscal year as 48173



follows: 48174

The number of students enrolled in the school for that fiscal 48175  
year X (the amount determined under division (H) (1) of section 48176  
3317.011 of the Revised Code / the sum determined under division 48177  
(H) (2) of section 3317.011 of the Revised Code) 48178

**Sec. 3317.02.** As used in this chapter: 48179

(A) "Alternative school" has the same meaning as in 48180  
section 3313.974 of the Revised Code. 48181

(B) "Autism scholarship unit" means a unit that consists 48182  
of all of the students for whom autism scholarships are awarded 48183  
under section 3310.41 of the Revised Code. 48184

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a district's 48185  
"base cost enrolled ADM" for a fiscal year means the greater of 48186  
the following: 48187

(1) The district's enrolled ADM for the previous fiscal 48188  
year; 48189

(2) The average of the district's enrolled ADM for the 48190  
previous three fiscal years. 48191

(D) (1) "Base cost per pupil" means the following for a 48192  
city, local, or exempted village school district: 48193

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the aggregate 48194  
base cost calculated for that district for that fiscal year 48195  
under section 3317.011 of the Revised Code divided by the 48196  
district's base cost enrolled ADM for that fiscal year; 48197

(b) For fiscal year ~~2026-2028~~ and each fiscal year 48198  
thereafter, an amount calculated in a manner determined by the 48199  
general assembly. 48200

(2) "Base cost per pupil" means the following for a joint vocational school district: 48201  
48202

(a) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year; 48203  
48204  
48205  
48206

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 48207  
48208  
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(E) (1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (1) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (11) or (D) (2) (h) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code. 48210  
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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (2) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (12) or (D) (2) (i) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code 48221  
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and division (D) of section 3326.32 of the Revised Code. 48231

(3) "Category three career-technical education ADM" means 48232  
the enrollment of students during the school year on a full-time 48233  
equivalency basis in career-technical education programs 48234  
described in division (A) (3) of section 3317.014 of the Revised 48235  
Code and, in the case of a funding unit that is a city, local, 48236  
exempted village, or joint vocational school district, certified 48237  
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 48238  
Revised Code or, in the case of the community and STEM school 48239  
unit, reported by all community and STEM schools statewide under 48240  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 48241  
and division (D) of section 3326.32 of the Revised Code. 48242

(4) "Category four career-technical education ADM" means 48243  
the enrollment of students during the school year on a full-time 48244  
equivalency basis in career-technical education programs 48245  
described in division (A) (4) of section 3317.014 of the Revised 48246  
Code and, in the case of a funding unit that is a city, local, 48247  
exempted village, or joint vocational school district, certified 48248  
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 48249  
Revised Code or, in the case of the community and STEM school 48250  
unit, reported by all community and STEM schools statewide under 48251  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 48252  
and division (D) of section 3326.32 of the Revised Code. 48253

(5) "Category five career-technical education ADM" means 48254  
the enrollment of students during the school year on a full-time 48255  
equivalency basis in career-technical education programs 48256  
described in division (A) (5) of section 3317.014 of the Revised 48257  
Code and, in the case of a funding unit that is a city, local, 48258  
exempted village, or joint vocational school district, certified 48259  
under division (B) (15) or (D) (2) (l) of section 3317.03 of the 48260

Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(F) (1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (16) or (D) (2) (m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (17) or (D) (2) (n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (18) or (D) (2) (o) of section 3317.03 of the Revised Code or, in the case

of the community and STEM school unit, reported by all community 48291  
and STEM schools statewide under division (B) (6) of section 48292  
3314.08 of the Revised Code and division (E) of section 3326.32 48293  
of the Revised Code. 48294

(G) (1) "Category one special education ADM" means the 48295  
full-time equivalent number of children with disabilities 48296  
receiving special education services for the disability 48297  
specified in division (A) of section 3317.013 of the Revised 48298  
Code and, in the case of a funding unit that is a city, local, 48299  
exempted village, or joint vocational school district, certified 48300  
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 48301  
Revised Code or, in the case of the community and STEM school 48302  
unit, reported by all community and STEM schools statewide under 48303  
division (B) (3) of section 3314.08 of the Revised Code and 48304  
division (C) of section 3326.32 of the Revised Code. 48305

(2) "Category two special education ADM" means the full- 48306  
time equivalent number of children with disabilities receiving 48307  
special education services for those disabilities specified in 48308  
division (B) of section 3317.013 of the Revised Code and, in the 48309  
case of a funding unit that is a city, local, exempted village, 48310  
or joint vocational school district, certified under division 48311  
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 48312  
in the case of the community and STEM school unit, reported by 48313  
all community and STEM schools statewide under division (B) (3) 48314  
of section 3314.08 of the Revised Code and division (C) of 48315  
section 3326.32 of the Revised Code. 48316

(3) "Category three special education ADM" means the full- 48317  
time equivalent number of students receiving special education 48318  
services for those disabilities specified in division (C) of 48319  
section 3317.013 of the Revised Code, and, in the case of a 48320

funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(6) "Category six special education ADM" means the full-

time equivalent number of students receiving special education 48351  
services for the disabilities specified in division (F) of 48352  
section 3317.013 of the Revised Code and, in the case of a 48353  
funding unit that is a city, local, exempted village, or joint 48354  
vocational school district certified under division (B)(10) or 48355  
(D)(2)(g) of section 3317.03 of the Revised Code or, in the case 48356  
of the community and STEM school unit, reported by all community 48357  
and STEM schools statewide under division (B)(3) of section 48358  
3314.08 of the Revised Code and division (C) of section 3326.32 48359  
of the Revised Code. 48360

(H) "Community and STEM school unit" means a unit that 48361  
consists of all of the students enrolled in community schools 48362  
established under Chapter 3314. of the Revised Code and science, 48363  
technology, engineering, and mathematics schools established 48364  
under Chapter 3326. of the Revised Code. 48365

(I)(1) "Economically disadvantaged index for a school 48366  
district" means the following: 48367

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the square of 48368  
the quotient of that district's percentage of students in its 48369  
enrolled ADM who are identified as economically disadvantaged as 48370  
defined by the department of education and workforce, divided by 48371  
the percentage of students in the statewide ADM identified as 48372  
economically disadvantaged. For purposes of this calculation: 48373

(i) For a city, local, or exempted village school 48374  
district, the "statewide ADM" equals the sum of the following: 48375

(I) The enrolled ADM for all city, local, and exempted 48376  
village school districts combined; 48377

(II) The statewide enrollment of students in community 48378  
schools established under Chapter 3314. of the Revised Code; 48379

(III) The statewide enrollment of students in science, 48380  
technology, engineering, and mathematics schools established 48381  
under Chapter 3326. of the Revised Code. 48382

(ii) For a joint vocational school district, the 48383  
"statewide ADM" equals the sum of the enrolled ADM for all joint 48384  
vocational school districts combined. 48385

(b) For fiscal year ~~2026~~2028 and each fiscal year 48386  
thereafter, an index calculated in a manner determined by the 48387  
general assembly. 48388

(2) "Economically disadvantaged index for a community or 48389  
STEM school" means the following: 48390

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the square of 48391  
the quotient of the percentage of students enrolled in the 48392  
school who are identified as economically disadvantaged as 48393  
defined by the department, divided by the percentage of students 48394  
in the statewide ADM identified as economically disadvantaged. 48395  
For purposes of this calculation, the "statewide ADM" equals the 48396  
"statewide ADM" for city, local, and exempted village school 48397  
districts described in division (I) (1) (a) (i) of this section. 48398  
For the purposes of applying this calculation to a classical 48399  
school, the percentage of students enrolled in a classical 48400  
school who are identified as economically disadvantaged shall be 48401  
the average of all brick-and-mortar community schools for that 48402  
year. 48403

(b) For fiscal year ~~2026~~2028 and each fiscal year 48404  
thereafter, an index calculated in a manner determined by the 48405  
general assembly. 48406

(J) "Educational choice scholarship unit" means a unit 48407  
that consists of all of the students for whom educational choice 48408



scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code. 48409  
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(K) "Enrolled ADM" means the following: 48411

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the department and adjusted if so ordered under division (K) of that section, and as further adjusted by the department, as follows: 48412  
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48416

(a) Add the students described in division (A) (1) (b) of section 3317.03 of the Revised Code; 48417  
48418

(b) Subtract the students counted under divisions (A) (2) (a), (b), (d), (g), (h), (i), ~~and~~ (j), and (k) of section 3317.03 of the Revised Code; 48419  
48420  
48421

(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A) (3) of section 3317.03 of the Revised Code; 48422  
48423  
48424

(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact; 48425  
48426  
48427  
48428

(e) Add twenty per cent of the number of students described in division (A) (1) (b) of section 3317.03 of the Revised Code who enroll in a joint vocational school district or under a career-technical education compact. 48429  
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(2) For a joint vocational school district, the final number verified by the department, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) 48433  
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of that section, and as further adjusted by the department by 48437  
adding the students described in division (D) (1) (b) of section 48438  
3317.03 of the Revised Code; 48439

(3) For the community and STEM school unit, the sum of the 48440  
number of students reported as enrolled in community schools 48441  
under divisions (B) (1) and (2) of section 3314.08 of the Revised 48442  
Code and the number of students reported as enrolled in STEM 48443  
schools under division (A) of section 3326.32 of the Revised 48444  
Code; 48445

(4) For the educational choice scholarship unit, the 48446  
number of students for whom educational choice scholarships are 48447  
awarded under sections 3310.03 and 3310.032 of the Revised Code 48448  
as reported under division (A) (2) (g) of section 3317.03 of the 48449  
Revised Code; 48450

(5) For the pilot project scholarship unit, the number of 48451  
students for whom pilot project scholarships are awarded under 48452  
sections 3313.974 to 3313.979 of the Revised Code as reported 48453  
under division (A) (2) (b) of section 3317.03 of the Revised Code; 48454

(6) For the autism scholarship unit, the number of 48455  
students for whom autism scholarships are awarded under section 48456  
3310.41 of the Revised Code as reported under division (A) (2) (h) 48457  
of section 3317.03 of the Revised Code; 48458

(7) For the Jon Peterson special needs scholarship unit, 48459  
the number of students for whom Jon Peterson special needs 48460  
scholarships are awarded under sections 3310.51 to 3310.64 of 48461  
the Revised Code as reported under division (A) (2) (h) of section 48462  
3317.03 of the Revised Code; 48463

(8) For the nonchartered educational savings account unit, 48464  
the number of students for whom educational savings accounts are 48465

established under sections 3310.21 to 3310.26 of the Revised 48466  
Code as reported under division (A) (2) (k) of section 3317.03 of 48467  
the Revised Code. 48468

(L) (1) "Formula ADM" means, for a city, local, or exempted 48469  
village school district, the enrollment reported under division 48470  
(A) of section 3317.03 of the Revised Code, as verified by the 48471  
department and adjusted if so ordered under division (K) of that 48472  
section, and as further adjusted by the department, as follows: 48473

(a) Count only twenty per cent of the number of joint 48474  
vocational school district students counted under division (A) 48475  
(3) of section 3317.03 of the Revised Code; 48476

(b) Add twenty per cent of the number of students who are 48477  
entitled to attend school in the district under section 3313.64 48478  
or 3313.65 of the Revised Code and are enrolled in another 48479  
school district under a career-technical education compact. 48480

(2) "Formula ADM" means, for a joint vocational school 48481  
district, the final number verified by the department, based on 48482  
the enrollment reported and certified under division (D) of 48483  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 48484  
under division (K) of that section. 48485

(M) "FTE basis" means a count of students based on full- 48486  
time equivalency, in accordance with rules adopted by the 48487  
department pursuant to section 3317.03 of the Revised Code. In 48488  
adopting its rules under this division, the department shall 48489  
provide for counting any student in category one, two, three, 48490  
four, five, or six special education ADM or in category one, 48491  
two, three, four, or five career-technical education ADM in the 48492  
same proportion the student is counted in enrolled ADM and 48493  
formula ADM. 48494

(N) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the district's payments for fiscal year 2020 under divisions (C) (1), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(b) Subtract from the amount calculated in division (N) (1) (a) of this section the sum of the following:

(i) The following difference:

(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30,

2021, for fiscal year 2020 in accordance with division (A) of 48524  
Section 265.235 of H.B. 166 of the 133rd general assembly) 48525

(ii) The payments deducted from the district and paid to a 48526  
community school for fiscal year 2020 under divisions (C)(1)(a), 48527  
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 48528  
Revised Code as those divisions existed prior to September 30, 48529  
2021, in accordance with division (A) of Section 265.230 of H.B. 48530  
166 of the 133rd general assembly; 48531

(iii) The payments deducted from the district and paid to 48532  
a science, technology, engineering, and mathematics school for 48533  
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 48534  
and (G) of section 3326.33 of the Revised Code as those 48535  
divisions existed prior to September 30, 2021, in accordance 48536  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 48537  
general assembly; 48538

(iv) The payments deducted from the district under 48539  
division (C) of section 3310.08 of the Revised Code as that 48540  
division existed prior to September 30, 2021, division (C)(2) of 48541  
section 3310.41 of the Revised Code as that division existed 48542  
prior to September 30, 2021, and former section 3310.55 of the 48543  
Revised Code for fiscal year 2020 and, in the case of a pilot 48544  
project school district as defined in section 3313.975 of the 48545  
Revised Code, the funds deducted from the district under Section 48546  
265.210 of H.B. 166 of the 133rd general assembly to operate the 48547  
pilot project scholarship program for fiscal year 2020 under 48548  
sections 3313.974 to 3313.979 of the Revised Code; 48549

(v) For fiscal years 2024-2026 and 2025-2027, the payments 48550  
subtracted from the district for fiscal year 2020 under 48551  
divisions (B)(1) and (3) of section 3313.981 of the Revised Code 48552  
as those divisions existed prior to September 30, 2021. 48553

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference: 48554  
48555

(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly) 48556  
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(O) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding base" means, for a joint vocational school district, the sum of the following as calculated by the department: 48566  
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48568

(1) The district's "general funding base," which equals the amount calculated as follows: 48569  
48570

(a) Compute the sum of the following: 48571

(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly; 48572  
48573  
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48575

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the district's payments for fiscal year 2020 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021. 48576  
48577  
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(b) Subtract from the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 48580  
48581  
48582

2019. 48583

(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019. 48584  
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(P) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding base" for a community school means the following: 48589  
48590

(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C) (1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly; 48591  
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(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C) (1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department; 48600  
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(3) For a community school that was not in operation for 48613  
fiscal year 2020, the amount that would have been paid to the 48614  
school if it was in operation for that school year under 48615  
division (C) (1) of section 3314.08 of the Revised Code as that 48616  
division existed prior to September 30, 2021, in accordance with 48617  
division (A) of Section 265.230 of H.B. 166 of the 133rd general 48618  
assembly if the school had been in operation for the entirety of 48619  
that fiscal year, as calculated by the department, and the 48620  
amount that would have been paid to the school for that fiscal 48621  
year under section 3314.085 of the Revised Code in accordance 48622  
with division (B) of Section 265.230 of H.B. 166 of the 133rd 48623  
general assembly, if any, if the school had been in operation 48624  
for the entirety of that fiscal year, as calculated by the 48625  
department. 48626

(Q) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 48627  
base" for a STEM school means the following: 48628

(1) For a science, technology, engineering, and 48629  
mathematics school that was in operation for the entirety of 48630  
fiscal year 2020, the amount paid to the school for that fiscal 48631  
year under section 3326.33 of the Revised Code as that section 48632  
existed prior to September 30, 2021, in accordance with division 48633  
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 48634  
and the amount, if any, paid to the school for that fiscal year 48635  
under section 3326.41 of the Revised Code in accordance with 48636  
division (B) of Section 265.235 of H.B. 166 of the 133rd general 48637  
assembly; 48638

(2) For a science, technology, engineering, and 48639  
mathematics school that was in operation for part of fiscal year 48640  
2020, the amount that would have been paid to the school for 48641  
that fiscal year under section 3326.33 of the Revised Code as 48642



that section existed prior to September 30, 2021, in accordance 48643  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 48644  
general assembly if the school had been in operation for the 48645  
entirety of that fiscal year, as calculated by the department, 48646  
and the amount that would have been paid to the school for that 48647  
fiscal year under section 3326.41 of the Revised Code in 48648  
accordance with division (B) of Section 265.235 of H.B. 166 of 48649  
the 133rd general assembly, if any, if the school had been in 48650  
operation for the entirety of that fiscal year, as calculated by 48651  
the department; 48652

(3) For a science, technology, engineering, and 48653  
mathematics school that was not in operation for fiscal year 48654  
2020, the amount that would have been paid to the school if it 48655  
was in operation for that school year under section 3326.33 of 48656  
the Revised Code as that section existed prior to September 30, 48657  
2021, in accordance with division (A) of Section 265.235 of H.B. 48658  
166 of the 133rd general assembly if the school had been in 48659  
operation for the entirety of that fiscal year, as calculated by 48660  
the department, and the amount that would have been paid to the 48661  
school for that fiscal year under section 3326.41 of the Revised 48662  
Code in accordance with division (B) of Section 265.235 of H.B. 48663  
166 of the 133rd general assembly, if any, if the school had 48664  
been in operation for the entirety of that fiscal year, as 48665  
calculated by the department. 48666

(R) "Funding unit" means any of the following: 48667

(1) A city, local, exempted village, or joint vocational 48668  
school district; 48669

(2) The community and STEM school unit; 48670

(3) The educational choice scholarship unit; 48671

- (4) The pilot project scholarship unit; 48672
- (5) The autism scholarship unit; 48673
- (6) The Jon Peterson special needs scholarship unit; 48674
- (7) The nonchartered educational savings account unit. 48675
- (S) "Jon Peterson special needs scholarship unit" means a 48676  
unit that consists of all of the students for whom Jon Peterson 48677  
scholarships are awarded under sections 3310.51 to 3310.64 of 48678  
the Revised Code. 48679
- (T) "Internet- or computer-based community school" has the 48680  
same meaning as in section 3314.02 of the Revised Code. 48681
- (U) "LRE student with a disability" means a child with a 48682  
disability who has an individualized education program providing 48683  
for the student to spend more than half of each school day in a 48684  
regular school setting with nondisabled students. For purposes 48685  
of this division, "individualized education program" and "child 48686  
with a disability" have the same meanings as in section 3323.01 48687  
of the Revised Code, and "LRE" is an abbreviation for "least 48688  
restrictive environment." 48689
- (V) "Medically fragile child" means a child to whom all of 48690  
the following apply: 48691
- (1) The child requires the services of a doctor of 48692  
medicine or osteopathic medicine at least once a week due to the 48693  
instability of the child's medical condition. 48694
- (2) The child requires the services of a registered nurse 48695  
on a daily basis. 48696
- (3) The child is at risk of institutionalization in a 48697  
hospital, skilled nursing facility, or intermediate care 48698

facility for individuals with intellectual disabilities. 48699

(W) (1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the department and if either of the following apply: 48700  
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48702  
48703  
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(a) The child is identified as having a medical condition that is among those listed by the department as conditions where a substantial majority of cases fall within the definition of "medically fragile child." 48705  
48706  
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48708

(b) The child is determined by the department to be a medically fragile child. A school district superintendent may petition the department for a determination that a child is a medically fragile child. 48709  
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(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the department but the child's condition does not meet either of the conditions specified in division (W) (1) (a) or (b) of this section. 48713  
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(X) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in percentage" is equal to the percentage for that fiscal year that is determined by the general assembly. 48719  
48720  
48721  
48722  
48723

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's "phase-in percentage for disadvantaged pupil impact aid" is equal to the percentage for that fiscal year that is determined 48724  
48725  
48726  
48727

by the general assembly. 48728

(Y) "Pilot project scholarship unit" means a unit that 48729  
consists of all of the students for whom pilot project 48730  
scholarships are awarded under sections 3313.974 to 3313.979 of 48731  
the Revised Code. 48732

(Z) "Preschool child with a disability" means a child with 48733  
a disability, as defined in section 3323.01 of the Revised Code, 48734  
who is at least age three but is not of compulsory school age, 48735  
as defined in section 3321.01 of the Revised Code, and who is 48736  
not currently enrolled in kindergarten. 48737

(AA) "Related services" includes: 48738

(1) Child study, special education supervisors and 48739  
coordinators, speech and hearing services, adaptive physical 48740  
development services, occupational or physical therapy, teacher 48741  
assistants for children with disabilities whose disabilities are 48742  
described in division (B) of section 3317.013 or division (G) (3) 48743  
of this section, behavioral intervention, interpreter services, 48744  
work study, nursing services, and specialized integrative 48745  
services as those terms are defined by the department; 48746

(2) Speech and language services provided to any student 48747  
with a disability, including any student whose primary or only 48748  
disability is a speech and language disability; 48749

(3) Any related service not specifically covered by other 48750  
state funds but specified in federal law, including but not 48751  
limited to, audiology and school psychological services; 48752

(4) Any service included in units funded under former 48753  
division (O) (1) of section 3317.024 of the Revised Code; 48754

(5) Any other related service needed by children with 48755

disabilities in accordance with their individualized education programs. 48756  
48757

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts. 48758  
48759

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code. 48760  
48761

(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 48762  
48763

(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district: 48764  
48765

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the state share percentage calculated under section 3317.017 of the Revised Code; 48766  
48767  
48768

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 48769  
48770  
48771

(2) "State share percentage" means ~~the following, for a joint vocational school district:~~ 48772  
48773

~~(a) For fiscal years 2024 and 2025, the percentage calculated in accordance with the following formula:~~ 48774  
48775

~~The amount computed for the district under division (A) (1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code~~ 48776  
48777  
48778  
48779

~~(b) For fiscal year 2026 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly, the district's state share percentage calculated under~~ 48780  
48781  
48782

section 3317.165 of the Revised Code. 48783

(FF) "Statewide average base cost per pupil" means the 48784  
following: 48785

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 48786  
average base cost per pupil calculated under division (A) of 48787  
section 3317.018 of the Revised Code; 48788

(2) For fiscal year ~~2026-2028~~ and each fiscal year 48789  
thereafter, an amount calculated in a manner determined by the 48790  
general assembly. 48791

(GG) "Statewide average career-technical base cost per 48792  
pupil" means the following: 48793

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 48794  
average career-technical base cost per pupil calculated under 48795  
division (B) of section 3317.018 of the Revised Code; 48796

(2) For fiscal year ~~2026-2028~~ and each fiscal year 48797  
thereafter, an amount calculated in a manner determined by the 48798  
general assembly. 48799

(HH) "STEM school" means a science, technology, 48800  
engineering, and mathematics school established under Chapter 48801  
3326. of the Revised Code. 48802

(II) "Taxes charged and payable" means the taxes charged 48803  
and payable against real and public utility property after 48804  
making the reduction required by section 319.301 of the Revised 48805  
Code, plus the taxes levied against tangible personal property. 48806

(JJ) For purposes of sections 3317.017 and ~~3317.16~~ 48807  
3317.165 of the Revised Code, "three-year average valuation" for 48808  
a fiscal year means the average of total taxable value for the 48809  
three most recent tax years for which data is available, as 48810

certified under section 3317.021 of the Revised Code. 48811

(KK) "Total ADM" means, for a city, local, or exempted 48812  
village school district, the enrollment reported under division 48813  
(A) of section 3317.03 of the Revised Code minus the enrollment 48814  
reported under divisions (A)(2)(a), (b), (g), (h), ~~and~~ (i), and 48815  
(k) of that section, as verified by the department and adjusted 48816  
if so ordered under division (K) of that section. 48817

(LL) "Total special education ADM" means the sum of 48818  
categories one through six special education ADM. 48819

(MM) "Total taxable value" means the sum of the amounts 48820  
certified for a city, local, exempted village, or joint 48821  
vocational school district under divisions (A)(1) and (2) of 48822  
section 3317.021 of the Revised Code. 48823

(NN) "Tuition discount" means any deduction from the base 48824  
tuition amount per student charged by a chartered nonpublic 48825  
school, to which the student's family is entitled due to one or 48826  
more of the following conditions: 48827

(1) The student's family has multiple children enrolled in 48828  
the same school. 48829

(2) The student's family is a member of or affiliated with 48830  
a religious or secular organization that provides oversight of 48831  
the school or from which the school has agreed to enroll 48832  
students. 48833

(3) The student's parent is an employee of the school. 48834

(4) Some other qualification not based on the income of 48835  
the student's family or the student's athletic or academic 48836  
ability and for which all students in the school may qualify. 48837

(OO) "Classical school" means a community school 48838

established under Chapter 3314. of the Revised Code that is a 48839  
member of the Ohio classical school association, or its 48840  
successor organization, and uses a curriculum substantially 48841  
similar to that of a nationally recognized classical school 48842  
network. 48843

(PP) "Nonchartered educational savings account unit" means 48844  
a unit that consists of all the students for whom educational 48845  
savings accounts are established under sections 3310.21 to 48846  
3310.26 of the Revised Code. 48847

**Sec. 3317.021.** (A) On or before the first day of June of 48848  
each year, the tax commissioner shall certify to the department 48849  
of education and workforce and the office of budget and 48850  
management the information described in divisions (A) (1) to (5) 48851  
of this section for each city, exempted village, and local 48852  
school district, and the information required by divisions (A) 48853  
(1) and (2) of this section for each joint vocational school 48854  
district, and it shall be used, along with the information 48855  
certified under division (B) of this section, in making the 48856  
computations for the district under this chapter. 48857

(1) The taxable value of real and public utility real 48858  
property in the school district subject to taxation in the 48859  
preceding tax year, by class and by county of location. 48860

(2) The taxable value of tangible personal property, 48861  
including public utility personal property, subject to taxation 48862  
by the district for the preceding tax year. 48863

(3) (a) The total property tax rate and total taxes charged 48864  
and payable for the current expenses for the preceding tax year 48865  
and the total property tax rate and the total taxes charged and 48866  
payable to a joint vocational district for the preceding tax 48867



year that are limited to or to the extent apportioned to current 48868  
expenses. 48869

(b) The portion of the amount of taxes charged and payable 48870  
reported for each city, local, and exempted village school 48871  
district under division (A) (3) (a) of this section attributable 48872  
to a joint vocational school district. 48873

(4) The value of all real and public utility real property 48874  
in the school district exempted from taxation minus both of the 48875  
following: 48876

(a) The value of real and public utility real property in 48877  
the district owned by the United States government and used 48878  
exclusively for a public purpose; 48879

(b) The value of real and public utility real property in 48880  
the district exempted from taxation under Chapter 725. or 1728. 48881  
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 48882  
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 48883

(5) The ~~total~~ median federal adjusted gross income of the 48884  
residents of the school district, based on tax returns filed by 48885  
the residents of the district, for the most recent year for 48886  
which this information is available, and the median Ohio 48887  
adjusted gross income of the residents of the school district 48888  
determined on the basis of tax returns filed for the second 48889  
preceding tax year by the residents of the district. 48890

(6) For fiscal years 2024-2026 and 2025-2027, the number of 48891  
state tax returns filed by the residents of the district for the 48892  
most recent year for which this information is available. 48893

(B) On or before the first day of May each year, the tax 48894  
commissioner shall certify to the department of education and 48895  
workforce and the office of budget and management the total 48896

taxable real property value of railroads and, separately, the 48897  
total taxable tangible personal property value of all public 48898  
utilities for the preceding tax year, by school district and by 48899  
county of location. 48900

(C) If on the basis of the information certified under 48901  
division (A) of this section, the department determines that any 48902  
district fails in any year to meet the qualification requirement 48903  
specified in division (A) of section 3317.01 of the Revised 48904  
Code, the department shall immediately request the tax 48905  
commissioner to determine the extent to which any school 48906  
district income tax levied by the district under Chapter 5748. 48907  
of the Revised Code shall be included in meeting that 48908  
requirement. Within five days of receiving such a request from 48909  
the department, the tax commissioner shall make the 48910  
determination required by this division and report the quotient 48911  
obtained under division (C) (3) of this section to the department 48912  
and the office of budget and management. This quotient 48913  
represents the number of mills that the department shall include 48914  
in determining whether the district meets the qualification 48915  
requirement of division (A) of section 3317.01 of the Revised 48916  
Code. 48917

The tax commissioner shall make the determination required 48918  
by this division as follows: 48919

(1) Multiply one mill times the total taxable value of the 48920  
district as determined in divisions (A) (1) and (2) of this 48921  
section; 48922

(2) Estimate the total amount of tax liability for the 48923  
current tax year under taxes levied by Chapter 5748. of the 48924  
Revised Code that are apportioned to current operating expenses 48925  
of the district, excluding any income tax receipts allocated for 48926

the project cost, debt service, or maintenance set-aside 48927  
associated with a state-assisted classroom facilities project as 48928  
authorized by section 3318.052 of the Revised Code; 48929

(3) Divide the amount estimated under division (C) (2) of 48930  
this section by the product obtained under division (C) (1) of 48931  
this section. 48932

**Sec. 3317.022.** The department of education and workforce 48933  
shall compute and distribute state core foundation funding to 48934  
each eligible funding unit that is a city, local, or exempted 48935  
village school district, the community and STEM school unit, the 48936  
educational choice scholarship unit, the pilot project 48937  
scholarship unit, the autism scholarship unit, ~~and~~ the Jon 48938  
Peterson special needs scholarship unit, and the nonchartered 48939  
educational savings account unit for the fiscal year, using the 48940  
information obtained under section 3317.021 of the Revised Code 48941  
in the calendar year in which the fiscal year begins in 48942  
accordance with the following: 48943

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for a funding 48944  
unit that is a city, local, or exempted village school district: 48945

The district's funding base + [(the district's state core 48946  
foundation funding components for that fiscal year calculated 48947  
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 48948  
section - the district's general funding base calculated in 48949  
accordance with division (N) (1) of section 3317.02 of the 48950  
Revised Code) X the district's general phase-in percentage for 48951  
that fiscal year] + [(the district's disadvantaged pupil impact 48952  
aid for that fiscal year calculated under division (A) (4) of 48953  
this section - the district's disadvantaged pupil impact aid 48954  
funding base calculated in accordance with division (N) (2) of 48955  
section 3317.02 of the Revised Code) X the district's phase-in 48956

percentage for disadvantaged pupil impact aid for that fiscal 48957  
year] ~~+ the district's supplemental targeted assistance funds~~ 48958  
~~calculated under section 3317.0218 of the Revised Code~~ 48959

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 48960  
for a funding unit that is a city, local, or exempted village 48961  
school district, the sum of the district's state core foundation 48962  
funding components for that fiscal year calculated under 48963  
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 48964  
section ~~and the district's supplemental targeted assistance~~ 48965  
~~funds calculated under section 3317.0218 of the Revised Code~~, if 48966  
the general assembly authorizes such payments to these funding 48967  
units. 48968

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for the community 48969  
and STEM school unit, an amount calculated in accordance with 48970  
section 3317.026 of the Revised Code. 48971

For fiscal ~~years 2026-year~~ year 2028 and each fiscal year 48972  
thereafter, for the community and STEM school unit, an amount 48973  
calculated in accordance with divisions (A) (1), (3), (4), (5), 48974  
(7), (8), ~~and~~ (9), and (14) of this section, if the general 48975  
assembly authorizes such payments to these funding units. 48976

For the educational choice scholarship unit, the amount 48977  
calculated under division (A) (10) of this section. 48978

For the pilot project scholarship unit, the amount 48979  
calculated under division (A) (11) of this section. 48980

For the autism scholarship unit, the amount calculated 48981  
under division (A) (12) of this section. 48982

For the Jon Peterson special needs scholarship unit, the 48983  
amount calculated under division (A) (13) of this section. 48984

For fiscal year 2027 and each fiscal year thereafter, for the nonchartered educational savings account unit, the amount calculated under division (A) (15) of this section. 48985  
48986  
48987

(A) A funding unit's state core foundation funding components shall be the following: 48988  
48989

(1) (a) If the funding unit is a city, local, or exempted village school district, the district's state share, which is equal to the following: 48990  
48991  
48992

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount calculated under division (B) of section 3317.017 of the Revised Code; 48993  
48994  
48995

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 48996  
48997  
48998

(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following: 48999  
49000  
49001

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount calculated under section 3317.0110 of the Revised Code; 49002  
49003

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 49004  
49005  
49006

(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following: 49007  
49008  
49009

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount calculated under section 3317.0217 of the Revised Code; 49010  
49011

(b) For fiscal year ~~2026~~2028 and each fiscal year 49012  
thereafter, an amount calculated in a manner determined by the 49013  
general assembly. 49014

(3) If the funding unit is a city, local, or exempted 49015  
village school district or the community and STEM school unit, 49016  
additional state aid for special education and related services 49017  
provided under Chapter 3323. of the Revised Code calculated as 49018  
follows: 49019

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 49020  
the following: 49021

(i) The funding unit's category one special education ADM 49022  
X the multiple specified in division (A) of section 3317.013 of 49023  
the Revised Code X the statewide average base cost per pupil for 49024  
that fiscal year X if the funding unit is a city, local, or 49025  
exempted village school district, the district's state share 49026  
percentage; 49027

(ii) The funding unit's category two special education ADM 49028  
X the multiple specified in division (B) of section 3317.013 of 49029  
the Revised Code X the statewide average base cost per pupil for 49030  
that fiscal year X if the funding unit is a city, local, or 49031  
exempted village school district, the district's state share 49032  
percentage; 49033

(iii) The funding unit's category three special education 49034  
ADM X the multiple specified in division (C) of section 3317.013 49035  
of the Revised Code X the statewide average base cost per pupil 49036  
for that fiscal year X if the funding unit is a city, local, or 49037  
exempted village school district, the district's state share 49038  
percentage; 49039

(iv) The funding unit's category four special education 49040

ADM X the multiple specified in division (D) of section 3317.013 49041  
of the Revised Code X the statewide average base cost per pupil 49042  
for that fiscal year X if the funding unit is a city, local, or 49043  
exempted village school district, the district's state share 49044  
percentage; 49045

(v) The funding unit's category five special education ADM 49046  
X the multiple specified in division (E) of section 3317.013 of 49047  
the Revised Code X the statewide average base cost per pupil for 49048  
that fiscal year X if the funding unit is a city, local, or 49049  
exempted village school district, the district's state share 49050  
percentage; 49051

(vi) The funding unit's category six special education ADM 49052  
X the multiple specified in division (F) of section 3317.013 of 49053  
the Revised Code X the statewide average base cost per pupil for 49054  
that fiscal year X if the funding unit is a city, local, or 49055  
exempted village school district, the district's state share 49056  
percentage. 49057

(b) For fiscal year ~~2026~~2028 and each fiscal year 49058  
thereafter, the sum of the following: 49059

(i) An amount calculated in a manner determined by the 49060  
general assembly times the funding unit's category one special 49061  
education ADM; 49062

(ii) An amount calculated in a manner determined by the 49063  
general assembly times the funding unit's category two special 49064  
education ADM; 49065

(iii) An amount calculated in a manner determined by the 49066  
general assembly times the funding unit's category three special 49067  
education ADM; 49068

(iv) An amount calculated in a manner determined by the 49069

general assembly times the funding unit's category four special education ADM; 49070  
49071

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM; 49072  
49073  
49074

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM. 49075  
49076  
49077

(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula: 49078  
49079  
49080  
49081

(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following: 49082  
49083

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following product: 49084  
49085

\$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B) (21) of section 3317.03 of the Revised Code 49086  
49087  
49088  
49089

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 49090  
49091  
49092

(b) If the funding unit is the community and STEM school unit, an amount equal to the following: 49093  
49094

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount calculated as follows: 49095  
49096



(I) For each student in the funding unit's enrolled ADM 49097  
who is economically disadvantaged and is not enrolled in an 49098  
internet- or computer-based community school, multiply \$422 by 49099  
the economically disadvantaged index of the school in which the 49100  
student is enrolled; 49101

(II) For each student in the funding unit's enrolled ADM 49102  
who is economically disadvantaged and is enrolled in an 49103  
internet- or computer-based community school, multiply \$211 by 49104  
the economically disadvantaged index of the school in which the 49105  
student is enrolled; 49106

(III) Compute the funding unit's disadvantaged pupil 49107  
impact aid by calculating the sum of the amounts determined 49108  
under ~~division~~ divisions (A) (4) (b) (i) (I) and (II) of this 49109  
section. 49110

(ii) For fiscal year 2026-2028 and each fiscal year 49111  
thereafter, an amount calculated as follows: 49112

(I) For each student in the funding unit's enrolled ADM 49113  
who is economically disadvantaged ~~and is not enrolled in an~~ 49114  
~~internet- or computer-based community school~~, calculate an 49115  
amount in the manner determined by the general assembly; 49116

(II) Compute the funding unit's disadvantaged pupil impact 49117  
aid by calculating the sum of the amounts determined under 49118  
division (A) (4) (b) (ii) (I) of this section. 49119

(5) If the funding unit is a city, local, or exempted 49120  
village school district or the community and STEM school unit, 49121  
English learner funds calculated as follows: 49122

(a) For fiscal years 2024-2026 and 2025-2027, the sum of 49123  
the following: 49124

(i) The funding unit's category one English learner ADM X 49125  
the multiple specified in division (A) of section 3317.016 of 49126  
the Revised Code X the statewide average base cost per pupil for 49127  
that fiscal year X if the funding unit is a city, local, or 49128  
exempted village school district, the district's state share 49129  
percentage; 49130

(ii) The funding unit's category two English learner ADM X 49131  
the multiple specified in division (B) of section 3317.016 of 49132  
the Revised Code X the statewide average base cost per pupil for 49133  
that fiscal year X if the funding unit is a city, local, or 49134  
exempted village school district, the district's state share 49135  
percentage; 49136

(iii) The funding unit's category three English learner 49137  
ADM X the multiple specified in division (C) of section 3317.016 49138  
of the Revised Code X the statewide average base cost per pupil 49139  
for that fiscal year X if the funding unit is a city, local, or 49140  
exempted village school district, the district's state share 49141  
percentage. 49142

(b) For fiscal year ~~2026~~2028 and each fiscal year 49143  
thereafter, the sum of the following: 49144

(i) An amount calculated in a manner determined by the 49145  
general assembly times the funding unit's category one English 49146  
learner ADM; 49147

(ii) An amount calculated in a manner determined by the 49148  
general assembly times the funding unit's category two English 49149  
learner ADM; 49150

(iii) An amount calculated in a manner determined by the 49151  
general assembly times the funding unit's category three English 49152  
learner ADM. 49153

(6) (a) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, if the 49154  
funding unit is a city, local, or exempted village school 49155  
district, all of the following: 49156

(i) Gifted identification funds calculated according to 49157  
the following formula: 49158

\$24 X the district's enrolled ADM for grades kindergarten 49159  
through six X the district's state share percentage 49160

(ii) Gifted referral funds calculated according to the 49161  
following formula: 49162

\$2.50 X the district's enrolled ADM X the district's state share 49163  
percentage 49164

~~(iii) Gifted professional development funds calculated 49165  
according to the following formula: 49166~~

~~(The greater of the number of gifted students enrolled in the 49167  
district as certified under division (B) (22) of section 3317.03 49168  
of the Revised Code and ten per cent of the district's enrolled 49169  
ADM) X the district's state share percentage X \$21, for fiscal 49170  
year 2024, or \$28, for fiscal year 2025 49171~~

~~(iv) Gifted unit funding calculated under section 3317.051 49172  
of the Revised Code. 49173~~

(b) For fiscal year ~~2026-2028~~ and each fiscal year 49174  
thereafter, all of the following: 49175

(i) Gifted identification funds calculated in a manner 49176  
determined by the general assembly; 49177

(ii) Gifted referral funds calculated in a manner 49178  
determined by the general assembly, if the general assembly 49179  
authorizes such a payment; 49180

(iii) ~~Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;~~ 49181  
49182  
49183

~~(iv)~~ Gifted unit funding calculated in an amount 49184  
determined by the general assembly. 49185

(7) If the funding unit is a city, local, or exempted 49186  
village school district or the community and STEM school unit, 49187  
career-technical education funds calculated under division (C) 49188  
of section 3317.014 of the Revised Code. 49189

(8) If the funding unit is a city, local, or exempted 49190  
village school district or the community and STEM school unit, 49191  
career-technical education associated services funds calculated 49192  
under division (D) of section 3317.014 of the Revised Code. 49193

(9) If the funding unit is the community and STEM school 49194  
unit, an amount calculated as follows: 49195

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 49196  
equal to the following: 49197

[The number of students in the funding unit's enrolled ADM who 49198  
are reported under division (B) (5) of section 3314.08 of the 49199  
Revised Code X (the aggregate base cost calculated for all 49200  
schools in the funding unit for that fiscal year under section 49201  
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 49202  
X.20] 49203

(b) For fiscal year ~~2026-2028~~ and each fiscal year 49204  
thereafter, an amount calculated in a manner determined by the 49205  
general assembly. 49206

(10) If the funding unit is the educational choice 49207  
scholarship unit, an amount calculated as follows: 49208

(a) For each student in the funding unit's enrolled ADM, 49209  
determine the lesser of the following: 49210

(i) The base tuition of the chartered nonpublic school in 49211  
which the student is enrolled minus the total amount of any 49212  
applicable tuition discounts for which the student qualifies; 49213

(ii) (I) If the student receives a scholarship under 49214  
section 3310.03 of the Revised Code, or received a scholarship 49215  
for the first time under section 3310.032 of the Revised Code 49216  
prior to ~~the effective date of this amendment~~ October 3, 2023, 49217  
and the student's parent does not elect to receive a scholarship 49218  
amount under division (A) (10) (a) (ii) (II) of this section, 49219  
\$5,500, if the student is in grades kindergarten through eight, 49220  
or \$7,500, if the student is in grades nine through twelve. 49221

(II) If the student receives a scholarship for the first 49222  
time under section 3310.032 of the Revised Code on and after ~~the~~ 49223  
~~effective date of this amendment~~ October 3, 2023, or if a 49224  
student who received a scholarship for the first time under that 49225  
section prior to that date and the student's parent elects to 49226  
receive a scholarship amount under division (A) (10) (a) (ii) (II) 49227  
of this section, an amount calculated in accordance with section 49228  
3310.08 of the Revised Code. The department shall provide an 49229  
opportunity each fiscal year for a parent to elect to receive a 49230  
scholarship amount under division (A) (10) (a) (ii) (II) of this 49231  
section. 49232

The amounts specified in division (A) (10) (a) (ii) (I) of 49233  
this section shall increase in future fiscal years by the same 49234  
percentage that the statewide average base cost per pupil 49235  
increases in future fiscal years. 49236

(b) Compute the sum of the amounts calculated under 49237

division (A) (10) (a) of this section. 49238

(11) If the funding unit is the pilot project scholarship unit, an amount calculated as follows: 49239  
49240

(a) For each student in the funding unit's enrolled ADM, 49241  
determine the lesser of the following: 49242

(i) The net tuition charges of the student's alternative school; 49243  
49244

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve. 49245  
49246  
49247

The amounts specified in division (A) (11) (a) (ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years. 49248  
49249  
49250  
49251

For purposes of division (A) (11) (a) of this section, the net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled. 49252  
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The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related 49261  
49262  
49263  
49264  
49265  
49266

services, and transportation costs of educating such students. 49267

(b) Compute the sum of the amounts calculated under 49268  
division (A) (17) (a) of this section. 49269

(12) If the funding unit is the autism scholarship unit, 49270  
an amount calculated as follows: 49271

(a) For each student in the funding unit's enrolled ADM, 49272  
determine the lesser of the following: 49273

(i) The tuition charged for the student's special 49274  
education program, as that term is defined in section 3310.41 of 49275  
the Revised Code; 49276

(ii) ~~\$32,445~~\$34,000. 49277

(b) Compute the sum of the amounts calculated under 49278  
division (A) (12) (a) of this section. 49279

(13) If the funding unit is the Jon Peterson special needs 49280  
scholarship unit, an amount calculated as follows: 49281

(a) For each student in the funding unit's enrolled ADM, 49282  
determine the least of the following: 49283

(i) The amount of fees charged for that school year by the 49284  
student's alternative public provider or registered private 49285  
provider, as those terms are defined in section 3310.51 of the 49286  
Revised Code; 49287

(ii) \$7,190 plus an amount determined as follows: 49288

(I) If the student is receiving special education services 49289  
for a disability specified in division (A) of section 3317.013 49290  
of the Revised Code, ~~\$1,751, for fiscal year 2024, and \$2,395-~~ 49291  
~~for fiscal year 2025~~\$2,510; 49292

(II) If the student is receiving special education 49293

services for a disability specified in division (B) of section 49294  
3317.013 of the Revised Code, ~~\$4,442, for fiscal year 2024, and~~ 49295  
~~\$5,280 for fiscal year 2025~~\$5,533; 49296

(III) If the student is receiving special education 49297  
services for a disability specified in division (C) of section 49298  
3317.013 of the Revised Code, ~~\$10,673, for fiscal year 2024, and~~ 49299  
~~\$11,960 for fiscal year 2025~~\$12,534; 49300

(IV) If the student is receiving special education 49301  
services for a disability specified in division (D) of section 49302  
3317.013 of the Revised Code, ~~\$14,243, for fiscal year 2024, and~~ 49303  
~~\$15,787 for fiscal year 2025~~\$16,545; 49304

(V) If the student is receiving special education services 49305  
for a disability specified in division (E) of section 3317.013 49306  
of the Revised Code, ~~\$19,290, for fiscal year 2024, and \$21,197~~ 49307  
~~for fiscal year 2025~~\$22,214; 49308

(VI) If the student is receiving special education 49309  
services for a disability specified in division (F) of section 49310  
3317.013 of the Revised Code, ~~\$28,438, for fiscal year 2024, and~~ 49311  
~~\$30,469 for fiscal year 2025~~\$31,932. 49312

(iii) ~~\$30,000, for fiscal year 2024, and \$32,445 for~~ 49313  
~~fiscal year 2025~~\$34,000. 49314

The amount specified in division (A) (13) (a) (ii) of this 49315  
section shall increase in future fiscal years by the same 49316  
percentage that the statewide average base cost per pupil 49317  
increases in future fiscal years. 49318

The amounts specified in divisions (A) (13) (a) (ii) (I) to 49319  
(VI) of this section shall increase in future fiscal years by 49320  
the same percentage that the amounts calculated by the general 49321  
assembly for those categories of special education services 49322



under division (A) (3) of this section increase in future fiscal years. 49323  
49324

(b) Compute the sum of the amounts calculated under division (A) (13) (a) of this section. 49325  
49326

(14) If the funding unit is the community and STEM school unit, an equity supplement calculated as follows: 49327  
49328

\$650 X each student in the funding unit's enrolled ADM who is not enrolled in an internet- or computer-based community school. 49329  
49330

(15) If the funding unit is the nonchartered educational savings account unit, an amount calculated as follows: 49331  
49332

(a) For each student in the funding unit's enrolled ADM, an amount calculated under section 3310.26 of the Revised Code; 49333  
49334

(b) Compute the sum of the amounts calculated under division (A) (15) (a) of this section. 49335  
49336

(B) In any fiscal year, a funding unit that is a city, local, or exempted village school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows: 49337  
49338  
49339  
49340  
49341

(The base cost per pupil calculated for the district for that fiscal year X the total special education ADM) + (the district's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category three special education ADM X the multiple specified in 49342  
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49350

division (C) of section 3317.013 of the Revised Code X the 49351  
statewide average base cost per pupil) + (the district's 49352  
category four special education ADM X the multiple specified in 49353  
division (D) of section 3317.013 of the Revised Code X the 49354  
statewide average base cost per pupil) + (the district's 49355  
category five special education ADM X the multiple specified in 49356  
division (E) of section 3317.013 of the Revised Code X the 49357  
statewide average base cost per pupil) + (the district's 49358  
category six special education ADM X the multiple specified in 49359  
division (F) of section 3317.013 of the Revised Code X the 49360  
statewide average base cost per pupil) 49361

The purposes approved by the department for special 49362  
education expenses shall include, but shall not be limited to, 49363  
identification of children with disabilities, compliance with 49364  
state rules governing the education of children with 49365  
disabilities and prescribing the continuum of program options 49366  
for children with disabilities, provision of speech language 49367  
pathology services, and the portion of the school district's 49368  
overall administrative and overhead costs that are attributable 49369  
to the district's special education student population. 49370

(C) A funding unit that is a city, local, or exempted 49371  
village school district shall spend the funds it receives under 49372  
division (A)(4) of this section in accordance with section 49373  
3317.25 of the Revised Code. 49374

(D) (1) Except as provided in division (B) of section 49375  
3317.026 of the Revised Code, the department shall distribute to 49376  
each community school established under Chapter 3314. of the 49377  
Revised Code and to each STEM school established under Chapter 49378  
3326. of the Revised Code, from the funds paid to the community 49379  
and STEM school unit under this section, an amount for each 49380

student enrolled in the school equal to the sum of the 49381  
following: 49382

(a) The school's base cost per pupil for that fiscal year, 49383  
calculated as follows: 49384

(i) For fiscal years 2024-2026 and 2025-2027: 49385

The aggregate base cost calculated for the school for that 49386  
fiscal year under section 3317.0110 of the Revised Code / the 49387  
number of students enrolled in the school for that fiscal year 49388

(ii) For fiscal year 2026-2028 and each fiscal year 49389  
thereafter, an amount determined by the general assembly under 49390  
division (A) (1) (b) (ii) of this section divided by the number of 49391  
students enrolled in the school for that fiscal year. 49392

(b) If the student is a special education student: 49393

(i) For fiscal years 2024-2026 and 2025-2027, the multiple 49394  
specified for the student's special education category under 49395  
section 3317.013 of the Revised Code times the statewide average 49396  
base cost per pupil; 49397

(ii) For fiscal year 2026-2028 and each fiscal year 49398  
thereafter, the amount calculated for the student's special 49399  
education category in a manner determined by the general 49400  
assembly under division (A) (3) (b) of this section. 49401

(c) ~~If the school is not an internet- or computer-based-~~ 49402  
~~community school and~~ the student is economically disadvantaged: 49403

(i) For fiscal years 2024-2026 and 2025-2027, the amount 49404  
calculated for the student under division (A) (4) (b) (i) (I) or 49405  
(II) of this section; 49406

(ii) For fiscal year 2026-2028 and each fiscal year 49407

thereafter, an amount calculated for the student in the manner 49408  
determined by the general assembly under division (A) (4) (b) (ii) 49409  
(I) of this section. 49410

(d) If the student is an English learner: 49411

(i) For fiscal years ~~2024~~-2026 and ~~2025~~2027, the multiple 49412  
specified for the student's English learner category under 49413  
section 3317.016 of the Revised Code times the statewide average 49414  
base cost per pupil; 49415

(ii) For fiscal year ~~2026~~-2028 and each fiscal year 49416  
thereafter, the amount calculated for the student's special 49417  
education category in a manner determined by the general 49418  
assembly under division (A) (5) (b) of this section. 49419

(e) If the student is a career-technical education 49420  
student: 49421

(i) For fiscal years ~~2024~~-2026 and ~~2025~~2027, the multiple 49422  
specified for the student's career-technical education category 49423  
under section 3317.014 of the Revised Code times the statewide 49424  
average career-technical base cost per pupil; 49425

(ii) For fiscal year ~~2026~~-2028 and each fiscal year 49426  
thereafter, the amount calculated for the student's career- 49427  
technical education category in a manner determined by the 49428  
general assembly under section 3317.014 of the Revised Code. 49429

(f) If the student is a career-technical education 49430  
student: 49431

(i) For fiscal years ~~2024~~-2026 and ~~2025~~2027, the multiple 49432  
for career-technical associated services specified under section 49433  
3317.014 of the Revised Code times the statewide average career- 49434  
technical base cost per pupil; 49435

(ii) For fiscal year ~~2026~~2028 and each fiscal year 49436  
thereafter, the amount calculated for career-technical 49437  
associated services in a manner determined by the general 49438  
assembly under section 3317.014 of the Revised Code. 49439

(g) If the school is not an internet- or computer-based 49440  
community school, an equity supplement equal to \$650 for each 49441  
student enrolled in the school. 49442

(2) The department shall distribute to each community 49443  
school established under Chapter 3314. of the Revised Code and 49444  
to each STEM school established under Chapter 3326. of the 49445  
Revised Code, from the funds paid to the community and STEM 49446  
school unit under this section, an amount equal to the amount 49447  
calculated for the school under division (A) (9) of this section. 49448

(E) The department shall distribute to the parent of each 49449  
student for whom an educational choice scholarship is awarded 49450  
under section 3310.03 or 3310.032 of the Revised Code, or to the 49451  
student if at least eighteen years of age, from the funds paid 49452  
to the educational choice scholarship unit under this section, a 49453  
scholarship equal to the amount calculated for the student under 49454  
division (A) (10) (a) of this section. The scholarship shall be 49455  
distributed in monthly partial payments, and the department 49456  
shall proportionately reduce or terminate the payments for any 49457  
student who withdraws from a chartered nonpublic school prior to 49458  
the end of the school year. 49459

For purposes of divisions (E) and (F) of this section, in 49460  
the case of a student who is not living with the student's 49461  
parent, the department shall distribute the scholarship payments 49462  
to the student's guardian, legal custodian, kinship caregiver, 49463  
foster caregiver, or caretaker. For the purposes of this 49464  
division, "caretaker" has the same meaning as in section 49465

3310.033 of the Revised Code, "kinship caregiver" has the same 49466  
meaning as in section ~~5101.85~~5180.50 of the Revised Code, and 49467  
"foster caregiver" has the same meaning as in section 5103.02 of 49468  
the Revised Code. 49469

(F) If a student is awarded a pilot project scholarship 49470  
under sections 3313.974 to 3313.979 of the Revised Code, the 49471  
department shall distribute to the parent of the student, if the 49472  
student is attending a registered private school as defined in 49473  
section 3313.974 of the Revised Code, or the student's school 49474  
district of attendance, if the scholarship is to be used for 49475  
payments to a public school in a school district adjacent to the 49476  
pilot project school district pursuant to section 3327.06 of the 49477  
Revised Code, a scholarship from the funds paid to the pilot 49478  
project scholarship unit under this section that is equal to the 49479  
amount calculated for the student under division (A) (11) (a) of 49480  
this section. 49481

In the case of a scholarship distributed to a student's 49482  
parent, the scholarship shall be distributed in monthly partial 49483  
payments. The scholarship amount shall be proportionately 49484  
reduced in the case of any such student who is not enrolled in a 49485  
registered private school, as that term is defined in section 49486  
3313.974 of the Revised Code, for the entire school year. 49487

In the case of a scholarship distributed to a student's 49488  
school district of attendance, the department shall, on behalf 49489  
of the student's parents, use the scholarship to make the 49490  
tuition payments required by section 3327.06 of the Revised Code 49491  
to the student's school district of attendance, except that, 49492  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 49493  
Revised Code, the total payments in any school year shall not 49494  
exceed the scholarship amount calculated for the student under 49495

division (A) (11) (a) of this section. 49496

(G) The department shall distribute to the parent of each 49497  
student for whom an autism scholarship is awarded under section 49498  
3310.41 of the Revised Code, from the funds paid to the autism 49499  
scholarship unit under this section, a scholarship equal to the 49500  
amount calculated for the student under division (A) (12) (a) of 49501  
this section. The scholarship shall be distributed from time to 49502  
time in partial payments. The scholarship amount shall be 49503  
proportionately reduced in the case of any student who is not 49504  
enrolled in the special education program for which a 49505  
scholarship was awarded under section 3310.41 of the Revised 49506  
Code for the entire school year. The department shall make no 49507  
payments to the parent of a student while any administrative or 49508  
judicial mediation or proceedings with respect to the content of 49509  
the student's individualized education program are pending. 49510

(H) The department shall distribute to the parent of each 49511  
student for whom a Jon Peterson special needs scholarship is 49512  
awarded under sections 3310.51 to 3310.64 of the Revised Code, 49513  
from the funds paid to the Jon Peterson special needs 49514  
scholarship unit under this section, a scholarship equal to the 49515  
amount calculated for the student under division (A) (13) (a) of 49516  
this section. The scholarship shall be distributed in periodic 49517  
payments, and the department shall proportionately reduce or 49518  
terminate the payments for any student who is not enrolled in 49519  
the special education program of an alternative public provider 49520  
or a registered private provider, as those terms are defined in 49521  
section 3310.51 of the Revised Code, for the entire school year. 49522

(I) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 49523  
district shall spend the funds it receives under division (A) (5) 49524  
of this section only for services for English learners. 49525

(J) For ~~fiscal year 2024 and each fiscal year thereafter~~, 49526  
a school district shall spend the funds it receives under 49527  
division (A) (6) of this section only for the identification of 49528  
gifted students, gifted coordinator services, and gifted 49529  
intervention specialist services, ~~and gifted professional~~ 49530  
~~development~~. For ~~fiscal year 2024 and each fiscal year~~ 49531  
~~thereafter~~, if the department determines that a district is not 49532  
in compliance with this division, it shall reduce the district's 49533  
payments for that fiscal year under this chapter by an amount 49534  
equal to the amount paid to the district for that fiscal year 49535  
under division (A) (6) of this section that was not spent in 49536  
accordance with this division. The department shall reduce the 49537  
payment within ninety days of data finalization. 49538

(K) The department shall transfer to each educational 49539  
savings account established for a student by the treasurer of 49540  
state under sections 3310.21 to 3310.26 of the Revised Code, 49541  
from the funds paid to the nonchartered educational savings 49542  
account unit under this section, an amount of funds equal to the 49543  
amount calculated for the student under division (A) (15) (a) of 49544  
this section. The department shall distribute those funds in one 49545  
annual payment. To the extent practicable, the department shall 49546  
make that payment for which an account is established prior to 49547  
the school year for which it is sought before the first day of 49548  
that school year. 49549

**Sec. 3317.023.** (A) The amounts required to be paid to a 49550  
district under this chapter shall be adjusted by the amount of 49551  
the computations made under divisions (B) to (K) of this 49552  
section. 49553

As used in this section: 49554

(1) "Career-technical planning district" or "CTPD" means a 49555



school district or group of school districts designated by the department of education and workforce as being responsible for the planning for and provision of career-technical education services to students within the district or group. A community school established under Chapter 3314. of the Revised Code or a STEM school established under Chapter 3326. of the Revised Code that is serving students in any of grades seven through twelve shall be assigned to a career-technical planning district by the department.

(2) "Lead district" means a school district, including a joint vocational school district, designated by the department as a CTPD, or designated to provide primary career-technical education leadership within a CTPD composed of a group of districts, community schools assigned to the CTPD, and STEM schools assigned to the CTPD.

(B) If a local, city, or exempted village school district to which a governing board of an educational service center provides services pursuant to an agreement entered into under section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under that section.

(C) (1) If the district is required to pay to or entitled to receive tuition from another school district under division (C) (2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the department is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible

for tuition or payment under division (A) (1) of section 3317.082 49586  
or section 3323.091 of the Revised Code, deduct the amount of 49587  
tuition or payment for which the district is responsible. 49588

(D) If the district has been certified by the department 49589  
under section 3313.90 of the Revised Code as not in compliance 49590  
with the requirements of that section, deduct an amount equal to 49591  
ten per cent of the amount computed for the district under this 49592  
chapter. 49593

(E) If the district has received a loan from a commercial 49594  
lending institution for which payments are made pursuant to 49595  
division (E) (3) of section 3313.483 of the Revised Code, deduct 49596  
an amount equal to such payments. 49597

(F) (1) If the district is a party to an agreement entered 49598  
into under division (D), (E), or (F) of section 3311.06 or 49599  
division (B) of section 3311.24 of the Revised Code and is 49600  
obligated to make payments to another district under such an 49601  
agreement, deduct an amount equal to such payments if the 49602  
district school board notifies the department in writing that it 49603  
wishes to have such payments deducted. 49604

(2) If the district is entitled to receive payments from 49605  
another district that has notified the department to deduct such 49606  
payments under division (F) (1) of this section, add the amount 49607  
of such payments. 49608

(G) If the district is required to pay an amount of funds 49609  
to a cooperative education district pursuant to a provision 49610  
described by division (B) (4) of section 3311.52 or division (B) 49611  
(8) of section 3311.521 of the Revised Code, deduct such amounts 49612  
as provided under that provision and credit those amounts to the 49613  
cooperative education district for payment to the district under 49614

division (B) (1) of section 3317.19 of the Revised Code. 49615

(H) (1) If a district is educating a student entitled to 49616  
attend school in another district pursuant to a shared education 49617  
contract, compact, or cooperative education agreement other than 49618  
an agreement entered into pursuant to section 3313.842 of the 49619  
Revised Code, credit to that educating district on an FTE basis 49620  
both of the following: 49621

(a) An amount equal to the statewide average base cost per 49622  
pupil. 49623

(b) Any amount applicable to the student pursuant to 49624  
section 3317.013 or 3317.014 of the Revised Code. 49625

(2) Deduct any amount credited pursuant to division (H) (1) 49626  
of this section from amounts paid to the school district in 49627  
which the student is entitled to attend school pursuant to 49628  
section 3313.64 or 3313.65 of the Revised Code. 49629

(3) If the district is required by a shared education 49630  
contract, compact, or cooperative education agreement to make 49631  
payments to an educational service center, deduct the amounts 49632  
from payments to the district and add them to the amounts paid 49633  
to the service center. 49634

(I) (1) If a district, including a joint vocational school 49635  
district, is a lead district of a CTPD, credit to that district 49636  
the amount calculated for each school district within that CTPD 49637  
under ~~divisions~~ division (D) and ~~(E)~~ of section 3317.014 of the 49638  
Revised Code and for each community school and STEM school 49639  
assigned to the CTPD under ~~divisions~~ division (D) and ~~(E)~~ of 49640  
section 3317.014 of the Revised Code. 49641

(2) Deduct from each appropriate district that is not a 49642  
lead district, or from the appropriate community school or STEM 49643

school, the amount attributable to that district or school that 49644  
is credited to a lead district under division (I)(1) of this 49645  
section. 49646

(J) If the department pays a joint vocational school 49647  
district under division (C)(3) of section 3317.16 of the Revised 49648  
Code for excess costs of providing special education and related 49649  
services to a student with a disability, as calculated under 49650  
division (C)(1) of that section, the department shall deduct the 49651  
amount of that payment from the city, local, or exempted village 49652  
school district that is responsible as specified in that section 49653  
for the excess costs. 49654

(K)(1) If the district reports an amount of excess cost 49655  
for special education services for a child under division (C) of 49656  
section 3323.14 of the Revised Code, the department shall pay 49657  
that amount to the district. 49658

(2) If the district reports an amount of excess cost for 49659  
special education services for a child under division (C) of 49660  
section 3323.14 of the Revised Code, the department shall deduct 49661  
that amount from the district of residence of that child. 49662

**Sec. 3317.024.** The following shall be distributed monthly, 49663  
quarterly, or annually as may be determined by the department of 49664  
education and workforce: 49665

(A) An amount for each island school district and each 49666  
joint state school district for the operation of each high 49667  
school and each elementary school maintained within such 49668  
district and for capital improvements for such schools. Such 49669  
amounts shall be determined on the basis of standards adopted by 49670  
the department. However, for fiscal years 2012 and 2013, an 49671  
island district shall receive the lesser of its actual cost of 49672

operation, as certified to the department, or ninety-three per 49673  
cent of the amount the district received in state operating 49674  
funding for fiscal year 2011. If an island district received no 49675  
funding for fiscal year 2011, it shall receive no funding for 49676  
either of fiscal year 2012 or 2013. 49677

(B) An amount for each school district required to pay 49678  
tuition for a child in an institution maintained by the 49679  
department of youth services pursuant to section 3317.082 of the 49680  
Revised Code, provided the child was not included in the 49681  
calculation of the district's formula ADM, as that term is 49682  
defined in section 3317.02 of the Revised Code, for the 49683  
preceding school year. 49684

(C) (1) An amount for the approved cost of transporting 49685  
eligible pupils with disabilities attending a special education 49686  
program approved by the department of education and workforce 49687  
whom it is impossible or impractical to transport by regular 49688  
school bus in the course of regular route transportation 49689  
provided by the school district or educational service center. 49690  
For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be 49691  
equal to the actual costs incurred in the prior fiscal year by 49692  
the district or service center when transporting those students, 49693  
as reported to the department, multiplied by one of the 49694  
following: 49695

(a) For a district, the ~~percentage determined for the~~ 49696  
~~district for that fiscal year under divisions (E) (1) (c) (i) and~~ 49697  
~~(ii) of section 3317.0212 of the Revised Code~~ greater of the 49698  
district's state share percentage for the fiscal year or forty- 49699  
three and three-quarters per cent for fiscal year 2026 and 49700  
forty-five and eighty-three hundredths per cent for fiscal year 49701  
2027; 49702

(b) For a service center, ~~thirty-seven-forty-three~~ and 49703  
~~one-half-three-quarters~~ per cent for fiscal year ~~2024-2026~~ and 49704  
~~forty-one and two-thirds-forty-five and eighty-three-hundredths~~ 49705  
per cent for fiscal year ~~2025~~2027. 49706

(2) No district or service center is eligible to receive a 49707  
payment under division (C) of this section for the cost of 49708  
transporting any pupil whom it transports by regular school bus 49709  
and who is included in the district's transportation ADM. 49710

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, both of the 49711  
following apply: 49712

(a) The department of education and workforce shall also 49713  
establish the deadline for each district and service center to 49714  
report its actual costs for transporting students described in 49715  
division (C) (1) of this section. 49716

(b) The costs reported by each district and service center 49717  
under division (C) of this section shall be subject to periodic, 49718  
random audits by the department of education and workforce. 49719

(D) An amount to each school district, including each 49720  
cooperative education school district, pursuant to section 49721  
3313.81 of the Revised Code to assist in providing free lunches 49722  
to needy children. The amounts shall be determined on the basis 49723  
of rules adopted by the department of education and workforce. 49724

(E) (1) An amount for auxiliary services to each school 49725  
district, for each pupil attending a chartered nonpublic 49726  
elementary or high school within the district that has not 49727  
elected to receive funds under division (E) (2) of this section. 49728

(2) (a) An amount for auxiliary services paid directly to 49729  
each chartered nonpublic school that has elected to receive 49730  
funds under division (E) (2) of this section for each pupil 49731

attending the school. To elect to receive funds under division 49732  
(E) (2) of this section, a school, by the first day of April of 49733  
each odd-numbered year, shall notify the department of education 49734  
and workforce and the school district in which the school is 49735  
located of the election and shall submit to the department an 49736  
affidavit certifying that the school shall expend the funds in 49737  
the manner outlined in section 3317.062 of the Revised Code. The 49738  
election shall take effect the following first day of July. The 49739  
school subsequently may rescind its election, but it may do so 49740  
only in an odd-numbered year by notifying the department and the 49741  
school district in which the school is located of the rescission 49742  
not later than the first day of April of that year. Beginning 49743  
the following first day of July after the rescission, the school 49744  
shall receive funds under division (E) (1) of this section. 49745

(b) Not later later than ten days after the notification 49746  
of approval and issuance of a charter to a nonpublic school, 49747  
that school may elect to receive funds under division (E) (2) of 49748  
this section. If no election is made, the chartered nonpublic 49749  
school shall receive funds under division (E) (1) of this 49750  
section. The school may subsequently change its election in 49751  
accordance with division (E) (2) (a) of this section. 49752

(c) A chartered nonpublic school that elects to receive 49753  
auxiliary services funds under division (E) (2) of this section 49754  
may designate an organization that oversees one or more 49755  
nonpublic schools to receive those funds on its behalf. 49756

(i) Each chartered nonpublic school that designates an 49757  
organization to receive auxiliary services funds on its behalf 49758  
shall notify the department of education and workforce of the 49759  
organization's name not later than the first day of April of 49760  
each odd-numbered year. 49761

(ii) A school may rescind its decision, but may do so only 49762  
in each odd-numbered year by notifying the department of that 49763  
rescission not later than the first day of April of that year. A 49764  
rescission submitted in compliance with this division takes 49765  
effect on the following first day of July, and the school 49766  
district may elect to then begin receiving auxiliary services 49767  
funds directly or as specified under division (E) (1) of this 49768  
section. 49769

(iii) An organization shall disburse the auxiliary 49770  
services funds of all chartered nonpublic schools that have 49771  
designated the organization to receive funds on their behalf in 49772  
accordance with division (E) (2) (c) of this section. If multiple 49773  
chartered nonpublic schools designate the same organization to 49774  
receive auxiliary services funds on their behalf, that 49775  
organization may use one or more accounts for the purposes of 49776  
managing the funds. The organization shall maintain appropriate 49777  
accounting and reporting standards and ensure that each 49778  
chartered nonpublic school receives the auxiliary services funds 49779  
to which the school is entitled. 49780

(iv) Each chartered nonpublic school that elects to 49781  
receive funds directly in accordance with division (E) (2) of 49782  
this section or the organization designated to receive and 49783  
disburse auxiliary services funds on behalf of a chartered 49784  
nonpublic school shall maintain records of receipt and 49785  
expenditures of the funds in a manner that conforms with 49786  
generally accepted accounting principles. 49787

(v) The department of education and workforce shall create 49788  
and disseminate a standardized reporting form that chartered 49789  
nonpublic schools and organizations designated to receive funds 49790  
in accordance with division (E) (2) (c) of this section may use to 49791



comply with division (E) (2) (c) (iv) of this section. However, the 49792  
department shall not require schools to use that form. 49793

(vi) An organization that manages a school's auxiliary 49794  
services funds pursuant to a designation made in accordance with 49795  
division (E) (2) (c) of this section may require the school's 49796  
governing authority to pay a fee for that service that does not 49797  
exceed four per cent of the total amount of payments for 49798  
auxiliary services that the school receives from the state. A 49799  
school may pay any fee assessed pursuant to division (E) (2) (c) 49800  
(vi) of this section using auxiliary services funds. 49801

(d) The amount paid under divisions (E) (1) and (2) of this 49802  
section shall equal the total amount appropriated for the 49803  
implementation of sections 3317.06 and 3317.062 of the Revised 49804  
Code divided by the average daily membership in grades 49805  
kindergarten through twelve in chartered nonpublic elementary 49806  
and high schools within the state as determined as of the last 49807  
day of October of each school year. 49808

(F) An amount for each county board of developmental 49809  
disabilities for the approved cost of transportation required 49810  
for children attending special education programs operated by 49811  
the county board under section 3323.09 of the Revised Code. For 49812  
fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal 49813  
to the actual costs incurred in the prior fiscal year by the 49814  
county board when transporting those students multiplied by 49815  
~~thirty-seven-forty-three~~ and ~~one-half-three-quarters~~ per cent 49816  
for fiscal year ~~2024-2026~~ and ~~forty-one and two-thirds-forty-~~ 49817  
~~five and eighty-three hundredths~~ per cent for fiscal year 49818  
~~2025~~2027. 49819

(G) An amount to each institution defined under section 49820  
3317.082 of the Revised Code providing elementary or secondary 49821

education to children other than children receiving special 49822  
education under section 3323.091 of the Revised Code. This 49823  
amount for any institution in any fiscal year shall equal the 49824  
total of all tuition amounts required to be paid to the 49825  
institution under division (A) (1) of section 3317.082 of the 49826  
Revised Code. 49827

The department of education and workforce or any board of 49828  
education or governing board may provide for any resident of a 49829  
district or educational service center territory any educational 49830  
service for which funds are made available to the board by the 49831  
United States under the authority of public law, whether such 49832  
funds come directly or indirectly from the United States or any 49833  
agency or department thereof or through the state or any agency, 49834  
department, or political subdivision thereof. 49835

**Sec. 3317.026.** This section shall apply only for fiscal 49836  
years ~~2024~~2026 and ~~2025~~2027. 49837

(A) For each fiscal year, the department of education and 49838  
workforce shall calculate an amount for the community and STEM 49839  
school unit as follows: 49840

(1) For each community school and STEM school, determine 49841  
the sum of the following: 49842

(a) The aggregate base cost calculated for the school for 49843  
that fiscal year under section 3317.0110 of the Revised Code; 49844

(b) The sum of the following: 49845

(i) The school's category one special education ADM X the 49846  
multiple specified in division (A) of section 3317.013 of the 49847  
Revised Code X the statewide average base cost per pupil for 49848  
that fiscal year; 49849

(ii) The school's category two special education ADM X the 49850  
multiple specified in division (B) of section 3317.013 of the 49851  
Revised Code X the statewide average base cost per pupil for 49852  
that fiscal year; 49853

(iii) The school's category three special education ADM X 49854  
the multiple specified in division (C) of section 3317.013 of 49855  
the Revised Code X the statewide average base cost per pupil for 49856  
that fiscal year; 49857

(iv) The school's category four special education ADM X 49858  
the multiple specified in division (D) of section 3317.013 of 49859  
the Revised Code X the statewide average base cost per pupil for 49860  
that fiscal year; 49861

(v) The school's category five special education ADM X the 49862  
multiple specified in division (E) of section 3317.013 of the 49863  
Revised Code X the statewide average base cost per pupil for 49864  
that fiscal year; 49865

(vi) The school's category six special education ADM X the 49866  
multiple specified in division (F) of section 3317.013 of the 49867  
Revised Code X the statewide average base cost per pupil for 49868  
that fiscal year. 49869

~~(e)(c)~~ (i) If the school is not an internet- or computer- 49870  
based community school, an amount of disadvantaged pupil impact 49871  
aid equal to the following: 49872

\$422 X the school's economically disadvantaged index X the 49873  
number of students in the school's enrolled ADM who are 49874  
economically disadvantaged 49875

(ii) If the school is an internet- or computer-based 49876  
community school, an amount of disadvantaged pupil impact aid 49877  
equal to the following: 49878

<u>\$211 X the school's economically disadvantaged index X the</u>	49879
<u>number of students in the school's enrolled ADM who are</u>	49880
<u>economically disadvantaged</u>	49881
(d) The sum of the following:	49882
(i) The school's category one English learner ADM X the	49883
multiple specified in division (A) of section 3317.016 of the	49884
Revised Code X the statewide average base cost per pupil for	49885
that fiscal year;	49886
(ii) The school's category two English learner ADM X the	49887
multiple specified in division (B) of section 3317.016 of the	49888
Revised Code X the statewide average base cost per pupil for	49889
that fiscal year;	49890
(iii) The school's category three English learner ADM X	49891
the multiple specified in division (C) of section 3317.016 of	49892
the Revised Code X the statewide average base cost per pupil for	49893
that fiscal year.	49894
(e) The sum of the following:	49895
(i) The school's category one career-technical education	49896
ADM X the multiple specified under division (A) (1) of section	49897
3317.014 of the Revised Code X the statewide average career-	49898
technical base cost per pupil for that fiscal year;	49899
(ii) The school's category two career-technical education	49900
ADM X the multiple specified under division (A) (2) of section	49901
3317.014 of the Revised Code X the statewide average career-	49902
technical base cost per pupil for that fiscal year;	49903
(iii) The school's category three career-technical	49904
education ADM X the multiple specified under division (A) (3) of	49905
section 3317.014 of the Revised Code X the statewide average	49906

career-technical base cost per pupil for that fiscal year;	49907
(iv) The school's category four career-technical education	49908
ADM X the multiple specified under division (A) (4) of section	49909
3317.014 of the Revised Code X the statewide average career-	49910
technical base cost per pupil for that fiscal year;	49911
(v) The school's category five career-technical education	49912
ADM X the multiple specified under division (A) (5) of section	49913
3317.014 of the Revised Code X the statewide average career-	49914
technical base cost per pupil for that fiscal year.	49915
(f) An amount equal to the following:	49916
The multiple for career-technical associated services	49917
specified under division (B) of section 3317.014 of the Revised	49918
Code X the statewide average career-technical base cost per	49919
pupil for that fiscal year X the sum of the school's categories	49920
one through five career-technical education ADM	49921
(g) If the school is a community school, an amount equal	49922
to the following:	49923
The number of students reported by the community school	49924
under division (B) (5) of section 3314.08 of the Revised Code X	49925
(the aggregate base cost calculated for the school for that	49926
fiscal year under section 3317.0110 of the Revised Code / the	49927
school's enrolled ADM) X 0.20	49928
<u>(h) If the school is not an internet- or computer-based</u>	49929
<u>community school, an equity supplement calculated as follows:</u>	49930
<u>The number of students in the school's enrolled ADM X \$650</u>	49931
(2) For each community and STEM school, determine the	49932
lesser of the following:	49933

(a) The following sum: 49934

The school's funding base + {[the sum calculated for the 49935  
school under division (A) of this section) - the school's 49936  
funding base] X the school's general phase-in percentage for 49937  
that fiscal year} 49938

(b) The sum of the amounts calculated for the school for 49939  
that fiscal year under division (A) of this section. 49940

(3) Compute the sum of the amounts determined under 49941  
division (B) of this section to determine the amount calculated 49942  
for the community and STEM school unit. 49943

(B) Notwithstanding division (D) of section 3317.022 of 49944  
the Revised Code, for each fiscal year, the department shall 49945  
distribute to each community school and each STEM school, from 49946  
the funds paid to the community and STEM school unit under 49947  
section 3317.022 of the Revised Code, an amount equal to the 49948  
amount determined for that school under division (A)(2) of this 49949  
section. 49950

**Sec. 3317.0212.** (A) As used in this section: 49951

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "assigned 49952  
bus" means a school bus used to transport qualifying riders. 49953

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "density" 49954  
means the total riders per square mile of a school district. 49955

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, 49956  
"nontraditional ridership" means the average number of 49957  
qualifying riders who are enrolled in a community school 49958  
established under Chapter 3314. of the Revised Code, in a STEM 49959  
school established under Chapter 3326. of the Revised Code, or 49960  
in a nonpublic school and are provided school bus service by a 49961

school district during the first full week of October. 49962

(4) "Qualifying riders" means the following: 49963

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, resident 49964  
students enrolled in preschool and regular education in grades 49965  
kindergarten to twelve who are provided school bus service by a 49966  
school district, including students with dual enrollment in a 49967  
joint vocational school district or a cooperative education 49968  
school district, and students enrolled in a community school, 49969  
STEM school, or nonpublic school; 49970

(b) For fiscal year ~~2026~~2028 and each fiscal year 49971  
thereafter, students specified by the general assembly. 49972

(5) "Qualifying ridership" means the following: 49973

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the greater 49974  
of the average number of qualifying riders counted in the 49975  
morning or counted in the afternoon who are provided school bus 49976  
service by a school district during the first full week of 49977  
October; 49978

(b) For fiscal year ~~2026~~2028 and each fiscal year 49979  
thereafter, a ridership determined in a manner specified by the 49980  
general assembly. 49981

(6) "Rider density" means the following: 49982

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the following 49983  
quotient: 49984

A school district's total number of qualifying riders/ the 49985  
number of square miles in the district 49986

(b) For fiscal year ~~2026~~2028 and each fiscal year 49987  
thereafter, a number calculated in a manner determined by the 49988

general assembly.	49989
(7) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , "riders"	49990
means students enrolled in regular and special education in	49991
grades kindergarten through twelve who are provided school bus	49992
service by a school district, including students with dual	49993
enrollment in a joint vocational school district or a	49994
cooperative education school district, and students enrolled in	49995
a community school, STEM school, or nonpublic school.	49996
(8) "School bus service" means a school district's	49997
transportation of qualifying riders in any of the following	49998
types of vehicles:	49999
(a) School buses owned or leased by the district;	50000
(b) School buses operated by a private contractor hired by	50001
the district;	50002
(c) School buses operated by another school district or	50003
entity with which the district has contracted, either as part of	50004
a consortium for the provision of transportation or otherwise.	50005
(B) Not later than the first day of November, for fiscal	50006
years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , or a date determined by the	50007
general assembly, for fiscal year <del>2026-2028</del> and each fiscal year	50008
thereafter, of each year, each city, local, and exempted village	50009
school district shall report to the department of education and	50010
workforce its qualifying ridership and any other information	50011
requested by the department. Subsequent adjustments to the	50012
reported numbers shall be made only in accordance with rules	50013
adopted by the department.	50014
(C) The department shall calculate the statewide	50015
transportation cost per student as follows:	50016



(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows:

(1) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> :	50046
(a) Calculate the sum of the following:	50047
(i) The product of the statewide transportation cost per student and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;	50048 50049 50050 50051
(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code;	50052 50053 50054 50055 50056 50057
(iii) 2.0 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools.	50058 50059 50060 50061
(b) Calculate the sum of the following:	50062
(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district;	50063 50064 50065 50066
(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in community schools or STEM schools;	50067 50068 50069 50070
(iii) 2.0 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who	50071 50072 50073

are enrolled in nonpublic schools. 50074

(c) Multiply the greater of the amounts calculated under 50075  
divisions (E) (1) (a) and (b) of this section by the following: 50076

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven-~~ 50077  
~~forty-five~~ and ~~one-half~~eighty-three hundredths per cent or the 50078  
district's state share percentage, as defined in section 3317.02 50079  
of the Revised Code; 50080

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one-~~ 50081  
~~and two-thirds~~fifty per cent or the district's state share 50082  
percentage. 50083

(2) For fiscal year ~~2026~~2028 and each fiscal year 50084  
thereafter, an amount determined by the general assembly. 50085

(F) For fiscal years ~~2024~~2026 and ~~2025~~2027, the 50086  
department shall pay a district's efficiency adjustment payment 50087  
in accordance with divisions (F) (1) to (3) of this section. For 50088  
fiscal year ~~2026~~2028 and each fiscal year thereafter, the 50089  
department shall pay a district's efficiency adjustment payment 50090  
in a manner determined by the general assembly, if the general 50091  
assembly authorizes such a payment to districts. 50092

(1) The department annually shall establish a target 50093  
number of qualifying riders per assigned bus for each city, 50094  
local, and exempted village school district. The department 50095  
shall use the ~~most recently available~~ data from the previous 50096  
fiscal year in establishing the target number. The target number 50097  
shall be based on the statewide median number of riders per 50098  
assigned bus as adjusted to reflect the district's density in 50099  
comparison to the density of all other districts. The department 50100  
shall post on the department's web site each district's target 50101  
number of riders per assigned bus and a description of how the 50102

target number was determined. 50103

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus. 50104  
50105  
50106

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows: 50107  
50108  
50109

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula: 50110  
50111  
50112

0.15 X the district's transportation base payment calculated under division (E) of this section 50113  
50114

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula: 50115  
50116  
50117

{[(The district's efficiency index - 1) X 0.15]/0.5} X the district's transportation base payment calculated under division (E) of this section 50118  
50119  
50120

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero. 50121  
50122

(G) In addition to funds paid under divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the department a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 50123  
50124  
50125  
50126  
50127  
50128  
50129  
50130

(H) (1) For purposes of division (H) of this section, a school district's "transportation supplement percentage" means the following:

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following quotient:

$$(28 - \text{the district's rider density}) / 100$$

If the result of the calculation for a district under division (H) (1) (a) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage X the amount calculated for the district under division (E) (1) (b) of this section X 0.55

(I) (1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of section 3314.091 of the Revised Code, the department shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C) (1) of that section. If a community school governing authority accepts transportation responsibility under division (B) of that section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C) (1) of that

section, calculated as follows: 50160

(a) For any fiscal year which the general assembly has 50161  
specified that transportation payments to school districts be 50162  
based on an across-the-board percentage of the district's 50163  
payment for the previous school year, the per pupil payment to 50164  
the community school shall be the following quotient: 50165

(i) The total amount calculated for the school district in 50166  
which the child is entitled to attend school for student 50167  
transportation other than transportation of children with 50168  
disabilities; divided by 50169

(ii) The number of students included in the district's 50170  
transportation ADM for the current fiscal year, as calculated 50171  
under section 3317.03 of the Revised Code, plus the number of 50172  
students enrolled in the community school not counted in the 50173  
district's transportation ADM who are transported under division 50174  
(B) (1) or (2) of section 3314.091 of the Revised Code. 50175

(b) For any fiscal year which the general assembly has 50176  
specified that the transportation payments to school districts 50177  
be calculated in accordance with this section and any rules of 50178  
the department implementing this section, the payment to the 50179  
community school shall be the following: 50180

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, either of the 50181  
following: 50182

(I) If the school district in which the student is 50183  
entitled to attend school would have used a method of 50184  
transportation for the student for which payments are computed 50185  
and paid under division (E) of this section, 1.0 times the 50186  
statewide transportation cost per student, as calculated in 50187  
division (C) of this section; 50188

(II) If the school district in which the student is 50189  
entitled to attend school would have used a method of 50190  
transportation for the student for which payments are computed 50191  
and paid in a manner described in division (G) of this section, 50192  
the amount that would otherwise be computed for and paid to the 50193  
district. 50194

(ii) For fiscal year ~~2026~~2028 and each fiscal year 50195  
thereafter, an amount calculated in a manner determined by the 50196  
general assembly. 50197

The community school, however, is not required to use the 50198  
same method to transport the student. 50199

As used in this division, "entitled to attend school" 50200  
means entitled to attend school under section 3313.64 or 3313.65 50201  
of the Revised Code. 50202

(2) A community school shall be paid under division (I) (2) 50203  
of this section only for students who are eligible as specified 50204  
in section 3327.01 of the Revised Code and division (C) (1) of 50205  
section 3314.091 of the Revised Code, and whose transportation 50206  
to and from school is actually provided, who actually utilized 50207  
transportation arranged, or for whom a payment in lieu of 50208  
transportation is made by the community school's governing 50209  
authority. To qualify for the payments, the community school 50210  
shall report to the department, in the form and manner required 50211  
by the department, data on the number of students transported or 50212  
whose transportation is arranged, the number of miles traveled, 50213  
cost to transport, and any other information requested by the 50214  
department. 50215

**Sec. 3317.0213.** (A) The department of education and 50216  
workforce shall compute and pay in accordance with this section 50217

additional state aid for preschool children with disabilities to 50218  
each city, local, and exempted village school district and to 50219  
each institution, as defined in section 3323.091 of the Revised 50220  
Code. Funding shall be provided for children who are not 50221  
enrolled in kindergarten and who are under age six on the 50222  
thirtieth day of September of the academic year, or on the first 50223  
day of August of the academic year if the school district in 50224  
which the child is enrolled has adopted a resolution under 50225  
division (A) (3) of section 3321.01 of the Revised Code, but not 50226  
less than age three on the first day of December of the academic 50227  
year. 50228

For fiscal years ~~2024-2026~~ and ~~2025~~2027, the additional 50229  
state aid shall be calculated under the following formula: 50230

(\$4,000 X the number of students who are preschool 50231  
children with disabilities) + the sum of the following: 50232

(1) The district's or institution's category one special 50233  
education students who are preschool children with disabilities 50234  
X the multiple specified in division (A) of section 3317.013 of 50235  
the Revised Code X the statewide average base cost per pupil for 50236  
that fiscal year X the district's state share percentage X 0.50; 50237

(2) The district's or institution's category two special 50238  
education students who are preschool children with disabilities 50239  
X the multiple specified in division (B) of section 3317.013 of 50240  
the Revised Code X the statewide average base cost per pupil for 50241  
that fiscal year X the district's state share percentage X 0.50; 50242

(3) The district's or institution's category three special 50243  
education students who are preschool children with disabilities 50244  
X the multiple specified in division (C) of section 3317.013 of 50245  
the Revised Code X the statewide average base cost per pupil for 50246



that fiscal year X the district's state share percentage X 0.50; 50247

(4) The district's or institution's category four special 50248  
education students who are preschool children with disabilities 50249  
X the multiple specified in division (D) of section 3317.013 of 50250  
the Revised Code X the statewide average base cost per pupil for 50251  
that fiscal year X the district's state share percentage X 0.50; 50252

(5) The district's or institution's category five special 50253  
education students who are preschool children with disabilities 50254  
X the multiple specified in division (E) of section 3317.013 of 50255  
the Revised Code X the statewide average base cost per pupil for 50256  
that fiscal year X the district's state share percentage X 0.50; 50257

(6) The district's or institution's category six special 50258  
education students who are preschool children with disabilities 50259  
X the multiple specified in division (F) of section 3317.013 of 50260  
the Revised Code X the statewide average base cost per pupil for 50261  
that fiscal year X the district's state share percentage X 0.50. 50262

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 50263  
the additional state aid shall be calculated for each category 50264  
of special education students who are preschool children with 50265  
disabilities using a formula specified by the general assembly. 50266

The special education disability categories for preschool 50267  
children used in this section are the same categories prescribed 50268  
in section 3317.013 of the Revised Code. 50269

As used in division (A) of this section, the state share 50270  
percentage of a student enrolled in an institution is the state 50271  
share percentage of the school district in which the student is 50272  
entitled to attend school under section 3313.64 or 3313.65 of 50273  
the Revised Code. 50274

(B) If an educational service center is providing services 50275

to students who are preschool children with disabilities under 50276  
agreement with the city, local, or exempted village school 50277  
district in which the students are entitled to attend school, 50278  
that district may authorize the department to transfer funds 50279  
computed under this section to the service center providing 50280  
those services. 50281

(C) If a county DD board is providing services to students 50282  
who are preschool children with disabilities under agreement 50283  
with the city, local, or exempted village school district in 50284  
which the students are entitled to attend school, the department 50285  
shall deduct from the district's payment computed under division 50286  
(A) of this section the total amount of those funds that are 50287  
attributable to the students served by the county DD board and 50288  
pay that amount to that board. 50289

**Sec. 3317.0215.** (A) (1) For fiscal years ~~2024~~2026 and 50290  
~~2025~~2027, the department of education and workforce shall 50291  
withhold from the aggregate amount paid for a fiscal year to 50292  
each city, local, exempted village, and joint vocational school 50293  
district, community school established under Chapter 3314. of 50294  
the Revised Code, and science, technology, engineering, and 50295  
mathematics school established under Chapter 3326. of the 50296  
Revised Code an amount equal to the following: 50297

(a) In the case of a city, local, or exempted village 50298  
school district, the aggregate amount of special education 50299  
funding paid to the district under division (A) (3) of section 50300  
3317.022 of the Revised Code times 0.10, subject to any funding 50301  
limitations enacted by the general assembly to the computation. 50302

(b) In the case of a community school or STEM school, the 50303  
aggregate amount of special education funding paid to the school 50304  
under division (A) (1) (b) of section 3317.026 of the Revised Code 50305

times 0.10, subject to any funding limitations enacted by the 50306  
general assembly to the computation. 50307

(c) In the case of a joint vocational school district, the 50308  
aggregate amount of special education funding paid to the school 50309  
under division (A) (2) of section 3317.16 of the Revised Code 50310  
times 0.10, subject to any funding limitations enacted by the 50311  
general assembly to the computation. 50312

(2) For fiscal year ~~2026~~2028 and each fiscal year 50313  
thereafter, the department shall withhold from the aggregate 50314  
amount paid for a fiscal year to each city, local, exempted 50315  
village, and joint vocational school district, community school, 50316  
and science, technology, engineering, and mathematics school an 50317  
amount determined by the general assembly, if any, for purposes 50318  
of this section. 50319

(B) For fiscal years ~~2024~~2026 and ~~2025~~2027, the 50320  
department shall use the amount of funds withheld under division 50321  
(A) of this section for purposes of division (C) (1) of section 50322  
3314.08 of the Revised Code, section 3317.0214 of the Revised 50323  
Code, division (B) of section 3317.16 of the Revised Code, and 50324  
section 3326.34 of the Revised Code. 50325

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 50326  
the department shall use the amount of funds withheld under 50327  
division (A) of this section, if any, for purposes determined by 50328  
the general assembly. 50329

**Sec. 3317.0217.** This section shall apply only for fiscal 50330  
years ~~2024~~2026 and ~~2025~~2027. 50331

Payment of the amount calculated for a school district 50332  
under this section shall be made under division (A) of section 50333  
3317.022 of the Revised Code. 50334

(A) For each fiscal year, the department of education and workforce shall compute targeted assistance funds for city, local, and exempted village school districts, in accordance with the following formula:

A district's capacity amount for that fiscal year calculated under division (B) of this section + a district's wealth amount for that fiscal year calculated under division (C) of this section

(B) The department shall calculate each district's capacity amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum:

(The amount determined for the district for that fiscal year under division (A) (1) (a) of section 3317.017 of the Revised Code X 0.6) + (the amount determined for the district for that fiscal year under division (A) (2) (a) of section 3317.017 of the Revised Code X 0.4)

(2) Determine the median weighted wealth of all school districts in this state for that fiscal year;

(3) Compute each district's capacity index for that fiscal year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year;

(4) Compute each district's capacity amount for that fiscal year as follows:

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year:

(i) The district's capacity index is less than 1. 50363

(ii) The district's enrolled ADM is less than 200. 50364

(b) If the district does not satisfy either of the 50365  
criteria specified in division (B) (4) (a) of this section for 50366  
that fiscal year, the district's capacity amount for that fiscal 50367  
year shall be calculated as follows: 50368

(i) Compute the following amount for the district: 50369

(The median weighted wealth of all school districts in this 50370  
state for that fiscal year X 0.008) - (the district's weighted 50371  
wealth for that fiscal year X 0.008) 50372

(ii) If the district's enrolled ADM for that fiscal year 50373  
is greater than or equal to 200 but less than or equal to 400, 50374  
the district's capacity amount for that fiscal year shall be 50375  
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 50376  
of this section. 50377

(iii) If the district's enrolled ADM for that fiscal year 50378  
is greater than 400 and less than 600, the district's capacity 50379  
amount for that fiscal year shall be calculated in accordance 50380  
with the following formula: 50381

{[0.95 X (the district's enrolled ADM for that fiscal year - 50382  
400)/200] + 0.05} X the amount computed under division (B) (4) (b) 50383  
(i) of this section 50384

(iv) If the district's enrolled ADM for that fiscal year 50385  
is greater than or equal to 600, the district's capacity amount 50386  
for that fiscal year shall be equal to the amount computed under 50387  
division (B) (4) (b) (i) of this section. 50388

(C) The department shall calculate each district's wealth 50389  
amount for a fiscal year as follows: 50390

(1) Calculate each district's weighted wealth per pupil 50391  
for that fiscal year, which equals the following quotient: 50392

The district's weighted wealth for that fiscal year 50393  
calculated under division (B) (1) of this section/ (the 50394  
district's enrolled ADM for that fiscal year - the students 50395  
described in division (A) (1) (b) of section 3317.03 of the 50396  
Revised Code + the students described in division (A) (2) (d) of 50397  
section 3317.03 of the Revised Code) 50398

(2) Determine the median weighted wealth per pupil of all 50399  
school districts in this state for that fiscal year; 50400

(3) Compute each district's wealth index for that fiscal 50401  
year by dividing the median weighted wealth per pupil of all 50402  
school districts in this state for that fiscal year by the 50403  
district's weighted wealth per pupil for that fiscal year; 50404

(4) Compute each district's wealth amount for that fiscal 50405  
year, as follows: 50406

(a) If the district's wealth index computed under division 50407  
(C) (3) of this section for that fiscal year is less than 0.8, 50408  
the district's wealth amount for that fiscal year shall be zero. 50409

(b) If the district's wealth index computed under division 50410  
(C) (3) of this section for that fiscal year is greater than or 50411  
equal to 0.8, the district's wealth amount for that fiscal year 50412  
shall be calculated in accordance with the following formula: 50413

[(The median weighted wealth per pupil of all school districts 50414  
in this state for that fiscal year X 0.014) - (the district's 50415  
weighted wealth per pupil for that fiscal year X 0.0112)] X the 50416  
district's enrolled ADM for that fiscal year 50417

**Sec. 3317.03.** (A) The superintendent of each city, local, 50418

and exempted village school district shall report to the 50419  
department of education and workforce as of the last day of 50420  
October, March, and June of each year the enrollment of students 50421  
receiving services from schools under the superintendent's 50422  
supervision, and the numbers of other students entitled to 50423  
attend school in the district under section 3313.64 or 3313.65 50424  
of the Revised Code the superintendent is required to report 50425  
under this section, so that the department can calculate the 50426  
district's enrolled ADM, formula ADM, total ADM, category one 50427  
through five career-technical education ADM, category one 50428  
through three English learner ADM, category one through six 50429  
special education ADM, transportation ADM, and, for purposes of 50430  
provisions of law outside of Chapter 3317. of the Revised Code, 50431  
average daily membership. 50432

(1) The enrollment reported by the superintendent during 50433  
the reporting period shall consist of the number of students in 50434  
grades kindergarten through twelve receiving any educational 50435  
services from the district, except that the following categories 50436  
of students shall not be included in the determination: 50437

(a) Students enrolled in adult education classes; 50438

(b) Adjacent or other district students enrolled in the 50439  
district under an open enrollment policy pursuant to section 50440  
3313.98 of the Revised Code; 50441

(c) Students receiving services in the district pursuant 50442  
to a compact, cooperative education agreement, or a contract, 50443  
but who are entitled to attend school in another district 50444  
pursuant to section 3313.64 or 3313.65 of the Revised Code; 50445

(d) Students for whom tuition is payable pursuant to 50446  
sections 3317.081 and 3323.141 of the Revised Code; 50447

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

When reporting students under division (A)(1) of this section, the superintendent also shall report the district where each student is entitled to attend school pursuant to sections 3313.64 and 3313.65 of the Revised Code.

(2) The department shall compile a list of all students reported to be enrolled in a district under division (A)(1) of this section and of the students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code on an FTE basis but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the



Revised Code;	50477
(e) An educational service center or cooperative education district;	50478 50479
(f) Another school district under a cooperative education agreement, compact, or contract;	50480 50481
(g) A chartered nonpublic school with a scholarship paid under section 3317.022 of the Revised Code, if the students qualified for the scholarship under section 3310.03 or 3310.032 of the Revised Code;	50482 50483 50484 50485
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	50486 50487 50488
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	50489 50490 50491
(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	50492 50493 50494 50495
(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	50496 50497 50498 50499
<u>(k) A nonchartered nonpublic school if the students have educational savings accounts established under sections 3310.21 to 3310.26 of the Revised Code.</u>	50500 50501 50502
(3) The department also shall compile a list of the students entitled to attend school in the district under section	50503 50504

3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports provided by the department under division (A) of this section all of the following:

(1) The total student enrollment in regular learning day classes included in the report under division (A)(1) or (2), including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this section, of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;

(2) The unduplicated count of the number of preschool children with disabilities enrolled in the district for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each

child is so enrolled, in accordance with the disability 50535  
categories prescribed in section 3317.013 of the Revised Code; 50536

(3) The number of children entitled to attend school in 50537  
the district pursuant to section 3313.64 or 3313.65 of the 50538  
Revised Code who are: 50539

(a) Enrolled in a college under Chapter 3365. of the 50540  
Revised Code, except when the student is enrolled in the college 50541  
while also enrolled in a community school pursuant to Chapter 50542  
3314. of the Revised Code, a science, technology, engineering, 50543  
and mathematics school established under Chapter 3326., or a 50544  
college-preparatory boarding school established under Chapter 50545  
3328. of the Revised Code; 50546

(b) Participating in a program operated by a county board 50547  
of developmental disabilities or a state institution. 50548

(4) The total enrollment of pupils in joint vocational 50549  
schools; 50550

(5) The combined enrollment of children with disabilities 50551  
reported under division (A)(1) or (2) of this section, including 50552  
any student described in division (A)(1)(b) of this section and 50553  
excluding any student reported under divisions (A)(2)(a), (b), 50554  
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section, receiving 50555  
special education services for the category one disability 50556  
described in division (A) of section 3317.013 of the Revised 50557  
Code, including children attending a special education program 50558  
operated by an alternative public provider or a registered 50559  
private provider with a scholarship awarded under sections 50560  
3310.51 to 3310.64 of the Revised Code; 50561

(6) The combined enrollment of children with disabilities 50562  
reported under division (A)(1) or (2) of this section, including 50563

any student described in division (A) (1) (b) of this section and 50564  
excluding any student reported under divisions (A) (2) (a), (b), 50565  
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 50566  
special education services for category two disabilities 50567  
described in division (B) of section 3317.013 of the Revised 50568  
Code, including children attending a special education program 50569  
operated by an alternative public provider or a registered 50570  
private provider with a scholarship awarded under sections 50571  
3310.51 to 3310.64 of the Revised Code; 50572

(7) The combined enrollment of children with disabilities 50573  
reported under division (A) (1) or (2) of this section, including 50574  
any student described in division (A) (1) (b) of this section and 50575  
excluding any student reported under divisions (A) (2) (a), (b), 50576  
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 50577  
special education services for category three disabilities 50578  
described in division (C) of section 3317.013 of the Revised 50579  
Code, including children attending a special education program 50580  
operated by an alternative public provider or a registered 50581  
private provider with a scholarship awarded under sections 50582  
3310.51 to 3310.64 of the Revised Code; 50583

(8) The combined enrollment of children with disabilities 50584  
reported under division (A) (1) or (2) of this section, including 50585  
any student described in division (A) (1) (b) of this section and 50586  
excluding any student reported under divisions (A) (2) (a), (b), 50587  
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 50588  
special education services for category four disabilities 50589  
described in division (D) of section 3317.013 of the Revised 50590  
Code, including children attending a special education program 50591  
operated by an alternative public provider or a registered 50592  
private provider with a scholarship awarded under sections 50593  
3310.51 to 3310.64 of the Revised Code; 50594

(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(10) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;

(11) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this section, in category one career-technical education programs or classes, described in division (A)(1) of section 3317.014 of the Revised Code, operated by the school district or by another district that is a member of the district's career-technical

planning district, other than a joint vocational school 50626  
district, or by an educational service center, notwithstanding 50627  
division (M) of section 3317.02 of the Revised Code and division 50628  
(C) (3) of this section; 50629

(12) The enrollment of pupils reported under division (A) 50630  
(1) or (2) of this section on a full-time equivalency basis, 50631  
including any student described in division (A) (1) (b) of this 50632  
section and excluding any student reported under divisions (A) 50633  
(2) (a), (b), (d), (g), (h), (i), ~~and~~ (j), and (k) of this 50634  
section, in category two career-technical education programs or 50635  
services, described in division (A) (2) of section 3317.014 of 50636  
the Revised Code, operated by the school district or another 50637  
school district that is a member of the district's career- 50638  
technical planning district, other than a joint vocational 50639  
school district, or by an educational service center, 50640  
notwithstanding division (M) of section 3317.02 of the Revised 50641  
Code and division (C) (3) of this section; 50642

(13) The enrollment of pupils reported under division (A) 50643  
(1) or (2) of this section on a full-time equivalency basis, 50644  
including any student described in division (A) (1) (b) of this 50645  
section and excluding any student reported under divisions (A) 50646  
(2) (a), (b), (d), (g), (h), (i), ~~and~~ (j), and (k) of this 50647  
section, in category three career-technical education programs 50648  
or services, described in division (A) (3) of section 3317.014 of 50649  
the Revised Code, operated by the school district or another 50650  
school district that is a member of the district's career- 50651  
technical planning district, other than a joint vocational 50652  
school district, or by an educational service center, 50653  
notwithstanding division (M) of section 3317.02 of the Revised 50654  
Code and division (C) (3) of this section; 50655

(14) The enrollment of pupils reported under division (A) 50656  
(1) or (2) of this section on a full-time equivalency basis, 50657  
including any student described in division (A)(1)(b) of this 50658  
section and excluding any student reported under divisions (A) 50659  
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 50660  
section, in category four career-technical education programs or 50661  
services, described in division (A)(4) of section 3317.014 of 50662  
the Revised Code, operated by the school district or another 50663  
school district that is a member of the district's career- 50664  
technical planning district, other than a joint vocational 50665  
school district, or by an educational service center, 50666  
notwithstanding division (M) of section 3317.02 of the Revised 50667  
Code and division (C)(3) of this section; 50668

(15) The enrollment of pupils reported under division (A) 50669  
(1) or (2) of this section on a full-time equivalency basis, 50670  
including any student described in division (A)(1)(b) of this 50671  
section and excluding any student reported under divisions (A) 50672  
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 50673  
section, in category five career-technical education programs or 50674  
services, described in division (A)(5) of section 3317.014 of 50675  
the Revised Code, operated by the school district or another 50676  
school district that is a member of the district's career- 50677  
technical planning district, other than a joint vocational 50678  
school district, or by an educational service center, 50679  
notwithstanding division (M) of section 3317.02 of the Revised 50680  
Code and division (C)(3) of this section; 50681

(16) The enrollment of pupils reported under division (A) 50682  
(1) or (2) of this section who are English learners described in 50683  
division (A) of section 3317.016 of the Revised Code, including 50684  
any student described in division (A)(1)(b) of this section and 50685  
excluding any student reported under divisions (A)(2)(a), (b), 50686

(d), (g), (h), (i), ~~and (j)~~, and (k) of this section; 50687

(17) The enrollment of pupils reported under division (A) 50688  
(1) or (2) of this section who are English learners described in 50689  
division (B) of section 3317.016 of the Revised Code, including 50690  
any student described in division (A) (1) (b) of this section and 50691  
excluding any student reported under divisions (A) (2) (a), (b), 50692  
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section; 50693

(18) The enrollment of pupils reported under division (A) 50694  
(1) or (2) of this section who are English learners described in 50695  
division (C) of section 3317.016 of the Revised Code, including 50696  
any student described in division (A) (1) (b) of this section and 50697  
excluding any student reported under divisions (A) (2) (a), (b), 50698  
(d), (g), (h), (i), and (j) of this section; 50699

(19) The average number of children transported during the 50700  
reporting period by the school district on board-owned or 50701  
contractor-owned and -operated buses, reported in accordance 50702  
with rules adopted by the department; 50703

(20) (a) The number of children, other than preschool 50704  
children with disabilities, the district placed with a county 50705  
board of developmental disabilities in fiscal year 1998. 50706  
Division (B) (20) (a) of this section does not apply after fiscal 50707  
year 2013. 50708

(b) The number of children with disabilities, other than 50709  
preschool children with disabilities, placed with a county board 50710  
of developmental disabilities in the current fiscal year to 50711  
receive special education services for the category one 50712  
disability described in division (A) of section 3317.013 of the 50713  
Revised Code; 50714

(c) The number of children with disabilities, other than 50715



preschool children with disabilities, placed with a county board 50716  
of developmental disabilities in the current fiscal year to 50717  
receive special education services for category two disabilities 50718  
described in division (B) of section 3317.013 of the Revised 50719  
Code; 50720

(d) The number of children with disabilities, other than 50721  
preschool children with disabilities, placed with a county board 50722  
of developmental disabilities in the current fiscal year to 50723  
receive special education services for category three 50724  
disabilities described in division (C) of section 3317.013 of 50725  
the Revised Code; 50726

(e) The number of children with disabilities, other than 50727  
preschool children with disabilities, placed with a county board 50728  
of developmental disabilities in the current fiscal year to 50729  
receive special education services for category four 50730  
disabilities described in division (D) of section 3317.013 of 50731  
the Revised Code; 50732

(f) The number of children with disabilities, other than 50733  
preschool children with disabilities, placed with a county board 50734  
of developmental disabilities in the current fiscal year to 50735  
receive special education services for the category five 50736  
disabilities described in division (E) of section 3317.013 of 50737  
the Revised Code; 50738

(g) The number of children with disabilities, other than 50739  
preschool children with disabilities, placed with a county board 50740  
of developmental disabilities in the current fiscal year to 50741  
receive special education services for category six disabilities 50742  
described in division (F) of section 3317.013 of the Revised 50743  
Code. 50744

(21) The enrollment of students who are economically 50745  
disadvantaged, as defined by the department, including any 50746  
student described in divisions (A) (1) (b) of this section and 50747  
excluding any student reported under divisions (A) (2) (a), (b), 50748  
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section. A student 50749  
shall not be categorically excluded from the number reported 50750  
under division (B) (21) of this section based on anything other 50751  
than family income. 50752

(22) The enrollment of students identified as gifted under 50753  
division (A), (B), (C), or (D) of section 3324.03 of the Revised 50754  
Code. 50755

(C) (1) The department shall adopt rules necessary for 50756  
implementing divisions (A), (B), and (D) of this section. 50757

(2) A student enrolled in a community school established 50758  
under Chapter 3314., a science, technology, engineering, and 50759  
mathematics school established under Chapter 3326., or a 50760  
college-preparatory boarding school established under Chapter 50761  
3328. of the Revised Code shall be counted in the formula ADM of 50762  
the school district in which the student is entitled to attend 50763  
school under section 3313.64 or 3313.65 of the Revised Code for 50764  
the same proportion of the school year that the student is 50765  
counted in the enrollment of the community school, the science, 50766  
technology, engineering, and mathematics school, or the college- 50767  
preparatory boarding school for purposes of section 3317.022 or 50768  
3328.24 of the Revised Code. Notwithstanding the enrollment of 50769  
students reported pursuant to division (A) (2) (a), (i), or (j) of 50770  
this section, the department may adjust the formula ADM of a 50771  
school district to account for students entitled to attend 50772  
school in the district under section 3313.64 or 3313.65 of the 50773  
Revised Code who are enrolled in a community school, a science, 50774

technology, engineering, and mathematics school, or a college- 50775  
preparatory boarding school for only a portion of the school 50776  
year. 50777

(3) No child shall be counted as more than a total of one 50778  
child in the sum of the enrollment of students of a school 50779  
district under division (A), divisions (B) (1) to (22), or 50780  
division (D) of this section, except as follows: 50781

(a) (i) A child with a disability described in section 50782  
3317.013 of the Revised Code may be counted both in formula ADM 50783  
and in category one, two, three, four, five, or six special 50784  
education ADM and, if applicable, in category one, two, three, 50785  
four, or five career-technical education ADM. As provided in 50786  
division (M) of section 3317.02 of the Revised Code, such a 50787  
child shall be counted in category one, two, three, four, five, 50788  
or six special education ADM in the same proportion that the 50789  
child is counted in formula ADM. 50790

(ii) A child with a disability described in section 50791  
3317.013 of the Revised Code may be counted both in enrolled ADM 50792  
and in category one, two, three, four, five, or six special 50793  
education ADM and, if applicable, in category one, two, three, 50794  
four, or five career-technical education ADM. As provided in 50795  
division (M) of section 3317.02 of the Revised Code, such a 50796  
child shall be counted in category one, two, three, four, five, 50797  
or six special education ADM in the same proportion that the 50798  
child is counted in enrolled ADM. 50799

(b) (i) A child enrolled in career-technical education 50800  
programs or classes described in section 3317.014 of the Revised 50801  
Code may be counted both in formula ADM and category one, two, 50802  
three, four, or five career-technical education ADM and, if 50803  
applicable, in category one, two, three, four, five, or six 50804

special education ADM. Such a child shall be counted in category 50805  
one, two, three, four, or five career-technical education ADM in 50806  
the same proportion as the percentage of time that the child 50807  
spends in the career-technical education programs or classes. 50808

(ii) A child enrolled in career-technical education 50809  
programs or classes described in section 3317.014 of the Revised 50810  
Code may be counted both in enrolled ADM and category one, two, 50811  
three, four, or five career-technical education ADM and, if 50812  
applicable, in category one, two, three, four, five, or six 50813  
special education ADM. Such a child shall be counted in category 50814  
one, two, three, four, or five career-technical education ADM in 50815  
the same proportion as the percentage of time that the child 50816  
spends in the career-technical education programs or classes. 50817

(4) Based on the information reported under this section, 50818  
the department shall determine the total student count, as 50819  
defined in section 3301.011 of the Revised Code, for each school 50820  
district. 50821

(D) (1) The superintendent of each joint vocational school 50822  
district shall report and certify to the department as of the 50823  
last day of October, March, and June of each year the enrollment 50824  
of students receiving services from schools under the 50825  
superintendent's supervision so that the department can 50826  
calculate the district's enrolled ADM, formula ADM, total ADM, 50827  
category one through five career-technical education ADM, 50828  
category one through three English learner ADM, category one 50829  
through six special education ADM, and for purposes of 50830  
provisions of law outside of Chapter 3317. of the Revised Code, 50831  
average daily membership. 50832

The enrollment reported and certified by the 50833  
superintendent, except as otherwise provided in this division, 50834

shall consist of the number of students in grades six through 50835  
twelve receiving any educational services from the district, 50836  
except that the following categories of students shall not be 50837  
included in the determination: 50838

(a) Students enrolled in adult education classes; 50839

(b) Adjacent or other district joint vocational students 50840  
enrolled in the district under an open enrollment policy 50841  
pursuant to section 3313.98 of the Revised Code; 50842

(c) Students receiving services in the district pursuant 50843  
to a compact, cooperative education agreement, or a contract, 50844  
but who are entitled to attend school in a city, local, or 50845  
exempted village school district whose territory is not part of 50846  
the territory of the joint vocational district; 50847

(d) Students for whom tuition is payable pursuant to 50848  
sections 3317.081 and 3323.141 of the Revised Code. 50849

(2) To enable the department to obtain the data needed to 50850  
complete the calculation of payments pursuant to this chapter, 50851  
each superintendent shall certify from the report provided under 50852  
division (D)(1) of this section the enrollment for each of the 50853  
following categories of students: 50854

(a) Students enrolled in each individual grade included in 50855  
the joint vocational district schools, including any student 50856  
described in division (D)(1)(b) of this section; 50857

(b) Children with disabilities receiving special education 50858  
services for the category one disability described in division 50859  
(A) of section 3317.013 of the Revised Code, including any 50860  
student described in division (D)(1)(b) of this section; 50861

(c) Children with disabilities receiving special education 50862

services for the category two disabilities described in division	50863
(B) of section 3317.013 of the Revised Code, including any	50864
student described in division (D) (1) (b) of this section;	50865
(d) Children with disabilities receiving special education	50866
services for category three disabilities described in division	50867
(C) of section 3317.013 of the Revised Code, including any	50868
student described in division (D) (1) (b) of this section;	50869
(e) Children with disabilities receiving special education	50870
services for category four disabilities described in division	50871
(D) of section 3317.013 of the Revised Code, including any	50872
student described in division (D) (1) (b) of this section;	50873
(f) Children with disabilities receiving special education	50874
services for the category five disabilities described in	50875
division (E) of section 3317.013 of the Revised Code, including	50876
any student described in division (D) (1) (b) of this section;	50877
(g) Children with disabilities receiving special education	50878
services for category six disabilities described in division (F)	50879
of section 3317.013 of the Revised Code, including any student	50880
described in division (D) (1) (b) of this section;	50881
(h) Students receiving category one career-technical	50882
education services, described in division (A) (1) of section	50883
3317.014 of the Revised Code, including any student described in	50884
division (D) (1) (b) of this section;	50885
(i) Students receiving category two career-technical	50886
education services, described in division (A) (2) of section	50887
3317.014 of the Revised Code, including any student described in	50888
division (D) (1) (b) of this section;	50889
(j) Students receiving category three career-technical	50890
education services, described in division (A) (3) of section	50891

3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	50892 50893
(k) Students receiving category four career-technical education services, described in division (A) (4) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	50894 50895 50896 50897
(l) Students receiving category five career-technical education services, described in division (A) (5) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	50898 50899 50900 50901
(m) English learners described in division (A) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	50902 50903 50904
(n) English learners described in division (B) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	50905 50906 50907
(o) English learners described in division (C) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	50908 50909 50910
(p) Students who are economically disadvantaged, as defined by the department, including any student described in division (D) (1) (b) of this section. A student shall not be categorically excluded from the number reported under division (D) (2) (p) of this section based on anything other than family income.	50911 50912 50913 50914 50915 50916
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64	50917 50918 50919 50920

or 3313.65 of the Revised Code. 50921

(E) In each school of each city, local, exempted village, 50922  
joint vocational, and cooperative education school district 50923  
there shall be maintained a record of school enrollment, which 50924  
record shall accurately show, for each day the school is in 50925  
session, the actual enrollment in regular day classes. For the 50926  
purpose of determining the enrollment of students, the 50927  
enrollment figure of any school shall not include any pupils 50928  
except those pupils described by division (A) or (D) of this 50929  
section. The record of enrollment for each school shall be 50930  
maintained in such manner that no pupil shall be counted as 50931  
enrolled prior to the actual date of entry in the school and 50932  
also in such manner that where for any cause a pupil permanently 50933  
withdraws from the school that pupil shall not be counted as 50934  
enrolled from and after the date of such withdrawal. There shall 50935  
not be included in the enrollment of any school any of the 50936  
following: 50937

(1) Any pupil who has graduated from the twelfth grade of 50938  
a public or nonpublic high school; 50939

(2) Any pupil who is not a resident of the state; 50940

(3) Any pupil who was enrolled in the schools of the 50941  
district during the previous school year when assessments were 50942  
administered under section 3301.0711 of the Revised Code but did 50943  
not take one or more of the assessments required by that section 50944  
and was not excused pursuant to division (C) (1) or (3) of that 50945  
section; 50946

(4) Any pupil who has attained the age of twenty-two 50947  
years, except for veterans of the armed services whose 50948  
attendance was interrupted before completing the recognized 50949



twelve-year course of the public schools by reason of induction 50950  
or enlistment in the armed forces and who apply for reenrollment 50951  
in the public school system of their residence not later than 50952  
four years after termination of war or their honorable 50953  
discharge; 50954

(5) Any pupil who has a certificate of high school 50955  
equivalence as defined in section 5107.40 of the Revised Code. 50956

If, however, any veteran described by division (E) (4) of 50957  
this section elects to enroll in special courses organized for 50958  
veterans for whom tuition is paid under the provisions of 50959  
federal laws, or otherwise, that veteran shall not be included 50960  
in the enrollment of students determined under this section. 50961

Notwithstanding division (E) (3) of this section, the 50962  
enrollment of any school may include a pupil who did not take an 50963  
assessment required by section 3301.0711 of the Revised Code if 50964  
the department of education and workforce grants a waiver from 50965  
the requirement to take the assessment to the specific pupil and 50966  
a parent is not paying tuition for the pupil pursuant to section 50967  
3313.6410 of the Revised Code. The department may grant such a 50968  
waiver only for good cause in accordance with rules adopted by 50969  
the department. 50970

The enrolled ADM, formula ADM, total ADM, category one 50971  
through five career-technical education ADM, category one 50972  
through three English learner ADM, category one through six 50973  
special education ADM, transportation ADM, and, for purposes of 50974  
provisions of law outside of Chapter 3317. of the Revised Code, 50975  
average daily membership of any school district shall be 50976  
determined in accordance with rules adopted by the department. 50977

(F) (1) If a student attending a community school under 50978

Chapter 3314., a science, technology, engineering, and 50979  
mathematics school established under Chapter 3326., or a 50980  
college-preparatory boarding school established under Chapter 50981  
3328. of the Revised Code is not included in the formula ADM 50982  
calculated for the school district in which the student is 50983  
entitled to attend school under section 3313.64 or 3313.65 of 50984  
the Revised Code, the department shall adjust the formula ADM of 50985  
that school district to include the student in accordance with 50986  
division (C) (2) of this section. 50987

(2) If a student awarded an educational choice scholarship 50988  
is not included in the formula ADM of the school district in 50989  
which the student resides, the department shall adjust the 50990  
formula ADM of that school district to include the student. 50991

(3) If a student awarded a scholarship under the Jon 50992  
Peterson special needs scholarship program is not included in 50993  
the formula ADM of the school district in which the student 50994  
resides, the department shall adjust the formula ADM of that 50995  
school district to include the student. 50996

(G) (1) (a) The superintendent of an institution operating a 50997  
special education program pursuant to section 3323.091 of the 50998  
Revised Code shall, for the programs under such superintendent's 50999  
supervision, certify to the department, in the manner prescribed 51000  
by the director of education and workforce, both of the 51001  
following: 51002

(i) The unduplicated count of the number of all children 51003  
with disabilities other than preschool children with 51004  
disabilities receiving services at the institution for each 51005  
category of disability described in divisions (A) to (F) of 51006  
section 3317.013 of the Revised Code adjusted for the portion of 51007  
the year each child is so enrolled; 51008

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the department the enrollment in those units, in the manner prescribed by the director of education and workforce.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the department, in the manner prescribed by the department, the enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the department, in the manner prescribed by the department, the unduplicated count of the number of all preschool children with disabilities enrolled in classes for which the board is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes.

(H) Except as provided in division (I) of this section, 51039  
when any city, local, or exempted village school district 51040  
provides instruction for a nonresident pupil whose attendance is 51041  
unauthorized attendance as defined in section 3327.06 of the 51042  
Revised Code, that pupil's enrollment shall not be included in 51043  
that district's enrollment figure used in calculating the 51044  
district's payments under this chapter. The reporting official 51045  
shall report separately the enrollment of all pupils whose 51046  
attendance in the district is unauthorized attendance, and the 51047  
enrollment of each such pupil shall be credited to the school 51048  
district in which the pupil is entitled to attend school under 51049  
division (B) of section 3313.64 or section 3313.65 of the 51050  
Revised Code as determined by the department. 51051

(I) This division shall not apply on or after September 51052  
30, 2021. 51053

(1) A city, local, exempted village, or joint vocational 51054  
school district admitting a scholarship student of a pilot 51055  
project district pursuant to division (C) of section 3313.976 of 51056  
the Revised Code may count such student in its enrollment. 51057

(2) In any year for which funds are appropriated for pilot 51058  
project scholarship programs, a school district implementing a 51059  
state-sponsored pilot project scholarship program that year 51060  
pursuant to sections 3313.974 to 3313.979 of the Revised Code 51061  
may count in its enrollment: 51062

(a) All children residing in the district and utilizing a 51063  
scholarship to attend kindergarten in any alternative school, as 51064  
defined in section 3313.974 of the Revised Code; 51065

(b) All children who were enrolled in the district in the 51066  
preceding year who are utilizing a scholarship to attend an 51067

alternative school. 51068

(J) The superintendent of each cooperative education 51069  
school district shall certify to the director of education and 51070  
workforce, in a manner prescribed by the department, the 51071  
applicable enrollments for all students in the cooperative 51072  
education district, also indicating the city, local, or exempted 51073  
village district where each pupil is entitled to attend school 51074  
under section 3313.64 or 3313.65 of the Revised Code. 51075

(K) If the director of education and workforce determines 51076  
that a component of the enrollment certified or reported by a 51077  
district superintendent, or other reporting entity, is not 51078  
correct, the director of education and workforce may order that 51079  
the district's enrolled ADM, formula ADM, or both be adjusted in 51080  
the amount of the error. 51081

**Sec. 3317.051.** (A) The department of education and 51082  
workforce shall compute and pay to a school district funds based 51083  
on units for services to students identified as gifted under 51084  
Chapter 3324. of the Revised Code as prescribed by this section. 51085

(B) The department shall allocate gifted units for a 51086  
school district as follows: 51087

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 51088

(a) One gifted coordinator unit shall be allocated for 51089  
every 3,300 students in a district's enrolled ADM, with a 51090  
minimum of 0.5 units and a maximum of 8 units allocated for the 51091  
district. 51092

(b) One kindergarten through eighth grade gifted 51093  
intervention specialist unit shall be allocated for every 140 51094  
gifted students enrolled in grades kindergarten through eight in 51095  
the district, as certified under division (B) (22) of section 51096

3317.03 of the Revised Code, with a minimum of 0.3 units 51097  
allocated for the district. 51098

(c) One ninth through twelfth grade gifted intervention 51099  
specialist unit shall be allocated for every 140 gifted students 51100  
enrolled in grades nine through twelve in the district, as 51101  
certified under division (B) (22) of section 3317.03 of the 51102  
Revised Code, with a minimum of 0.3 units allocated for the 51103  
district. 51104

(2) For fiscal year ~~2026~~2028 and each fiscal year 51105  
thereafter, in the manner prescribed by the general assembly. 51106

(C) The department shall pay an amount to a school 51107  
district for gifted units as follows: 51108

(1) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 51109  
equal to the following sum: 51110

(\$85,776 X the number of units allocated to a school district 51111  
under division (B) (1) (a) of this section X the district's state 51112  
share percentage) + (\$89,378 X the number of units allocated to 51113  
a school district under division (B) (1) (b) of this section X the 51114  
district's state share percentage) + (\$80,974 X the number of 51115  
units allocated to a school district under division (B) (1) (c) of 51116  
this section X the district's state share percentage) 51117

(2) For fiscal year ~~2026~~2028 and each fiscal year 51118  
thereafter, an amount calculated in a manner determined by the 51119  
general assembly. 51120

(D) A school district may assign gifted unit funding that 51121  
it receives under division (C) of this section to another school 51122  
district, an educational service center, a community school, or 51123  
a STEM school as part of an arrangement to provide services to 51124  
the district. 51125

**Sec. 3317.06.** Moneys paid to school districts under 51126  
division (E) (1) of section 3317.024 of the Revised Code shall be 51127  
used for the following independent and fully severable purposes: 51128

(A) To purchase such secular textbooks or digital texts as 51129  
have been approved by the department of education and workforce 51130  
for use in public schools in the state and to loan such 51131  
textbooks or digital texts to pupils attending nonpublic schools 51132  
within the district described in division (E) (1) of section 51133  
3317.024 of the Revised Code or to their parents and to hire 51134  
clerical personnel to administer such lending program. Such 51135  
loans shall be based upon individual requests submitted by such 51136  
nonpublic school pupils or parents. Such requests shall be 51137  
submitted to the school district in which the nonpublic school 51138  
is located. Such individual requests for the loan of textbooks 51139  
or digital texts shall, for administrative convenience, be 51140  
submitted by the nonpublic school pupil or the pupil's parent to 51141  
the nonpublic school, which shall prepare and submit collective 51142  
summaries of the individual requests to the school district. As 51143  
used in this section: 51144

(1) "Textbook" means any book or book substitute that a 51145  
pupil uses as a consumable or nonconsumable text, text 51146  
substitute, or text supplement in a particular class or program 51147  
in the school the pupil regularly attends. 51148

(2) "Digital text" means a consumable book or book 51149  
substitute that a student accesses through the use of a computer 51150  
or other electronic medium or that is available through an 51151  
internet-based provider of course content, or any other material 51152  
that contributes to the learning process through electronic 51153  
means. 51154

(B) To provide speech and hearing diagnostic services to 51155

pupils attending nonpublic schools within the district described 51156  
in division (E) (1) of section 3317.024 of the Revised Code. Such 51157  
service shall be provided in the nonpublic school attended by 51158  
the pupil receiving the service. 51159

(C) To provide physician, nursing, dental, and optometric 51160  
services to pupils attending nonpublic schools within the 51161  
district described in division (E) (1) of section 3317.024 of the 51162  
Revised Code. Such services shall be provided in the school 51163  
attended by the nonpublic school pupil receiving the service. 51164

(D) To provide diagnostic mental health or psychological 51165  
services to pupils attending nonpublic schools within the 51166  
district described in division (E) (1) of section 3317.024 of the 51167  
Revised Code. Such services shall be provided in the school 51168  
attended by the pupil receiving the service. 51169

(E) To provide therapeutic mental health, psychological, 51170  
and speech and hearing services to pupils attending nonpublic 51171  
schools within the district described in division (E) (1) of 51172  
section 3317.024 of the Revised Code. Such services shall be 51173  
provided in the public school, in nonpublic schools, in public 51174  
centers, or in mobile units located on or off of the nonpublic 51175  
premises. If such services are provided in the public school or 51176  
in public centers, transportation to and from such facilities 51177  
shall be provided by the school district in which the nonpublic 51178  
school is located. 51179

(F) To provide guidance, counseling, and social work 51180  
services to pupils attending nonpublic schools within the 51181  
district described in division (E) (1) of section 3317.024 of the 51182  
Revised Code. Such services shall be provided in the public 51183  
school, in nonpublic schools, in public centers, or in mobile 51184  
units located on or off of the nonpublic premises. If such 51185



services are provided in the public school or in public centers, 51186  
transportation to and from such facilities shall be provided by 51187  
the school district in which the nonpublic school is located. 51188

(G) To provide remedial services to pupils attending 51189  
nonpublic schools within the district described in division (E) 51190  
(1) of section 3317.024 of the Revised Code. Such services shall 51191  
be provided in the public school, in nonpublic schools, in 51192  
public centers, or in mobile units located on or off of the 51193  
nonpublic premises. If such services are provided in the public 51194  
school or in public centers, transportation to and from such 51195  
facilities shall be provided by the school district in which the 51196  
nonpublic school is located. 51197

(H) To supply for use by pupils attending nonpublic 51198  
schools within the district described in division (E) (1) of 51199  
section 3317.024 of the Revised Code such standardized tests and 51200  
scoring services as are in use in the public schools of the 51201  
state; 51202

(I) To provide programs for children who attend nonpublic 51203  
schools within the district described in division (E) (1) of 51204  
section 3317.024 of the Revised Code and are children with 51205  
disabilities as defined in section 3323.01 of the Revised Code 51206  
or gifted children. Such programs shall be provided in the 51207  
public school, in nonpublic schools, in public centers, or in 51208  
mobile units located on or off of the nonpublic premises. If 51209  
such programs are provided in the public school or in public 51210  
centers, transportation to and from such facilities shall be 51211  
provided by the school district in which the nonpublic school is 51212  
located. 51213

(J) To hire clerical personnel to assist in the 51214  
administration of programs pursuant to divisions (B), (C), (D), 51215

(E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing, digital video on demand (DVD), wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code or to their parents, and to hire clerical personnel to administer the lending program. Only such items that are incapable of diversion to religious use and that are susceptible of loan to individual pupils and are furnished for the use of individual pupils shall be purchased and loaned under this division. As used in this section, "instructional materials" means prepared learning materials that are secular, neutral, and nonideological in character and are of benefit to the instruction of school children. "Instructional materials" includes media content that a student may access through the use of a computer or electronic device.

Mobile applications that are secular, neutral, and nonideological in character and that are purchased for less than twenty dollars for instructional use shall be considered to be consumable and shall be distributed to students without the expectation that the applications must be returned.

(L) To purchase or lease instructional equipment, 51246  
including computer hardware and related equipment in general use 51247  
in the public schools of the state, for use by pupils attending 51248  
nonpublic schools within the district described in division (E) 51249  
(1) of section 3317.024 of the Revised Code and to loan such 51250  
items to pupils attending such nonpublic schools within the 51251  
district or to their parents, and to hire clerical personnel to 51252  
administer the lending program. "Computer hardware and related 51253  
equipment" includes desktop computers and workstations; laptop 51254  
computers, computer tablets, and other mobile handheld devices; 51255  
their operating systems and accessories; and any equipment 51256  
designed to make accessible the environment of a classroom to a 51257  
student, who is physically unable to attend classroom activities 51258  
due to hospitalization or other circumstances, by allowing real- 51259  
time interaction with other students both one-on-one and in 51260  
group discussion. 51261

(M) To purchase mobile units to be used for the provision 51262  
of services pursuant to divisions (E), (F), (G), and (I) of this 51263  
section and to pay for necessary repairs and operating costs 51264  
associated with these units. 51265

(N) To reimburse costs the district incurred to store the 51266  
records of a chartered nonpublic school that closes. 51267  
Reimbursements under this division shall be made one time only 51268  
for each chartered nonpublic school described in division (E) (1) 51269  
of section 3317.024 of the Revised Code that closes. 51270

(O) To purchase life-saving medical or other emergency 51271  
equipment for placement in nonpublic schools within the district 51272  
described in division (E) (1) of section 3317.024 of the Revised 51273  
Code or to maintain such equipment. 51274

(P) To procure and pay for security services from a county 51275

sheriff or a township or municipal police force, from a retired 51276  
Ohio peace officer, or from a person certified through the Ohio 51277  
peace officer training commission, in accordance with section 51278  
109.78 of the Revised Code, as a special police, security guard, 51279  
or as a privately employed person serving in a police capacity 51280  
for nonpublic schools in the district described in division (E) 51281  
(1) of section 3317.024 of the Revised Code. 51282

(Q) To provide language and academic support services and 51283  
other accommodations for English learners attending nonpublic 51284  
schools within the district described in division (E) (1) of 51285  
section 3317.024 of the Revised Code. 51286

Clerical and supervisory personnel hired pursuant to 51287  
division (J) of this section shall perform their services in the 51288  
public schools, in nonpublic schools, public centers, or mobile 51289  
units where the services are provided to the nonpublic school 51290  
pupil, except that such personnel may accompany pupils to and 51291  
from the service sites when necessary to ensure the safety of 51292  
the children receiving the services. 51293

All services provided pursuant to this section may be 51294  
provided under contract with educational service centers, the 51295  
department of health, city or general health districts, or 51296  
private agencies whose personnel are properly licensed by an 51297  
appropriate state board or agency. School districts shall not 51298  
deny a nonpublic school's request for personnel who are properly 51299  
licensed by a state board or agency. 51300

Transportation of pupils provided pursuant to divisions 51301  
(E), (F), (G), and (I) of this section shall be provided by the 51302  
school district from its general funds and not from moneys paid 51303  
to it under division (E) (1) of section 3317.024 of the Revised 51304  
Code unless a special transportation request is submitted by the 51305

parent of the child receiving service pursuant to such 51306  
divisions. If such an application is presented to the school 51307  
district, it may pay for the transportation from moneys paid to 51308  
it under division (E) (1) of section 3317.024 of the Revised 51309  
Code. 51310

No school district shall provide health or remedial 51311  
services to nonpublic school pupils as authorized by this 51312  
section unless such services are available to pupils attending 51313  
the public schools within the district. 51314

Materials, equipment, computer hardware or software, 51315  
textbooks, digital texts, and health and remedial services 51316  
provided for the benefit of nonpublic school pupils pursuant to 51317  
this section and the admission of pupils to such nonpublic 51318  
schools shall be provided without distinction as to race, creed, 51319  
color, or national origin of such pupils or of their teachers. 51320

No school district shall provide services, materials, or 51321  
equipment that contain religious content for use in religious 51322  
courses, devotional exercises, religious training, or any other 51323  
religious activity. 51324

As used in this section, "parent" includes a person 51325  
standing in loco parentis to a child. 51326

Notwithstanding section 3317.01 of the Revised Code, 51327  
payments shall be made under this section to any city, local, or 51328  
exempted village school district within which is located one or 51329  
more nonpublic elementary or high schools described in division 51330  
(E) (1) of section 3317.024 of the Revised Code and any payments 51331  
made to school districts under division (E) (1) of section 51332  
3317.024 of the Revised Code for purposes of this section may be 51333  
disbursed without submission to and approval of the controlling 51334

board. 51335

The allocation of payments for materials, equipment, 51336  
textbooks, digital texts, health services, and remedial services 51337  
to city, local, and exempted village school districts shall be 51338  
on the basis of the department's estimated annual average daily 51339  
membership in nonpublic elementary and high schools located in 51340  
the district described in division (E) (1) of section 3317.024 of 51341  
the Revised Code. 51342

Payments made to city, local, and exempted village school 51343  
districts under this section shall be equal to specific 51344  
appropriations made for the purpose. All interest earned by a 51345  
school district on such payments shall be used by the district 51346  
for the same purposes and in the same manner as the payments may 51347  
be used. 51348

The department shall adopt guidelines and procedures under 51349  
which such programs and services shall be provided, under which 51350  
districts and educational service centers with which districts 51351  
contract to provide auxiliary services shall be reimbursed for 51352  
administrative costs incurred in providing such programs and 51353  
services, and under which any unexpended balance of the amounts 51354  
appropriated by the general assembly to implement this section 51355  
may be transferred to the auxiliary services personnel 51356  
unemployment compensation fund established pursuant to section 51357  
4141.47 of the Revised Code. If a district contracts with an 51358  
educational service center to provide auxiliary services, only 51359  
the service center shall be reimbursed for administrative costs. 51360  
The department shall also adopt guidelines and procedures 51361  
limiting the purchase and loan of the items described in 51362  
division (K) of this section to items that are in general use in 51363  
the public schools of the state, that are incapable of diversion 51364

to religious use, and that are susceptible to individual use 51365  
rather than classroom use. Within thirty days after the end of 51366  
each biennium, each board of education shall remit to the 51367  
department all moneys paid to it under division (E) (1) of 51368  
section 3317.024 of the Revised Code and any interest earned on 51369  
those moneys that are not required to pay expenses incurred 51370  
under this section during the biennium for which the money was 51371  
appropriated and during which the interest was earned. If a 51372  
board of education subsequently determines that the remittal of 51373  
moneys leaves the board with insufficient money to pay all valid 51374  
expenses incurred under this section during the biennium for 51375  
which the remitted money was appropriated, the board may apply 51376  
to the department for a refund of money, not to exceed the 51377  
amount of the insufficiency. If the department determines the 51378  
expenses were lawfully incurred and would have been lawful 51379  
expenditures of the refunded money, it shall certify its 51380  
determination and the amount of the refund to be made to the 51381  
director of job and family services who shall make a refund as 51382  
provided in section 4141.47 of the Revised Code. 51383

Each school district shall label materials, equipment, 51384  
computer hardware or software, textbooks, and digital texts 51385  
purchased or leased for loan to a nonpublic school under this 51386  
section, acknowledging that they were purchased or leased with 51387  
state funds under this section. However, a district need not 51388  
label materials, equipment, computer hardware or software, 51389  
textbooks, or digital texts that the district determines are 51390  
consumable in nature or have a value of less than two hundred 51391  
dollars. 51392

**Sec. 3317.11.** (A) As used in this section: 51393

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "base amount" 51394

is equal to \$356,250. 51395

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding base" means an amount calculated by the department of education and workforce that is equal to the amount an educational service center would have received under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020 using the student counts of the school districts with which the service center has service agreements for the fiscal year for which payments under this section are being made. 51396  
51397  
51398  
51399  
51400  
51401  
51402  
51403

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code. 51404  
51405  
51406  
51407

(4) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "student count" means the count calculated under division (G) (1) of section 3313.843 of the Revised Code. 51408  
51409  
51410

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the department of education and workforce shall pay the governing board of each educational service center an amount equal to the following: 51411  
51412  
51413  
51414

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year] 51415  
51416  
51417  
51418  
51419

(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly. 51420  
51421  
51422  
51423



(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 51424  
department shall calculate an amount for each educational 51425  
service center as follows: 51426

(1) If the educational service center has a student count 51427  
of 5,000 students or less, the base amount. 51428

(2) If the educational service center has a student count 51429  
greater than 5,000 students but less than or equal to 35,000 51430  
students, the following sum: 51431

The base amount + [(the educational service center's student 51432  
count - 5,000) X \$24.72] 51433

(3) If the educational service center has a student count 51434  
greater than 35,000 students, the following sum: 51435

The base amount + (30,000 X \$24.72) + [(the educational service 51436  
center's student count - 35,000) X \$30.90] 51437

**Sec. 3317.16.** The department of education and workforce 51438  
shall compute and distribute state core foundation funding to 51439  
each funding unit that is a joint vocational school district for 51440  
the fiscal year as follows: 51441

For fiscal years ~~2024-2026~~ and ~~2025~~2027: 51442

The district's funding base + [(the district's state core 51443  
foundation funding components for that fiscal year calculated 51444  
under divisions (A) (1), (2), (4), (5), and (6) of this section - 51445  
the district's general funding base) X the district's general 51446  
phase-in percentage for that fiscal year] + [(the district's 51447  
disadvantaged pupil impact aid for that fiscal year calculated 51448  
under division (A) (3) of this section - the district's 51449  
disadvantaged pupil impact aid funding base) X the district's 51450  
phase-in percentage for disadvantaged pupil impact aid for that 51451

fiscal year] 51452

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 51453  
the sum of the district's state core foundation funding 51454  
components for that fiscal year calculated under divisions (A) 51455  
(1), (2), (3), (4), (5), and (6) of this section. 51456

(A) A district's state core foundation funding components 51457  
shall be all of the following: 51458

(1) The district's state share of the base cost, which is 51459  
equal to the following: 51460

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 51461  
calculated according to the following formula: 51462

~~(The district's base cost calculated under section 3317.012 of~~ 51463  
~~the Revised Code) - (0.0005 X the lesser of the district's~~ 51464  
~~three-year average valuation or the district's most recent~~ 51465  
~~valuation)-~~ 51466

~~However, no district shall receive an amount under division (A)~~ 51467  
~~(1) of this section that is less than 0.10 times the base cost~~ 51468  
~~calculated for the district under section 3317.012 of the~~ 51469  
~~Revised Code. enrolled ADM for the fiscal year) X (the~~ 51470  
~~district's state share percentage for the fiscal year) X (the~~ 51471  
~~district's base cost per pupil for the fiscal year)~~ 51472

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, 51473  
an amount calculated in a manner determined by the general 51474  
assembly. 51475

(2) Additional state aid for special education and related 51476  
services provided under Chapter 3323. of the Revised Code 51477  
calculated as follows: 51478

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 51479

the following: 51480

(i) The district's category one special education ADM X 51481  
the multiple specified in division (A) of section 3317.013 of 51482  
the Revised Code X the statewide average base cost per pupil for 51483  
that fiscal year X the district's state share percentage; 51484

(ii) The district's category two special education ADM X 51485  
the multiple specified in division (B) of section 3317.013 of 51486  
the Revised Code X the statewide average base cost per pupil for 51487  
that fiscal year X the district's state share percentage; 51488

(iii) The district's category three special education ADM 51489  
X the multiple specified in division (C) of section 3317.013 of 51490  
the Revised Code X the statewide average base cost per pupil for 51491  
that fiscal year X the district's state share percentage; 51492

(iv) The district's category four special education ADM X 51493  
the multiple specified in division (D) of section 3317.013 of 51494  
the Revised Code X the statewide average base cost per pupil for 51495  
that fiscal year X the district's state share percentage; 51496

(v) The district's category five special education ADM X 51497  
the multiple specified in division (E) of section 3317.013 of 51498  
the Revised Code X the statewide average base cost per pupil for 51499  
that fiscal year X the district's state share percentage; 51500

(vi) The district's category six special education ADM X 51501  
the multiple specified in division (F) of section 3317.013 of 51502  
the Revised Code X the statewide average base cost per pupil for 51503  
that fiscal year X the district's state share percentage. 51504

(b) For fiscal year ~~2026~~2028 and each fiscal year 51505  
thereafter, the sum of the following: 51506

(i) An amount calculated in a manner determined by the 51507

general assembly times the funding unit's category one special education ADM; 51508  
51509

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM; 51510  
51511  
51512

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM; 51513  
51514  
51515

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM; 51516  
51517  
51518

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM; 51519  
51520  
51521

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM. 51522  
51523  
51524

(3) Disadvantaged pupil impact aid calculated as follows: 51525

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount calculated according to the following formula: 51526  
51527

\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D) (2) (p) of section 3317.03 of the Revised Code 51528  
51529  
51530  
51531

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 51532  
51533  
51534

(4) English learner funds calculated as follows:	51535
(a) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the sum of the following:	51536 51537
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	51538 51539 51540 51541
(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	51542 51543 51544 51545
(iii) The district's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.	51546 51547 51548 51549
(b) For fiscal year <del>2026-2028</del> and each fiscal year thereafter, the sum of the following:	51550 51551
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;	51552 51553 51554
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;	51555 51556 51557
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.	51558 51559 51560
(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	51561 51562

(6) Career-technical education associated services funds 51563  
calculated under division (D) of section 3317.014 of the Revised 51564  
Code. 51565

(B)(1) If a joint vocational school district's costs for a 51566  
fiscal year for a student in its categories two through six 51567  
special education ADM exceed the threshold cost for serving the 51568  
student, as specified in division (B) of section 3317.0214 of 51569  
the Revised Code, the district may submit to the department 51570  
documentation, as prescribed by the department, of all of its 51571  
costs for that student. Upon submission of documentation for a 51572  
student of the type and in the manner prescribed, the department 51573  
shall pay to the district an amount equal to the sum of the 51574  
following: 51575

(a) One-half of the district's costs for the student in 51576  
excess of the threshold cost; 51577

(b) The product of one-half of the district's costs for 51578  
the student in excess of the threshold cost multiplied by the 51579  
district's state share percentage. 51580

(2) The district shall report under division (B)(1) of 51581  
this section, and the department shall pay for, only the costs 51582  
of educational expenses and the related services provided to the 51583  
student in accordance with the student's individualized 51584  
education program. Any legal fees, court costs, or other costs 51585  
associated with any cause of action relating to the student may 51586  
not be included in the amount. 51587

(C)(1) For each student with a disability receiving 51588  
special education and related services under an individualized 51589  
education program, as defined in section 3323.01 of the Revised 51590  
Code, at a joint vocational school district, the resident 51591

district or, if the student is enrolled in a community school, 51592  
the community school shall be responsible for the amount of any 51593  
costs of providing those special education and related services 51594  
to that student that exceed the sum of the amount calculated for 51595  
those services attributable to that student under division (A) 51596  
of this section. 51597

Those excess costs shall be calculated using a formula 51598  
approved by the department. 51599

(2) The board of education of the joint vocational school 51600  
district may report the excess costs calculated under division 51601  
(C) (1) of this section to the department. 51602

(3) If the board of education of the joint vocational 51603  
school district reports excess costs under division (C) (2) of 51604  
this section, the department shall pay the amount of excess cost 51605  
calculated under division (C) (2) of this section to the joint 51606  
vocational school district and shall deduct that amount as 51607  
provided in division (C) (3) (a) or (b) of this section, as 51608  
applicable: 51609

(a) If the student is not enrolled in a community school, 51610  
the department shall deduct the amount from the account of the 51611  
student's resident district pursuant to division (J) of section 51612  
3317.023 of the Revised Code. 51613

(b) If the student is enrolled in a community school, the 51614  
department shall deduct the amount from the account of the 51615  
community school pursuant to section 3314.083 of the Revised 51616  
Code. 51617

(D) A joint vocational school district shall spend the 51618  
funds it receives under division (A) (3) of this section in 51619  
accordance with section 3317.25 of the Revised Code. 51620

(E) For fiscal years ~~2024~~2026 and ~~2025~~2027, a school district shall spend the funds it receives under division (A) (4) of this section only for services for English learners.

(F) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

**Sec. 3317.161.** (A) As used in this section, "lead district" has the same meaning as in section 3317.023 of the Revised Code.

(B) (1) A career-technical education program or a dropout prevention and recovery program of a city, local, or exempted village school district, community school, or STEM school shall be subject to approval under this section in order for the district or school to qualify for state funding for the program. Approval granted under this section shall be valid for the five fiscal years following the fiscal year in which the program is approved and may be renewed. Approval shall be subject to annual review under division (E) of this section.

(2) If a district or school becomes a new member of a career-technical planning district, its career-technical education programs shall be approved or disapproved by the lead district of the career-technical planning district during the fiscal year in which the district or school becomes a member of the career-technical planning district. Any program of the district or school that was approved by the department of education and workforce for an approval period that includes the



fiscal year in which the district or school becomes a new member 51650  
of the career-technical planning district shall retain its 51651  
approved status during that fiscal year. 51652

(3) If an existing member of a career-technical planning 51653  
district develops a new career-technical education program, that 51654  
program shall be approved or disapproved by the lead district of 51655  
the career-technical planning district prior to the first fiscal 51656  
year for which the district or school is seeking funding for the 51657  
program. 51658

(4) Except as provided in division (B) (2) of this section, 51659  
if a career-technical education program was approved by the 51660  
department prior to September 29, 2013, that approval remains 51661  
valid for the unexpired remainder of the approval period 51662  
specified by the department. Approval of that program may then 51663  
be renewed in accordance with this section on a date prior to 51664  
the expiration of the approval period. 51665

(C) (1) The lead district of a career-technical planning 51666  
district shall approve or disapprove for a five-year period each 51667  
career-technical education program of the city, local, and 51668  
exempted village school districts, community schools, and STEM 51669  
schools that are assigned by the department to the career- 51670  
technical planning district. The lead district's decision to 51671  
approve or disapprove a program shall be based on requirements 51672  
for career-technical education programs that are specified in 51673  
rules adopted by the department. These requirements shall 51674  
include, but are not limited to, all of the following: 51675

(a) Demand for the career-technical education program by 51676  
industries in the state; 51677

(b) Quality of the program; 51678

- (c) Potential for a student enrolled in the program to receive the training that will qualify the student for industry credentials or post-secondary education; 51679  
51680  
51681
- (d) Admission requirements of the lead district; 51682
- (e) Past performance of the district or school that is offering the program; 51683  
51684
- (f) Traveling distance; 51685
- (g) Sustainability; 51686
- (h) Capacity; 51687
- (i) Availability of the program within the career-technical planning district; 51688  
51689
- (j) In the case of a new program, the cost to begin the program. 51690  
51691
- ~~(2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program. If a program is approved, the lead district shall notify the department of its decision. If a program is disapproved, the lead district shall notify the district or school of its decision.~~ 51692  
51693  
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- If the lead district disapproves the program or does not take any action to approve or disapprove the program ~~by the first day of March,~~ the district or school may appeal the lead district's decision or failure to take action to the department ~~by the fifteenth day of March.~~ 51699  
51700  
51701  
51702  
51703
- (D) (1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education 51704  
51705

program, the department shall review the lead district's 51706  
decision and determine whether to approve or disapprove the 51707  
program ~~not later than the fifteenth day of May prior to the~~ 51708  
~~first fiscal year for which the district or school is seeking~~ 51709  
~~funding for the program.~~ The department shall notify the 51710  
district or school and the lead district of the district's or 51711  
school's career-technical planning district of its 51712  
determination. 51713

(2) Upon receiving an appeal from a district or school of 51714  
a lead district's disapproval of a career-technical education 51715  
program or failure to take action to approve or disapprove the 51716  
program, the department shall review the lead district's 51717  
disapproval or failure to take action. The department shall 51718  
decide whether to approve or disapprove the program as a result 51719  
of this review ~~not later than the fifteenth day of May prior to~~ 51720  
~~the first fiscal year for which the district or school is~~ 51721  
~~seeking funding for the program.~~ The department shall notify the 51722  
lead district and the appealing district or school of its 51723  
determination. 51724

(3) In conducting a review under division (D) (1) or (2) of 51725  
this section, the department shall consider the criteria 51726  
prescribed under division (C) (1) of this section. 51727

(4) If the department approves a program under division 51728  
(D) (1) or (2) of this section, it shall authorize the payment to 51729  
the district or school of the funds attributed to the career- 51730  
technical students enrolled in that program in the next fiscal 51731  
year according to a payment schedule prescribed by the 51732  
department. 51733

(5) The department's decisions under divisions (D) (1) and 51734  
(2) of this section shall be final and not appealable. 51735

~~(6) The director of education and workforce may adopt guidelines identifying circumstances in which the department may, after consulting with a lead district, approve or disapprove a program that has been approved or disapproved by the lead district after the deadline prescribed in division (D) (1) or (2) of this section has passed.~~

The department shall authorize a payment for any dropout prevention and recovery program offering career-technical education that is in its first year of operation and that submits an application ~~during the additional application period described in division (D) (6) of this section~~ in the fiscal year for which the application was submitted.

(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance with any directives for performance improvement that are issued by the department or the lead district as a result of any review conducted under this section.

**Sec. 3317.162.** (A) For fiscal years ~~2024-2026~~ and 2025-2027, the department of education shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code, X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year ~~2024-2026~~ or fiscal year ~~2025-2027~~ but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall establish the district's funding base, as that term is defined in section 3317.02 of the Revised Code, as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's funding base under division (C) of section 3317.019 of the Revised Code.

**Sec. 3317.163.** (A) As used in this section:

(1) "Credential-only program" means an industry-approved credentialing program, or a series of such programs, offered by a dropout prevention and recovery community school in which students enrolled in grades eleven and twelve may earn an industry-recognized credential approved under section 3313.6113 of the Revised Code. The program, or programs, shall align with a career-technical education program approved under section 3317.161 of the Revised Code. The dropout prevention and recovery community school shall offer the program, or programs, using classroom teachers employed by the school.

(2) "Dropout prevention and recovery community school" has the same meaning as in section ~~3319.301-3314.02~~ of the Revised Code.

(B) Notwithstanding any provision of Chapter 3317. of the Revised Code to the contrary, all of the following shall apply:

(1) For the purposes of sections 3317.014, 3317.022, and

3317.026 of the Revised Code, the department of education and workforce shall adjust the career-technical education ADM of a dropout prevention and recovery community school that offers a credential-only program so that each student enrolled in that program is included only in the school's category one career-technical education ADM, regardless of whether the credential-only program includes programs described in division (A)(1) of section 3317.014 of the Revised Code.

(2) For funding purposes, the department shall count each student enrolled in a credential-only program as a full-time student.

(3) A dropout prevention and recovery community school that offers a credential-only program may provide support services to students who graduate from the school to assist them in securing post-secondary placement opportunities, including careers with state, regional, or local labor organizations. For that purpose, the school may use a portion of the career-technical education funds received under section 3317.022 of the Revised Code to provide recent graduates, in the year following their graduation from the school, with short-term, emergency financial assistance for expenses related to child care, housing, food insecurity, transportation, and services including but not limited to health care, dental care, mental health care, and addiction treatment services.

**Sec. 3317.165.** (A)(1) For fiscal years 2026 and 2027, the department of education and workforce shall calculate a joint vocational school district's per-pupil local capacity amount according to the following formula:

(0.0005 X the lesser of the district's three-year average valuation or the district's most recent valuation) / (the

district's base cost enrolled ADM) 51825

(2) For fiscal year 2028 and each fiscal year thereafter, 51826  
the department shall calculate a district's per-pupil local 51827  
capacity amount in a manner determined by the general assembly. 51828

(B) (1) For fiscal years 2026 and 2027, the department 51829  
shall calculate a joint vocational school district's state share 51830  
percentage according to the following formula: 51831

(The district's base cost per pupil for the fiscal year - the 51832  
district's per-pupil local capacity amount for the fiscal year) 51833  
/ (the district's base cost per pupil for the fiscal year) 51834

If the result is less than 0.10, the state share 51835  
percentage shall be 0.10. 51836

(2) For fiscal year 2028 and each fiscal year thereafter, 51837  
the department shall calculate the state share percentage for a 51838  
joint vocational school district in a manner determined by the 51839  
general assembly. 51840

**Sec. 3317.20.** This section does not apply to preschool 51841  
children with disabilities. 51842

(A) As used in this section: 51843

(1) "Applicable special education amount" means the amount 51844  
specified in section 3317.013 of the Revised Code for a 51845  
disability described in that section. 51846

(2) "Child's school district" means the school district in 51847  
which a child is entitled to attend school pursuant to section 51848  
3313.64 or 3313.65 of the Revised Code. 51849

(3) "State share percentage" means the state share 51850  
percentage of the child's school district. 51851

(B) The department shall annually pay each county board of developmental disabilities for each child with a disability, other than a preschool child with a disability, for whom the county board provides special education and related services an amount equal to the following:

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide average base cost per pupil + (state share percentage X the applicable special education multiple X the statewide average base cost per pupil);

(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount determined by the general assembly.

(C) Each county board of developmental disabilities shall report to the department, in the manner specified by the department, the name of each child for whom the county board of developmental disabilities provides special education and related services and the child's school district.

(D) (1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D) (2) of section 3301.0714 of the Revised Code to any child who is placed with a county board of developmental disabilities:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D) (1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not



been assigned a code, the district shall assign a code to that 51881  
child and submit the code to the department by a date specified 51882  
by the department. If the district does not assign a code to the 51883  
child by the specified date, the department shall assign a code 51884  
to the child. 51885

The department annually shall submit to each school 51886  
district the name and data verification code of each child 51887  
residing in the district for whom the department has assigned a 51888  
code under this division. 51889

(3) The department shall not release any data verification 51890  
code that it receives under division (D) of this section to any 51891  
person except as provided by law. 51892

(E) Any document relative to special education and related 51893  
services provided by a county board of developmental 51894  
disabilities that the department holds in its files that 51895  
contains both a student's name or other personally identifiable 51896  
information and the student's data verification code shall not 51897  
be a public record under section 149.43 of the Revised Code. 51898

**Sec. 3317.201.** This section does not apply to preschool 51899  
children with disabilities. 51900

(A) As used in this section, the "total special education 51901  
amount" for an institution means the following: 51902

(1) For fiscal years 2024-2026 and 2025-2027, the sum of 51903  
the following amounts: 51904

(a) The number of children certified by the institution 51905  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 51906  
Code as receiving services for a disability described in 51907  
division (A) of section 3317.013 of the Revised Code multiplied 51908  
by the multiple specified in that division multiplied by the 51909

statewide average base cost per pupil; 51910

(b) The number of children certified by the institution 51911  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 51912  
Code as receiving services for a disability described in 51913  
division (B) of section 3317.013 of the Revised Code multiplied 51914  
by the multiple specified in that division multiplied by the 51915  
statewide average base cost per pupil; 51916

(c) The number of children certified by the institution 51917  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 51918  
Code as receiving services for a disability described in 51919  
division (C) of section 3317.013 of the Revised Code multiplied 51920  
by the multiple specified in that division multiplied by the 51921  
statewide average base cost per pupil; 51922

(d) The number of children certified by the institution 51923  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 51924  
Code as receiving services for a disability described in 51925  
division (D) of section 3317.013 of the Revised Code multiplied 51926  
by the multiple specified in that division multiplied by the 51927  
statewide average base cost per pupil; 51928

(e) The number of children certified by the institution 51929  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 51930  
Code as receiving services for a disability described in 51931  
division (E) of section 3317.013 of the Revised Code multiplied 51932  
by the multiple specified in that division multiplied by the 51933  
statewide average base cost per pupil; 51934

(f) The number of children certified by the institution 51935  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 51936  
Code as receiving services for a disability described in 51937  
division (F) of section 3317.013 of the Revised Code multiplied 51938

by the multiple specified in that division multiplied by the 51939  
statewide average base cost per pupil. 51940

(2) For fiscal year ~~2026~~2028 and each fiscal year 51941  
thereafter, the sum of the following amounts: 51942

(a) An amount calculated in a manner determined by the 51943  
general assembly times the number of children certified by the 51944  
institution under division (G) (1) (a) (i) of section 3317.03 of 51945  
the Revised Code as receiving services for a disability 51946  
described in division (A) of section 3317.013 of the Revised 51947  
Code; 51948

(b) An amount calculated in a manner determined by the 51949  
general assembly times the number of children certified by the 51950  
institution under division (G) (1) (a) (i) of section 3317.03 of 51951  
the Revised Code as receiving services for a disability 51952  
described in division (B) of section 3317.013 of the Revised 51953  
Code; 51954

(c) An amount calculated in a manner determined by the 51955  
general assembly times the number of children certified by the 51956  
institution under division (G) (1) (a) (i) of section 3317.03 of 51957  
the Revised Code as receiving services for a disability 51958  
described in division (C) of section 3317.013 of the Revised 51959  
Code; 51960

(d) An amount calculated in a manner determined by the 51961  
general assembly times the number of children certified by the 51962  
institution under division (G) (1) (a) (i) of section 3317.03 of 51963  
the Revised Code as receiving services for a disability 51964  
described in division (D) of section 3317.013 of the Revised 51965  
Code; 51966

(e) An amount calculated in a manner determined by the 51967

general assembly times the number of children certified by the 51968  
institution under division (G) (1) (a) (i) of section 3317.03 of 51969  
the Revised Code as receiving services for a disability 51970  
described in division (E) of section 3317.013 of the Revised 51971  
Code; 51972

(f) An amount calculated in a manner determined by the 51973  
general assembly times the number of children certified by the 51974  
institution under division (G) (1) (a) (i) of section 3317.03 of 51975  
the Revised Code as receiving services for a disability 51976  
described in division (F) of section 3317.013 of the Revised 51977  
Code. 51978

(B) For each fiscal year, the department of education and 51979  
workforce shall pay each state institution required to provide 51980  
special education services under division (A) of section 51981  
3323.091 of the Revised Code an amount equal to the 51982  
institution's total special education amount. 51983

**Sec. 3317.22.** (A) As used in this section: 51984

(1) "Eligible internet- or computer-based community 51985  
school" means an internet- or computer-based community school ~~in~~ 51986  
~~which a majority of the students were enrolled in that is a~~ 51987  
~~dropout prevention and recovery program~~ community school, as 51988  
defined in section 3314.02 of the Revised Code. 51989

(2) "Statewide average base cost per-pupil" has the same 51990  
meaning as in section 3317.02 of the Revised Code. 51991

~~(3) "Internet- or computer-based community school" has the~~ 51992  
~~same meaning as in section 3314.02 of the Revised Code.~~ 51993

(B) The department of education and workforce shall 51994  
establish a program to provide additional funding for students 51995  
enrolled in grades eight through twelve in eligible internet- or 51996

computer-based community schools. An eligible internet- or 51997  
computer-based community school may choose to participate in the 51998  
program by notifying the department not later than the first day 51999  
of February of the school year in which the school will 52000  
participate in the program in a form and manner determined by 52001  
the department. 52002

(C) The department shall require each eligible internet- 52003  
or computer-based community school that chooses to participate 52004  
in the program to report all information that is necessary to 52005  
make payments under division (D) of this section. 52006

(D) The department shall calculate an additional payment 52007  
for each eligible internet- or computer-based community school 52008  
that chooses to participate in the program, as follows: 52009

(1) Compute the lesser of the following for each student 52010  
enrolled in grades eight through twelve: 52011

(a) The statewide average base cost per-pupil X the 52012  
maximum full-time equivalency for the portion of the school year 52013  
for which the student is enrolled in the school; 52014

(b) The sum of the following: 52015

(i) A one-time payment of \$1,750. In the case of a student 52016  
enrolled in the school for the first time for the school year 52017  
for which the payment is being made, payment shall be made under 52018  
division (D)(1)(b)(i) of this section at least thirty days after 52019  
the student is considered to be enrolled in the school in 52020  
accordance with division (H)(2) of section 3314.08 of the 52021  
Revised Code, provided the student has been continuously 52022  
enrolled in the school during that time, as determined by the 52023  
department. In the case of a student that was enrolled in the 52024  
school for the prior school year, payment shall be made under 52025

division (D) (1) (b) (i) of this section at least thirty days after 52026  
the student has started to participate in learning opportunities 52027  
for the school year for which the payment is being made, 52028  
provided the student has been continuously enrolled in the 52029  
school during that time, as determined by the department. 52030

(ii) The statewide average base cost per-pupil X (1/920) X 52031  
the lesser of the number of hours the student participates in 52032  
learning opportunities in that fiscal year or 920; 52033

(iii) The lesser of (\$500 X either the number of courses 52034  
completed by the student in that fiscal year, in the case of a 52035  
student enrolled in grade eight, or the number of credits earned 52036  
by the student in that fiscal year, in the case of a student 52037  
enrolled in grades nine through twelve) or \$2,500. 52038

(2) Compute the sum of the amounts calculated under 52039  
division (D) (1) of this section for all students enrolled in 52040  
grades eight through twelve. 52041

(3) Compute the school's payment in accordance with the 52042  
following formula: 52043

(The amount determined under division (D) (2) of this 52044  
section) - (the number of full-time equivalent students enrolled 52045  
in grades eight through twelve in the school X the statewide 52046  
average base cost per-pupil) 52047

If the amount computed under division (D) (3) is a negative 52048  
number, the school shall not receive a payment under this 52049  
section. 52050

(E) (1) The department may complete a review of the 52051  
enrollment of each eligible internet- or computer-based 52052  
community school that chooses to participate in the program in 52053  
accordance with division (K) of section 3314.08 of the Revised 52054

Code. If the department determines a school has been overpaid 52055  
based on a review completed under division (E)(1) of this 52056  
section, the department shall require a repayment of the 52057  
overpaid funds and may require the school to establish a plan to 52058  
improve the reporting of enrollment. 52059

(2) To the extent that an eligible internet- or computer- 52060  
based community school that chooses to participate in the 52061  
program had, for the prior school year, a percentage of student 52062  
engagement in learning opportunities that was less than sixty- 52063  
five per cent, the school shall provide to the department a 52064  
meaningful plan for increasing student engagement. 52065

(3) All eligible internet- or computer-based community 52066  
schools that choose to participate in the program shall 52067  
implement programming or protocol which documents enrollment and 52068  
participation in learning opportunities in order to participate 52069  
in the program. 52070

**Sec. 3317.25.** (A) As used in this section, "disadvantaged 52071  
pupil impact aid" means the following: 52072

(1) For a city, local, or exempted village school 52073  
district, the funds received under division (A)(4)(a) of section 52074  
3317.022 of the Revised Code; 52075

(2) For a joint vocational school district, the funds 52076  
received under division (A)(3) of section 3317.16 of the Revised 52077  
Code; 52078

(3) For a community school established under Chapter 3314. 52079  
of the Revised Code, the funds received under division (A)(4)(b) 52080  
of section 3317.022 of the Revised Code; 52081

(4) For a STEM school established under Chapter 3326. of 52082  
the Revised Code, the funds received under division (A)(4)(b) of 52083

section 3317.022 of the Revised Code. 52084

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 52085  
local, exempted village, or joint vocational school district, 52086  
community school, or STEM school shall spend the disadvantaged 52087  
pupil impact aid it receives for any of the following 52088  
initiatives or a combination of any of the following 52089  
initiatives: 52090

(a) Extended school day and school year; 52091

(b) Reading improvement and intervention that is aligned 52092  
with the science of reading and evidence-based strategies for 52093  
effective literacy instruction; 52094

(c) Instructional technology or blended learning; 52095

(d) Professional development in the science of reading and 52096  
evidence-based strategies for effective literacy instruction for 52097  
teachers of students in kindergarten through third grade; 52098

(e) Dropout prevention; 52099

(f) School safety and security measures; 52100

(g) Community learning centers that address barriers to 52101  
learning; 52102

(h) Academic interventions for students in any of grades 52103  
six through twelve; 52104

(i) Employment of an individual who has successfully 52105  
completed the bright new leaders for Ohio schools program as a 52106  
principal or an assistant principal under section 3319.272 of 52107  
the Revised Code; 52108

(j) Mental health services, including telehealth services, 52109  
community-based behavioral health services, and recovery 52110



supports;	52111
(k) Culturally appropriate, evidence-based or evidence-informed prevention services, including youth-led programming and curricula to promote mental health and prevent substance use and suicide, and trauma-informed services;	52112 52113 52114 52115
(l) Services for homeless youth;	52116
(m) Services for child welfare involved youth;	52117
(n) Community liaisons or programs that connect students to community resources, including behavioral wellness coordinators and city connects, communities in schools, and other similar programs;	52118 52119 52120 52121
(o) Physical health care services, including telehealth services and community-based health services;	52122 52123
(p) Family engagement and support services;	52124
(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.	52125 52126 52127
(2) For fiscal year <del>2026</del> <u>2028</u> and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.	52128 52129 52130 52131 52132
(C) (1) For fiscal years <del>2024</del> <u>2026</u> and <del>2025</del> <u>2027</u> , each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners:	52133 52134 52135 52136 52137 52138

(a) A board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code;	52139 52140
(b) An educational service center;	52141
(c) A county board of developmental disabilities;	52142
(d) A <del>community-based</del> <u>community</u> mental health <u>prevention</u> <u>or</u> treatment provider;	52143 52144
(e) A board of health of a city or general health district;	52145 52146
(f) A county department of job and family services;	52147
(g) A nonprofit organization with experience serving children;	52148 52149
(h) A public hospital agency.	52150
(2) For fiscal year <del>2026</del> <u>2028</u> and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan.	52151 52152 52153 52154 52155 52156 52157 52158 52159
(D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education and workforce describing the initiative or initiatives on which the district's or school's disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years <del>2024</del> <u>2026</u> and <del>2025</del> <u>2027</u> , this report shall be submitted in	52160 52161 52162 52163 52164 52165 52166

a manner prescribed by the department and shall also describe 52167  
the amount of money that was spent on each initiative. 52168

(E) Starting in 2015, the department shall submit a report 52169  
of the information it receives under division (C) of this 52170  
section to the general assembly not later than the first day of 52171  
December of each odd-numbered year in accordance with section 52172  
101.68 of the Revised Code. 52173

Sec. 3317.27. The quality community school support program 52174  
is established. Under the program, the department of education 52175  
and workforce shall pay each community school established under 52176  
Chapter 3314. of the Revised Code and designated as a community 52177  
school of quality under section 3317.28 of the Revised Code an 52178  
amount up to three thousand dollars in each fiscal year for each 52179  
student identified as economically disadvantaged and up to two 52180  
thousand two hundred fifty dollars in each fiscal year for each 52181  
student that is not identified as economically disadvantaged. 52182  
The payment for a fiscal year shall be calculated using the 52183  
adjusted full-time equivalent number of students enrolled in the 52184  
school for that fiscal year as of the date the payment is made, 52185  
as reported by the school under section 3314.08 of the Revised 52186  
Code. The department shall make periodic payments to each 52187  
designated school beginning in January of that fiscal year. 52188

Sec. 3317.28. Not later than the thirty-first day of 52189  
December of each fiscal year, the department of education and 52190  
workforce shall designate as a community school of quality each 52191  
community school established under Chapter 3314. of the Revised 52192  
Code that meets the criteria established in division (A), (B), 52193  
(C), or (D) of this section. 52194

(A) A community school qualifies as a community school of 52195  
quality if the school meets all of the following criteria: 52196

(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 52197  
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(2) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code. 52200  
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(3) The school received a performance rating of four stars or higher for the progress component or a performance rating of three stars or higher for the achievement component on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (B) of section 3314.35 of the Revised Code and did not receive a rating for the progress component on the most recent report card. 52204  
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(B) A community school qualifies as a community school of quality if the school meets all of the following criteria: 52212  
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(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 52214  
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(2) The school is in its first year of operation or the school opened as a kindergarten school and has added one grade per year and has been in operation for less than four school years. 52217  
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(3) The school is replicating an operational and instructional model used by a community school described in division (A) of this section. 52221  
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(4) If the school has an operator, the operator received a rating of three stars or better on its most recent performance 52224  
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<u>report published under section 3314.031 of the Revised Code.</u>	52226
<u>(C) A community school qualifies as a community school of quality if the school meets all of the following criteria:</u>	52227
<u>(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.</u>	52228
<u>(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.</u>	52229
<u>(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.</u>	52230
<u>(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.</u>	52231
<u>(2) The school satisfies either of the following:</u>	52232
<u>(a) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:</u>	52233
<u>(a) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:</u>	52234
<u>(a) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:</u>	52235
<u>(i) Has operated a school that received a grant funded through the federal charter school program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the charter school growth fund;</u>	52236
<u>(i) Has operated a school that received a grant funded through the federal charter school program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the charter school growth fund;</u>	52237
<u>(i) Has operated a school that received a grant funded through the federal charter school program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the charter school growth fund;</u>	52238
<u>(i) Has operated a school that received a grant funded through the federal charter school program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the charter school growth fund;</u>	52239
<u>(i) Has operated a school that received a grant funded through the federal charter school program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the charter school growth fund;</u>	52240
<u>(ii) Meets all of the following criteria:</u>	52241
<u>(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the department.</u>	52242
<u>(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the department.</u>	52243
<u>(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the department.</u>	52244
<u>(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the department.</u>	52245
<u>(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the department.</u>	52246
<u>(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the department.</u>	52247
<u>(III) The operator is in good standing in all states where it operates schools, as determined by the department.</u>	52248
<u>(III) The operator is in good standing in all states where it operates schools, as determined by the department.</u>	52249
<u>(IV) The department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.</u>	52250
<u>(IV) The department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.</u>	52251
<u>(IV) The department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.</u>	52252

(b) The school is replicating an operational and instructional model through an agreement with a college or university used by a community school or its equivalent in another state that performed better than the school district in which the school is located, as determined by the department. 52253  
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(3) The school is in its first year of operation or, if not in its first year of operation and qualifying under division (C) (2) (b) of this section, meets either of the following conditions: 52258  
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(a) The school opened on July 1, 2022, and has not previously been designated as a community school of quality under this section, in which case the first payment under section 3317.27 of the Revised Code shall be made on or before January 31, 2024, and shall be calculated based on the adjusted full-time equivalent number of students enrolled in the school for fiscal year 2024. 52262  
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(b) The school opened on or after July 1, 2019, and has not previously been designated as a community school of quality under this section, in which case the first payment under section 3317.27 of the Revised Code shall be made within thirty days of the effective date of this section and shall be calculated based on the adjusted full-time equivalent number of students enrolled in the school for the fiscal year for which the payment is being made. 52269  
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(D) A community school qualifies as a community school of quality if it meets all of the following criteria: 52277  
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(1) The school is a dropout prevention and recovery school as defined under section 3314.02 of the Revised Code. 52279  
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(2) The school's sponsor was rated "exemplary" or 52281

<u>"effective" on the sponsor's most recent evaluation conducted</u>	52282
<u>under section 3314.016 of the Revised Code.</u>	52283
<u>(3) The school received an "exceeds standards" on the two</u>	52284
<u>most recent report cards issued for the school under section</u>	52285
<u>3314.017 of the Revised Code.</u>	52286
<u>(4) The school offers an in-house career-technical</u>	52287
<u>education program that leads to a 12-point industry recognized</u>	52288
<u>credential, or group of credentials, approved under section</u>	52289
<u>3313.6113 of the Revised Code.</u>	52290
<u>(5) At least seventy-five per cent of the school's</u>	52291
<u>students are placed in any form of employment, military service,</u>	52292
<u>apprenticeship, community or other two-year degree program, or</u>	52293
<u>state institution of higher education after graduation, as</u>	52294
<u>determined by the department.</u>	52295
<u>(6) The school is not an internet- or computer-based</u>	52296
<u>community school.</u>	52297
<u>(E) A school designated as a community school of quality</u>	52298
<u>under this section shall maintain that designation for the two</u>	52299
<u>fiscal years following the fiscal year in which the school was</u>	52300
<u>initially designated as a community school of quality.</u>	52301
<u>(F) A school designated a community school of quality may</u>	52302
<u>renew its designation each year that it satisfies the criteria</u>	52303
<u>under division (A) of this section. The school shall maintain</u>	52304
<u>that designation for the two fiscal years following each fiscal</u>	52305
<u>year in which the criteria under division (A) of this section</u>	52306
<u>are satisfied.</u>	52307
<u>(G) A school that was designated as a community school of</u>	52308
<u>quality for the first time under division (B) of this section</u>	52309
<u>for the 2022-2023 school year shall be considered to have</u>	52310

maintained that designation for the 2022-2023 school year, shall 52311  
maintain that designation through the 2027-2028 school year, and 52312  
may renew its designation under division (F) of this section 52313  
after that year. 52314

(H) If two or more community schools have merged or merge 52315  
in accordance with division (B) of section 3314.0211 of the 52316  
Revised Code on or after June 30, 2022, the surviving community 52317  
school is eligible to receive funds under this program, provided 52318  
it otherwise qualifies as a community school of quality under 52319  
division (A), (B), or (C) of this section. In such a case, the 52320  
payment for a fiscal year shall be calculated using the adjusted 52321  
full-time equivalent number of students enrolled in the school 52322  
for that fiscal year as of the date the payments are made, as 52323  
reported by the surviving community school under section 3314.08 52324  
of the Revised Code, regardless of whether those students were 52325  
previously enrolled in a community school that was dissolved as 52326  
part of the merger. A community school qualified to receive 52327  
funds under the program prior to merging on or after June 30, 52328  
2022, and was dissolved due to the merger, shall be considered 52329  
to have been eligible for funds under the program prior to the 52330  
effective date of this section and shall not be required to 52331  
return any funds received prior to that date. 52332

**Sec. 3317.29.** (A) The quality independent STEM school 52333  
support program is established. Under the program, the 52334  
department of education and workforce shall pay each STEM school 52335  
established under Chapter 3326. of the Revised Code and 52336  
designated as an independent STEM school of quality under this 52337  
section an amount up to three thousand dollars in each fiscal 52338  
year for each student identified as economically disadvantaged 52339  
and up to two thousand two hundred fifty dollars in each fiscal 52340  
year for each student that is not identified as economically 52341



disadvantaged. The payment for a fiscal year shall be calculated 52342  
using the adjusted full-time equivalent number of students 52343  
enrolled in the school for that fiscal year as of the date the 52344  
payment is made, as reported by the school under section 3326.32 52345  
of the Revised Code. The department shall make periodic payments 52346  
to each designated school beginning in January of a fiscal year. 52347

(B) Not later than the thirty-first day of December each 52348  
fiscal year, the department shall designate a STEM school as an 52349  
independent STEM school of quality if the school satisfies all 52350  
of the following criteria: 52351

(1) The STEM school operates autonomously under section 52352  
3326.031 of the Revised Code. 52353

(2) The STEM school does not have a STEM school equivalent 52354  
designation under section 3326.032 of the Revised Code. 52355

(3) The STEM school is not governed by a school district 52356  
under section 3326.51 of the Revised Code. 52357

(4) The STEM school is not a community school established 52358  
under Chapter 3314. of the Revised Code. 52359

(5) The STEM school cannot levy taxes or issue tax-secured 52360  
bonds in accordance with section 3326.49 of the Revised Code. 52361

(6) The STEM school satisfies the requirements prescribed 52362  
by section 3326.03 of the Revised Code. 52363

(7) The STEM school satisfies the requirements described 52364  
in the quality model for STEM and STEAM schools established by 52365  
the department of education and workforce in accordance with 52366  
Chapter 3326. of the Revised Code. 52367

(C) A school designated as an independent STEM school of 52368  
quality under this section shall maintain that designation for 52369

the two fiscal years following the fiscal year in which the 52370  
school was initially designated as an independent STEM school of 52371  
quality. 52372

(D) A school designated as an independent STEM school of 52373  
quality may renew its designation each year that it satisfies 52374  
the criteria under division (B) of this section. The school 52375  
shall maintain that designation for the two fiscal years 52376  
following each fiscal year in which the criteria under division 52377  
(B) of this section are satisfied. This division applies to 52378  
schools designated as an independent STEM school of quality 52379  
based on the report cards issued in accordance with sections 52380  
3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 52381  
2018-2019 school years. 52382

**Sec. 3317.31.** The department of education and workforce 52383  
shall pay each community school established under Chapter 3314. 52384  
of the Revised Code and each STEM school established under 52385  
Chapter 3326. of the Revised Code an amount equal to twenty-five 52386  
dollars in each fiscal year for each full-time equivalent 52387  
student in an internet- or computer-based community school and 52388  
one thousand five hundred dollars in each fiscal year for each 52389  
full-time equivalent student in all other community or STEM 52390  
schools for assistance with the cost associated with facilities. 52391

**Sec. 3318.032.** (A) Except as otherwise provided in 52392  
divisions ~~(C)~~(B), (D), and ~~(D)~~(E) of this section, the portion 52393  
of the basic project cost supplied by the school district shall 52394  
be the ~~greater of:~~ 52395

~~(1) The required percentage of the basic project costs;~~ 52396

~~(2) (a) (B) For all districts except a district that opts to~~ 52397  
divide its entire classroom facilities needs into segments to be 52398

completed separately as authorized by section 3318.034 of the Revised Code, ~~an amount necessary to raise the school district's net bonded indebtedness~~ the portion of the basic project cost supplied by the school district for the first segment shall be calculated using the required percentage of the basic project costs, as of the date the controlling board approved the project, ~~to within five thousand dollars of the required level of indebtedness;~~ Any future segment's portion of the basic project cost shall use the same respective share as the first segment.

~~(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:~~

~~The required level of indebtedness X (the basic project cost of the segment as approved by the controlling board / the estimated basic project cost of the district's entire classroom facilities needs as determined jointly by the staff of the Ohio facilities construction commission and the district)~~

~~(B)~~ (C) The amount of the district's share determined under this section shall be calculated only as of the date the controlling board approved the project, and that amount applies throughout the sixteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to

approve the propositions described in that section. If the 52427  
amount reserved and encumbered for a project is released because 52428  
the electors do not approve those propositions within that 52429  
period, and the school district later receives the controlling 52430  
board's approval for the project, subject to a new project scope 52431  
and estimated costs under section 3318.054 of the Revised Code, 52432  
the district's portion shall be recalculated in accordance with 52433  
this section as of the date of the controlling board's 52434  
subsequent approval. 52435

~~(C)~~(D) At no time shall a school district's portion of the 52436  
basic project cost be greater than ninety-five per cent of the 52437  
total basic project cost. 52438

~~(D)~~(E) If the controlling board approves a project under 52439  
sections 3318.01 to 3318.20 of the Revised Code for a school 52440  
district that previously received assistance under those 52441  
sections or section 3318.37 of the Revised Code within the 52442  
twenty-year period prior to the date on which the controlling 52443  
board approves the new project, the district's portion of the 52444  
basic project cost for the new project shall be the lesser of 52445  
the following: 52446

(1) The portion calculated under division (A) of this 52447  
section; 52448

(2) The greater of the following: 52449

(a) The required percentage of the basic project costs for 52450  
the new project; 52451

(b) The percentage of the basic project cost paid by the 52452  
district for the previous project. 52453

**Sec. 3318.12.** (A) The Ohio facilities construction 52454  
commission shall cause to be transferred to the school 52455

district's project construction fund the necessary amounts from 52456  
amounts appropriated by the general assembly and set aside for 52457  
such purpose, from time to time as may be necessary to pay 52458  
obligations chargeable to such fund when due. All investment 52459  
earnings of a school district's project construction fund shall 52460  
be credited to the fund. 52461

(B) (1) The treasurer of the school district board shall 52462  
disburse funds from the school district's project construction 52463  
fund, including investment earnings credited to the fund, only 52464  
upon the approval of the commission or the commission's 52465  
designated representative. The commission or the commission's 52466  
designated representative shall issue vouchers against such 52467  
fund, in such amounts, and at such times as required by the 52468  
contracts for construction of the project. 52469

(2) Notwithstanding anything to the contrary in division 52470  
(B) (1) of this section, the school district board may, by a duly 52471  
adopted resolution, choose to use all or part of the investment 52472  
earnings of the district's project construction fund that are 52473  
attributable to the district's contribution to the fund to pay 52474  
the cost of classroom facilities or portions or components of 52475  
classroom facilities that are not included in the district's 52476  
basic project cost but that are related to the district's 52477  
project. If the district board adopts a resolution in favor of 52478  
using those investment earnings as authorized under division (B) 52479  
(2) of this section, the treasurer shall disburse the amount as 52480  
designated and directed by the board. However, if the district 52481  
board chooses to use any part of the investment earnings for 52482  
classroom facilities or portions or components of classroom 52483  
facilities that are not included in the basic project cost, as 52484  
authorized under division (B) (2) of this section, and, 52485  
subsequently, the cost of the project exceeds the amount in the 52486

project construction fund, the district board shall restore to 52487  
the project construction fund the full amount of the investment 52488  
earnings used under division (B) (2) of this section before any 52489  
additional state moneys shall be released for the project. 52490

(C) After a certificate of completion has been issued for 52491  
a project under section 3318.48 of the Revised Code: 52492

(1) At the discretion of the school district board, any 52493  
investment earnings remaining in the project construction fund 52494  
that are attributable to the school district's contribution to 52495  
the fund shall be: 52496

(a) Retained in the project construction fund for future 52497  
projects; 52498

(b) Transferred to the district's maintenance fund 52499  
required by division (B) of section 3318.05 or section 3318.43 52500  
of the Revised Code, and the money so transferred shall be used 52501  
solely for maintaining the classroom facilities included in the 52502  
project; 52503

(c) Transferred to the district's permanent improvement 52504  
fund. 52505

(2) Any investment earnings remaining in the project 52506  
construction fund that are attributable to the state's 52507  
contribution to the fund shall be transferred to the commission 52508  
for expenditure pursuant to sections 3318.01 to 3318.20 or 52509  
sections 3318.40 to 3318.45 of the Revised Code. 52510

(3) Any other surplus remaining in the school district's 52511  
project construction fund shall be transferred to the commission 52512  
and the school district board in proportion to their respective 52513  
contributions to the fund. The commission shall use the money 52514  
transferred to it under this division for expenditure pursuant 52515

to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of 52516  
the Revised Code. 52517

(D) Pursuant to appropriations of the general assembly, 52518  
any moneys transferred to the commission under division (C) (2) 52519  
or (3) of this section from a project construction fund for a 52520  
project under sections 3318.40 to 3318.45 of the Revised Code 52521  
may be used for future expenditures for projects under sections 52522  
3318.40 to 3318.45 of the Revised Code, ~~notwithstanding the two-~~ 52523  
~~per cent annual limit specified in accordance with~~ division (B) 52524  
of section 3318.40 of the Revised Code. 52525

**Sec. 3318.40.** (A) (1) Sections 3318.40 to 3318.45 of the 52526  
Revised Code apply only to joint vocational school districts. 52527

(2) As used in sections 3318.40 to 3318.45 of the Revised 52528  
Code: 52529

(a) "Ohio facilities construction commission," "classroom 52530  
facilities," "project," and "basic project cost" have the same 52531  
meanings as in section 3318.01 of the Revised Code. 52532

(b) "Acquisition of classroom facilities" means 52533  
constructing, reconstructing, repairing, or making additions to 52534  
classroom facilities. 52535

(B) There is hereby established the vocational school 52536  
facilities assistance program. Under the program, the Ohio 52537  
facilities construction commission shall provide assistance to 52538  
joint vocational school districts for the acquisition of 52539  
classroom facilities suitable to the vocational education 52540  
programs of the districts in accordance with sections 3318.40 to 52541  
3318.45 of the Revised Code. ~~For purposes of the program,~~ 52542  
~~beginning July 1, 2003, the~~ The commission ~~annually~~ may set 52543  
aside ~~up to two per cent~~ a portion of the aggregate amount 52544

appropriated to it for classroom facilities assistance projects 52545  
in the public school building fund, established under section 52546  
3318.15 of the Revised Code, and the school building program 52547  
assistance fund, established under section 3318.25 of the 52548  
Revised Code, to provide assistance to at least two joint 52549  
vocational school districts per biennium. The amount set aside 52550  
for this purpose shall be determined by the commission. 52551

(C) The commission shall not provide assistance for any 52552  
distinct part of a project under sections 3318.40 to 3318.45 of 52553  
the Revised Code that when completed will be used exclusively 52554  
for an adult education program or exclusively for operation of a 52555  
driver training school for instruction leading to the issuance 52556  
of a commercial driver's license under Chapter 4506. of the 52557  
Revised Code, except for life safety items and basic building 52558  
components necessary for complete and continuous construction or 52559  
renovation of a classroom facility as determined by the 52560  
commission. 52561

(D) The commission shall not provide assistance under 52562  
sections 3318.40 to 3318.45 of the Revised Code to acquire 52563  
classroom facilities for vocational educational instruction at a 52564  
location under the control of a school district that is a member 52565  
of a joint vocational school district. Any assistance to acquire 52566  
classroom facilities for vocational educational instruction at 52567  
such location shall be provided to the school district that is a 52568  
member of the joint vocational school district through other 52569  
provisions of this chapter when that member school district is 52570  
eligible for assistance under those provisions. 52571

(E) By September 1, 2003, the commission shall assess the 52572  
classroom facilities needs of at least five joint vocational 52573  
school districts, according to the order of priority prescribed 52574



in division (B) of section 3318.42 of the Revised Code, and 52575  
based on the results of those assessments shall determine the 52576  
extent to which amendments to the specifications adopted under 52577  
section 3318.311 of the Revised Code are warranted. The 52578  
commission, thereafter, may amend the specifications as provided 52579  
in that section. 52580

(F) After the commission has conducted the assessments 52581  
prescribed in division (E) of this section, the commission shall 52582  
establish, by rule adopted in accordance with section 111.15 of 52583  
the Revised Code, guidelines for the commission to use in 52584  
deciding whether to waive compliance with the design 52585  
specifications adopted under section 3318.311 of the Revised 52586  
Code when determining the number of facilities and the basic 52587  
project cost of projects as prescribed in division (A)(1)(a) of 52588  
section 3318.41 of the Revised Code. The guidelines shall 52589  
address the following situations: 52590

(1) Under what circumstances, if any, particular classroom 52591  
facilities are adequate to meet the needs of the school district 52592  
even though the facilities do not comply with the specifications 52593  
adopted under section 3318.311 of the Revised Code; 52594

(2) Under what circumstances, if any, particular classroom 52595  
facilities will be renovated or repaired rather than replaced by 52596  
construction of new facilities. 52597

**Sec. 3319.088.** As used in this section, "educational 52598  
assistant" means any nonteaching employee in a school district 52599  
who directly assists a teacher as defined in section 3319.09 of 52600  
the Revised Code, by performing duties for which a license 52601  
issued pursuant to sections 3319.22 to 3319.30 of the Revised 52602  
Code is not required. 52603

(A) Except as provided in division (G) of this section, 52604  
the state board of education shall issue educational aide 52605  
permits and educational paraprofessional licenses for 52606  
educational assistants and shall adopt rules for the issuance 52607  
and renewal of such permits and licenses which shall be 52608  
consistent with the provisions of this section. Educational aide 52609  
permits and educational paraprofessional licenses may be of 52610  
several types and the rules shall prescribe the minimum 52611  
qualifications of education and health for the service to be 52612  
authorized under each type. The prescribed minimum 52613  
qualifications may require special training or educational 52614  
courses designed to qualify a person to perform effectively the 52615  
duties authorized under an educational aide permit or 52616  
educational paraprofessional license. 52617

(B) (1) Except as provided in division (G) of this section, 52618  
any application for a permit or license, or a renewal or 52619  
duplicate of a permit or license, under this section shall be 52620  
accompanied by the payment of a fee in the amount established 52621  
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 52622  
Any fees received under this division shall be paid into the 52623  
state treasury to the credit of the ~~state board of education~~ 52624  
~~licensure fund established under division (B) of section 3319.51~~ 52625  
occupational licensing and regulatory fund established in 52626  
section 4743.05 of the Revised Code. 52627

(2) Any person applying for or holding a permit or license 52628  
pursuant to this section is subject to sections 3123.41 to 52629  
3123.50 of the Revised Code and any applicable rules adopted 52630  
under section 3123.63 of the Revised Code and sections 3319.31 52631  
and 3319.311 of the Revised Code. 52632

(C) Educational assistants shall at all times while in the 52633

performance of their duties be under the supervision and 52634  
direction of a teacher as defined in section 3319.09 of the 52635  
Revised Code. Educational assistants may assist a teacher to 52636  
whom assigned in the supervision of pupils, in assisting with 52637  
instructional tasks, and in the performance of duties which, in 52638  
the judgment of the teacher to whom the assistant is assigned, 52639  
may be performed by a person not licensed pursuant to sections 52640  
3319.22 to 3319.30 of the Revised Code and for which a teaching 52641  
license, issued pursuant to sections 3319.22 to 3319.30 of the 52642  
Revised Code is not required. The duties of an educational 52643  
assistant shall not include the assignment of grades to pupils. 52644  
The duties of an educational assistant need not be performed in 52645  
the physical presence of the teacher to whom assigned, but the 52646  
activity of an educational assistant shall at all times be under 52647  
the direction of the teacher to whom assigned. The assignment of 52648  
an educational assistant need not be limited to assisting a 52649  
single teacher. In the event an educational assistant is 52650  
assigned to assist more than one teacher the assignments shall 52651  
be clearly delineated and so arranged that the educational 52652  
assistant shall never be subject to simultaneous supervision or 52653  
direction by more than one teacher. 52654

Educational assistants assigned to supervise children 52655  
shall, when the teacher to whom assigned is not physically 52656  
present, maintain the degree of control and discipline that 52657  
would be maintained by the teacher. 52658

Educational assistants may not be used in place of 52659  
classroom teachers or other employees and any payment of 52660  
compensation by boards of education to educational assistants 52661  
for such services is prohibited. The ratio between the number of 52662  
licensed teachers and the pupils in a school district may not be 52663  
decreased by utilization of educational assistants and no 52664

grouping, or other organization of pupils, for utilization of 52665  
educational assistants shall be established which is 52666  
inconsistent with sound educational practices and procedures. A 52667  
school district may employ up to one full time equivalent 52668  
educational assistant for each six full time equivalent licensed 52669  
employees of the district. Educational assistants shall not be 52670  
counted as licensed employees for purposes of state support in 52671  
the school foundation program and no grouping or regrouping of 52672  
pupils with educational assistants may be counted as a class or 52673  
unit for school foundation program purposes. Neither special 52674  
courses required by the regulations of the state board of 52675  
education, prescribing minimum qualifications of education for 52676  
an educational assistant, nor years of service as an educational 52677  
assistant shall be counted in any way toward qualifying for a 52678  
teacher license, for a teacher contract of any type, or for 52679  
determining placement on a salary schedule in a school district 52680  
as a teacher. 52681

(D) Educational assistants employed by a board of 52682  
education shall have all rights, benefits, and legal protection 52683  
available to other nonteaching employees in the school district, 52684  
except that provisions of Chapter 124. of the Revised Code shall 52685  
not apply to any person employed as an educational assistant, 52686  
and shall be members of the school employees retirement system. 52687  
Educational assistants shall be compensated according to a 52688  
salary plan adopted annually by the board. 52689

Except as provided in this section nonteaching employees 52690  
shall not serve as educational assistants without first 52691  
obtaining an appropriate educational aide permit or educational 52692  
paraprofessional license from the state board of education. A 52693  
nonteaching employee who is the holder of a valid educational 52694  
aide permit or educational paraprofessional license shall 52695

neither render nor be required to render services inconsistent 52696  
with the type of services authorized by the permit or license 52697  
held. No person shall receive compensation from a board of 52698  
education for services rendered as an educational assistant in 52699  
violation of this provision. 52700

Nonteaching employees whose functions are solely 52701  
secretarial-clerical and who do not perform any other duties as 52702  
educational assistants, even though they assist a teacher and 52703  
work under the direction of a teacher shall not be required to 52704  
hold a permit or license issued pursuant to this section. 52705

Following the determination of the assignment and general 52706  
job description of an educational assistant and subject to 52707  
supervision by the teacher's immediate administrative officer, a 52708  
teacher to whom an educational assistant is assigned shall make 52709  
all final determinations of the duties to be assigned to such 52710  
assistant. Teachers shall not be required to hold a license 52711  
designated for being a supervisor or administrator in order to 52712  
perform the necessary supervision of educational assistants. 52713

(E) No person who is, or who has been employed as an 52714  
educational assistant shall divulge, except to the teacher to 52715  
whom assigned, or the administrator of the school in the absence 52716  
of the teacher to whom assigned, or when required to testify in 52717  
a court or proceedings, any personal information concerning any 52718  
pupil in the school district which was obtained or obtainable by 52719  
the educational assistant while so employed. Violation of this 52720  
provision is grounds for disciplinary action or dismissal, or 52721  
both. 52722

(F) Notwithstanding anything to the contrary in this 52723  
section, the superintendent of a school district may allow an 52724  
employee who does not hold a permit or license issued under this 52725

section to work as a substitute for an educational assistant who 52726  
is absent on account of illness or on a leave of absence, or to 52727  
fill a temporary position created by an emergency, provided that 52728  
the superintendent believes the employee's application materials 52729  
indicate that the employee is qualified to obtain a permit or 52730  
license under this section. 52731

An employee shall begin work as a substitute under this 52732  
division not earlier than on the date on which the employee 52733  
files an application with the state board for a permit or 52734  
license under this section. An employee shall cease working as a 52735  
substitute under this division on the earliest of the following: 52736

(1) The date on which the employee files a valid permit or 52737  
license issued under this section with the superintendent; 52738

(2) The date on which the employee is denied a permit or 52739  
license under this section; 52740

(3) Sixty days following the date on which the employee 52741  
began work as a substitute under this division. 52742

The superintendent shall ensure that an employee assigned 52743  
to work as a substitute under division (F) of this section has 52744  
undergone a criminal records check in accordance with section 52745  
3319.391 of the Revised Code. 52746

(G) The state board shall issue an educational aide permit 52747  
or educational paraprofessional license in accordance with 52748  
Chapter 4796. of the Revised Code to an applicant if either of 52749  
the following applies: 52750

(1) The applicant holds a permit or license in another 52751  
state. 52752

(2) The applicant has satisfactory work experience, a 52753

government certification, or a private certification as 52754  
described in that chapter as an educational aide or educational 52755  
paraprofessional in a state that does not issue that permit or 52756  
license or both. 52757

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 52758  
Revised Code, this section applies to any person who is employed 52759  
under a teacher license issued under this chapter, or under a 52760  
professional or permanent teacher's certificate issued under 52761  
former section 3319.222 of the Revised Code, and who spends at 52762  
least fifty per cent of the time employed providing student 52763  
instruction. However, this section does not apply to any person 52764  
who is employed as a substitute teacher or as an instructor of 52765  
adult education. 52766

(A) The board of education of each school district, in 52767  
consultation with teachers employed by the board, shall update 52768  
its standards-based teacher evaluation policy to conform with 52769  
either the framework for evaluation of teachers adopted under 52770  
section 3319.112 of the Revised Code or a framework created or 52771  
adopted by the board. The policy shall become operative at the 52772  
expiration of any collective bargaining agreement covering 52773  
teachers employed by the board that is in effect on November 2, 52774  
2018, and shall be included in any renewal or extension of such 52775  
an agreement. 52776

(B) When using measures of student performance as evidence 52777  
in a teacher's evaluation, those measures shall be high-quality 52778  
student data. The board of education of each school district may 52779  
use data from the assessments on the list developed under 52780  
division (B)(2) of section 3319.112 of the Revised Code as high- 52781  
quality student data. 52782

(C) (1) The board shall conduct an evaluation of each 52783

teacher employed by the board at least once each school year, 52784  
except as provided in division (C) (2) of this section. The 52785  
evaluation shall be completed by the first day of May and the 52786  
teacher shall receive a written report of the results of the 52787  
evaluation by the tenth day of May. 52788

(2) (a) The board may evaluate each teacher who received a 52789  
rating of accomplished on the teacher's most recent evaluation 52790  
conducted under this section once every three school years, so 52791  
long as the teacher submits a self-directed professional growth 52792  
plan to the evaluator that focuses on specific areas identified 52793  
in the observations and evaluation and the evaluator determines 52794  
that the teacher is making progress on that plan. 52795

(b) The board may evaluate each teacher who received a 52796  
rating of skilled on the teacher's most recent evaluation 52797  
conducted under this section once every two years, so long as 52798  
the teacher and evaluator jointly develop a professional growth 52799  
plan for the teacher that focuses on specific areas identified 52800  
in the observations and evaluation and the evaluator determines 52801  
that the teacher is making progress on that plan. 52802

(c) For each teacher who is evaluated pursuant to division 52803  
(C) (2) of this section, the evaluation shall be completed by the 52804  
first day of May of the applicable school year, and the teacher 52805  
shall receive a written report of the results of the evaluation 52806  
by the tenth day of May of that school year. 52807

(d) The board may elect not to conduct an evaluation of a 52808  
teacher who meets one of the following requirements: 52809

(i) The teacher was on leave from the school district for 52810  
fifty per cent or more of the school year, as calculated by the 52811  
board. 52812



(ii) The teacher has submitted notice of retirement and 52813  
that notice has been accepted by the board not later than the 52814  
first day of December of the school year in which the evaluation 52815  
is otherwise scheduled to be conducted. 52816

~~(e) The board may elect not to conduct an evaluation of a 52817  
teacher who is participating in the teacher residency program 52818  
established under section 3319.223 of the Revised Code for the 52819  
year during which that teacher takes, for the first time, at 52820  
least half of the performance-based assessment prescribed by the 52821  
state board of education for resident educators. 52822~~

(3) In any year that a teacher is not formally evaluated 52823  
pursuant to division (C) of this section as a result of 52824  
receiving a rating of accomplished or skilled on the teacher's 52825  
most recent evaluation, an individual qualified to evaluate a 52826  
teacher under division (D) of this section shall conduct at 52827  
least one observation of the teacher and hold at least one 52828  
conference with the teacher. The conference shall include a 52829  
discussion of progress on the teacher's professional growth 52830  
plan. 52831

(D) Each evaluation conducted pursuant to this section 52832  
shall be conducted by one or more of the following persons who 52833  
hold a credential established by the state board of education 52834  
for being an evaluator: 52835

(1) A person who is under contract with the board pursuant 52836  
to section 3319.01 or 3319.02 of the Revised Code and holds a 52837  
license designated for being a superintendent, assistant 52838  
superintendent, or principal issued under section 3319.22 of the 52839  
Revised Code; 52840

(2) A person who is under contract with the board pursuant 52841

to section 3319.02 of the Revised Code and holds a license 52842  
designated for being a vocational director, administrative 52843  
specialist, or supervisor in any educational area issued under 52844  
section 3319.22 of the Revised Code; 52845

(3) A person designated to conduct evaluations under an 52846  
agreement entered into by the board, including an agreement 52847  
providing for peer review entered into by the board and 52848  
representatives of teachers employed by the board; 52849

(4) A person who is employed by an entity contracted by 52850  
the board to conduct evaluations and who holds a license 52851  
designated for being a superintendent, assistant superintendent, 52852  
principal, vocational director, administrative specialist, or 52853  
supervisor in any educational area issued under section 3319.22 52854  
of the Revised Code or is qualified to conduct evaluations. 52855

(E) Notwithstanding division (A) (3) of section 3319.112 of 52856  
the Revised Code, the board shall require at least three formal 52857  
observations of each teacher who is under consideration for 52858  
nonrenewal and with whom the board has entered into a limited 52859  
contract or an extended limited contract under section 3319.11 52860  
of the Revised Code. 52861

(F) The board shall include in its evaluation policy 52862  
procedures for using the evaluation results for retention and 52863  
promotion decisions and for removal of poorly performing 52864  
teachers. Seniority shall not be the basis for a decision to 52865  
retain a teacher, except when making a decision between teachers 52866  
who have comparable evaluations. 52867

(G) For purposes of section 3333.0411 of the Revised Code, 52868  
the board annually shall report to the state board the number of 52869  
teachers for whom an evaluation was conducted under this section 52870

and the number of teachers assigned each rating prescribed under 52871  
division (B) (1) of section 3319.112 of the Revised Code or the 52872  
equivalent framework created or adopted by the board, aggregated 52873  
by the teacher preparation programs from which and the years in 52874  
which the teachers graduated. The state board shall establish 52875  
guidelines for reporting the information required by this 52876  
division. The guidelines shall not permit or require that the 52877  
name of, or any other personally identifiable information about, 52878  
any teacher be reported under this division. 52879

(H) Notwithstanding any provision to the contrary in 52880  
Chapter 4117. of the Revised Code, the requirements of this 52881  
section prevail over any conflicting provisions of a collective 52882  
bargaining agreement entered into on or after November 2, 2018. 52883

Sec. 3319.173. (A) The superintendent of each school 52884  
district shall assign teachers to positions based on the best 52885  
interests of the students enrolled in the district. In 52886  
assigning, reassigning, or transferring a teacher, whether 52887  
voluntary or involuntary on the part of the teacher, the 52888  
superintendent shall not use seniority or continuing contract 52889  
status as the primary factor in determining the teacher's 52890  
assignment. 52891

(B) Notwithstanding any provision to the contrary in 52892  
section 4117.10 of the Revised Code, the requirements of this 52893  
section prevail over any conflicting provisions of agreements 52894  
between employee organizations and public employers entered into 52895  
on or after the effective date of this section. 52896

Sec. 3319.223. (A) The superintendent of public 52897  
instruction and the chancellor of higher education jointly shall 52898  
establish the Ohio teacher residency program, which shall be a 52899  
two-year, entry-level program for classroom teachers. Except as 52900

provided in division (B) of this section, the teacher residency program shall include at least the following components:

(1) Mentoring by teachers, which may be provided online or in person. The state superintendent shall provide participants and mentors with access to online professional development resources and sample videos of Ohio classroom lessons submitted for the assessment prescribed under division (A) (3) of this section at no cost.

(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development. The state superintendent shall provide to each participant who does not receive a passing score on the assessment under division (A) (3) of this section, at no cost, the opportunity to meet online with an instructional coach who is a certified assessor of the assessment to review the participant's assessment score results and discuss improvement strategies and professional development.

~~Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the state superintendent. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school.~~

~~Participants who have not taken the assessment under division (A) (3) of this section may meet online with instructional coaches approved by the state superintendent if the participant's school district or school pays the costs associated with the meetings.~~

(3) Measures of appropriate progression through the program, ~~which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment.~~ 52931  
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~~An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be returned in forty-five days. The teacher evaluation system adopted under section 3319.111 of the Revised Code may be used to assess an individual participating in the teacher residency program.~~ 52937  
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(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code or rule of the state board shall be required to ~~do either of the following:~~ 52946  
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~~(1) Complete~~ complete the conditions of the Ohio teacher residency program that a participant, as of September 29, 2015, would have been required to complete during the participant's first and second year of teaching under an alternative resident educator license. 52950  
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~~(2) Take a performance-based assessment.~~ 52955

(C) The teacher residency program shall be aligned with the standards for teachers adopted by the state board under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction. 52956  
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(D) Each person who holds a resident educator license 52960  
issued under section 3319.22 or 3319.227 of the Revised Code or 52961  
an alternative resident educator license issued under section 52962  
3319.26 of the Revised Code shall participate in the teacher 52963  
residency program. Successful completion of the program shall be 52964  
required to qualify any such person for a professional educator 52965  
license issued under section 3319.22 of the Revised Code. 52966

Sec. 3319.2310. (A) As used in this section, "other public 52967  
school" has the same meaning as in section 3301.0711 of the 52968  
Revised Code. 52969

(B) The department of education and workforce shall do 52970  
both of the following: 52971

(1) Maintain a training course for licensed educators that 52972  
serves as an introduction to the science of reading; 52973

(2) Develop a competency-based training course for 52974  
licensed educators that updates and reinforces educators' 52975  
knowledge and skills in the science of reading. 52976

(C) Each individual employed by a school district or other 52977  
public school as a teacher, administrator, school psychologist, 52978  
or speech-language pathologist shall complete training in the 52979  
science of reading in accordance with division (C) of this 52980  
section. 52981

(1) An individual hired by the district or other public 52982  
school as a teacher or administrator prior to July 1, 2025, 52983  
shall complete the training described in division (B) (2) of this 52984  
section by June 30, 2030, and every five years thereafter. 52985

(2) An individual hired by the district or other public 52986  
school as a teacher or administrator on or after July 1, 2025, 52987  
shall complete the training described in division (B) (1) of this 52988

section within one year after the date of hire and shall 52989  
complete the training described in division (B) (2) of this 52990  
section every five years thereafter. However, an individual 52991  
shall not be required to complete the training described in 52992  
division (B) (1) of this section if the district superintendent 52993  
or head administrator of the other public school has verified 52994  
that the individual did either of the following within five 52995  
years prior to the date of hire: 52996

(a) Completed that training or a similar training, as 52997  
determined by the department; 52998

(b) Completed appropriate coursework in the science of 52999  
reading as part of the individual's educator or licensure 53000  
preparation program. 53001

(3) An individual employed by the district or other public 53002  
school as a school psychologist or speech-language pathologist 53003  
shall complete the training described in division (B) (1) of this 53004  
section by June 30, 2027, and shall complete the training 53005  
described in division (B) (2) of this section every five years 53006  
thereafter. 53007

(D) A professional development committee established under 53008  
section 3319.22 of the Revised Code shall count training 53009  
described in division (B) of this section toward professional 53010  
development requirements for educator licensure renewal. The 53011  
committee shall permit an individual to apply any hours earned 53012  
over the minimum amount of hours required for professional 53013  
development coursework for licensure renewal to the next renewal 53014  
period for that license. 53015

**Sec. 3319.263.** ~~Until July 1, 2028,~~ 53016  
~~notwithstanding~~Notwithstanding anything to the contrary in 53017

section 3319.26 of the Revised Code or any rule of the state 53018  
board of education adopted under that section, the state board 53019  
shall not limit the subject areas for which an individual may 53020  
receive an alternative resident educator license issued under 53021  
that section. 53022

Sec. 3319.271. (A) The department of education and 53023  
workforce shall establish a principal apprenticeship program. 53024  
The program shall provide multiple pathways for individuals to 53025  
receive training and development in school leadership and 53026  
primary and secondary school administration and shall provide 53027  
the option for participants to obtain a master's degree. 53028

(B) The principal apprenticeship program shall be open to 53029  
licensed educators who are employed as a teacher in a public or 53030  
chartered nonpublic school in this state and to professionals 53031  
working in fields other than education. In selecting candidates 53032  
for the program, the department may give preference to 53033  
applicants who have multiple years of classroom teaching 53034  
experience or multiple years of experience in the same 53035  
professional career field and experience in teaching, training, 53036  
or supervising others. 53037

(C) The principal apprenticeship program shall require 53038  
participating individuals to be mentored by a school principal 53039  
and complete on-the-site job training. 53040

(D) The state board of education shall issue an individual 53041  
a professional administrator license for grades pre-kindergarten 53042  
through twelve upon certification from the department that the 53043  
individual has successfully completed the principal 53044  
apprenticeship program. 53045

**Sec. 3319.29.** Each application for any license, 53046



certificate, or permit under this chapter, or renewal or 53047  
duplicate of such a license, certificate, or permit, shall be 53048  
accompanied by the payment of a fee in the amount established 53049  
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 53050  
Any fees received under this section shall be paid into the 53051  
state treasury to the credit of the ~~state board of education-~~ 53052  
~~licensure fund established under division (B) of section 3319.51~~ 53053  
occupational licensing and regulatory fund established in 53054  
section 4743.05 of the Revised Code. 53055

Any person applying for or holding a license, certificate, 53056  
or permit under this chapter is subject to sections 3123.41 to 53057  
3123.50 of the Revised Code and any applicable rules adopted 53058  
under section 3123.63 of the Revised Code and sections 3319.31 53059  
and 3319.311 of the Revised Code. 53060

**Sec. 3319.301.** (A) As used in this section: 53061

(1) "Dropout prevention and recovery community school"- 53062  
~~means a community school established under Chapter 3314. of the~~ 53063  
~~Revised Code in which a majority of the students are enrolled in~~ 53064  
~~a dropout prevention and recovery program that is operated by~~ 53065  
~~the school~~ has the same meaning as in section 3314.02 of the 53066  
Revised Code. 53067

(2) "Industry-recognized credential program" means a 53068  
career-technical course in which a student may earn an industry- 53069  
recognized credential approved under section 3313.6113 of the 53070  
Revised Code. 53071

(3) "STEM school" means a science, technology, 53072  
engineering, and mathematics school established under Chapter 53073  
3326. of the Revised Code. 53074

(B) The state board of education shall issue permits to 53075

individuals who are not licensed as required by sections 3319.22 53076  
to 3319.30 of the Revised Code, but who are otherwise qualified, 53077  
to teach classes for not more than a total of twelve hours a 53078  
week, except that an individual teaching in a STEM school or an 53079  
individual teaching an industry-recognized credential program 53080  
offered at a dropout prevention and recovery community school 53081  
may teach classes for not more than a total of forty hours a 53082  
week. The state board, by rule, shall set forth the 53083  
qualifications, other than licensure under sections 3319.22 to 53084  
3319.30 of the Revised Code, to be met by individuals in order 53085  
to be issued a permit as provided in this section. Such 53086  
qualifications shall include the possession of a baccalaureate, 53087  
master's, or doctoral degree in, or significant experience 53088  
related to, the subject the individual is to teach. For an 53089  
individual assigned to teach a career-technical class, 53090  
significant experience related to a subject shall include 53091  
career-technical experience. Applications for permits pursuant 53092  
to this section shall be made in accordance with section 3319.29 53093  
of the Revised Code. A permit issued under this section shall be 53094  
renewable. 53095

The state board, by rule, shall authorize the board of 53096  
education of each school district and each STEM school to engage 53097  
individuals holding permits issued under this section to teach 53098  
classes for not more than the total number of hours a week 53099  
specified in the permit. The rules shall include provisions with 53100  
regard to each of the following: 53101

(1) That a board of education or STEM school shall engage 53102  
a nonlicensed individual to teach pursuant to this section on a 53103  
volunteer basis, or by entering into a contract with the 53104  
individual or the individual's employer on such terms and 53105  
conditions as are agreed to between the board or school and the 53106

individual or the individual's employer; 53107

(2) That an employee of the board of education or STEM 53108  
school who is licensed under sections 3319.22 to 3319.30 of the 53109  
Revised Code shall directly supervise a nonlicensed individual 53110  
who is engaged to teach pursuant to this section until the 53111  
superintendent of the school district or the chief 53112  
administrative officer of the STEM school is satisfied that the 53113  
nonlicensed individual has sufficient understanding of, and 53114  
experience in, effective teaching methods to teach without 53115  
supervision. 53116

(C) A nonlicensed individual engaged to teach pursuant to 53117  
this section is a teacher for the purposes of Title XXXIII of 53118  
the Revised Code except for the purposes of Chapters 3307. and 53119  
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 53120  
an individual is not an employee of the board of education or 53121  
STEM school for the purpose of Titles I or XLI or Chapter 3309. 53122  
of the Revised Code. 53123

(D) Students enrolled in a class taught by a nonlicensed 53124  
individual pursuant to this section and rules adopted thereunder 53125  
shall receive the same credit as if the class had been taught by 53126  
an employee licensed pursuant to sections 3319.22 to 3319.30 of 53127  
the Revised Code. 53128

(E) No board of education of any school district shall 53129  
engage any one or more nonlicensed individuals if such 53130  
employment displaces from employment an existing licensed 53131  
employee of the district. 53132

(F) Chapter 4796. of the Revised Code does not apply to 53133  
permits issued under this section. 53134

**Sec. 3319.311.** (A) (1) The state board of education, or the 53135

superintendent of public instruction on behalf of the board, may 53136  
investigate any information received about a person that 53137  
reasonably appears to be a basis for action under section 53138  
3319.31 of the Revised Code, including information received 53139  
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 53140  
3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 53141  
provided in division (A)(2) of this section, the board shall 53142  
contract with the office of the Ohio attorney general to conduct 53143  
any investigation of that nature. The board shall pay for the 53144  
costs of the contract only from moneys in the ~~state board of~~ 53145  
~~education licensure fund established under section 3319.51 of~~ 53146  
occupational licensing and regulatory fund established in 53147  
section 4743.05 of the Revised Code. Except as provided in 53148  
division (A)(2) of this section, all information received 53149  
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 53150  
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 53151  
information obtained during an investigation is confidential and 53152  
is not a public record under section 149.43 of the Revised Code. 53153  
If an investigation is conducted under this division regarding 53154  
information received about a person and no action is taken 53155  
against the person under this section or section 3319.31 of the 53156  
Revised Code within two years of the completion of the 53157  
investigation, all records of the investigation shall be 53158  
expunged. 53159

(2) In the case of a person about whom the board has 53160  
learned of a plea of guilty to, finding of guilt by a jury or 53161  
court of, or a conviction of an offense listed in division (C) 53162  
of section 3319.31 of the Revised Code, or substantially 53163  
comparable conduct occurring in a jurisdiction outside this 53164  
state, the board or the superintendent of public instruction 53165  
need not conduct any further investigation and shall take the 53166

action required by division (C) or (F) of that section. Except 53167  
as provided in division (G) of this section, all information 53168  
obtained by the board or the superintendent of public 53169  
instruction pertaining to the action is a public record under 53170  
section 149.43 of the Revised Code. 53171

(B) The superintendent of public instruction shall review 53172  
the results of each investigation of a person conducted under 53173  
division (A)(1) of this section and shall determine, on behalf 53174  
of the state board, whether the results warrant initiating 53175  
action under division (B) of section 3319.31 of the Revised 53176  
Code. The superintendent shall advise the board of such 53177  
determination at a meeting of the board. Within fourteen days of 53178  
the next meeting of the board, any member of the board may ask 53179  
that the question of initiating action under section 3319.31 of 53180  
the Revised Code be placed on the board's agenda for that next 53181  
meeting. Prior to initiating that action against any person, the 53182  
person's name and any other personally identifiable information 53183  
shall remain confidential. 53184

(C) The board shall take no action against a person under 53185  
division (B) of section 3319.31 of the Revised Code without 53186  
providing the person with written notice of the charges and with 53187  
an opportunity for a hearing in accordance with Chapter 119. of 53188  
the Revised Code. 53189

(D) For purposes of an investigation under division (A)(1) 53190  
of this section or a hearing under division (C) of this section 53191  
or under division (E)(2) of section 3319.31 of the Revised Code, 53192  
the board, or the superintendent on behalf of the board, may 53193  
administer oaths, order the taking of depositions, issue 53194  
subpoenas, and compel the attendance of witnesses and the 53195  
production of books, accounts, papers, records, documents, and 53196

testimony. The issuance of subpoenas under this division may be 53197  
by certified mail, regular mail with a certificate of mailing, 53198  
or other form of delivery with proof of delivery, including 53199  
electronic delivery with electronic proof of delivery, or 53200  
personal delivery to the person. 53201

(E) The superintendent, on behalf of the board, may enter 53202  
into a consent agreement with a person against whom action is 53203  
being taken under division (B) of section 3319.31 of the Revised 53204  
Code. The board may adopt rules governing the superintendent's 53205  
action under this division. 53206

(F) No surrender of a license shall be effective until the 53207  
board takes action to accept the surrender unless the surrender 53208  
is pursuant to a consent agreement entered into under division 53209  
(E) of this section. 53210

(G) The name of any person who is not required to report 53211  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 53212  
5126.253, or 5153.176 of the Revised Code, but who in good faith 53213  
provides information to the state board or superintendent of 53214  
public instruction about alleged misconduct committed by a 53215  
person who holds a license or has applied for issuance or 53216  
renewal of a license, shall be confidential and shall not be 53217  
released. Any such person shall be immune from any civil 53218  
liability that otherwise might be incurred or imposed for 53219  
injury, death, or loss to person or property as a result of the 53220  
provision of that information. 53221

(H) (1) No person shall knowingly make a false report to 53222  
the superintendent of public instruction or the state board of 53223  
education alleging misconduct by an employee of a public or 53224  
chartered nonpublic school or an employee of the operator of a 53225  
community school established under Chapter 3314. or a college- 53226

preparatory boarding school established under Chapter 3328. of 53227  
the Revised Code. 53228

(2) (a) In any civil action brought against a person in 53229  
which it is alleged and proved that the person violated division 53230  
(H) (1) of this section, the court shall award the prevailing 53231  
party reasonable attorney's fees and costs that the prevailing 53232  
party incurred in the civil action or as a result of the false 53233  
report that was the basis of the violation. 53234

(b) If a person is convicted of or pleads guilty to a 53235  
violation of division (H) (1) of this section, if the subject of 53236  
the false report that was the basis of the violation was charged 53237  
with any violation of a law or ordinance as a result of the 53238  
false report, and if the subject of the false report is found 53239  
not to be guilty of the charges brought against the subject as a 53240  
result of the false report or those charges are dismissed, the 53241  
court that sentences the person for the violation of division 53242  
(H) (1) of this section, as part of the sentence, shall order the 53243  
person to pay restitution to the subject of the false report, in 53244  
an amount equal to reasonable attorney's fees and costs that the 53245  
subject of the false report incurred as a result of or in 53246  
relation to the charges. 53247

**Sec. 3319.51.** ~~(A)(1)~~ (A) As used in this section, 53248  
"operating expenses" includes the cost of administering 53249  
requirements related to the issuance and renewal of licenses, 53250  
certificates, or permits described in this chapter and sections 53251  
3301.071 and 3301.074 of the Revised Code and any other cost 53252  
incurred by the state board of education to perform a duty 53253  
prescribed by law. 53254

(B) The state board of education shall annually establish 53255  
the amount of the fees required to be paid for any license, 53256

certificate, or permit issued under this chapter or division (B) 53257  
of section 3301.071 or section 3301.074 of the Revised Code. 53258  
Except as provided in division ~~(A)(2)~~ (C) of this section, the 53259  
amount of these fees shall be such that they, along with any 53260  
appropriation made ~~to the fund established under division (B) of~~ 53261  
~~this section~~ by the general assembly, will be sufficient to 53262  
cover the annual estimated operating expenses of the state 53263  
board, including the cost of administering the requirements 53264  
related to the issuance and renewal of licenses, certificates, 53265  
and permits described in this chapter and sections 3301.071 and 53266  
3301.074 of the Revised Code. 53267

~~(2)(C)~~ (C) The state board shall not require any fee to be 53268  
paid under division ~~(A)(1)~~ (B) of this section for a license, 53269  
certificate, or permit issued for the purpose of teaching in a 53270  
junior reserve officer training corps (JROTC) program approved 53271  
by the congress of the United States under title 10 of the 53272  
United States Code.- 53273

~~(B) There is hereby established in the state treasury the~~ 53274  
~~state board of education licensure fund, which shall be used by~~ 53275  
~~the state board of education to pay the state board's operating~~ 53276  
~~expenses, including any cost incurred to perform a duty~~ 53277  
~~prescribed by law and the cost of administering requirements~~ 53278  
~~related to the issuance and renewal of licenses, certificates,~~ 53279  
~~and permits described in this chapter and sections 3301.071 and~~ 53280  
~~3301.074 of the Revised Code. The fund shall consist of the~~ 53281  
~~amounts paid into the fund pursuant to division (B) of section~~ 53282  
~~3301.071 and sections 3301.074 and 3319.29 of the Revised Code~~ 53283  
~~and any appropriations to the fund by the general assembly.~~ 53284

(D) The operating expenses of the state board shall be 53285  
paid primarily from, and all license, certificate, or permit 53286



fees received by the state board shall be deposited in, the 53287  
state treasury to the credit of the occupational licensing and 53288  
regulatory fund established in section 4743.05 of the Revised 53289  
Code. 53290

**Sec. 3320.04.** Each school district board of education 53291  
shall adopt a policy that reasonably accommodates the sincerely 53292  
held religious beliefs and practices of individual students with 53293  
regard to all examinations or other academic requirements and 53294  
absences for reasons of faith or religious or spiritual belief 53295  
system. The policy shall satisfy all of the following 53296  
conditions: 53297

(A) The policy shall permit a student in any of grades 53298  
kindergarten through twelve to be absent for up to three 53299  
religious expression days each school year to take holidays for 53300  
reasons of faith or religious or spiritual belief system or 53301  
participate in organized activities conducted under the auspices 53302  
of a religious denomination, church, or other religious or 53303  
spiritual organization. The district shall not impose an 53304  
academic penalty as a result of a student being absent as 53305  
permitted in the policy. The policy shall also permit students 53306  
to participate in interscholastic athletics or other 53307  
extracurricular activities on days in which the student was 53308  
otherwise absent for a religious expression day. 53309

(B) (1) The policy shall require that students be provided 53310  
with alternative accommodations with regard to examinations and 53311  
other academic requirements missed due to an absence described 53312  
in division (A) of this section if not later than fourteen 53313  
school days after the first day of school, or fourteen school 53314  
days after the date of enrollment for a student who transfers to 53315  
or enrolls in the district after the first day of school, the 53316

parent or guardian of a student provides the school principal 53317  
with written notice of up to three specific dates for which 53318  
alternative accommodations are requested, if an absence approved 53319  
under division (B) (2) of this section conflicts with an 53320  
examination or other academic requirement on that date. 53321

(2) The school principal shall approve not more than three 53322  
written requests per school year from a student's parent or 53323  
guardian for an excused absence under division (A) of this 53324  
section. The school principal shall approve such requests 53325  
without inquiry into the sincerity of a student's religious or 53326  
spiritual belief system. However, the school principal may 53327  
verify a request received under division (A) of this section by 53328  
contacting the parent or guardian whose signature appears on the 53329  
request. If a parent or guardian disputes having signed such a 53330  
request, the school principal may deny the request. Upon 53331  
approval of a request that satisfies division (B) (1) of this 53332  
section, a school principal shall require the appropriate 53333  
classroom teacher or teachers to schedule a time and date for an 53334  
alternative examination or other academic requirement if the 53335  
approved student absence creates a conflict, which may be before 53336  
or after the time and date the examination or other academic 53337  
requirement was originally scheduled. 53338

(C) The policy shall require the district board to post 53339  
both of the following in a prominent location on the district's 53340  
web site: 53341

(1) A copy of the policy adopted under this section, which 53342  
shall include the contact information of an individual who can 53343  
provide further information about the policy; 53344

(2) A nonexhaustive list of major religious holidays, 53345  
festivals, and religious observations, which may include, Eid, 53346

Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 53347  
an excused absence under this section shall not be unreasonably 53348  
withheld or denied. 53349

The director of education and workforce shall provide each 53350  
district with a nonexhaustive list of major religious holidays 53351  
or festivals for the next two school years, including Eid, Good 53352  
Friday, Rosh Hashanah, Yom Kippur, and Passover, at the 53353  
beginning of each school year. Each district may adopt the 53354  
director's list in its entirety or choose which holidays to 53355  
include on its list. 53356

Each time a district's policy is posted, printed, or 53357  
published, including as described in divisions (C) and (D) of 53358  
this section, the district shall include a statement that the 53359  
list is nonexhaustive, and the list may not be used to deny 53360  
accommodation to a student for a holiday or festival of the 53361  
student's faith or religious or spiritual belief system that 53362  
does not appear on the list. 53363

Nothing in this section, and no inclusion or exclusion of 53364  
a religious holiday or festival on the list posted by a 53365  
district, shall preclude a student from full and reasonable 53366  
accommodations for any sincerely held religious beliefs and 53367  
practices with regard to all examinations or other academic 53368  
requirements and absences for reasons of faith or religious or 53369  
spiritual belief system provided under this section. 53370

(D) The policy shall require school districts annually to 53371  
convey to parents and guardians the policy adopted under this 53372  
section, including a description of the general procedure for 53373  
requesting accommodations. The manner in which the school 53374  
district conveys the information shall be determined at the 53375  
discretion of the district. 53376

(E) The policy shall include a procedure under which a student, parent, or guardian may notify the district of any grievance with regard to the implementation of the policy required under this section.

(F) Any days excused under this section shall not be considered in determining absence hours for the purposes of parental notification under ~~division (C) (1) of~~ section 3321.191 of the Revised Code.

**Sec. 3321.043.** (A) As used in this section, "driver education course" means a private driver training course approved by the director of public safety in accordance with Chapter 4508. of the Revised Code.

(B) If a high school student enrolled in a school district is absent from school for the sole purpose of attending a driver education course, the district shall count that absence as an excused absence, up to a maximum of eight hours for that student. The student shall only be absent for up to two hours per day for not more than four days in meeting the maximum eight hours authorized by this section. The days may be nonconsecutive.

(C) The district shall require any student absent from school in accordance with this section to complete any classroom assignments that the student misses because of the absence.

**Sec. 3321.16.** (A) An attendance officer or assistant provided for by section 3321.14 or 3321.15 of the Revised Code may investigate any case of nonattendance at school or part-time school of a child under eighteen years of age or supposed to be under eighteen years of age resident in the district for which such attendance officer or assistant is employed, or of any such

child found in the district or enrolled in any school within the 53406  
district and of any child above eighteen years of age if 53407  
enrolled in any school within the district, and may take such 53408  
action as the superintendent of schools directs or as such 53409  
attendance officer or assistant deems proper in the absence of 53410  
specific direction. 53411

(B) (1) Subject to divisions (B) (2) and (3) of this 53412  
section, the attendance officer shall file a complaint in the 53413  
juvenile court against ~~a student on the sixty-first day after~~ 53414  
~~the implementation of an absence intervention plan or other~~ 53415  
~~intervention strategies, provided that all~~ any student to which 53416  
any of the following apply: 53417

(a) The student was absent without legitimate excuse from 53418  
the public school the child is supposed to attend for thirty or 53419  
more consecutive hours~~7~~. 53420

(b) The student was absent without legitimate excuse from 53421  
the public school the child is supposed to attend for forty-two 53422  
or more hours in one school month,~~or~~. 53423

(c) The student was absent without legitimate excuse from 53424  
the public school the child is supposed to attend for seventy- 53425  
two or more hours in a school year. 53426

~~(b) The school district or school has made meaningful~~ 53427  
~~attempts to re-engage the student through the absence~~ 53428  
~~intervention plan, other intervention strategies, and any~~ 53429  
~~offered alternatives to adjudication described under division~~ 53430  
~~(C) (2) (b) of section 3321.191 of the Revised Code.~~ 53431

~~(c) The student has refused to participate in or failed to~~ 53432  
~~make satisfactory progress on the plan, as determined by the~~ 53433  
~~absence intervention team, or any offered intervention~~ 53434

~~strategies or alternative to adjudication.~~ 53435

~~(2) If the student, at any time during the implementation phase of the absence intervention plan or other intervention strategies, is absent without legitimate excuse for thirty or more consecutive hours or forty-two or more hours in one school month, the attendance officer shall file a complaint in juvenile court against that student, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan~~ student's district or school determines that the student and the student's family are making satisfactory progress in improving the student's attendance at school, the attendance officer shall not file a complaint. 53436  
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~~(3) In the event that the sixty-first day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months, in the school district's discretion, the absence intervention team or the attendance officer may extend the implementation of the plan and delay the filing of the complaint for an additional thirty days from the first day of instruction of the next school year~~ If no determination of progress under division (B) (2) of this section is made, or if the student and the student's family cease to continue making progress in improving the student's attendance, the attendance officer shall file a complaint in the juvenile court against the student. 53447  
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A complaint filed in the juvenile court under division (B) (3) of this section shall allege that the child is an unruly child for being a habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code. 53459  
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**Sec. 3321.19.** (A) As used in this section and section 53464

~~3321.191~~3321.16 of the Revised Code, "habitual truant" has the 53465  
same meaning as in section 2151.011 of the Revised Code. 53466

(B) When a board of education of any city, exempted 53467  
village, local, joint vocational, or cooperative education 53468  
school district or the governing board of any educational 53469  
service center determines that a student in its district has 53470  
been truant and the parent, guardian, or other person having 53471  
care of the child has failed to cause the student's attendance 53472  
at school, the board may require the parent, guardian, or other 53473  
person having care of the child pursuant to division (B) of this 53474  
section to attend an educational program established pursuant to 53475  
rules adopted by the department of education and workforce for 53476  
the purpose of encouraging parental involvement in compelling 53477  
the attendance of the child at school. 53478

No parent, guardian, or other person having care of a 53479  
child shall fail without good cause to attend an educational 53480  
program described in this division if the parent, guardian, or 53481  
other person has been served notice pursuant to division (C) of 53482  
this section. 53483

(C) On the request of the superintendent of schools, the 53484  
superintendent of any educational service center, the board of 53485  
education of any city, exempted village, local, joint 53486  
vocational, or cooperative education school district, or the 53487  
governing board of any educational service center or when it 53488  
otherwise comes to the notice of the attendance officer or other 53489  
appropriate officer of the school district, the attendance 53490  
officer or other appropriate officer shall examine into any case 53491  
of supposed truancy within the district and shall warn the 53492  
child, if found truant, and the child's parent, guardian, or 53493  
other person having care of the child, in writing, of the legal 53494

consequences of being truant. When any child of compulsory school age, in violation of law, is not attending school, the attendance or other appropriate officer shall notify the parent, guardian, or other person having care of that child of the fact, and require the parent, guardian, or other person to cause the child to attend school immediately. The parent, guardian, or other person having care of the child shall cause the child's attendance at school. Upon the failure of the parent, guardian, or other person having care of the child to do so, the attendance officer or other appropriate officer, if so directed by the superintendent, the district board, or the educational service center governing board, shall send notice requiring the attendance of that parent, guardian, or other person at a parental education program established pursuant to division (B) of this section and, ~~subject to divisions (D) and (E) of this section,~~ may file a complaint against the parent, guardian, or other person having care of the child in any court of competent jurisdiction.

~~(D) (1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.~~

~~(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the~~



~~timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.~~ 53526  
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~~(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.~~ 53532  
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Sec. 3321.191. (A) As used in this section, "chronically absent" means missing at least ten per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school a student attends. 53546  
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(B) Not later than August 1, 2026, the board of education of each school district shall adopt a policy to address student absences. In developing the policy, the board shall consult with the juvenile court of the county or counties in which the district is located; the parents, guardians, or other persons having care of a student attending school in the district; and 53550  
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appropriate state and local agencies. 53556

(C) The policy adopted under division (B) of this section shall do all of the following: 53557  
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(1) Acknowledge that student absences from school for any reason, whether excused or unexcused, take away from instructional time and have an adverse effect on student learning; 53559  
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(2) Identify strategies to prevent students from becoming chronically absent; 53563  
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(3) Include procedures for notifying a student's parent, guardian, or custodian when the student has been absent from school for a number of hours determined by the board, which number shall not exceed five per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school the student attends; 53565  
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(4) Establish a tiered system that provides more intensive interventions and supports for students with greater numbers of absences and includes resources to help students and their families address the root causes of the absences; 53571  
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(5) Provide for one or more absence intervention teams to work with students at risk of becoming chronically absent and their families to improve the students' attendance at school; 53575  
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(6) Prohibit suspending, expelling, or otherwise preventing a student from attending school based on the student's absences as prescribed by section 3313.668 of the Revised Code. 53578  
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(D) The policy shall align with any other district or school improvement plan developed pursuant to state or federal 53582  
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law. 53584

(E) A district or school may consult or partner with 53585  
public and nonprofit agencies to provide assistance as 53586  
appropriate to students and their families in reducing absences. 53587

**Sec. 3321.21.** A notice under section 3321.19 or 3321.20 of 53588  
the Revised Code, that includes proof of receipt by the 53589  
recipient and is sent by registered mail, regular mail with a 53590  
certificate of mailing, electronic mail, text message, or other 53591  
form of delivery with proof of delivery, including electronic 53592  
delivery and electronic proof of delivery, is a legal notice. 53593

**Sec. 3321.22.** ~~(A) Except as provided in division (B) of~~ 53594  
~~this section, if~~ If a complaint is filed against the parent, 53595  
guardian, or other person in charge of a child for a failure to 53596  
cause the child to attend school or a part-time school or class 53597  
and if the parent, guardian, or other person proves an inability 53598  
to do so, then the parent, guardian, or other person in charge 53599  
of a child shall be discharged. Upon the discharge, the 53600  
attendance officer shall file a complaint before the judge of 53601  
the juvenile court of the county alleging that the child is a 53602  
delinquent child, unruly child, or dependent child within the 53603  
meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 53604  
Code. The judge shall hear the complaint and if the judge 53605  
determines that the child is a delinquent, unruly, or dependent 53606  
child within one of those sections the judge shall deal with the 53607  
child according to section 2151.35 or 2151.36 of the Revised 53608  
Code. 53609

~~(B) Division (A) of this section does not apply regarding~~ 53610  
~~a complaint filed under division (D) or (E) of section 3321.19~~ 53611  
~~of the Revised Code or otherwise filed and alleging that a child~~ 53612  
~~is an habitual truant.~~ 53613

**Sec. 3323.32.** ~~(A)~~—The department of education and workforce shall contract with an entity to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The entity shall be selected by the director of education and workforce in consultation with the director of children and youth and the advisory board established under section 3323.33 of the Revised Code.

When applicable, the department of children and youth shall contract with an entity to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The entity shall be selected by the director of children and youth in consultation with the director of education and workforce and the advisory board established under section 3323.33 of the Revised Code.

~~The contract with the entity selected~~ Any contract entered into under this section shall include, but not be limited to, the following provisions:

~~(1)~~ (A) A description of the programs to be administered and services to be provided or coordinated by the entity, which shall include at least the duties prescribed by sections 3323.34 and 3323.35 of the Revised Code;

~~(2)~~ (B) A description of the expected outcomes from the programs administered and services provided or coordinated by the entity;

~~(3)~~ (C) A stipulation that the entity's performance is subject to evaluation by the contracting department and renewal of the entity's contract is subject to the department's

satisfaction with the entity's performance; 53643

~~(4)~~(D) A description of the measures and milestones the 53644  
contracting department will use to determine whether the 53645  
performance of the entity is satisfactory; 53646

~~(5)~~(E) Any other provision the contracting department 53647  
determines is necessary to ensure the quality of services to 53648  
individuals with autism and low incidence disabilities. 53649

~~(B) In selecting the entity under division (A) of this 53650  
section, the director of education and workforce, the director 53651  
of children and youth, and the advisory board shall give primary 53652  
consideration to the Ohio Center for Autism and Low Incidence, 53653  
established under section 3323.31 of the Revised Code, as long 53654  
as the principal goals and mission of the Center, as determined 53655  
by the director, the director, and the advisory board, are 53656  
consistent with the requirements of divisions (A) (1) to (5) of 53657  
this section. 53658~~

**Sec. 3325.08.** (A) A diploma shall be granted by the 53659  
superintendent of Ohio deaf and blind education services to any 53660  
student enrolled in the state school for the blind or the state 53661  
school for the deaf to whom all of the following apply: 53662

(1) The student has successfully completed the curriculum 53663  
in any high school or the individualized education program 53664  
developed for the student for the student's high school 53665  
education pursuant to section 3323.08 of the Revised Code; 53666

(2) Subject to section 3313.614 of the Revised Code, the 53667  
student has met the assessment requirements of division (A) (2) 53668  
(a) or (b) of this section, as applicable. 53669

(a) If the student entered the ninth grade prior to July 53670  
1, 2014, the student either: 53671

(i) Has attained at least the applicable scores designated 53672  
under division (B) (1) of section 3301.0710 of the Revised Code 53673  
on all the assessments prescribed by that division unless 53674  
division (L) of section 3313.61 of the Revised Code applies to 53675  
the student; 53676

(ii) Has satisfied the alternative conditions prescribed 53677  
in section 3313.615 of the Revised Code. 53678

(b) If the student entered the ninth grade on or after 53679  
July 1, 2014, the student has met the requirement prescribed by 53680  
section 3313.618 of the Revised Code, except to the extent that 53681  
division (L) of section 3313.61 of the Revised Code applies to 53682  
the student. 53683

(3) The student is not eligible to receive an honors 53684  
diploma granted pursuant to division (B) of this section. 53685

No diploma shall be granted under this division to anyone 53686  
except as provided under this division. 53687

(B) In lieu of a diploma granted under division (A) of 53688  
this section, the superintendent of Ohio deaf and blind 53689  
education services shall grant an honors diploma, in the same 53690  
manner that the boards of education of school districts grant 53691  
such diplomas under division (B) of section 3313.61 of the 53692  
Revised Code, to any student enrolled in the state school for 53693  
the blind or the state school for the deaf who accomplishes all 53694  
of the following: 53695

(1) Successfully completes the curriculum in any high 53696  
school or the individualized education program developed for the 53697  
student for the student's high school education pursuant to 53698  
section 3323.08 of the Revised Code; 53699

(2) Subject to section 3313.614 of the Revised Code, has 53700

met the assessment requirements of division (B) (2) (a) or (b) of this section, as applicable. 53701  
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(a) If the student entered the ninth grade prior to July 1, 2014, the student either: 53703  
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(i) Has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division; 53705  
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(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 53708  
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(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code. 53710  
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(3) Has met additional criteria for granting an honors diploma. 53713  
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These additional criteria shall be the same as those prescribed by the ~~state board~~ department of education and workforce under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division. 53715  
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(C) A diploma or honors diploma awarded under this section shall be signed by the director of education and workforce and the superintendent of Ohio deaf and blind education services. Each diploma shall bear the date of its issue and be in such form as the superintendent of Ohio deaf and blind education services prescribes. 53722  
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(D) Upon granting a diploma to a student under this 53728

section, the superintendent of Ohio deaf and blind education 53729  
services shall provide notice of receipt of the diploma to the 53730  
board of education of the school district where the student is 53731  
entitled to attend school under section 3313.64 or 3313.65 of 53732  
the Revised Code when not residing at the state school for the 53733  
blind or the state school for the deaf. The notice shall 53734  
indicate the type of diploma granted. 53735

**Sec. 3325.16.** There is hereby created in the state 53736  
treasury the state school for the deaf educational program 53737  
expenses fund. Moneys received by Ohio deaf and blind education 53738  
services for the state school for the deaf from donations, 53739  
bequests, student fundraising activities, fees charged for camps 53740  
and workshops, gate receipts from athletic contests, and the 53741  
student work experience program operated by the school, and any 53742  
other moneys designated for deposit in the fund by the 53743  
superintendent of Ohio deaf and blind education services, shall 53744  
be credited to the fund. All investment earnings on money in the 53745  
fund shall be credited to the fund. Notwithstanding section 53746  
3325.01 of the Revised Code, the approval of the department of 53747  
education and workforce is not required to designate money for 53748  
deposit into the fund. Ohio deaf and blind education services 53749  
shall use moneys in the fund for educational programs, after- 53750  
school activities, and expenses associated with student 53751  
activities and clubs at the state school for the deaf. 53752

**Sec. 3325.17.** There is hereby created in the state 53753  
treasury the state school for the blind educational program 53754  
expense fund. Moneys received by Ohio deaf and blind education 53755  
services for the state school for the blind from donations, 53756  
bequests, student fundraising activities, fees charged for 53757  
camps, workshops, and summer work and learn cooperative 53758  
programs, gate receipts from school activities, and any other 53759



moneys designated for deposit in the fund by the superintendent of Ohio deaf and blind education services, shall be credited to the fund. All investment earnings on money in the fund shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the department of education and workforce is not required to designate money for deposit into the fund. Ohio deaf and blind education services shall use moneys in the fund for educational programs, after-school activities, and expenses associated with student activities at the state school for the blind.

**Sec. 3326.11.** Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.473, 3313.474, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041,

3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 53791  
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 53792  
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 53793  
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 53794  
4167. of the Revised Code as if it were a school district. 53795

**Sec. 3326.39.** (A) In any fiscal year, a STEM school 53796  
receiving funds calculated under division (A) (7) of section 53797  
3317.022 of the Revised Code shall spend those funds only for 53798  
the purposes that the department designates as approved for 53799  
career-technical education expenses. Career-technical education 53800  
expenses approved by the department shall include only expenses 53801  
connected to the delivery of career-technical programming to 53802  
career-technical students. The department shall require the 53803  
school to report data annually so that the department may 53804  
monitor the school's compliance with the requirements regarding 53805  
the manner in which funding received under division (A) (7) of 53806  
section 3317.022 of the Revised Code may be spent. 53807

(B) All funds received under division (A) (7) of section 53808  
3317.022 of the Revised Code shall be spent in the following 53809  
manner: 53810

(1) At least seventy-five per cent of the funds shall be 53811  
spent on curriculum development, purchase, and implementation; 53812  
instructional resources and supplies; industry-based program 53813  
certification; student assessment, credentialing, and placement; 53814  
curriculum specific equipment purchases and leases; career- 53815  
technical student organization fees and expenses; home and 53816  
agency linkages; work-based learning experiences; professional 53817  
development; and other costs directly associated with career- 53818  
technical education programs including development of new 53819  
programs. 53820

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures. 53821  
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~~(C) In any fiscal year, a science, technology, engineering, and mathematics school receiving funds under division (H) of section 3317.014 of the Revised Code shall spend those funds only for the following purposes:—~~ 53823  
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~~(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;—~~ 53827  
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~~(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;—~~ 53829  
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~~(3) Assistance to teachers in providing a career development curriculum to students;—~~ 53831  
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~~(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;—~~ 53833  
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~~(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job-shadowing, across all career pathways at each grade level.—~~ 53836  
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~~The department may deny payment under division (E) of section 3317.014 of the Revised Code to any school that the department determines is using funds paid under division (H) of section 3317.014 of the Revised Code for other purposes.—~~ 53839  
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**Sec. 3326.44.** For fiscal years ~~2024–2026~~ and ~~2025~~2027, a STEM school shall spend the funding it receives under division (A) (5) of section 3317.022 of the Revised Code only for services for English learners. 53843  
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**Sec. 3327.017.** (A) As used in this section: 53847

(1) "Eligible student" has the same meaning as in section 3327.016 of the Revised Code. 53848  
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(2) "Mass transit system" has the same meaning as in section 4511.78 of the Revised Code. 53850  
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(B) No city, local, or exempted village school district shall provide or arrange for transportation for any eligible student enrolled in any of grades kindergarten through eight in a community school established under Chapter 3314. of the Revised Code or chartered nonpublic school to and from school using vehicles operated by a mass transit system, unless the district enters into an agreement with that school authorizing such transportation. An agreement under division (B) of this section shall not be effective unless both the school district and community or chartered nonpublic school approve it. 53852  
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(C) A city, local, or exempted village school district that elects to provide or arrange for transportation for any eligible student enrolled in any of grades nine through twelve in a community or chartered nonpublic school to and from school using vehicles operated by a mass transit system shall ensure that the student is assigned to a route that does not require the student to make more than one transfer. 53862  
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(D) If a city, local, or exempted village school district elects to pay the cost of mass transit system passes for students enrolled in a community school in lieu of directly transporting those students for a school year, the community school may purchase the passes for the students and certify the cost of the passes to the department of education and workforce. In that event, the department shall deduct the cost of the passes from the school district's state foundation payments under Chapter 3317. of the Revised Code and pay the amount 53869  
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deducted to the community school. 53878

Sec. 3327.18. (A) The director of education and workforce 53879  
shall establish a workgroup on student transportation. The 53880  
workgroup shall consist of members selected by the director and 53881  
shall include representatives from each of the following: 53882

(1) The chairpersons of the standing committees of the 53883  
house of representatives and the senate that consider primary 53884  
and secondary education legislation; 53885

(2) The ranking members of the standing committees of the 53886  
house of representatives and the senate that consider primary 53887  
and secondary education legislation; 53888

(3) School districts, including districts from rural, 53889  
small town, suburban, and urban typologies; 53890

(4) Career-technical education centers; 53891

(5) Educational service centers; 53892

(6) Community schools established under Chapter 3314. of 53893  
the Revised Code; 53894

(7) Chartered nonpublic schools; 53895

(8) The Ohio association for pupil transportation. 53896

(B) The workgroup annually shall monitor and review the 53897  
student transportation system and develop recommendations for 53898  
changes to better meet the transportation needs of Ohio 53899  
students. 53900

(C) Not later than June 30, 2026, and annually thereafter, 53901  
the workgroup shall submit to the governor and the general 53902  
assembly, in accordance with section 101.68 of the Revised Code, 53903  
a report on its findings and recommendations for the year. 53904

**Sec. 3328.24.** A college-preparatory boarding school 53905  
established under this chapter and its board of trustees shall 53906  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 53907  
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.474, 3313.5318, 53908  
3313.5319, 3313.6013, 3313.6021, 3313.6023, 3313.6024, 53909  
3313.6026, 3313.6029, 3313.6031, 3313.617, 3313.618, 3313.6114, 53910  
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 53911  
3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 3319.073, 53912  
3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 53913  
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, 53914  
and 5502.262, and Chapter 3365. of the Revised Code as if the 53915  
school were a school district and the school's board of trustees 53916  
were a district board of education. 53917

**Sec. 3332.081.** The student tuition recovery authority is 53918  
created as a body corporate and politic of this state. The 53919  
purpose of the authority is to protect students of any school 53920  
registered by the state board of career colleges and schools 53921  
from prepaid tuition loss for the academic term due to a school 53922  
closure. 53923

The authority shall consist of five members as follows: 53924  
the executive director of the state board of career colleges and 53925  
schools, the executive director of the Ohio association of 53926  
career colleges and schools, the treasurer of state or the 53927  
treasurer of state's designee, ~~the chairperson~~ a member of the 53928  
senate ~~committee that primarily deals with education~~ appointed by 53929  
the president of the senate, and ~~the chairperson of the~~ 53930  
~~committee~~ a member of the house of representatives ~~that~~ 53931  
~~primarily deals with education~~ appointed by the speaker of the 53932  
house of representatives. The ~~chairpersons of the legislative~~ 53933  
~~committees that primarily deal with education~~ general assembly 53934  
members shall be nonvoting ~~ex officio~~ members. Each voting 53935

member of the authority, before entering upon the member's 53936  
official duties, shall take an oath as provided by Section 7 of 53937  
Article XV, Ohio Constitution. The authority shall elect one of 53938  
its voting members as chairperson and another as vice- 53939  
chairperson, and shall appoint a secretary-treasurer who need 53940  
not be a member of the authority. 53941

All meetings of the authority shall be public. All final 53942  
actions of the authority shall be journalized and such journal 53943  
and the records of the authority shall be open to public 53944  
inspection at all reasonable times. 53945

Sec. 3332.17. Each college or school that holds a 53946  
certificate of registration under this chapter annually shall 53947  
certify to state board of career colleges and schools, on a date 53948  
and in the form and manner determined by the state board, a plan 53949  
to preserve student records indefinitely if the college or 53950  
school is to cease operations. The plan shall include the 53951  
designation and signed confirmation of an official custodian of 53952  
student records. If the state board determines it necessary, the 53953  
the state board may require a college or school to produce an 53954  
executed agreement with the designated custodian of student 53955  
records, paid in full, to ensure the college or school's plan 53956  
can be implemented. 53957

The director of the state board of career colleges and 53958  
schools may consult with the chancellor of higher education, 53959  
higher learning commission, and other appropriate entities to 53960  
establish plans, processes, and procedures for colleges and 53961  
schools to provide indefinite access to student records. 53962

Sec. 3332.21. (A) Each school that holds a certificate of 53963  
registration from or is authorized to offer a certificate, 53964  
diploma, or degree under a certificate of authorization issued 53965

by the state board of career colleges under this chapter 53966  
annually shall provide to the state board and the chancellor of 53967  
higher education all of the following: 53968

(1) Verification of current accreditation status and a 53969  
copy of the most recent institutional report from the school's 53970  
accrediting organization; 53971

(2) A plan to preserve student records indefinitely in the 53972  
event of closure of the school or discontinuation of service. 53973  
The plan shall include a method by which students and alumni of 53974  
the school may retrieve student records by request. The plan 53975  
also shall include a designation and signed confirmation of an 53976  
official custodian of student records. Student records preserved 53977  
under the plan shall include, but not be limited to: 53978

(a) Academic transcripts; 53979

(b) Financial aid documents; 53980

(c) International student forms; 53981

(d) Tax information. 53982

(3) The following program information: 53983

(a) A list of current degree programs offered by the 53984  
school in this state; 53985

(b) The results of any external degree program evaluations 53986  
conducted in the last year; 53987

(c) A list of any degree programs that have been 53988  
eliminated in the last year; 53989

(4) The latest financial statement for the most recent 53990  
fiscal year compiled and audited by an independent certified 53991  
public accountant, including any management letters provided by 53992



<u>the independent auditor;</u>	53993
<u>(5) Any other information requested by the state board or the chancellor.</u>	53994
<u>(B) If a school fails to submit the information required under division (A) of this section or if the state board or the chancellor finds that the information submitted under that division is insufficient, the state board may suspend, withdraw, or revoke a school's certificate of registration or program authorization.</u>	53996
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<u>(C) Each school subject to this chapter that is authorized to offer courses or degrees under a certificate of authorization shall immediately notify the state board and the chancellor if the school does any of the following:</u>	54002
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	54005
<u>(1) Receives notice from the federal government or an institutional accrediting organization that the school is subject to heightened reporting standards or special monitoring status, such as the United States department of education's heightened cash monitoring process;</u>	54006
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	54010
<u>(2) Receives preliminary or final accreditation findings;</u>	54011
<u>(3) Becomes the subject of an investigation by a government agency related to the school's academic quality, financial stability, or student consumer protection;</u>	54012
	54013
	54014
<u>(4) Fails to make any payments to applicable retirement systems;</u>	54015
	54016
<u>(5) Fails to make any scheduled payroll payments;</u>	54017
<u>(6) Fails to make any payments to vendors when due as a result of a cash deficiency or a substantial deficiency in the payment processing system of the school;</u>	54018
	54019
	54020

<u>(7) Fails to make any scheduled payment of principal or interest for short- or long-term debt;</u>	54021
	54022
<u>(8) Makes budget revisions resulting in a substantially reduced ending fund balance or larger deficit;</u>	54023
	54024
<u>(9) Becomes aware of significant negative variance between the most recently adopted annual budget and actual revenues or expenses as projected at the end of the fiscal year.</u>	54025
	54026
	54027
<u>(D) A document received by the state board or the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public records request until such time as the document is released publicly by the appropriate entity. Further, financial documentation of the school received by the state board or the chancellor under this section is not a public record under section 149.43 of the Revised Code.</u>	54028
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<u>Sec. 3332.22. (A) As used in this section, "contractual agreement" means a contract under which a school that holds a certificate of registration from or is authorized to offer a certificate, diploma, or degree under a certificate of authorization issued by the state board of career colleges under this chapter grants an unaccredited online program manager input on or authority over any of the following for an academic program:</u>	54036
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	54043
<u>(1) Curriculum development, design, or maintenance;</u>	54044
<u>(2) Student assessment and grading;</u>	54045
<u>(3) Course assessment;</u>	54046
<u>(4) Admissions requirements;</u>	54047
<u>(5) Appointment of faculty;</u>	54048

<u>(6) Faculty assessment;</u>	54049
<u>(7) Decision to award course credit or credential;</u>	54050
<u>(8) Institutional governance.</u>	54051
<u>(B) Annually, each school to which this section applies</u>	54052
<u>shall disclose to the state board, in a form and manner</u>	54053
<u>determined by the board, any unaccredited online program manager</u>	54054
<u>the institution has contracted with to provide instruction to</u>	54055
<u>its students. The state board may request that a school with a</u>	54056
<u>certificate of registration or program authorization, or seeking</u>	54057
<u>a certificate of registration or program authorization, provide</u>	54058
<u>the state board with all information concerning a contractual</u>	54059
<u>agreement, including a copy of the agreement.</u>	54060
<u>(C) A school intending to enter into a contractual</u>	54061
<u>agreement for a program shall submit appropriate documentation</u>	54062
<u>as requested by the state board and obtain prior approval from</u>	54063
<u>the state board before entering into such an agreement.</u>	54064
<u>(D) Each school shall include in each contractual</u>	54065
<u>agreement a provision that requires the school to maintain</u>	54066
<u>responsibility for and oversight of the program. The school</u>	54067
<u>shall ensure each program is offered in the manner approved by</u>	54068
<u>the state board or formally shall request approval of a</u>	54069
<u>significant change to the previously approved program or</u>	54070
<u>approval of a new program.</u>	54071
<u>(E) A school that enters a contractual agreement shall</u>	54072
<u>notify students which parties are providing instruction,</u>	54073
<u>recruitment, and other services under the agreement.</u>	54074
<u>(F) A school shall not enter into a contractual agreement</u>	54075
<u>unless the agreement includes a provision that grants the state</u>	54076
<u>board the authority to invalidate the contract if the state</u>	54077

board determines the agreement is not in compliance with the 54078  
standards and procedures for program authorization under section 54079  
3332.05 of the Revised Code. If the state board invalidates a 54080  
contract, the school shall not enroll new students and shall 54081  
offer each current student either remediated instruction at no 54082  
cost to the student or a full refund on tuition. 54083

(G) The state board shall coordinate with the chancellor 54084  
of higher education to implement this section. 54085

**Sec. 3333.04.** The chancellor of higher education shall: 54086

(A) Make studies of state policy in the field of higher 54087  
education and formulate a master plan for higher education for 54088  
the state, considering the needs of the people, the needs of the 54089  
state, and the role of individual public and private 54090  
institutions within the state in fulfilling these needs; 54091

(B) (1) Report annually to the governor and the general 54092  
assembly on the findings from the chancellor's studies and the 54093  
master plan for higher education for the state; 54094

(2) Report at least semiannually to the general assembly 54095  
and the governor the enrollment numbers at each state-assisted 54096  
institution of higher education. 54097

(C) Approve or disapprove the establishment of new 54098  
branches or academic centers of state colleges and universities; 54099

(D) Approve or disapprove the establishment of state 54100  
technical colleges or any other state institution of higher 54101  
education; 54102

(E) Recommend the nature of the programs, undergraduate, 54103  
graduate, professional, state-financed research, and public 54104  
services which should be offered by the state colleges, 54105

universities, and other state-assisted institutions of higher 54106  
education in order to utilize to the best advantage their 54107  
facilities and personnel; 54108

(F) Recommend to the state colleges, universities, and 54109  
other state-assisted institutions of higher education graduate 54110  
or professional programs, including, but not limited to, doctor 54111  
of philosophy, doctor of education, and juris doctor programs, 54112  
that could be eliminated because they constitute unnecessary 54113  
duplication, as shall be determined using the process developed 54114  
pursuant to this division, or for other good and sufficient 54115  
cause. Prior to recommending a program for elimination, the 54116  
chancellor shall hold at least one public hearing on the matter 54117  
to determine whether the program should be recommended for 54118  
elimination. The chancellor shall provide notice of each hearing 54119  
within a reasonable amount of time prior to its scheduled date. 54120

For purposes of determining the amounts of any state 54121  
instructional subsidies paid to state colleges, universities, 54122  
and other state-assisted institutions of higher education, the 54123  
chancellor may exclude students enrolled in any program that the 54124  
chancellor has recommended for elimination pursuant to this 54125  
division except that the chancellor shall not exclude any such 54126  
student who enrolled in the program prior to the date on which 54127  
the chancellor initially commences to exclude students under 54128  
this division. 54129

The chancellor and state colleges, universities, and other 54130  
state-assisted institutions of higher education shall jointly 54131  
develop a process for determining which existing graduate or 54132  
professional programs constitute unnecessary duplication. 54133

(G) Recommend to the state colleges, universities, and 54134  
other state-assisted institutions of higher education programs 54135

which should be added to their present programs; 54136

(H) Conduct studies for the state colleges, universities, 54137  
and other state-assisted institutions of higher education to 54138  
assist them in making the best and most efficient use of their 54139  
existing facilities and personnel; 54140

(I) Make recommendations to the governor and general 54141  
assembly concerning the development of state-financed capital 54142  
plans for higher education; the establishment of new state 54143  
colleges, universities, and other state-assisted institutions of 54144  
higher education; and the establishment of new programs at the 54145  
existing state colleges, universities, and other institutions of 54146  
higher education; 54147

(J) Review the appropriation requests of the public 54148  
community colleges and the state colleges and universities and 54149  
submit to the office of budget and management and to the 54150  
chairpersons of the finance committees of the house of 54151  
representatives and of the senate the chancellor's 54152  
recommendations in regard to the biennial higher education 54153  
appropriation for the state, including appropriations for the 54154  
individual state colleges and universities and public community 54155  
colleges. For the purpose of determining the amounts of 54156  
instructional subsidies to be paid to state-assisted colleges 54157  
and universities, the chancellor shall define "full-time 54158  
equivalent student" by program per academic year. The definition 54159  
may take into account the establishment of minimum enrollment 54160  
levels in technical education programs below which support 54161  
allowances will not be paid. Except as otherwise provided in 54162  
this section, the chancellor shall make no change in the 54163  
definition of "full-time equivalent student" in effect on 54164  
November 15, 1981, which would increase or decrease the number 54165

of subsidy-eligible full-time equivalent students, without first 54166  
submitting a fiscal impact statement to the president of the 54167  
senate, the speaker of the house of representatives, the 54168  
legislative service commission, and the director of budget and 54169  
management. The chancellor shall work in close cooperation with 54170  
the director of budget and management in this respect and in all 54171  
other matters concerning the expenditures of appropriated funds 54172  
by state colleges, universities, and other institutions of 54173  
higher education. 54174

(K) Seek the cooperation and advice of the officers and 54175  
trustees of both public and private colleges, universities, and 54176  
other institutions of higher education in the state in 54177  
performing the chancellor's duties and making the chancellor's 54178  
plans, studies, and recommendations; 54179

(L) Appoint advisory committees consisting of persons 54180  
associated with public or private secondary schools, members of 54181  
the state board of education, or personnel of the department of 54182  
education and workforce; 54183

(M) Appoint advisory committees consisting of college and 54184  
university personnel, or other persons knowledgeable in the 54185  
field of higher education, or both, in order to obtain their 54186  
advice and assistance in defining and suggesting solutions for 54187  
the problems and needs of higher education in this state; 54188

(N) Approve or disapprove all new degrees and new degree 54189  
programs at all state colleges, universities, and other state- 54190  
assisted institutions of higher education. 54191

When considering approval of a new degree or degree 54192  
program for a state institution of higher education, as defined 54193  
in section 3345.011 of the Revised Code, the chancellor shall 54194

take into account the extent to which the degree or degree 54195  
program aligns with the state's workforce development 54196  
priorities. 54197

(O) Adopt such rules as are necessary to carry out the 54198  
chancellor's duties and responsibilities. The rules shall 54199  
prescribe procedures for the chancellor to follow when taking 54200  
actions associated with the chancellor's duties and 54201  
responsibilities and shall indicate which types of actions are 54202  
subject to those procedures. The procedures adopted under this 54203  
division shall be in addition to any other procedures prescribed 54204  
by law for such actions. However, if any other provision of the 54205  
Revised Code or rule adopted by the chancellor prescribes 54206  
different procedures for such an action, the procedures adopted 54207  
under this division shall not apply to that action to the extent 54208  
they conflict with the procedures otherwise prescribed by law. 54209  
The procedures adopted under this division shall include at 54210  
least the following: 54211

(1) Provision for public notice of the proposed action; 54212

(2) An opportunity for public comment on the proposed 54213  
action, which may include a public hearing on the action by the 54214  
chancellor; 54215

(3) Methods for parties that may be affected by the 54216  
proposed action to submit comments during the public comment 54217  
period; 54218

(4) Written publication of the final action taken by the 54219  
chancellor and the chancellor's rationale for the action; 54220

(5) A timeline for the process described in divisions (O) 54221  
(1) to (4) of this section. 54222

(P) Make recommendations to the governor and the general 54223



assembly regarding the design and funding of the student 54224  
financial aid programs specified in sections 3333.122, 3333.21 54225  
to 3333.26, and 5910.02 of the Revised Code; 54226

(Q) Participate in education-related state or federal 54227  
programs on behalf of the state and assume responsibility for 54228  
the administration of such programs in accordance with 54229  
applicable state or federal law; 54230

(R) Adopt rules for student financial aid programs as 54231  
required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and 54232  
5910.02 of the Revised Code, and perform any other 54233  
administrative functions assigned to the chancellor by those 54234  
sections; 54235

(S) Conduct enrollment audits of state-supported 54236  
institutions of higher education; 54237

(T) Appoint consortia of college and university personnel 54238  
to advise or participate in the development and operation of 54239  
statewide collaborative efforts, including the Ohio 54240  
supercomputer center, the Ohio academic resources network, 54241  
OhioLink, and the Ohio learning network. For each consortium, 54242  
the chancellor shall designate a college or university to serve 54243  
as that consortium's fiscal agent, financial officer, and 54244  
employer. Any funds appropriated for the consortia shall be 54245  
distributed to the fiscal agents for the operation of the 54246  
consortia. ~~A consortium shall follow the rules of the college or~~ 54247  
~~university that serves as its fiscal agent.~~ The chancellor may 54248  
restructure existing consortia, appointed under this division, 54249  
in accordance with procedures adopted under divisions (O) (1) to 54250  
(5) of this section. 54251

A consortium shall follow the rules of the college or 54252

university that serves as its fiscal agent, except that when 54253  
making a purchase with appropriated funds of any product that 54254  
includes semiconductors, a consortium shall conduct the purchase 54255  
in accordance with rules adopted by the director of 54256  
administrative services under division (B) of section 125.09 of 54257  
the Revised Code for giving preference to Buy Ohio products. 54258

(U) Adopt rules establishing advisory duties and 54259  
responsibilities of the department of higher education not 54260  
otherwise prescribed by law; 54261

(V) Respond to requests for information about higher 54262  
education from members of the general assembly and direct staff 54263  
to conduct research or analysis as needed for this purpose. 54264

**Sec. 3333.041.** (A) On or before the last day of December 54265  
of each year, the chancellor of higher education shall submit to 54266  
the governor and, in accordance with section 101.68 of the 54267  
Revised Code, the general assembly a report or reports 54268  
concerning all of the following: 54269

(1) The status of graduates of Ohio school districts at 54270  
state institutions of higher education during the twelve-month 54271  
period ending on the thirtieth day of September of the current 54272  
calendar year. The report shall list, by school district, the 54273  
number of graduates of each school district who attended a state 54274  
institution of higher education and the percentage of each 54275  
district's graduates enrolled in a state institution of higher 54276  
education during the reporting period who were required during 54277  
such period by the college or university, as a prerequisite to 54278  
enrolling in those courses generally required for first-year 54279  
students, to enroll in a remedial course in English, including 54280  
composition or reading, mathematics, and any other area 54281  
designated by the chancellor. The chancellor also shall make the 54282

information described in division (A)(1) of this section 54283  
available to the board of education of each city, exempted 54284  
village, and local school district. 54285

Each state institution of higher education shall, by the 54286  
first day of November of each year, submit to the chancellor in 54287  
the form specified by the chancellor the information the 54288  
chancellor requires to compile the report. 54289

(2) The following information with respect to the Ohio 54290  
tuition trust authority: 54291

(a) The name of each investment manager that is a minority 54292  
business enterprise or a women's business enterprise with which 54293  
the chancellor contracts; 54294

(b) The amount of assets managed by investment managers 54295  
that are minority business enterprises or women's business 54296  
enterprises, expressed as a percentage of assets managed by 54297  
investment managers with which the chancellor has contracted; 54298

(c) Efforts by the chancellor to increase utilization of 54299  
investment managers that are minority business enterprises or 54300  
women's business enterprises. 54301

(3) The chancellor's strategy in assigning choose Ohio 54302  
first scholarships, as established under section 3333.61 of the 54303  
Revised Code, among state universities and colleges and how the 54304  
actual awards fit that strategy. 54305

~~(4) The academic and economic impact of the Ohio-~~ 54306  
~~co-op/internship program established under section 3333.72 of-~~ 54307  
~~the Revised Code. At a minimum, the report shall include the~~ 54308  
~~following:-~~ 54309

~~(a) Progress and performance metrics for each initiative-~~ 54310

~~that received an award in the previous fiscal year;~~ 54311

~~(b) Economic indicators of the impact of each initiative,~~ 54312  
~~and all initiatives as a whole, on the regional economies and~~ 54313  
~~the statewide economy;~~ 54314

~~(c) The chancellor's strategy in allocating awards among~~ 54315  
~~state institutions of higher education and how the actual awards~~ 54316  
~~fit that strategy.~~ 54317

(B) On or before the fifteenth day of February of each 54318  
year, the chancellor shall submit to the governor and, in 54319  
accordance with section 101.68 of the Revised Code, the general 54320  
assembly a report concerning aggregate academic growth data for 54321  
students assigned to graduates of teacher preparation programs 54322  
approved under section 3333.048 of the Revised Code who teach 54323  
English language arts or mathematics in any of grades four to 54324  
eight in a public school in Ohio. For this purpose, the 54325  
chancellor shall use the value-added progress dimension 54326  
prescribed by section 3302.021 of the Revised Code or the 54327  
alternative student academic progress measure if adopted under 54328  
division (C)(1)(e) of section 3302.03 of the Revised Code. The 54329  
chancellor shall aggregate the data by graduating class for each 54330  
approved teacher preparation program, except that if a 54331  
particular class has ten or fewer graduates to which this 54332  
division applies, the chancellor shall report the data for a 54333  
group of classes over a three-year period. In no case shall the 54334  
report identify any individual graduate. The department of 54335  
education and workforce shall share any data necessary for the 54336  
report with the chancellor. 54337

(C) As used in this section: 54338

(1) "Minority business enterprise" has the same meaning as 54339

in section 122.71 of the Revised Code. 54340

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 54341  
54342  
54343

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 54344  
54345

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 54346  
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Sec. 3333.0415. Not later than December 31, 2025, the chancellor of higher education, in collaboration with the department of education and workforce and the governor's office of workforce transformation, shall establish the level of attainment necessary to achieve identified performance targets across a range of degrees and credentials. 54350  
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Sec. 3333.0420. (A) As used in this section: 54356

(1) "Contractual agreement" means a contract in which a state institution of higher education grants an online program manager input on or authority over any of the following for an online academic program: 54357  
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(a) Curriculum development, design, or maintenance; 54361

(b) Student instruction; 54362

(c) Course assessment; 54363

(d) Admissions requirements; 54364

(e) Appointment of faculty; 54365

(f) Faculty assessment; 54366

<u>(g) Decision to award course credit or credential;</u>	54367
<u>(h) Institutional governance.</u>	54368
<u>(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>	54369 54370
<u>(3) "Online program manager" means a for-profit entity in a contractual agreement with a state institution of higher education to develop or administer curriculum on behalf of the institution or school for online courses or programs.</u>	54371 54372 54373 54374
<u>(B) Annually, each state institution of higher education shall report to the chancellor of higher education, in a form and manner determined by the chancellor, each contractual agreement the institution entered into in that year. The chancellor may request that a state institution provide the chancellor with all information concerning a contractual agreement, including a copy of the agreement.</u>	54375 54376 54377 54378 54379 54380 54381
<u>(C) The chancellor may require each state institution to submit a contractual agreement to the chancellor prior to the execution of the agreement for a review to ensure compliance with the standards and procedures for academic program approval.</u>	54382 54383 54384 54385
<u>(D) A state institution shall include in each contractual agreement a provision that requires the institution to maintain responsibility for and oversight of the academic program as specified in the standards and procedures for academic program approval pursuant to section 3333.04 of the Revised Code. The state institution shall ensure each academic program is offered in the manner approved by the chancellor or formally shall request approval of a significant change to a previously approved program or approval of a new academic program.</u>	54386 54387 54388 54389 54390 54391 54392 54393 54394
<u>(E) A state institution that enters a contractual</u>	54395

agreement shall notify students which parties are providing 54396  
instruction, recruitment, and other services under the 54397  
agreement. 54398

(F) A state institution shall not enter a contractual 54399  
agreement unless the agreement includes a provision that grants 54400  
the chancellor the authority to invalidate the contract if the 54401  
contract was not approved by the chancellor or if the chancellor 54402  
determines the agreement is not in compliance with the standards 54403  
and procedures for academic program approval. If the chancellor 54404  
invalidates a contract, the state institution shall not enroll 54405  
new students and shall offer each current student either 54406  
remediated instruction at no cost to the student or a full 54407  
refund on tuition. 54408

**Sec. 3333.074.** (A) Each state institution of higher 54409  
education, as defined in section 3345.011 of the Revised Code, 54410  
annually shall submit, in a form and manner determined by the 54411  
chancellor of higher education, the following information to 54412  
assess the performance and compliance of the state institution: 54413

(1) Verification of current accreditation status and a 54414  
copy of the state institution's most recent higher learning 54415  
commission institutional update report; 54416

(2) A plan to preserve student records indefinitely in the 54417  
event of closure of the state institution or discontinuation of 54418  
service. The plan shall include a method by which students and 54419  
alumni of the state institution may retrieve student records by 54420  
request. The plan shall also include a designation and signed 54421  
confirmation of an official custodian of student records. 54422  
Student records preserved under the plan shall include, but not 54423  
be limited to: 54424

<u>(a) Academic transcripts;</u>	54425
<u>(b) Financial aid documents;</u>	54426
<u>(c) International student forms;</u>	54427
<u>(d) Tax information.</u>	54428
<u>(3) The results of any external degree program evaluations conducted in the last year;</u>	54429 54430
<u>(4) A list of any degree programs that have been eliminated in the last year;</u>	54431 54432
<u>(5) Any other information requested by the chancellor.</u>	54433
<u>(B) The chancellor may rescind program approval if a state institution of higher education fails to submit the information required under division (A) of this section or if the chancellor finds that the information submitted under that division is insufficient.</u>	54434 54435 54436 54437 54438
<u>(C) Each state institution of higher education shall immediately inform the chancellor if the state institution does any of the following:</u>	54439 54440 54441
<u>(1) Receives notice from the federal government or an institutional accrediting organization that the state institution is subject to heightened reporting standards or special monitoring status, such as the United States department of education's heightened cash monitoring process;</u>	54442 54443 54444 54445 54446
<u>(2) Receives preliminary or final accreditation findings;</u>	54447
<u>(3) Becomes the subject of an investigation by a government agency related to the institution's academic quality, financial stability, or student consumer protection;</u>	54448 54449 54450
<u>(4) Requests an advance of a state subsidy;</u>	54451



(5) Fails to make any payments to applicable retirement systems, such as the public employees retirement system or the state teachers retirement system; 54452  
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(6) Fails to make any scheduled payroll payments; 54455

(7) Fails to make any payments to vendors when due as a result of a cash deficiency or a substantial deficiency in the payment processing system of the state institution; 54456  
54457  
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(8) Fails to make any scheduled payment of principal or interest for short- or long-term debt; 54459  
54460

(9) Makes budget revisions resulting in a substantially reduced ending fund balance or larger deficit; 54461  
54462

(10) Becomes aware of significant negative variance between the most recently adopted annual budget and actual revenues or expenses as projected at the end of the fiscal year. 54463  
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(D) A document received by the chancellor under division (C) (1), (2), or (3) of this section that is confidential under federal law is not subject to release under a public record request until such time as the document is released publicly by the appropriate entity. 54466  
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**Sec. 3333.129.** (A) The "Teach CS" grant program is established to ~~fund coursework, materials, and exams to support the increasing~~ the number of existing Ohio teachers who qualify to teach computer science, or expand the knowledge of existing teachers, through all of the following: 54471  
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(1) A supplemental license that involves a mentorship-based pathway for existing teachers; 54476  
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(2) A university endorsement program that involves a coursework-based path for existing teachers; 54478  
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(3) An alternative resident educator licensure pathway for industry experts and other nonteachers; 54480  
54481

(4) A continuing education program that offers professional development to existing teachers, including those that teach pre-kindergarten to twelve who are generalists and those seeking advanced content knowledge. 54482  
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The chancellor of higher education shall administer the program. Funds may be spent on coursework, materials, exams, teacher stipends, performance-based incentives, and for other purposes as determined by the chancellor to support the expansion of computer science education. 54486  
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(B) The chancellor, in consultation with the department of education and workforce, shall develop an application process and criteria for awards. Priority may be given to education consortia that include economically disadvantaged schools in which there are limited computer science courses offered or where there is an unmet need for teachers credentialed to teach computer science courses, as determined by the chancellor. 54491  
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**Sec. 3333.13.** As used in sections 3333.13 to 3333.137 of the Revised Code, "employed as a service attorney" means ~~either~~ any of the following: 54498  
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(A) An attorney who works a minimum of thirty-five hours per week for a minimum of forty-five weeks each service year and who is employed by any of the following: 54501  
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(1) The state public defender; 54504

(2) The prosecuting attorney of a county; 54505

(3) A county public defender commission; 54506

(4) A joint county public defender commission to represent 54507

indigent persons. 54508

(B) Counsel appointed by the court or selected by an 54509  
indigent person under division (E) of section 120.16 or division 54510  
(E) of section 120.26 of the Revised Code, who works in an area 54511  
designated as an underserved community under section 3333.132 of 54512  
the Revised Code for a minimum of five hundred twenty hours each 54513  
service year. 54514

(C) An attorney engaged in the private practice of law, 54515  
who practices civil law, and who works in an area designated as 54516  
an underserved community under section 3333.132 of the Revised 54517  
Code for a minimum of five hundred twenty hours each service 54518  
year. 54519

**Sec. 3333.164.** (A) As used in this section, ~~"state":~~ 54520

(1) "Armed forces" has the same meaning as in section 54521  
3313.471 of the Revised Code. 54522

(2) "Private institution of higher education" has the same 54523  
meaning as in section 5919.34 of the Revised Code. 54524

(3) "State institution of higher education" has the same 54525  
meaning as in section 3345.011 of the Revised Code. 54526

(B) ~~Not later than December 31, 2014, the~~ The chancellor 54527  
of higher education shall do all of the following with regard to 54528  
the awarding of college credit for military training, 54529  
experience, and coursework: 54530

(1) Develop a set of standards and procedures for state 54531  
institutions of higher education to utilize in the granting of 54532  
college credit for military training, experience, and 54533  
coursework; 54534

(2) Create a military articulation and transfer assurance 54535

guide for college credit that is earned through military 54536  
training, experience, and coursework. The chancellor shall use 54537  
the current articulation and transfer policy adopted pursuant to 54538  
section 3333.16 of the Revised Code as a model in developing 54539  
this guide. 54540

(3) Create a web site that contains information related to 54541  
the awarding of college credit for military training, 54542  
experience, and coursework. The web site shall include both of 54543  
the following: 54544

(a) Standardized resources that address frequently asked 54545  
questions regarding the awarding of such credit and related 54546  
issues; 54547

(b) A statewide database that shows how specified military 54548  
training, experience, and coursework translates to college 54549  
credit. 54550

(4) Develop a statewide training program that prepares 54551  
faculty and staff of state institutions of higher education to 54552  
evaluate various military training, experience, and coursework 54553  
and to award appropriate equivalent credit. The training program 54554  
shall incorporate the best practices of awarding credit for 54555  
military experiences, including both the recommendations of the 54556  
American council on education and the standards developed by the 54557  
council for adult and experiential learning. 54558

(C) ~~Beginning on July 1, 2015, state~~ State institutions of 54559  
higher education shall ensure that appropriate equivalent credit 54560  
is awarded for military training, experience, and coursework 54561  
that meet the standards developed by the chancellor pursuant to 54562  
this section. 54563

(D) Notwithstanding any provision of law to the contrary, 54564

the chancellor may require a state institution of higher 54565  
education or a private institution of higher education to 54566  
establish a process to systematically evaluate military 54567  
training, experience, and coursework and to award appropriate 54568  
equivalent college credit to a student who is a veteran of the 54569  
armed forces. The chancellor may adopt rules to implement this 54570  
division. 54571

**Sec. 3333.24.** (A) As used in this section: 54572

(1) "Eligible student" means a student to whom all of the 54573  
following apply: 54574

(a) The student is a resident of this state under rules 54575  
adopted by the chancellor of higher education under section 54576  
3333.31 of the Revised Code. 54577

(b) The student has completed a free application for 54578  
federal student aid for the year for which the grant is to be 54579  
awarded. 54580

(c) The student enrolls in a qualified program at a 54581  
community, state community, or technical college, an Ohio 54582  
technical center, or a state university branch campus. 54583

(2) "Qualified program" means either of the following: 54584

(a) For a student who received a first-time grant under 54585  
this section prior to the effective date of this amendment, a 54586  
credit or noncredit program that leads to an industry-recognized 54587  
credential, certificate, or degree and prepares the student for 54588  
a job that meets either of the following criteria: 54589

~~(a)~~ (i) It is identified as an "in-demand" or "critical" 54590  
job as determined by the office of workforce transformation. 54591

~~(b)~~ (ii) It is submitted by a community, state community, 54592

or technical college, an Ohio technical center, or a state 54593  
university branch campus and will meet regional workforce needs, 54594  
as approved by the chancellor. 54595

(b) For a student who receives a first-time grant under 54596  
this section on or after the effective date of this amendment, a 54597  
program that meets alternative criteria established by the 54598  
chancellor of higher education, in consultation with the office 54599  
of workforce transformation, based on the emerging workforce 54600  
needs of the state. 54601

(B) The chancellor of higher education shall establish the 54602  
Ohio work ready grant program. Under the program, the chancellor 54603  
shall award a grant of up to three thousand dollars to eligible 54604  
students enrolled in a qualified program. Grant award amounts 54605  
made to eligible students enrolled on either a full-time or 54606  
part-time basis shall be computed in accordance with rules 54607  
adopted by the chancellor. No student shall be eligible to 54608  
receive a grant for more than six semesters or the equivalent of 54609  
three academic years. 54610

(C) Eligible students shall apply to participate in the 54611  
program in a form and manner prescribed by the chancellor. The 54612  
chancellor shall determine the form and manner of payments. 54613

(D) (1) The program shall be funded in the sums and manner 54614  
designated for such purpose by the general assembly, but the 54615  
chancellor also may receive funds from other sources to support 54616  
the program. 54617

(2) If, for any academic year, the amounts available for 54618  
support of the program are inadequate to provide grants to all 54619  
eligible students, the chancellor may establish different grant 54620  
amounts based on the number of applicants and the total amount 54621

of funds set aside for that purpose. 54622

(E) The chancellor, in consultation with the providers of 54623  
qualified programs, shall collect and report program metrics 54624  
that include all of the following: 54625

(1) Demographics of recipients, including: 54626

(a) Age, disaggregated as follows: 54627

(i) Twenty-four years and younger; 54628

(ii) Twenty-five to thirty-four years; 54629

(iii) Thirty-five to forty-nine years; 54630

(iv) Fifty years and older. 54631

(b) Gender; 54632

(c) Race and ethnicity; 54633

(d) Enrollment status as full- or part-time; 54634

(e) Pell grant status. 54635

(2) Success rates of recipients, including program 54636  
retention and completion; 54637

(3) Total number of industry-recognized credentials,  54638  
including technician-aligned associate degrees, awarded, 54639  
disaggregated by subject or program area. 54640

**Sec. 3333.374.** (A) ~~After receipt of recommendations from~~ 54641  
~~the scholarship rules advisory committee or if no~~ 54642  
~~recommendations are received, the~~ The chancellor of higher 54643  
education, with the approval of the treasurer of state, shall 54644  
adopt rules, in accordance with Chapter 119. of the Revised 54645  
Code, establishing policy guidelines for the implementation of 54646  
the scholarship and fellowship programs. 54647

(B) Nothing in this section ~~or section 3333.373 of the~~ 54648  
~~Revised Code~~ shall prevent the chancellor, with the approval of 54649  
the treasurer of state, from amending or rescinding rules 54650  
adopted pursuant to division (A) of this section, or from 54651  
adopting new rules, in accordance with Chapter 119. of the 54652  
Revised Code, from time to time as are necessary to further the 54653  
purposes of sections 3333.37 to 3333.375 of the Revised Code. 54654

Sec. 3333.952. (A) The chancellor of higher education, in 54655  
collaboration with the department of education and workforce, 54656  
the department of job and family services, the inter-university 54657  
council, the association of independent colleges and 54658  
universities, and any other relevant entities, shall establish 54659  
the public policy research consortium on higher education. The 54660  
consortium shall develop and maintain a biennial statewide 54661  
research agenda that identifies key policy challenges and 54662  
research priorities crucial to the state's future, drawing on 54663  
input from policymakers, practitioners, and community 54664  
stakeholders. The goals of the statewide research agenda shall 54665  
be to do all of the following: 54666

(1) Provide policymakers and practitioners with timely, 54667  
relevant, and rigorous research findings on problems of 54668  
significant importance to the state's citizens, enabling 54669  
informed decision-making and effective policies; 54670

(2) Increase the active engagement of the state's higher 54671  
education institutions in addressing real-world issues of direct 54672  
relevance to the state's social, economic, and civic well-being, 54673  
fostering a stronger connection between academia and public 54674  
service; 54675

(3) Cultivate the next generation of policy-focused 54676  
researchers and practitioners by providing valuable research 54677



opportunities to faculty and post-graduate students. 54678

(B) The chancellor shall do all of the following: 54679

(1) Award competitive research grants to faculty and post- 54680  
graduate students whose research aligns with the biennial 54681  
research agenda established under division (A) of this section. 54682  
Grants shall be awarded in a tiered structure based on project 54683  
scope and complexity. A grant award shall not exceed ten 54684  
thousand dollars. Fifty per cent of funding shall be disbursed 54685  
upon grant approval, with the remaining balance released upon 54686  
successful completion of the research and submission of the 54687  
final report. 54688

(2) Establish a clear rubric to evaluate proposed research 54689  
projects that contains a peer-reviewed process, involving both 54690  
academic experts and relevant practitioners; 54691

(3) Manage the grant process and disseminate research 54692  
findings through the department's web site, policy briefs, 54693  
annual presentations to the standing committees of each house of 54694  
the general assembly that consider higher education legislation, 54695  
and community forums. 54696

**Sec. 3333.96.** (A) The strategic square footage reduction 54697  
fund is created in the state treasury. The fund shall consist of 54698  
money credited or transferred to it and grants, gifts, and 54699  
contributions made directly to it. In addition to any such 54700  
money, gift, or contribution, funds may be transferred from the 54701  
Ohio tuition trust fund to the strategic square footage 54702  
reduction fund, in accordance with division (B) of section 54703  
3334.12 of the Revised Code. 54704

(B) The strategic square footage reduction fund shall be 54705  
used to make revolving loans to state institutions of higher 54706

education, as defined in section 3345.011 of the Revised Code, 54707  
that enable the voluntary reduction of physical square footage. 54708

(C) The chancellor of higher education shall administer 54709  
and award, in consultation with the Ohio facilities construction 54710  
commission, the revolving loans described in division (B) of 54711  
this section. The chancellor, in consultation with the 54712  
commission, shall establish all of the following: 54713

(1) Procedures and forms by which state institutions of 54714  
higher education may apply for a loan; 54715

(2) A competitive process for ranking applicants and 54716  
awarding the loans, with priority consideration given to state 54717  
institutions of higher education that have experienced a 54718  
decrease in their general student populations, as determined by 54719  
the chancellor; 54720

(3) Procedures and timelines for distributing loans and 54721  
collecting payments for the strategic square footage reduction 54722  
fund. 54723

(D) Each state institution of higher education shall 54724  
include in its application all of the following: 54725

(1) The extent to which the square footage may have value 54726  
if sold or reallocated to serve other purposes, which may 54727  
include kindergarten through twelve, career-technical, or adult 54728  
educational purposes, community interests, or business and 54729  
industry partnerships; 54730

(2) The relative age and condition of the facilities to be 54731  
deconstructed; 54732

(3) Historical enrollment patterns as well as future 54733  
enrollment projections; 54734

<u>(4) The composition of classes offered in person versus in an online format;</u>	54735 54736
<u>(5) The level of deferred maintenance;</u>	54737
<u>(6) The prior level of state investment;</u>	54738
<u>(7) The amount of annual operating expenses defrayed by eliminating the square footage;</u>	54739 54740
<u>(8) A report from the office of budget and management detailing the extent and the status of past capital budget appropriations supporting the project and the existence of any outstanding bonded debt derived from such support.</u>	54741 54742 54743 54744
<u>The chancellor and the Ohio facilities construction commission shall consider the information supplied under this division in making final awards.</u>	54745 54746 54747
<u>(E) Each state institution of higher education that receives a loan under this section annually shall certify to the chancellor, on a date and in such form and manner as prescribed by the chancellor, a summary of financial information regarding the loan.</u>	54748 54749 54750 54751 54752
<u>(F) Prior to a state institution using the loan to pay the demolition costs of a facility, the following shall occur:</u>	54753 54754
<u>(1) The board of trustees of that institution shall adopt a resolution approving the demolition.</u>	54755 54756
<u>(2) Notwithstanding anything to the contrary in the Revised Code, any net proceeds received from any demolition of real property made pursuant to this section shall, at the direction of the director of budget and management, be credited to a fund or funds in the state treasury, or to accounts held by the state institution of higher education for purposes to be</u>	54757 54758 54759 54760 54761 54762

determined by that institution. 54763

(G) Each state institution of higher education receiving loans under this section shall not construct any new facility during the time period in which demolition is occurring. 54764  
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**Sec. 3333.97.** (A) As used in this section, "state institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 54767  
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(B) The chancellor of higher education shall do all of the following: 54770  
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(1) Determine and provide the criteria for approving accelerated ninety-hour degree programs established under the accelerated college and career pathways program established under section 3345.88 of the Revised Code; 54772  
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(2) Provide technical assistance to each state university during the development of accelerated ninety-hour degree programs and aligned model college credit plus pathways as required under section 3345.88 of the Revised Code; 54776  
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(3) Identify how students can count credit earned in high school, a nontraditional training program, another state institution of higher education, or work experiences as part of the ninety-hour degree programs at a state university. Each state university shall accept credit from incoming students that meet the criteria under this division. 54780  
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(4) Annually publish on the chancellor's web site all of the following: 54786  
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(a) Each ninety-hour degree program offered by a state university; 54788  
54789

(b) The number of students participating in each ninety- 54790

<u>hour degree program;</u>	54791
<u>(c) The number of students that complete each ninety-hour degree program;</u>	54792
<u>(d) Any additional information as determined by the chancellor.</u>	54793
<u>(d) Any additional information as determined by the chancellor.</u>	54794
<u>(d) Any additional information as determined by the chancellor.</u>	54795
<b>Sec. 3334.11.</b> (A) The assets of the Ohio tuition trust	54796
authority reserved for payment of the obligations of the	54797
authority pursuant to tuition payment contracts shall be placed	54798
in a fund, which is hereby created and shall be known as the	54799
Ohio tuition trust fund. The fund shall be in the custody of the	54800
treasurer of state, but shall not be part of the state treasury.	54801
That portion of payments received by the authority or the	54802
treasurer of state from persons purchasing tuition units under	54803
tuition payment contracts that the authority determines is	54804
actuarially necessary for the payment of obligations of the	54805
authority pursuant to tuition payment contracts, all interest	54806
and investment income earned by the fund, and all other receipts	54807
of the authority from any other source that the authority	54808
determines appropriate, shall be deposited in the fund. No	54809
purchaser or beneficiary of tuition units shall have any claim	54810
against the funds of any state institution of higher education.	54811
All investment fees and other costs incurred in connection with	54812
the exercise of the investment powers of the authority pursuant	54813
to divisions (D) and (E) of this section shall be paid from the	54814
assets of the fund.	54815
(B) Unless otherwise provided by the authority, the assets	54816
of the Ohio tuition trust fund shall be expended in the	54817
following order:	54818
(1) To make payments to beneficiaries, or institutions of	54819

higher education on behalf of beneficiaries, under division (B) 54820  
of section 3334.09 of the Revised Code; 54821

(2) To make refunds as provided in divisions (A) and (C) 54822  
of section 3334.10 of the Revised Code; 54823

(3) To pay the investment fees and other costs of 54824  
administering the fund. 54825

(C) (1) Except as may be provided in an agreement under 54826  
division (A) (19) of section 3334.08 of the Revised Code, all 54827  
disbursements from the Ohio tuition trust fund shall be made by 54828  
the treasurer of state on order of a designee of the authority. 54829

(2) The treasurer of state shall deposit any portion of 54830  
the Ohio tuition trust fund not needed for immediate use in the 54831  
same manner as state funds are deposited. 54832

(D) The authority is the trustee of the Ohio tuition trust 54833  
fund. The authority shall have full power to invest the assets 54834  
of the fund and in exercising this power shall be subject to the 54835  
limitations and requirements contained in divisions (K) to (M) 54836  
of this section and sections 145.112 and 145.113 of the Revised 54837  
Code. The evidences of title of all investments shall be 54838  
delivered to the treasurer of state or to a qualified trustee 54839  
designated by the treasurer of state as provided in section 54840  
135.18 of the Revised Code. Assets of the fund shall be 54841  
administered by the authority in a manner designed to be 54842  
actuarially sound so that the assets of the fund will be 54843  
sufficient to satisfy the obligations of the authority pursuant 54844  
to tuition payment contracts and defray the reasonable expenses 54845  
of administering the fund. 54846

(E) The authority may enter into an agreement with any 54847  
business, entity, or governmental agency to perform the 54848

investment duties of the authority as set forth in division (D) 54849  
of this section. The investment powers shall be exercised by the 54850  
business, entity, or governmental agency that entered into an 54851  
agreement with the authority in a manner agreed upon by the 54852  
authority that maximizes the return on investment and minimizes 54853  
the administrative expenses. 54854

(F) (1) The authority shall maintain a separate account for 54855  
each tuition payment contract entered into pursuant to division 54856  
(A) of section 3334.09 of the Revised Code for the purchase of 54857  
tuition units on behalf of a beneficiary or beneficiaries 54858  
showing the beneficiary or beneficiaries of that contract and 54859  
the number of tuition units purchased pursuant to that contract. 54860  
Upon request of any beneficiary or person who has entered into a 54861  
tuition payment contract, the authority shall provide a 54862  
statement indicating, in the case of a beneficiary, the number 54863  
of tuition units purchased on behalf of the beneficiary, or in 54864  
the case of a person who has entered into a tuition payment 54865  
contract, the number of tuition units purchased, used, or 54866  
refunded pursuant to that contract. A beneficiary and person 54867  
that have entered into a tuition payment contract each may file 54868  
only one request under this division in any year. 54869

(2) The authority shall maintain an account for each 54870  
scholarship program showing the number of tuition units that 54871  
have been purchased for or donated to the program and the number 54872  
of tuition units that have been used. Upon the request of the 54873  
entity that established the scholarship program, the authority 54874  
shall provide a statement indicating these numbers. 54875

(G) (1) In addition to the Ohio tuition trust fund, there 54876  
is hereby established a reserve fund that shall be in the 54877  
custody of the treasurer of state but shall not be part of the 54878

state treasury, and shall be known as the Ohio tuition trust 54879  
reserve fund, and an operating fund that shall be part of the 54880  
state treasury, and shall be known as the Ohio tuition trust 54881  
operating fund. That portion of payments received by the 54882  
authority or the treasurer of state from persons purchasing 54883  
tuition units under tuition payment contracts that the authority 54884  
determines is not actuarially necessary for the payment of 54885  
obligations of the authority pursuant to tuition payment 54886  
contracts, any interest and investment income earned by the 54887  
reserve fund, any administrative charges and fees imposed by the 54888  
authority on transactions under this chapter or on purchasers or 54889  
beneficiaries of tuition units, and all other receipts from any 54890  
other source that the authority determines appropriate, shall be 54891  
deposited in the reserve fund to pay the operating expenses of 54892  
the authority and the costs of administering the program. The 54893  
assets of the reserve fund may be invested in the same manner 54894  
and subject to the same limitations set forth in divisions (D), 54895  
(E), and (K) to (M) of this section and sections 145.112 and 54896  
145.113 of the Revised Code. All investment fees and other costs 54897  
incurred in connection with the exercise of the investment 54898  
powers shall be paid from the assets of the reserve fund. Except 54899  
as otherwise provided for in this chapter, all operating 54900  
expenses of the authority and costs of administering the program 54901  
shall be paid from the operating fund. 54902

(2) The treasurer of state shall, upon request of the 54903  
authority, transfer funds from the reserve fund to the operating 54904  
fund as the authority determines appropriate to pay those 54905  
current operating expenses of the authority and costs of 54906  
administering the program as the authority designates. Any 54907  
interest or investment income earned on the assets of the 54908  
operating fund shall be deposited in the operating fund. 54909



(3) The treasurer of state shall, upon request by the 54910  
chancellor of higher education and approval by the director of 54911  
budget and management, transfer funds from the reserve fund to 54912  
the strategic square footage reduction fund created under 54913  
section 3334.13 of the Revised Code. 54914

(H) In January of each year the authority shall report to 54915  
each person who received any payments or refunds from the 54916  
authority during the preceding year information relative to the 54917  
value of the payments or refunds to assist in determining that 54918  
person's tax liability. 54919

(I) The authority shall report to the tax commissioner any 54920  
information, and at the times, as the tax commissioner requires 54921  
to determine any tax liability that a person may have incurred 54922  
during the preceding year as a result of having received any 54923  
payments or refunds from the authority. 54924

(J) All records of the authority indicating the identity 54925  
of purchasers and beneficiaries of tuition units or college 54926  
savings bonds, the number of tuition units purchased, used, or 54927  
refunded under a tuition payment contract, and the number of 54928  
college savings bonds purchased, held, or redeemed are not 54929  
public records within the meaning of section 149.43 of the 54930  
Revised Code. 54931

(K) (1) The authority and other fiduciaries shall discharge 54932  
their duties with respect to the funds with care, skill, 54933  
prudence, and diligence under the circumstances then prevailing 54934  
that a prudent person acting in a like capacity and familiar 54935  
with such matters would use in the conduct of an enterprise of a 54936  
like character and with like aims; and by diversifying the 54937  
investments of the assets of the funds so as to minimize the 54938  
risk of large losses, unless under the circumstances it is 54939

clearly prudent not to do so. 54940

(2) To facilitate investment of the funds, the authority 54941  
may establish a partnership, trust, limited liability company, 54942  
corporation, including a corporation exempt from taxation under 54943  
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 54944  
amended, or any other legal entity authorized to transact 54945  
business in this state. 54946

(L) In exercising its fiduciary responsibility with 54947  
respect to the investment of the assets of the funds, it shall 54948  
be the intent of the authority to give consideration to 54949  
investments that enhance the general welfare of the state and 54950  
its citizens where the investments offer quality, return, and 54951  
safety comparable to other investments currently available to 54952  
the authority. In fulfilling this intent, equal consideration 54953  
shall also be given to investments otherwise qualifying under 54954  
this section that involve minority owned and controlled firms 54955  
and firms owned and controlled by women, either alone or in 54956  
joint venture with other firms. 54957

The authority shall adopt, in regular meeting, policies, 54958  
objectives, or criteria for the operation of the investment 54959  
program that include asset allocation targets and ranges, risk 54960  
factors, asset class benchmarks, time horizons, total return 54961  
objectives, and performance evaluation guidelines. In adopting 54962  
policies and criteria for the selection of agents with whom the 54963  
authority may contract for the administration of the assets of 54964  
the funds, the authority shall give equal consideration to 54965  
minority owned and controlled firms, firms owned and controlled 54966  
by women, and ventures involving minority owned and controlled 54967  
firms and firms owned and controlled by women that otherwise 54968  
meet the policies and criteria established by the authority. 54969

Amendments and additions to the policies and criteria shall be 54970  
adopted in regular meeting. The authority shall publish its 54971  
policies, objectives, and criteria under this provision no less 54972  
often than annually and shall make copies available to 54973  
interested parties. 54974

When reporting on the performance of investments, the 54975  
authority shall comply with the performance presentation 54976  
standards established by the association for investment 54977  
management and research. 54978

(M) All investments shall be purchased at current market 54979  
prices and the evidences of title of the investments shall be 54980  
placed in the hands of the treasurer of state, who is hereby 54981  
designated as custodian thereof, or in the hands of the 54982  
treasurer of state's authorized agent. The treasurer of state or 54983  
the agent shall collect the principal, dividends, distributions, 54984  
and interest thereon as they become due and payable and place 54985  
them when so collected into the custodial funds. 54986

The treasurer of state shall pay for investments purchased 54987  
by the authority on receipt of written or electronic 54988  
instructions from the authority or the authority's designated 54989  
agent authorizing the purchase and pending receipt of the 54990  
evidence of title of the investment by the treasurer of state or 54991  
the treasurer of state's authorized agent. The authority may 54992  
sell investments held by the authority, and the treasurer of 54993  
state or the treasurer of state's authorized agent shall accept 54994  
payment from the purchaser and deliver evidence of title of the 54995  
investment to the purchaser on receipt of written or electronic 54996  
instructions from the authority or the authority's designated 54997  
agent authorizing the sale, and pending receipt of the moneys 54998  
for the investments. The amount received shall be placed in the 54999

custodial funds. The authority and the treasurer of state may 55000  
enter into agreements to establish procedures for the purchase 55001  
and sale of investments under this division and the custody of 55002  
the investments. 55003

No purchase or sale of any investment shall be made under 55004  
this section except as authorized by the authority. 55005

Any statement of financial position distributed by the 55006  
authority shall include fair value, as of the statement date, of 55007  
all investments held by the authority under this section. 55008

**Sec. 3334.12.** Notwithstanding anything to the contrary in 55009  
sections 3334.07 and 3334.09 of the Revised Code: 55010

(A) Annually, the Ohio tuition trust authority shall have 55011  
the actuarial soundness of the Ohio tuition trust fund evaluated 55012  
by a nationally recognized actuary and shall determine whether 55013  
additional assets are necessary to defray the obligations of the 55014  
authority. If, after the authority sets the price for tuition 55015  
units, circumstances arise that the executive director 55016  
determines necessitate an additional evaluation of the actuarial 55017  
soundness of the fund, the executive director shall have a 55018  
nationally recognized actuary conduct the necessary evaluation. 55019  
If the assets of the fund are insufficient to ensure the 55020  
actuarial soundness of the fund, the authority shall adjust the 55021  
price of subsequent purchases of tuition units to the extent 55022  
necessary to help restore the actuarial soundness of the fund. 55023  
If, at any time, the adjustment is likely, in the opinion of the 55024  
authority, to diminish the marketability of tuition units to an 55025  
extent that the continued sale of the units likely would not 55026  
restore the actuarial soundness of the fund and external 55027  
economic factors continue to negatively impact the soundness of 55028  
the program, the authority may suspend sales, either permanently 55029

or temporarily, of tuition units. During any suspension, the authority shall continue to service existing college savings program accounts.

(B) The treasurer of state shall, upon request by the chancellor of higher education, transfer the amount determined to be surplus from the annual evaluation as to the actuarial soundness of the fund to the strategic square footage fund created under section 3334.13 of the Revised Code, provided that at least five per cent of the amount determined to be surplus remains in the Ohio tuition trust fund.

(C) Upon termination of all programs or liquidation of the Ohio tuition trust fund, the Ohio tuition trust reserve fund, and the Ohio tuition trust operating fund, any remaining assets of the funds after all obligations of the funds have been satisfied pursuant to division (B) of section 3334.11 of the Revised Code shall be transferred to the general revenue fund of the state.

~~(C)~~ (D) The authority shall prepare and cause to have audited an annual financial report on all financial activity of the Ohio tuition trust authority within ninety days of the end of the fiscal year. The authority shall transmit a copy of the audited financial report to the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives. Copies of the audited financial report also shall be made available, upon request, to the persons entering into contracts with the authority and to prospective purchasers of tuition units and prospective contributors to variable college savings program accounts.

**Sec. 3335.39.** (A) (1) The Salmon P. Chase center for

civics, culture, and society is established as an independent 55060  
academic unit within the Ohio state university, ~~physically~~ 55061  
~~located in the college of public affairs.~~ The center shall 55062  
conduct teaching and research in the historical ideas, 55063  
traditions, and texts that have shaped the American 55064  
constitutional order and society. 55065

(2) The center shall establish bylaws requiring the center 55066  
to do all of the following: 55067

(a) Educate students by means of free, open, and rigorous 55068  
intellectual inquiry to seek the truth; 55069

(b) Affirm its duty to equip students with the skills, 55070  
habits, and dispositions of mind they need to reach their own 55071  
informed conclusions on matters of social and political 55072  
importance; 55073

(c) Affirm the value of intellectual diversity in higher 55074  
education and aspire to enhance the intellectual diversity of 55075  
the university; 55076

(d) Affirm a commitment to create a community dedicated to 55077  
an ethic of civil and free inquiry, which respects the 55078  
intellectual freedom of each member, supports individual 55079  
capacities for growth, and welcomes the differences of opinion 55080  
that shall naturally exist in a public university community. 55081

The requirements prescribed under divisions (A) (2) (a) to 55082  
(d) of this section shall take priority over any other bylaws 55083  
adopted by the center. 55084

(3) The board of trustees of the university may change the 55085  
name of the center in accordance with the philanthropic naming 55086  
policies and practices of the university. 55087

(B) The center shall be an independent academic unit 55088  
~~physically located at the college of public affairs~~ with the 55089  
authority to house tenure-track faculty who hold their 55090  
appointments within the center. Faculty appointed to the center 55091  
shall not be required, but may, hold joint appointments within 55092  
any other division of the university. Not fewer than fifteen 55093  
tenure-track faculty positions shall be allotted to teach under 55094  
the center. No faculty outside of the center shall have the 55095  
authority to block faculty hires into the center. 55096

(C) (1) The center shall offer instruction in all of the 55097  
following: 55098

(a) The books and major debates which form the 55099  
intellectual foundation of free societies, especially that of 55100  
the United States; 55101

(b) The principles, ideals, and institutions of the 55102  
American constitutional order; 55103

(c) The foundations of responsible leadership and informed 55104  
citizenship. 55105

(2) The center also shall focus on both of the following: 55106

(a) Offering university-wide programming related to the 55107  
values of free speech and civil discourse; 55108

(b) Expanding the intellectual diversity of the 55109  
university's academic community. 55110

(D) (1) ~~Not later than November 20, 2023, the~~ The board of 55111  
trustees of the university shall appoint, with the advice and 55112  
consent of the senate, a seven-member Chase center academic 55113  
council. An initial member shall not begin service until 55114  
confirmed by the senate. Four members shall form a quorum. 55115

(2) The academic council shall be comprised of scholars 55116  
with relevant expertise and experience. Not more than one member 55117  
of the council may be an employee of the university. Best 55118  
efforts shall be made to have not fewer than three members of 55119  
the advisory board be from Ohio. 55120

(3) Three members of the academic council shall serve 55121  
initial terms of two years and four members shall serve initial 55122  
terms of four years, which the members shall determine at their 55123  
first meeting, and select replacements for vacant seats. 55124

(E) (1) The academic council established under division (D) 55125  
of this section shall conduct a nationwide search for candidates 55126  
for the director of the center and shall strictly adhere to all 55127  
relevant state and federal laws. The academic council shall 55128  
submit to the president of the university a list of finalists 55129  
from which the president shall select and appoint a director, 55130  
subject to approval by the board of trustees. Future directors 55131  
shall be chosen in the same manner. 55132

(2) The director shall have the protection of tenure or 55133  
tenure eligibility. The director shall consult with the dean of 55134  
the college of public affairs; however, the director shall 55135  
report directly to the provost or the president of the 55136  
university. 55137

(3) The director shall have the sole and exclusive 55138  
authority to manage the recruitment and hiring process and to 55139  
extend offers for employment for all faculty and staff, and to 55140  
terminate employment of all staff. The director shall oversee, 55141  
develop, and approve the center's curriculum, including approval 55142  
of the center's courses that meet the university's general 55143  
education requirements. The center shall be granted the 55144  
authority to offer courses and develop certificate, minor, and 55145



major programs as well as graduate programs, and offer degrees. 55146

(F) The director of the center shall submit an annual 55147  
report to the board of trustees of the university and the 55148  
general assembly in accordance with section 101.68 of the 55149  
Revised Code. The report shall provide a full account of the 55150  
center's achievements, opportunities, challenges, and obstacles 55151  
in the development of this academic unit. 55152

**Sec. 3339.06.** (A) (1) The Miami university center for 55153  
civics, culture, and society is established as an independent 55154  
academic unit within Miami university, physically located in the 55155  
college of arts and sciences. The center shall conduct teaching 55156  
and research in the historical ideas, traditions, and texts that 55157  
have shaped the American constitutional order and society. 55158

(2) The center shall establish bylaws requiring the center 55159  
to do all of the following: 55160

(a) Educate students by means of free, open, and rigorous 55161  
intellectual inquiry to seek the truth; 55162

(b) Affirm its duty to equip students with the skills, 55163  
habits, and dispositions of mind they need to reach their own 55164  
informed conclusions on matters of social and political 55165  
importance; 55166

(c) Affirm the value of intellectual diversity in higher 55167  
education and aspire to enhance the intellectual diversity of 55168  
the university; 55169

(d) Affirm a commitment to create a community dedicated to 55170  
an ethic of civil and free inquiry, which respects the 55171  
intellectual freedom of each member, supports individual 55172  
capacities for growth, and welcomes the differences of opinion 55173  
that shall naturally exist in a public university community. 55174

The requirements prescribed under divisions (A) (2) (a) to 55175  
(d) of this section shall take priority over any other bylaws 55176  
adopted by the center. 55177

(3) The board of trustees of the university may name the 55178  
center in accordance with the philanthropic naming policies and 55179  
practices of the university. 55180

(B) The center shall be an independent academic unit 55181  
physically located at the college of arts and sciences with the 55182  
authority to house tenure-track faculty who hold their 55183  
appointments within the center. Faculty appointed to the center 55184  
shall not be required, but may, hold joint appointments within 55185  
any other division of the university. Not fewer than ten tenure- 55186  
track faculty positions shall be allotted to teach under the 55187  
center. No faculty outside of the center shall have the 55188  
authority to block faculty hires into the center. 55189

(C) (1) The center shall offer instruction in all of the 55190  
following: 55191

(a) The books and major debates which form the 55192  
intellectual foundation of free societies, especially that of 55193  
the United States; 55194

(b) The principles, ideals, and institutions of the 55195  
American constitutional order; 55196

(c) The foundations of responsible leadership and informed 55197  
citizenship. 55198

(2) The center also shall focus on both of the following: 55199

(a) Offering university-wide programming related to the 55200  
values of free speech and civil discourse; 55201

(b) Expanding the intellectual diversity of the 55202

university's academic community. 55203

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 55204  
trustees of the university shall appoint, with the advice and 55205  
consent of the senate, a seven-member center academic council. 55206  
An initial member shall not begin service until confirmed by the 55207  
senate. Four members shall form a quorum. 55208

(2) The academic council shall be comprised of scholars 55209  
with relevant expertise and experience. Not more than one member 55210  
of the council may be an employee of the university. Best 55211  
efforts shall be made to have not fewer than three members of 55212  
the advisory board be from Ohio. 55213

(3) Three members of the academic council shall serve 55214  
initial terms of two years and four members shall serve initial 55215  
terms of four years, which the members shall determine at their 55216  
first meeting, and select replacements for vacant seats. 55217

(E) (1) The academic council established under division (D) 55218  
of this section shall conduct a nationwide search for candidates 55219  
for the director of the center and shall strictly adhere to all 55220  
relevant state and federal laws. The academic council shall 55221  
submit to the president of the university a list of finalists 55222  
from which the president shall select and appoint a director, 55223  
subject to approval by the board of trustees. Future directors 55224  
shall be chosen in the same manner. 55225

(2) The director shall have the protection of tenure or 55226  
tenure eligibility. The director shall consult with the dean of 55227  
the college of arts and sciences; however, the director shall 55228  
report directly to the provost or the president of the 55229  
university. 55230

(3) The director shall have the sole and exclusive 55231

authority to manage the recruitment and hiring process and to 55232  
extend offers for employment for all faculty and staff of the 55233  
center, and to terminate employment of all staff. The director 55234  
shall oversee, develop, and approve the center's curriculum, 55235  
including approval of the center's courses that meet the 55236  
university's general education requirements. The center shall be 55237  
granted the authority to offer courses and develop certificate, 55238  
minor, and major programs as well as graduate programs, and 55239  
offer degrees. 55240

(F) The director of the center shall submit an annual 55241  
report to the board of trustees of the university and the 55242  
general assembly in accordance with section 101.68 of the 55243  
Revised Code. The report shall provide a full account of the 55244  
center's achievements, opportunities, challenges, and obstacles 55245  
in the development of this academic unit. 55246

**Sec. 3344.07.** (A) (1) The Cleveland state university center 55247  
for civics, culture, and society is established as an 55248  
independent academic unit within Cleveland state university, 55249  
physically located in the Levin college of public affairs and 55250  
education. The center shall conduct teaching and research in the 55251  
historical ideas, traditions, and texts that have shaped the 55252  
American constitutional order and society. 55253

(2) The center shall establish bylaws requiring the center 55254  
to do all of the following: 55255

(a) Educate students by means of free, open, and rigorous 55256  
intellectual inquiry to seek the truth; 55257

(b) Affirm its duty to equip students with the skills, 55258  
habits, and dispositions of mind they need to reach their own 55259  
informed conclusions on matters of social and political 55260

importance; 55261

(c) Affirm the value of intellectual diversity in higher education and aspire to enhance the intellectual diversity of the university; 55262  
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(d) Affirm a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that shall naturally exist in a public university community. 55265  
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The requirements prescribed under divisions (A) (2) (a) to (d) of this section shall take priority over any other bylaws adopted by the center. 55270  
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(3) The board of trustees of the university may name the center in accordance with the philanthropic naming policies and practices of the university. 55273  
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(B) The center shall be an independent academic unit physically located at the college of public affairs and education with the authority to house tenure-track faculty who hold their appointments within the center. Faculty appointed to the center shall not be required, but may, hold joint appointments within any other division of the university. Not fewer than ten tenure-track faculty positions shall be allotted to teach under the center. No faculty outside of the center shall have the authority to block faculty hires into the center. 55276  
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(C) (1) The center shall offer instruction in all of the following: 55285  
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(a) The books and major debates which form the intellectual foundation of free societies, especially that of the United States; 55287  
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(b) The principles, ideals, and institutions of the American constitutional order; 55290  
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(c) The foundations of responsible leadership and informed citizenship. 55292  
55293

(2) The center also shall focus on both of the following: 55294

(a) Offering university-wide programming related to the values of free speech and civil discourse; 55295  
55296

(b) Expanding the intellectual diversity of the university's academic community. 55297  
55298

(D) (1) ~~Not later than December 31, 2023, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. 55299  
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An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum. 55302  
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(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio. 55304  
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(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats. 55309  
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(E) (1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit to the president of the university a list of finalists 55313  
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from which the president shall select and appoint a director, 55318  
subject to approval by the board of trustees. Future directors 55319  
shall be chosen in the same manner. 55320

(2) The director shall have the protection of tenure or 55321  
tenure eligibility. The director shall consult with the dean of 55322  
the college of public affairs and education; however, the 55323  
director shall report directly to the provost or the president 55324  
of the university. 55325

(3) The director shall have the sole and exclusive 55326  
authority to manage the recruitment and hiring process and to 55327  
extend offers for employment for all faculty and staff of the 55328  
center, and to terminate employment of all staff. The director 55329  
shall oversee, develop, and approve the center's curriculum, 55330  
including approval of the center's courses that meet the 55331  
university's general education requirements. The center shall be 55332  
granted the authority to offer courses and develop certificate, 55333  
minor, and major programs as well as graduate programs, and 55334  
offer degrees. 55335

(F) The director of the center shall submit an annual 55336  
report to the board of trustees of the university and the 55337  
general assembly in accordance with section 101.68 of the 55338  
Revised Code. The report shall provide a full account of the 55339  
center's achievements, opportunities, challenges, and obstacles 55340  
in the development of this academic unit. 55341

**Sec. 3345.06.** As used in this section, "state institution 55342  
of higher education" and "state university" have the same 55343  
meanings as in section 3345.011 of the Revised Code. 55344

~~(A)~~ (A) (1) Subject to divisions (B) and (C) of this 55345  
section, a graduate of the twelfth grade shall be entitled to 55346

admission without examination to any ~~college or university which~~ 55347  
~~is supported wholly or in part by the state~~ state institution of 55348  
higher education, but for unconditional admission may be 55349  
required to complete such units not included in the graduate's 55350  
high school course as may be prescribed, not less than two years 55351  
prior to the graduate's entrance, by the faculty of the 55352  
institution. 55353

(2) Subject to divisions (B) and (C) of this section, each 55354  
graduate of the twelfth grade who is in the top ten per cent of 55355  
a graduating class as determined by the chancellor of higher 55356  
education shall be entitled to admission to any state 55357  
institution of higher education. If the student does not meet 55358  
the standards for unconditional admission under division (A) of 55359  
this section, a state university may delay main campus admission 55360  
and admit the student to a university branch campus. 55361

(3) Subject to divisions (B) and (C) of this section, each 55362  
recipient of the governor's merit scholarship shall be entitled 55363  
to admission to the main campus of a state institution of higher 55364  
education. 55365

(B) Beginning with the 2014-2015 academic year, each state 55366  
university ~~listed in section 3345.011 of the Revised Code,~~ 55367  
except for Central state university, Shawnee state university, 55368  
and Youngstown state university, shall permit a resident of this 55369  
state who entered ninth grade for the first time on or after 55370  
July 1, 2010, to begin undergraduate coursework at the 55371  
university only if the person has successfully completed the 55372  
requirements for high school graduation prescribed in division 55373  
(C) of section 3313.603 of the Revised Code, unless one of the 55374  
following applies: 55375

(1) The person has earned at least ten semester hours, or 55376



the equivalent, at a community college, state community college, 55377  
university branch, technical college, or another post-secondary 55378  
institution except a state university to which division (B) of 55379  
this section applies, in courses that are college-credit-bearing 55380  
and may be applied toward the requirements for a degree. The 55381  
university shall grant credit for successful completion of those 55382  
courses pursuant to any applicable articulation and transfer 55383  
policy of the chancellor of higher education or any agreements 55384  
the university has entered into in accordance with policies and 55385  
procedures adopted under section 3333.16, 3333.161, or 3333.162 55386  
of the Revised Code. The university may count college credit 55387  
that the student earned while in high school through the college 55388  
credit plus program under Chapter 3365. of the Revised Code, or 55389  
through other advanced standing programs, toward the 55390  
requirements of division (B) (1) of this section if the credit 55391  
may be applied toward a degree. 55392

(2) The person qualified to graduate from high school 55393  
under division (D) or (F) of section 3313.603 of the Revised 55394  
Code and has successfully completed the topics or courses that 55395  
the person lacked to graduate under division (C) of that section 55396  
at any post-secondary institution or at a summer program at the 55397  
state university. A state university may admit a person for 55398  
enrollment contingent upon completion of such topics or courses 55399  
or summer program. 55400

(3) The person met the high school graduation requirements 55401  
by successfully completing the person's individualized education 55402  
program developed under section 3323.08 of the Revised Code. 55403

(4) The person is receiving or has completed the final 55404  
year of education at home as authorized under section 3321.042 55405  
of the Revised Code, or has graduated from a nonchartered, 55406

nonpublic school in Ohio, and demonstrates mastery of the 55407  
academic content and skills in reading, writing, and mathematics 55408  
needed to successfully complete introductory level coursework at 55409  
an institution of higher education and to avoid remedial 55410  
coursework. 55411

(5) The person is a high school student participating in 55412  
the college credit plus program under Chapter 3365. of the 55413  
Revised Code or another advanced standing program. 55414

(C) A state university subject to division (B) of this 55415  
section may delay admission for or admit conditionally an 55416  
undergraduate student who has successfully completed the 55417  
requirements prescribed in division (C) of section 3313.603 of 55418  
the Revised Code if the university determines the student 55419  
requires academic remedial or developmental coursework. The 55420  
university may delay admission pending, or make admission 55421  
conditional upon, the student's successful completion of the 55422  
academic remedial or developmental coursework at a university 55423  
branch, community college, state community college, or technical 55424  
college. 55425

(D) This section does not deny the right of a college of 55426  
law, medicine, or other specialized education to require college 55427  
training for admission, or the right of a department of music or 55428  
other art to require particular preliminary training or talent. 55429

Sec. 3345.451. (A) As used in this section, "state 55430  
institution of higher education" has the same meaning as in 55431  
section 3345.011 of the Revised Code. 55432

(B) The board of trustees of each state institution of 55433  
higher education has unilateral and ultimate authority to 55434  
establish new academic programs, schools, colleges, institutes, 55435

departments, and centers at the institution. Notwithstanding 55436  
anything in section 3333.0420 of the Revised Code to the 55437  
contrary, the board of trustees may not delegate the board's 55438  
authority to adopt a curricular approval process under this 55439  
section or to approve or reject academic programs. 55440

(C) The board of trustees of each state institution of 55441  
higher education shall adopt a curricular approval process to 55442  
establish and modify academic programs, curricula, courses, 55443  
general education requirements, and degree programs. The process 55444  
developed under this division shall do all of the following: 55445

(1) Grant the faculty senate, or comparable representative 55446  
body, the opportunity to provide advice, feedback, and 55447  
recommendations on the establishment and modification of 55448  
academic programs, curricula, courses, general education 55449  
requirements, and degree programs; 55450

(2) Clarify that all feedback and recommendations by the 55451  
faculty senate, or comparable representative body, is advisory 55452  
in nature; 55453

(3) Retain the board's final, overriding authority to 55454  
approve or reject any establishment or modification of academic 55455  
programs, curricula, courses, general education requirements, 55456  
and degree programs. 55457

(D) Each board of trustees shall complete the initial 55458  
curricular approval process developed under this section not 55459  
later than six months after the effective date of this section, 55460  
unless the institution's president grants a one-month extension, 55461  
and every five years thereafter. The board of trustees shall 55462  
submit each completed version of the approval process developed 55463  
under this section to the chancellor of higher education. 55464

**Sec. 3345.48.** (A) As used in this section: 55465

(1) "Cohort" means a group of students who will complete 55466  
their bachelor's degree requirements and graduate from a state 55467  
university at the same time. A cohort may include transfer 55468  
students and other selected undergraduate student academic 55469  
programs as determined by the board of trustees of a state 55470  
university. 55471

(2) "Eligible student" means an undergraduate student who: 55472

(a) Is enrolled full-time in a bachelor's degree program 55473  
at a state university; 55474

(b) Is a resident of this state, as defined by the 55475  
chancellor of higher education under section 3333.31 of the 55476  
Revised Code. 55477

(3) "State university" has the same meaning as in section 55478  
3345.011 of the Revised Code. 55479

(B) The board of trustees of each state university shall 55480  
establish an undergraduate tuition guarantee program that allows 55481  
eligible students in the same cohort to pay a fixed rate for 55482  
general and instructional fees for four years. A board of 55483  
trustees may include room and board and any additional fees in 55484  
the program. 55485

The board shall adopt rules for the program that include, 55486  
but are not limited to, all of the following: 55487

(1) The number of credit hours required to earn an 55488  
undergraduate degree in each major; 55489

(2) A guarantee that the general and instructional fees 55490  
for each student in the cohort shall remain constant for four 55491  
years so long as the student complies with the requirements of 55492

the program, except that, notwithstanding any law to the 55493  
contrary, the board may increase the guaranteed amount by up to 55494  
six per cent above what has been charged in the previous 55495  
academic year one time for the first cohort enrolled under the 55496  
tuition guarantee program. If the board of trustees determines 55497  
that economic conditions or other circumstances require an 55498  
increase for the first cohort of above six per cent, the board 55499  
shall submit a request to increase the amount by a specified 55500  
percentage to the chancellor. The chancellor, based on 55501  
information the chancellor requires from the board of trustees, 55502  
shall approve or disapprove such a request. Thereafter, except 55503  
as provided in division (F) of this section, the board of 55504  
trustees may increase the guaranteed amount by up to the sum of 55505  
the following above what has been charged in the previous 55506  
academic year one time per subsequent cohort: 55507

(a) The average rate of inflation, as measured by the 55508  
consumer price index prepared by the bureau of labor statistics 55509  
of the United States department of labor (all urban consumers, 55510  
all items), for the previous thirty-six-month period; and 55511

(b) The percentage amount the general assembly restrains 55512  
increases on in-state undergraduate instructional and general 55513  
fees for the applicable fiscal year. If the general assembly 55514  
does not enact a limit on the increase of in-state undergraduate 55515  
instructional and general fees, then no limit shall apply under 55516  
this division for the cohort that first enrolls in any academic 55517  
year for which the general assembly does not prescribe a limit. 55518

If, beginning with the academic year that starts four 55519  
years after September 29, 2013, the board of trustees determines 55520  
that the general and instructional fees charged under the 55521  
tuition guarantee have fallen significantly lower than those of 55522

other state universities, the board of trustees may submit a request to increase the amount charged to a cohort by a specified percentage to the chancellor, who shall approve or disapprove such a request.

(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the chancellor.

(4) Eligibility requirements for students to participate in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to complete a degree program within four years, as follows:

(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.

(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B) (7) of this section.

(7) Guidelines for adjusting a student's annual charges if 55552  
the student, due to circumstances under the student's control, 55553  
is unable to complete a degree program within four years; 55554

(8) A requirement that the rules adopted under division 55555  
(B) of this section be published or posted in the university 55556  
handbook, course catalog, and web site. 55557

(C) The board shall submit the rules adopted under 55558  
division (B) of this section to the chancellor for approval 55559  
before beginning implementation of the program. 55560

The chancellor shall not unreasonably withhold approval of 55561  
a program if the program conforms in principle with the 55562  
parameters and guidelines of this section. 55563

(D) A board of trustees of a state university may 55564  
establish an undergraduate tuition guarantee program for 55565  
nonresident students. 55566

(E) Except as provided in this section, no other 55567  
limitation on the increase of in-state undergraduate 55568  
instructional and general fees shall apply to a state university 55569  
that has established an undergraduate tuition guarantee program 55570  
under this section. 55571

(F) Notwithstanding anything in this section to the 55572  
contrary, the board of trustees of a state university shall not 55573  
charge the cohort entering in the 2023-2024 ~~or~~, 2024-2025, 2025-  
2026, or 2026-2027 academic year a guaranteed amount of general 55574  
and instructional fees that is more than three per cent above 55575  
what was charged to the cohort that entered the university in 55576  
the previous academic year. 55577  
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Sec. 3345.601. Each state institution of higher education, 55579  
as defined in section 3345.011 of the Revised Code, annually 55580

shall certify to the chancellor of higher education, on a date 55581  
and in the form and manner determined by the chancellor, a plan 55582  
to preserve student records indefinitely if the state 55583  
institution was to cease operations. The plan shall include the 55584  
designation and signed confirmation of an official custodian of 55585  
student records. If the chancellor determines it necessary, the 55586  
chancellor may require a state institution to produce an 55587  
executed agreement with the designated custodian of student 55588  
records, paid in full, to ensure the state institution's plan 55589  
can be implemented. 55590

The chancellor may consult with the higher learning 55591  
commission, the state board of career colleges and schools, and 55592  
other appropriate entities to establish plans, processes, and 55593  
procedures for state institutions to provide indefinite access 55594  
to student records. 55595

**Sec. 3345.691.** A state institution of higher education, as 55596  
defined in section 3345.011 of the Revised Code, shall comply 55597  
with section ~~125.092~~125.091 of the Revised Code regarding the 55598  
purchase of biobased products. 55599

**Sec. 3345.692.** (A) Not later than September 15, 2010, and 55600  
the fifteenth day of September each year thereafter, a state 55601  
institution of higher education shall prepare and submit to the 55602  
chancellor of higher education a report that describes the 55603  
number and types of biobased products purchased under section 55604  
~~125.092~~125.091 of the Revised Code and the amount of money 55605  
spent by the state institution of higher education for those 55606  
biobased products. 55607

(B) As used in this section, "state institution of higher 55608  
education" has the same meaning as in section 3345.011 of the 55609  
Revised Code. 55610



**Sec. 3345.71.** As used in sections 3345.72 to 3345.77 of the Revised Code: 55611  
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(A) "State university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code. 55613  
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(B) "Fiscal caution" means the existence of a fiscal caution declared under section 3345.721 of the Revised Code. 55619  
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(C) "Fiscal watch" means the existence of a fiscal watch declared under section 3345.72 of the Revised Code. 55621  
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**Sec. 3345.721.** (A) The chancellor of higher education, in consultation with the office of budget and management, shall adopt rules in accordance with section 111.15 of the Revised Code that include all of the following: 55623  
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(1) Criteria for determining when to review and, if necessary, declare a state university or college under fiscal caution. The criteria may include, but not be limited to, consideration of the following: 55627  
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(a) A significant drop in enrollment from the prior year; 55631

(b) A decline in enrollment for consecutive years; 55632

(c) A significant increase in enrollment; 55633

(d) A significant increase in adjunct faculty; 55634

(e) An increase in student complaints; 55635

(f) An increase in the number of or a notable presence of third-party providers, which may include online program 55636  
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<u>managers;</u>	55638
<u>(g) Federal financial aid processing delays;</u>	55639
<u>(h) Reduced or increased reliance on state share of</u> <u>instruction;</u>	55640 55641
<u>(i) Receipt of substantial nonrecurring revenue, from any</u> <u>source, that could signify a structural budget deficit;</u>	55642 55643
<u>(j) A delay in completing a yearly audit even if granted</u> <u>an extension;</u>	55644 55645
<u>(k) A lack of proper institutional segregation of critical</u> <u>duties, functions, or responsibilities;</u>	55646 55647
<u>(l) Significant turnover of faculty, staff, or</u> <u>administrators.</u>	55648 55649
<u>(2) A requirement that a state university or college</u> <u>declared to be on fiscal caution shall submit a financial</u> <u>recovery plan, within a defined period of time after the</u> <u>declaration as determined by the chancellor, that may include,</u> <u>but is not limited to, any of the following:</u>	55650 55651 55652 55653 55654
<u>(a) Projections of revenues and expenditures over a three-</u> <u>year time horizon and on such other time horizons as may be</u> <u>requested by the chancellor;</u>	55655 55656 55657
<u>(b) A comprehensive review of current staffing levels and</u> <u>a five-year historical summary of staffing levels;</u>	55658 55659
<u>(c) A review of the most recent submission of</u> <u>institutional recommendations for courses and programs based on</u> <u>enrollment and duplication with other state institutions of</u> <u>higher education, as required by section 3345.35 of the Revised</u> <u>Code, and submission of revised recommendations as determined to</u>	55660 55661 55662 55663 55664

be necessary; 55665

(d) A review of any approved tuition waivers or scholarship programs; 55666  
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(e) A plan to reduce expenditures over a six-month, twelve-month, eighteen-month, and twenty-four-month period, as necessary, to align ongoing revenue with ongoing expenses; 55668  
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(f) A review of contracts that are the largest portion of the state university's or college's expenditures; 55671  
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(g) A program viability analysis, or analyses, as determined by the chancellor to be necessary in accordance with section 3333.073 of the Revised Code. 55673  
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(3) A requirement that a state university or college declared to be on fiscal caution shall submit a three-year forecast of revenues and expenditures, approved in a resolution adopted by the board of trustees of the state university or college. The three-year forecast shall be structurally balanced based on a set of underlying assumptions, including enrollment projections, tuition revenue, and state funding levels, that are evidence-based and practicable; 55676  
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(4) A requirement that a state university or college declared to be on fiscal caution shall consult with the auditor of state regarding any necessary or appropriate steps to bring the books of account, accounting systems, and financial procedures and reports of the state university or college into compliance with requirements prescribed by the auditor of state regarding desirable modifications and supplementary systems and procedures pertinent to the university or college. The auditor of state shall provide a written report to the board of trustees of the state university or college outlining the nature of the 55684  
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financial accounting and reporting problems of the university or college and recommendations for actions to be undertaken to correct the financial accounting and reporting problems. If requested by the state university or college or recommended by the chancellor, the auditor of state may additionally perform a performance audit of the state university or college. 55694  
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(5) A requirement that for the duration of a fiscal caution, a state university or college shall submit regular reports on any of the above matters or new matters identified by the auditor of state or the chancellor as contributing to the reason for the declaration, preventing the recovery of the state university or college, or the inability to be removed from fiscal caution. 55700  
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(6) Criteria for determining when to declare the termination of the fiscal caution of a state university or college. 55707  
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(B) A state university or college shall provide the chancellor with all information requested under this section in the time and manner determined by the chancellor. Notwithstanding any law to the contrary, failure to comply in a satisfactory manner, as determined by the chancellor, may result in a declaration of fiscal watch under section 3345.72 of the Revised Code. 55710  
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(C) Notwithstanding any law to the contrary, the chancellor may impose limitations on a state university or college that fails to comply with this section or the rules adopted pursuant to this section or fails to take decisive action to improve the state university's or college's financial condition. Such limitations may include, but are not limited to, the following: 55717  
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<u>(1) Limitations on eligibility to participate in grants and programs administered by the chancellor;</u>	55724 55725
<u>(2) Limitations on approval of a new degree program or associated certificates;</u>	55726 55727
<u>(3) Suspension of additional enrollment in an educational program;</u>	55728 55729
<u>(4) Restriction of an increase in any special fee or a creation of a new fee;</u>	55730 55731
<u>(5) Limitations on the power of the board of trustees to enter into new or renewed contracts without prior approval from the chancellor;</u>	55732 55733 55734
<u>(6) Withholding approval of any controlling board request for capital projects.</u>	55735 55736
<b>Sec. 3345.74.</b> (A) The chancellor of higher education at least annually shall apply the indicators and standards adopted under division (A) of section 3345.73 of the Revised Code to determine whether a state university or college under a fiscal watch is experiencing sufficient fiscal difficulties to warrant the appointment of a conservator under this section <u>or if the board of trustees of a state university or college has taken any action related to pausing or stopping enrollment, submitted a withdrawal of accreditation, or taken any other action indicating it will no longer offer educational activity or will undergo a wind down and dissolution of existence.</u> Upon making a determination that appointment of a conservator is warranted, the chancellor shall request from the office of budget and management, which shall provide, certification that sufficient fiscal difficulties exist to warrant appointment of a conservator. The chancellor shall then certify this	55737 55738 55739 55740 55741 55742 55743 55744 55745 55746 55747 55748 55749 55750 55751 55752

determination to the governor. 55753

Notwithstanding section 3333.021 of the Revised Code, that 55754  
section does not apply to certification by the chancellor under 55755  
this section or to the declaration of a fiscal watch under 55756  
section 3345.72 of the Revised Code. 55757

A determination by the chancellor under this division that 55758  
sufficient fiscal difficulties exist or do not exist to warrant 55759  
appointing a conservator is final and conclusive and not 55760  
appealable. 55761

(B) The governor may appoint a conservator for any state 55762  
university or college under a fiscal watch, upon certification 55763  
by the chancellor under division (A) of this section that the 55764  
appointment is warranted. The governor shall consult with the 55765  
speaker and minority leader of the house of representatives and 55766  
the president and minority leader of the senate before making 55767  
the appointment. From the time a conservator is appointed until 55768  
the time the governor issues an order terminating the governance 55769  
authority under division (B) of section 3345.76 of the Revised 55770  
Code, the governor may remove any member of the board of 55771  
trustees of the state university or college from office and not 55772  
fill the vacancy. 55773

(C) Upon appointment of a conservator under this section 55774  
for a state university or college, all of the following shall 55775  
occur effective immediately: 55776

(1) All duties, responsibilities, and powers of the board 55777  
of trustees of the university or college are suspended; 55778

(2) The management and control of the state university or 55779  
college is assumed by the conservator; 55780

(3) Notwithstanding any section of the Revised Code, all 55781

duties, responsibilities, and powers assigned by law to the 55782  
board of trustees are assigned to the conservator, and the 55783  
conservator becomes the successor to, assumes the lawful 55784  
obligations of, and otherwise constitutes the continuation of 55785  
the board of trustees for purposes of all pending legal actions, 55786  
contracts or other agreements, and obligations of the university 55787  
or college; 55788

(4) Wherever the board of trustees is referred to in any 55789  
contract or legal document, the reference is deemed to refer to 55790  
the conservator. No validation, cure, right, privilege, remedy, 55791  
obligation, or liability is lost or impaired by reason of the 55792  
assumption of the board's authority by the conservator under 55793  
this section and any such validation, cure, right, privilege, 55794  
remedy, obligation, or liability shall be administered by the 55795  
conservator. No action or proceeding pending on the effective 55796  
date of the assumption by the conservator of the board's 55797  
authority is affected by that assumption and any such action or 55798  
proceeding shall be prosecuted or defended in the name of the 55799  
conservator. 55800

(5) The conservator assumes custody of all equipment, 55801  
records, files, effects, and all other property real or personal 55802  
of the state university or college; 55803

(6) All authority and duties of the president or chief 55804  
executive officer, and the pay of the president or chief 55805  
executive officer, are suspended. 55806

(D) The conservator for a state university or college 55807  
shall conduct a preliminary performance evaluation of the 55808  
president or chief executive officer of the university or 55809  
college and provide a copy of findings and any recommendations 55810  
to the governance authority established for the university or 55811

college under section 3345.75 of the Revised Code. 55812

(E) A conservator appointed under this section shall be 55813  
immune, indemnified, and held harmless from civil liability, 55814  
including any cause of action, legal, equitable, or otherwise, 55815  
for any action taken or duties performed by the conservator in 55816  
good faith and in furtherance of the performance of the duties 55817  
of the conservator under this section. 55818

(F) The governor shall set the compensation for a 55819  
conservator appointed for a state university or college. The 55820  
expenses and compensation of the conservator and others employed 55821  
by the conservator shall be paid out of the operating funds and 55822  
revenues of that university or college. 55823

**Sec. 3345.75.** (A) Not later than thirty days after the 55824  
date of the appointment of a conservator for a state university 55825  
or college under section 3345.74 of the Revised Code, the 55826  
governor shall appoint, with the advice and consent of the 55827  
senate, a governance authority for the university or college 55828  
consisting of five members, of which one shall have expertise in 55829  
academic affairs and accreditation and one shall have expertise 55830  
in either state agency budgets or state university or college 55831  
finances. The members shall serve at the pleasure of the 55832  
governor and any vacancies shall be filled in the same manner as 55833  
an original appointment. 55834

The governor shall designate one of the members of the 55835  
governance authority as the chairperson and shall call the first 55836  
meeting of the authority. A majority of the members of a 55837  
governance authority constitutes a quorum and the affirmative 55838  
vote of a majority of the members shall be necessary for any 55839  
action taken by an authority. Meetings of a governance authority 55840  
shall be called in the manner and at the times prescribed by the 55841



authority, but the authority shall meet at least four times 55842  
annually and at other times necessary for the best interest of 55843  
the university or college. A governance authority may adopt 55844  
procedures for the conduct of its business. 55845

The members of a governance authority shall not receive 55846  
compensation for their services, but shall be paid their 55847  
reasonable and necessary expenses while engaged in the discharge 55848  
of their official duties. 55849

(B) (1) A governance authority established under this 55850  
section shall appoint an executive director who shall serve at 55851  
the pleasure of the authority and with the compensation and 55852  
other terms and conditions established by it. With the approval 55853  
of the chairperson of the authority, the executive director may 55854  
appoint additional personnel as the director considers 55855  
appropriate. The executive director shall oversee the day-to-day 55856  
operation of the university or college under the direction and 55857  
supervision of the authority. 55858

(2) The governance authority shall conduct a final 55859  
performance evaluation of the president or chief executive 55860  
officer of the university or college. Following the evaluation, 55861  
the governance authority may reinstate any duties, authority, or 55862  
pay previously suspended under division (C) (6) of section 55863  
3345.74 of the Revised Code, or may terminate the president or 55864  
chief executive officer in accordance with the terms of the 55865  
person's employment contract. 55866

(C) Upon appointment of all members of a governance 55867  
authority under this section and upon the effective date for the 55868  
commencement of the duties of the executive director appointed 55869  
by that authority under this section, all authority, 55870  
responsibilities, duties, and references assumed by or conferred 55871

upon the conservator under divisions (C) (2) to (6) of section 55872  
3345.74 of the Revised Code terminate and all of the following 55873  
shall occur, effective immediately: 55874

(1) The management and control of the state university or 55875  
college is assumed by the governance authority; 55876

(2) Notwithstanding any section of the Revised Code, all 55877  
duties, responsibilities, and powers assigned by law to the 55878  
board of trustees or to the conservator are assigned to the 55879  
governance authority and the governance authority becomes the 55880  
successor to, assumes the lawful obligations of, and otherwise 55881  
constitutes the continuation of the board of trustees and the 55882  
conservator for purposes of all pending legal actions, contracts 55883  
or other agreements, and obligations of the university or 55884  
college; 55885

(3) Wherever the board of trustees or conservator is 55886  
referred to in any contract or legal document, the reference is 55887  
deemed to refer to the governance authority. No validation, 55888  
cure, right, privilege, remedy, obligation, or liability is lost 55889  
or impaired by reason of the assumption of the authority of the 55890  
board of trustees and the conservator by the governance 55891  
authority under this section and any such validation, cure, 55892  
right, privilege, remedy, obligation, or liability shall be 55893  
administered by the governance authority. No action or 55894  
proceeding pending on the effective date of the assumption by 55895  
the governance authority of the authority of the board of 55896  
trustees and the conservator is affected by that assumption and 55897  
any such action or proceeding shall be prosecuted or defended in 55898  
the name of the governance authority. 55899

(4) The governance authority assumes custody of all 55900  
equipment, records, files, effects, and all other property real 55901

or personal of the state university or college. 55902

(D) A governance authority and executive director 55903  
appointed under this section shall be immune, indemnified, and 55904  
held harmless from civil liability, including any cause of 55905  
action, legal, equitable, or otherwise, for any action taken or 55906  
duties performed by the governance authority and executive 55907  
director in good faith and in furtherance of the performance of 55908  
the duties of the governance authority and executive director 55909  
under this section. 55910

(E) The expenses of a governance authority and the 55911  
expenses and compensation of an executive director appointed for 55912  
a state university or college under this section and others 55913  
employed by the executive director under this section shall be 55914  
paid out of the operating funds and revenues of that university 55915  
or college. 55916

(F) A governance authority appointed under this section 55917  
shall prepare, in accordance with rules adopted by the office of 55918  
budget and management, and submit to the chancellor of higher 55919  
education, the governor, the speaker and minority leader of the 55920  
house of representatives, and the president and minority leader 55921  
of the senate a quarterly report setting forth all of the 55922  
following: 55923

(1) The general condition of the university or college; 55924

(2) The amounts of receipts and disbursements and the 55925  
items for which the disbursements were made; 55926

(3) The numbers of professors, officers, teachers, and 55927  
other employees and the position and compensation of each and 55928  
the numbers of students by courses of instruction; 55929

(4) An estimate of expenses for the ensuing quarter; 55930

(5) A statement of the general progress of the university 55931  
or college with indication of any improvements and specification 55932  
of any experiments with institutional reform and the costs and 55933  
results of those experiments; 55934

(6) If the governance authority determines closure is 55935  
necessary or is appointed to facilitate an orderly closure as 55936  
determined to be necessary by the board of trustees prior to the 55937  
governance authority's appointment, all matters related to 55938  
compliance with the requirements of a closure of an institution 55939  
of higher education as specified by the chancellor; 55940

(7) Any other matters the governance authority considers 55941  
useful to report. 55942

(G) The attorney general shall be the legal adviser to the 55943  
conservator and the governance authority, and the attorney 55944  
general may employ special counsel to aid the conservator or 55945  
governance authority with respect to any legal matter on behalf 55946  
of the institution. The conservator and the governance authority 55947  
may as otherwise provided by law request the attorney general to 55948  
bring or defend suits or proceedings in the name of the 55949  
institution. 55950

**Sec. 3345.79.** As used in this section, "state university 55951  
or college" has the same meaning as in section 3345.71 of the 55952  
Revised Code. 55953

(A) Pursuant to the authority of the general assembly to 55954  
provide for the public health, safety, and welfare, it is 55955  
declared to be the public policy and a public purpose of the 55956  
state to require fiscal integrity of state universities and 55957  
colleges so that they can educate students, pay when due 55958  
principal and interest on their debt obligations, meet financial 55959

obligations to their employees, vendors, and suppliers, and 55960  
provide for proper financial accounting procedures, budgeting, 55961  
and taxing practices. The failure of a state university or 55962  
college to so act is hereby determined to affect adversely the 55963  
health, safety, and welfare not only of the students but also of 55964  
other people of the state. 55965

(B) The chancellor may make recommendations, and the 55966  
controlling board may grant money from the catastrophic 55967  
expenditures account to any state university or college that 55968  
suffers an unforeseen catastrophic event that severely depletes 55969  
the university or college's financial resources. The chancellor 55970  
shall make recommendations for the grants in accordance with 55971  
rules adopted by the chancellor, after consulting with the 55972  
director of budget and management. A state university or college 55973  
shall not be required to repay any grant awarded to the state 55974  
university or college under this division, unless the state 55975  
university or college receives money from this state or a third 55976  
party, including an agency of the government of the United 55977  
States, specifically for the purpose of compensating the state 55978  
university or college for revenue lost or expenses incurred as a 55979  
result of the unforeseen catastrophic event. 55980

**Sec. 3345.83.** (A) Beginning not later than the 2027-2028 55981  
academic year, each state institution of higher education, as 55982  
defined in section 3345.011 of the Revised Code, shall develop 55983  
and implement a co-op internship program that aligns with 55984  
JobsOhio's target economic sectors and connects students with 55985  
Ohio-based employers to facilitate work-based learning 55986  
opportunities, which may include apprenticeships, internships, 55987  
externships, and co-ops, related to the student's course of 55988  
study. Institutions shall work with JobsOhio to develop and 55989  
implement their program, which shall include identifying 55990

industry and employer partners. 55991

(B) The chancellor of higher education shall consult with 55992  
JobsOhio and any other appropriate stakeholders to develop the 55993  
goals, structure, and parameters of the program. The chancellor 55994  
may consult with other stakeholders. 55995

(C) Beginning on the thirtieth day of June following the 55996  
academic year in which the co-op internship program under 55997  
division (A) of this section is implemented and annually 55998  
thereafter, each institution shall issue a report to the 55999  
chancellor on the status of the institution's program, including 56000  
the number of participating students, which employers are 56001  
partnering with the institution, and how many participating 56002  
students have received or accepted offers of employment after 56003  
graduation as a direct result of their participation in the 56004  
program. 56005

**Sec. 3345.86.** (A) As used in this section: 56006

(1) "Competency-based educational program" and "eligible 56007  
individual" have the same meanings as in section 3313.902 of the 56008  
Revised Code. 56009

(2) "Eligible provider" means a community college 56010  
established under Chapter 3354. of the Revised Code, a 56011  
university branch established under Chapter 3355. of the Revised 56012  
Code, a technical college established under Chapter 3357. of the 56013  
Revised Code, a state community college established under 56014  
Chapter 3358. of the Revised Code, or an Ohio technical center 56015  
as defined in section 3333.94 of the Revised Code. 56016

(B) An eligible provider may establish a competency-based 56017  
educational program that complies with standards adopted by the 56018  
department of education and workforce and may enroll eligible 56019

individuals in the program for up to three consecutive school 56020  
years for the purpose of earning a high school diploma. The 56021  
provider shall establish a career plan for each individual 56022  
enrolled in the program that specifies the individual's career 56023  
goals and describes how the individual will demonstrate 56024  
competency or earn course credits under division (C) of section 56025  
3313.902 of the Revised Code to earn a diploma and attain the 56026  
individual's career goals. Notwithstanding sections 3313.61, 56027  
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 56028  
Revised Code, the department shall award a high school diploma 56029  
to an individual enrolled in a program who satisfies one of the 56030  
conditions specified in division (C) of section 3313.902 of the 56031  
Revised Code. 56032

(C) An eligible provider shall report each individual 56033  
enrolled in a program under division (B) of this section to the 56034  
department. The department annually shall certify the enrollment 56035  
and attendance of each individual reported under this division 56036  
and shall pay the provider up to \$7,500 per school year, as 56037  
determined by the department based on the extent of the 56038  
individual's successful completion of the diploma requirements 56039  
prescribed in division (C) of section 3313.902 of the Revised 56040  
Code. 56041

(D) An eligible provider that enrolls individuals under 56042  
division (B) of this section is subject to the requirements of 56043  
section 3313.902 of the Revised Code, as applicable. 56044

**Sec. 3345.88.** (A) As used in this section: 56045

(1) "College credit plus pathways" means the pathways 56046  
developed under section 3365.13 of the Revised Code. 56047

(2) "State university" has the same meaning as in section 56048

3345.011 of the Revised Code. 56049

(B) The accelerated college and career pathways program is established. Under the program, each state university shall establish at least one accelerated ninety-hour degree program aligned to an in-demand career area by the 2026-2027 academic year. Each state university shall determine the number and types of accelerated degrees to be offered. Each state university shall do all of the following: 56050  
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(1) Include accelerated ninety-hour degree programs in course and program catalogues; 56057  
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(2) Ensure that accelerated ninety-hour degree programs are properly accredited and meet the requirements for reduced credit hour degree programs. The chancellor of higher education shall approve each accelerated ninety-hour degree program developed by a state university that meets the requirements established under section 3345.88 of the Revised Code. 56059  
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(3) Work collaboratively with local and regional business community partners to identify in-demand career areas during the development of accelerated ninety-hour degree programs. 56065  
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(4) Report to the chancellor all of the following: 56068

(a) The accelerated ninety-hour degree programs the state university offers; 56069  
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(b) The number of students participating in each program; 56071

(c) The number of students that complete each program; 56072

(d) Any additional information required by the chancellor under section 3333.97 of the Revised Code. 56073  
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(C) (1) Each state university shall develop, in 56075



consultation with local and regional primary and secondary 56076  
education partners, model college credit plus pathways that are 56077  
aligned with the accelerated ninety-hour degree programs offered 56078  
by the state university and regional and state workforce needs. 56079

(2) Each public and participating nonpublic secondary 56080  
school shall include the model college credit plus pathways 56081  
developed under division (C) (1) of this section in the 56082  
information required to be provided to students and parents 56083  
under section 3365.04 of the Revised Code. 56084

(D) The chancellor shall not distribute state share of 56085  
instruction funds to a state university in any fiscal year in 56086  
which it does not comply with this section, as determined by the 56087  
chancellor. 56088

**Sec. 3352.16.** (A) (1) The Wright state university center 56089  
for civics, culture, and workforce development is established as 56090  
an independent academic division within Wright state university, 56091  
physically located on the Dayton campus of Wright state 56092  
university. The center shall conduct teaching and research in 56093  
the historical ideas, traditions, and texts that have shaped the 56094  
American constitutional order and society and the United States 56095  
armed forces. 56096

(2) The center shall establish bylaws requiring the center 56097  
to do all of the following: 56098

(a) Educate students by means of free, open, and rigorous 56099  
intellectual inquiry to seek the truth; 56100

(b) Affirm its duty to equip students with the skills, 56101  
habits, and dispositions of mind they need to reach their own 56102  
informed conclusions on matters of social and political 56103  
importance; 56104

(c) Affirm the value of intellectual diversity in higher education and aspire to enhance the intellectual diversity of the university;

(d) Affirm a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that shall naturally exist in a public university community.

The requirements prescribed under divisions (A) (2) (a) to (d) of this section shall take priority over any other bylaws adopted by the center.

(3) The board of trustees of the university may name the center in accordance with the philanthropic naming policies and practices of the university.

(B) The center shall be an independent academic division, physically located on the Dayton campus of Wright state university, with the authority to house faculty who hold their appointments within the center. Faculty appointed to the center shall not be required, but may, hold joint appointments within any other division of the university. No faculty outside of the center shall have the authority to block faculty hires into the center. No university policy shall govern the development and approval of curriculum within the center.

(C) (1) The center shall offer instruction in all of the following:

(a) The books and major debates which form the intellectual foundation of free societies, especially that of the United States;

(b) The principles, ideals, and institutions of the

American constitutional order, including the United States armed forces; 56134  
56135

(c) The foundations of responsible leadership and informed citizenship; 56136  
56137

(d) The origins, purpose, and role of Wright-Patterson air force base and surrounding defense-related industries in supporting the United States; 56138  
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56140

(e) The workforce needs of Wright-Patterson air force base and industries that support the base. 56141  
56142

(2) The center also shall focus on all of the following: 56143

(a) Offering university-wide programming related to the values of free speech and civil discourse; 56144  
56145

(b) Expanding the intellectual diversity of the university's academic community; 56146  
56147

(c) Increasing the awareness of Wright-Patterson air force base and supporting workforce needs to sustain and attract missions at the base. 56148  
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(D) (1) ~~Not later than ninety days after the effective date of this section, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum. 56151  
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(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than three members of the council may be employees of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio. 56157  
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(3) Three members of the academic council shall serve 56162  
initial terms of two years and four members shall serve initial 56163  
terms of four years, which the members shall determine at their 56164  
first meeting, and select replacements for vacant seats. 56165

(E) (1) The academic council established under division (D) 56166  
of this section shall conduct a nationwide search for candidates 56167  
for the director of the center and shall strictly adhere to all 56168  
relevant state and federal laws. The academic council shall 56169  
submit to the president of the university a list of finalists 56170  
from which the president shall select and appoint a director, 56171  
subject to approval by the board of trustees. Future directors 56172  
shall be chosen in the same manner. 56173

(2) The director shall consult with the provost; however, 56174  
the director shall report directly to the president of the 56175  
university. 56176

(3) The director shall have the sole and exclusive 56177  
authority to manage the recruitment and hiring process and to 56178  
extend offers for employment for all faculty and staff of the 56179  
center, and to terminate employment of all staff, subject to the 56180  
approval of the board of trustees of the university. The 56181  
director shall oversee, develop, and approve the center's 56182  
curriculum, including approval of the center's courses that meet 56183  
the university's general education requirements. The center 56184  
shall be granted the authority to offer courses independently 56185  
and develop certificate, minor, and major programs as well as 56186  
graduate programs, and offer degrees. 56187

(4) Notwithstanding section 3333.164 of the Revised Code, 56188  
the center shall develop a set of standards and procedures to 56189  
maximize the granting of academic credit for military training, 56190  
experience, and coursework. 56191

(5) Notwithstanding section 3333.31 of the Revised Code, Wright state university shall not charge more than its in-state instructional and general fees to any current or honorably discharged member of the United States armed forces, or the spouse or dependents of such a member, who enrolls in a program offered by the center, regardless of whether that member, spouse, or dependent is a resident of this state under rules adopted under section 3333.31 of the Revised Code.

(F) The director of the center shall submit an annual report to the board of trustees of the university and the general assembly in accordance with section 101.68 of the Revised Code. The report shall provide a full account of the center's achievements, opportunities, challenges, and obstacles in the development of this academic division.

**Sec. 3354.19.** ~~(A)~~ As used in sections 3354.19 to ~~3354.24~~3354.21 of the Revised Code, "displaced homemaker" means an individual who:

(A) Is twenty-seven years of age or older;

(B) Has worked without pay as a homemaker for his or her family;

(C) Is not gainfully employed and has had, or would be likely to have, difficulty in securing employment; and

(D) Has either been deprived of the support of a person on whom he or she was dependent, or has become ineligible for public assistance as the parent of a needy child.

**Sec. 3358.08.** The board of trustees of a state community college district may:

(A) Own and operate a state community college;

(B) Hold, encumber, control, acquire by donation, purchase  
or condemn, construct, own, lease, use, and sell, real and  
personal property as necessary for the conduct of the program of  
the state community college on whatever terms and for whatever  
consideration may be appropriate for the purpose of the  
institution;

(C) Accept gifts, grants, bequests, and devises absolute  
or in trust for support of the state community college;

(D) Employ a president, and appoint or approve the  
appointment of other necessary administrative officers, full-  
time faculty members, and operating staff. The board may  
delegate the appointment of operating staff and part-time  
faculty members to the college president. The board shall fix  
the rate of compensation of the president and all officers and  
full-time employees as are necessary and proper for state  
community colleges.

(E) Provide for the state community college necessary  
lands, buildings, or other structures, equipment, means, and  
appliances;

(F) Establish within the maximum amounts permitted by law,  
schedules of fees and tuition for students who are Ohio  
residents and students who are not~~r~~. If electors approve a levy  
under section 3358.11 of the Revised Code for current operating  
expenses, the board shall charge students who reside in the  
county in which the tax is levied a lower tuition rate than the  
rate charged to students who are residents of other counties in  
the state.

(G) Grant appropriate degrees to students successfully  
completing the state community college's programs, and

certificates of achievement to students who complete other	56249
programs;	56250
(H) Prescribe policies for the effective operation of the	56251
state community college and exercise such other powers as are	56252
necessary for the efficient management of the college;	56253
(I) Enter into contracts with neighboring colleges and	56254
universities for the conduct of state community college programs	56255
or technical courses outside the state community college	56256
district;	56257
(J) Purchase:	56258
(1) A policy or policies of insurance insuring the	56259
district against loss or damage to property, whether real,	56260
personal, or mixed, which is owned by the district or leased by	56261
it as lessee or which is in the process of construction by or	56262
for the district;	56263
(2) A policy or policies of fidelity insurance in such	56264
amounts and covering such trustees, officers, and employees of	56265
the district as the board may consider necessary or desirable;	56266
(3) A policy or policies of liability insurance from an	56267
insurer or insurers licensed to do business in this state	56268
insuring its members, officers, and employees against all civil	56269
liability arising from an act or omission by the member,	56270
officer, or employee, when the member, officer, or employee is	56271
not acting manifestly outside the scope of employment or	56272
official responsibilities with the institution, with malicious	56273
purpose or bad faith, or in a wanton or reckless manner, or may	56274
otherwise provide for the indemnification of such persons	56275
against such liability. All or any portion of the cost, premium,	56276
or charge for such a policy or policies or indemnification	56277

payment may be paid from any funds under the institution's 56278  
control. The policy or policies of liability insurance or the 56279  
indemnification policy of the institution may cover any risks 56280  
including, but not limited to, damages resulting from injury to 56281  
property or person, professional liability, and other special 56282  
risks, including legal fees and expenses incurred in the defense 56283  
or settlement claims of such damages. 56284

(4) A policy or policies of insurance insuring the 56285  
district against any liabilities to which it may be subject on 56286  
account of damage or injury to persons or property, including 56287  
liability for wrongful death. 56288

Any instrument by which real property is acquired pursuant 56289  
to this section shall identify the agency of the state that has 56290  
the use and benefit of the real property as specified in section 56291  
5301.012 of the Revised Code. 56292

**Sec. 3358.11.** (A) In the same manner as a tax may be 56293  
proposed by a board of trustees of a community college district 56294  
under section 3354.12 of the Revised Code, the board of trustees 56295  
of a state community college district may adopt and certify a 56296  
resolution to the board of elections of one or more of the 56297  
counties comprising the state community college district 56298  
directing the board of elections to place on the ballot at any 56299  
general or special election the question of levying a tax in 56300  
excess of the ten-mill limitation on all the taxable property in 56301  
that county or those counties. The tax may be for any of the 56302  
following purposes, as stated in the resolution: 56303

(1) The acquisition of sites in that county or those 56304  
counties; 56305

(2) The erection, furnishing, and equipment of buildings 56306



in that county or those counties; 56307

(3) The acquisition, construction, or improvement of any 56308  
property in that county or those counties which the board of 56309  
trustees of a state community college is authorized to acquire, 56310  
construct, or improve and which has an estimated life or 56311  
usefulness of five years or more as certified by the treasurer 56312  
of the board of trustees; 56313

(4) The payment of current expenses of the state community 56314  
college district. This tax may only be levied in the county in 56315  
which the main campus of the state community college is located. 56316

The resolution shall declare that, if the levy is for one 56317  
or more of the purposes described in divisions (A) (1) to (3) of 56318  
this section, the proceeds of the levy or issue may be used 56319  
solely within the county or counties in which the tax is levied— 56320  
and. If the levy is for the purpose described in division (A) 56321  
(4) of this section, the resolution shall declare that the 56322  
proceeds of the levy shall be used for costs associated with 56323  
operations in the county in which the tax is levied. The 56324  
resolution shall also state, regardless of the purposes for 56325  
which the tax is levied, the term of the tax, which may be for 56326  
any term authorized for a tax levied under section 3354.12 of 56327  
the Revised Code. The question of such a tax may not be 56328  
submitted at more than two special elections held in any one 56329  
calendar year. Levies for a continuing period of time adopted 56330  
under this section may be reduced in accordance with section 56331  
5705.261 of the Revised Code. 56332

The election shall be held, canvassed, and certified in 56333  
the manner provided for the submission of a tax levy under 56334  
section 3354.12 of the Revised Code. A tax levied under this 56335  
section may be renewed in the same manner as a tax levied under 56336

section 3354.12 of the Revised Code or replaced in accordance 56337  
with section 5705.192 of the Revised Code. 56338

If electors approve the levy, the board of trustees may 56339  
anticipate a fraction of the proceeds of the levy and may, from 56340  
time to time, issue anticipation notes in the same manner and 56341  
subject to the same limitations provided under section 3354.12 56342  
of the Revised Code. 56343

(B) In accordance with Chapter 133. of the Revised Code, 56344  
the board of trustees of a state community college district may 56345  
adopt and certify a resolution to the board of elections of one 56346  
or more of the counties comprising the district directing the 56347  
board of elections to place on the ballot at any election 56348  
authorized under section 133.18 of the Revised Code both of the 56349  
following questions: 56350

(1) The question of issuing bonds for paying all or part 56351  
of the cost of the following: 56352

(a) The purchase of sites in that county or those 56353  
counties; 56354

(b) The erection, furnishings, and equipment of buildings 56355  
in that county or those counties; 56356

(c) The acquisition or construction of any property in 56357  
that county or those counties which the board of trustees is 56358  
authorized to acquire or construct and which has an estimated 56359  
life or usefulness of five years or more as certified by the 56360  
treasurer of the board of trustees. 56361

(2) The question of levying a tax in excess of the ten- 56362  
mill limitation on all the taxable property in that county or 56363  
those counties to pay the interest on and retire any bonds 56364  
approved by the electors under division (B) (1) of this section. 56365

The election shall be held, canvassed, and certified in the manner provided for the submission of a bond issuance and tax levy under section 3354.11 of the Revised Code. Bonds approved by electors under division (B) (1) of this section may be issued for one or more improvements which the district is authorized to acquire or construct, notwithstanding the fact that such improvements may not be for more than one purpose under Chapter 133. of the Revised Code.

Notes may be issued in anticipation of any bonds that may be approved by the electors under division (B) (1) of this section in the manner provided under section 133.22 of the Revised Code.

For the purpose of applying Chapter 133. of the Revised Code to division (B) of this section, the treasurer of the state community college district shall be considered to be the district's fiscal officer, and the board of trustees of the state community college district shall be considered to be the taxing authority.

(C) The board of trustees of a state community college district that levies a tax or proposes to levy a tax under division (A) or (B) of this section shall be considered to be a taxing authority, the county or counties in which the tax is levied shall be considered to be a subdivision, and the treasurer of the board of trustees shall be considered to be a fiscal officer for the purposes of Chapter 5705. of the Revised Code, except for section 5705.19 of the Revised Code.

**Sec. 3364.07.** (A) The institute of American constitutional thought and leadership is established for the purpose of creating and disseminating knowledge about American constitutional thought and to form future leaders of the legal

profession through research, scholarship, teaching, 56396  
collaboration, and mentorship. The institute shall be an 56397  
independent academic unit within the university of Toledo, 56398  
initially physically located at the college of law. The 56399  
university shall require the college of law to provide adequate 56400  
administrative space for the institute. 56401

(B) The institute shall pursue all of the following goals: 56402

(1) To enrich the curriculum in American constitutional 56403  
studies, including the core texts and great debates of western 56404  
civilization; 56405

(2) To educate university students in the principles, 56406  
ideals, and institutions of the American and Ohio constitutional 56407  
order; 56408

(3) To educate university students in the foundations of 56409  
responsible leadership and informed citizenship and to cultivate 56410  
the next generation of leaders in the legal profession; 56411

(4) To offer university-wide programming related to the 56412  
values of open inquiry and civil discourse; 56413

(5) To expand the intellectual diversity of the 56414  
university's academic community and to create a rich forum for 56415  
the development of ideas across the political and ideological 56416  
spectrum; 56417

(6) To support faculty and graduate student scholarship 56418  
that advances understanding of American constitutional thought 56419  
and institutions; 56420

(7) To promote scholarly collaboration within the 56421  
university and beyond; 56422

(8) To host lectures, debates, and symposia, and sponsor 56423

visiting scholars, jurists, and teachers. 56424

(C) The institute shall adhere to the following policies: 56425

(1) The institute shall educate students by means of free, 56426  
open, and rigorous intellectual inquiry to seek the truth. 56427

(2) The institute shall equip students with the skills, 56428  
habits, and dispositions of mind they need to reach their own 56429  
informed conclusions on matters of legal, social, and political 56430  
importance. 56431

(3) The institute shall value intellectual diversity in 56432  
higher education, including in faculty recruitment, hiring, and 56433  
appointment, and aspire to enhance the intellectual diversity of 56434  
academic life at the university. 56435

(4) The institute shall create a community dedicated to an 56436  
ethic of civil and free inquiry, which respects the intellectual 56437  
freedom of each member, supports individual capacities for 56438  
growth, and welcomes the differences of opinion that naturally 56439  
occur in a public university community. 56440

(D) (1) ~~Not later than sixty days after the effective date~~ 56441  
~~of this section, the~~ The talent, compensation, and governance 56442  
committee of the board of trustees of the university, if such a 56443  
committee exists, shall appoint, with the advice and consent of 56444  
the senate, a seven-member institute academic council. If no 56445  
such committee exists, the board of trustees shall appoint 56446  
members under this division. An initial member shall not begin 56447  
service until confirmed by the senate. Four members shall form a 56448  
quorum. 56449

(2) The academic council shall be comprised of scholars 56450  
with relevant expertise and experience. Not more than one member 56451  
of the council may be an employee of the university. Best 56452

efforts shall be made to have not fewer than three members of 56453  
the council be from Ohio. 56454

(3) Three members of the academic council shall serve 56455  
initial terms of two years and four members shall serve initial 56456  
terms of four years, which the members shall determine at their 56457  
first meeting, and select replacements for vacant seats. 56458

(4) To fill a vacancy for the institute director after the 56459  
initial director, following a national search, the academic 56460  
council shall transmit to the president a list of finalists from 56461  
which the president shall select a director, subject to the 56462  
approval of the talent, compensation, and governance committee 56463  
of the board of trustees. 56464

(E) (1) The institute shall be led by a director who shall 56465  
report directly to the president and provost of the university 56466  
and consult with the dean of the college of law. The president 56467  
of the university shall appoint an initial ~~the~~ director ~~not~~ 56468  
~~later than thirty days after the effective date of this section~~ 56469  
. The director shall be an expert of the western tradition, the 56470  
American founding, and American constitutional thought, and 56471  
shall have shown a commitment to the purposes, goals, and 56472  
policies of the institute. The director's term shall be for five 56473  
years and shall be renewable. 56474

(2) The director shall have the protection of tenure or 56475  
tenure eligibility. Any existing tenure with the university held 56476  
by a director shall be maintained with the university. 56477

(F) The institute shall be an independent academic unit of 56478  
the university with the authority to house tenure-track faculty 56479  
who hold their appointments within the institute. Not fewer than 56480  
five tenure-track faculty positions shall be allotted to the 56481

institute. Faculty appointed within the institute shall not be 56482  
required, but may be permitted, to hold joint or courtesy 56483  
appointments within any other division of the university. No 56484  
faculty from outside the institute shall have the authority to 56485  
block faculty hires into the institute. 56486

(G) (1) The director shall have the sole and exclusive 56487  
authority to manage the recruitment and hiring process and to 56488  
extend offers for employment for all faculty and staff, and to 56489  
terminate employment of all staff. The director shall oversee, 56490  
develop, and approve the institute's curriculum, including 56491  
approval of the center's courses that meet the university's 56492  
general education requirements. The institute shall be granted 56493  
the authority to offer courses and develop certificate, minor, 56494  
major, and graduate programs, and offer degrees. 56495

(2) Employment contracts offered under division (G) (1) of 56496  
this section to tenure-track faculty appointed to the institute 56497  
shall guarantee reappointment elsewhere in the university, at 56498  
the same rank and compensation, in the event the institute is 56499  
discontinued. 56500

(H) The director of the institute shall submit an annual 56501  
report to the board of trustees of the university and the 56502  
general assembly in accordance with section 101.68 of the 56503  
Revised Code. The report shall provide a full account of the 56504  
institute's achievements, opportunities, challenges, and 56505  
obstacles in the development of this academic unit. 56506

(I) The board of trustees of the university may change the 56507  
name of the institute in accordance with the philanthropic 56508  
naming policies and practices of the university. 56509

**Sec. 3365.15.** The chancellor of higher education and the 56510

department of education and workforce jointly shall do all of 56511  
the following: 56512

(A) Adopt data reporting guidelines specifying the types 56513  
of data that public and participating nonpublic secondary 56514  
schools and public and participating private colleges, including 56515  
eligible out-of-state colleges participating in the program, 56516  
must annually collect, report, and track under division (G) of 56517  
section 3365.04 and division (H) of section 3365.05 of the 56518  
Revised Code. The types of data shall include all of the 56519  
following: 56520

(1) For each secondary school and college: 56521

(a) The number of participants disaggregated by grade 56522  
level, socioeconomic status, race, gender, and disability; 56523

(b) The number of completed courses and credit hours, 56524  
disaggregated by the college in which participants were 56525  
enrolled; 56526

(c) The number of courses in which participants enrolled, 56527  
disaggregated by subject area and level of difficulty. 56528

(2) For each secondary school, the number of students who 56529  
were denied participation in the program under division (A) (1) 56530  
(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of 56531  
the Revised Code. Each participating nonpublic secondary school 56532  
shall also include the number of students who were denied 56533  
participation due to the student not being awarded funding by 56534  
the department pursuant to section 3365.071 of the Revised Code. 56535

(3) For each college: 56536

(a) The number of students who applied to enroll in the 56537  
college under the program but were not granted admission; 56538



(b) The average number of completed courses per participant; 56539  
56540

(c) The average grade point average for participants in college courses under the program. 56541  
56542

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data. 56543  
56544  
56545

(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data from the previous school year shall be posted in a prominent location on both the chancellor of higher education's and the department's web sites. 56546  
56547  
56548  
56549  
56550

(C) Submit an annual report on outcomes of the college credit plus program that are supported by empirical evidence to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives not later than the thirty-first day of December each year. The report shall include all of the following, disaggregated by cohort: 56551  
56552  
56553  
56554  
56555  
56556  
56557

(1) Number of degrees attained; 56558

(2) Level and type of degrees attained; 56559

(3) Number of students who receive a degree in two different subject areas; 56560  
56561

(4) Time to completion of a degree, disaggregated by level and type of degree attained; 56562  
56563

(5) Time to enrollment in a graduate or doctoral degree program; 56564  
56565

(6) The number of students who participate in a study  
abroad course; 56566  
56567

(7) How all of the measures described in division (C) of  
this section compare to both: 56568  
56569

(a) The overall student population who did not participate  
in the college credit plus program; 56570  
56571

(b) Any similar measures compiled under the former  
postsecondary enrollment options program, to the extent that 56572  
such data is available. 56573  
56574

The first report shall be submitted not later than 56575  
December 31, 2018, and each subsequent report shall be submitted 56576  
not later than the thirty-first day of December each year 56577  
thereafter ~~until December 2023~~. 56578

(D) Establish a college credit plus advisory committee to 56579  
assist in the development of performance metrics and the 56580  
monitoring of the program's progress. At least one member of the 56581  
advisory committee shall be a school guidance counselor. 56582

The chancellor shall also, in consultation with the 56583  
department, create a standard packet of information for the 56584  
college credit plus program directed toward students and parents 56585  
that are interested in the program. 56586

(E) The chancellor and the department also may submit a 56587  
biennial report detailing the status of the college credit plus 56588  
program, including an analysis of quality assurance measures 56589  
related to the program, to the governor, the president of the 56590  
senate, the speaker of the house of representatives, and the 56591  
chairpersons of the education committees of the senate and house 56592  
of representatives. If the chancellor and the department choose 56593  
to jointly submit the biennial report, both of the following 56594

shall apply: 56595

(1) The report shall include only data available through 56596  
the higher education information system administered by the 56597  
chancellor. 56598

(2) The first report shall be submitted not later than 56599  
December 31, 2017, and each subsequent report shall be submitted 56600  
not later than the thirty-first day of December every two years 56601  
thereafter. 56602

(F) For purposes of this section, "cohort" means a group 56603  
of students who participated in the college credit plus program 56604  
and who, upon graduation from high school, enroll in an Ohio 56605  
institution of higher education during the same academic year. 56606

**Sec. 3375.121.** (A) In any municipal corporation, not 56607  
located in a county library district, that has a population of 56608  
not less than twenty-five thousand, and within which there is 56609  
not located a main library of a township, municipal, school 56610  
district, association, or county free public library, a library 56611  
district may be created by a resolution adopted by the 56612  
legislative authority of that municipal corporation. No such 56613  
resolution shall be adopted after one year from June 20, 1977. 56614  
Upon the adoption of the resolution, any branches of an existing 56615  
library that are located in that municipal corporation shall 56616  
become the property of the municipal library district created. 56617

The municipal corporation and the board of trustees of the 56618  
public library maintaining any existing branches in that 56619  
municipal corporation shall forthwith take appropriate action 56620  
transferring all title and interest in all real and personal 56621  
property located in that municipal corporation in the name of 56622  
the library district maintaining those branches in that 56623

municipal corporation to the municipal corporation adopting the 56624  
appropriate resolution. Upon transfer of all title and interest 56625  
in that property, the branches shall become a part of, and be 56626  
operated by, the board of library trustees appointed by the 56627  
legislative authority of the municipal corporation. 56628

(B) In any municipal corporation that has a population of 56629  
less than twenty-five thousand and that has not less than one 56630  
hundred thousand dollars available from a bequest for the 56631  
establishment of a municipal library, the legislative authority 56632  
of that municipal corporation may adopt, within one year after 56633  
June 20, 1977, a resolution creating a library district. Upon 56634  
the establishment of any such library district, the board of 56635  
trustees of any library operating a branch library in that 56636  
municipal corporation shall not be required to transfer any 56637  
property to the newly established library. 56638

(C) The board of library trustees of any library district 56639  
created under this section shall be composed of seven members. 56640  
Those trustees shall be appointed by the legislative authority 56641  
of the municipal corporation, to serve without compensation, for 56642  
a term of four years, but the initial term of the seventh 56643  
trustee may be for the number of years set by the legislative 56644  
authority, not to exceed four years. Vacancies shall be filled 56645  
by like appointment for the unexpired term. This section does 56646  
not affect the term of any trustee appointed prior to January 1, 56647  
2013. A library district created under this section shall be 56648  
governed in accordance with and exercise the authority provided 56649  
for in sections 3375.32 to 3375.41 of the Revised Code. 56650

Notwithstanding any contrary provision of section 3.24 of 56651  
the Revised Code, the chairperson of a board of township 56652  
trustees may administer the oath of office to a person or 56653

persons representing the township on the board of library trustees of any library district created under this section, even if the geographical limits of the library district do not fall within the geographical limits of the township.

(D) Any library district created under this section is eligible to participate in the proceeds of the county public library fund in accordance with section 5705.28 of the Revised Code.

(E) A municipal corporation may establish and operate a free public library regardless of whether the municipal corporation is located in a county library district or school library district, if all of the following conditions are met:

(1) The facility in which the library is principally located is transferred to the municipal corporation from the county library district or school library district in which it is located prior to January 1, 1996.

(2) The population of the municipal corporation is less than five hundred when the library is transferred from the county library district or school library district to the municipal corporation.

(3) The municipal corporation does not establish a municipal library district under this section.

(4) The library does not receive any proceeds from the county public library fund under section ~~5747.48~~126.68 of the Revised Code.

**Sec. 3375.15.** (A) In any school district in which a free public library has been established by resolution adopted by the board of education of such school district prior to September 4, 1947, or by resolution adopted by the board of education of such

school district under section 3375.151 of the Revised Code after 56683  
the effective date of this amendment but prior to January 1, 56684  
2014, such library shall be under the control and management of 56685  
a board of library trustees consisting of seven members. No one 56686  
is eligible to membership on such board of library trustees who 56687  
is or has been for a year previous to appointment a member of a 56688  
board of education making such appointment. A majority of the 56689  
trustees shall be qualified electors of the school district, but 56690  
a minority may be qualified electors of the county who reside 56691  
outside the school district, and all shall be appointed by the 56692  
board of education of the school district. 56693

(B) The trustees shall serve ~~for a term of seven years and~~ 56694  
without compensation. Trustees appointed prior to the effective 56695  
date of this amendment shall serve for a term of seven years. 56696  
Trustees appointed on or after that date shall serve for a term 56697  
of four years. Except as otherwise provided in this section, all 56698  
vacancies on the board of library trustees shall be filled by 56699  
the board of education by appointment for the unexpired term. 56700  
The board of library trustees shall organize in accordance with 56701  
section 3375.32 of the Revised Code. The board of library 56702  
trustees shall have the control and management of the school 56703  
district free public library and in the exercise of such control 56704  
and management shall be governed by sections 3375.33 to 3375.41 56705  
of the Revised Code. This section does not affect the term of 56706  
any member of a board of library trustees of a school district 56707  
free public library appointed prior to September 4, 1947. 56708

(C) The board of education shall make appointments to the 56709  
board of library trustees not later than forty-five days after 56710  
the date a member's term expires or after the date a vacancy 56711  
occurs, whichever is applicable. If the board of education does 56712  
not make an appointment by that time, the appointment shall be 56713

made within the next fourteen days by the probate court of the 56714  
county in which the library is situated. 56715

**Sec. 3375.22.** In any county in which there has been 56716  
created a county library district, the free public library of 56717  
said district shall be under the control and management of a 56718  
board of library trustees consisting of seven members. Such 56719  
trustees shall be qualified electors of the library district or 56720  
county. Three shall be appointed by the judges of the court of 56721  
common pleas and four shall be appointed by the board of county 56722  
commissioners of the county in which said district is situated. 56723  
The term of office of said trustees, if appointed prior to the 56724  
effective date of this amendment, shall be seven years, except 56725  
that at the first appointment the terms of those appointed by 56726  
the judges shall expire in two, four, and six years 56727  
respectively, and the terms of those appointed by the board of 56728  
county commissioners shall expire in one, three, five, and seven 56729  
years respectively. The term of office of trustees appointed on 56730  
or after the effective date of this amendment shall be four 56731  
years, except that at the first appointment the terms of those 56732  
appointed by the judges shall expire in two, three, and four 56733  
years respectively, and the terms of those appointed by the 56734  
board of county commissioners shall expire in one, two, three, 56735  
and four years respectively. Any appointment made to fill a 56736  
vacancy shall be made by the same body which appointed the 56737  
trustee whose place has become vacant and shall be for ~~his~~ the 56738  
remainder of the unexpired term. The successor of any trustee of 56739  
any county library district shall be appointed by the same board 56740  
or officers which appointed ~~his~~ the trustee's predecessor and 56741  
all subsequent appointments shall be for seven years. The 56742  
members of such board of library trustees shall serve without 56743  
compensation but shall be reimbursed for their actual and 56744

necessary expenses incurred in the performance of their duties. 56745  
Such board of library trustees shall organize in accordance with 56746  
section 3375.32 of the Revised Code. Such board of library 56747  
trustees shall have the control and management of the county 56748  
district free public library and in the exercise of such control 56749  
and management shall be governed by sections 3375.33 to 3375.41~~7~~ 56750  
~~inclusive~~, of the Revised Code. 56751

**Sec. 3375.30.** In any two or more contiguous counties in 56752  
which there has been created a regional library district, there 56753  
shall be a board of library trustees consisting of seven 56754  
members. Such trustees shall be qualified electors of the 56755  
district. The first appointments to such board of library 56756  
trustees shall be made by the boards of county commissioners of 56757  
such counties in joint meeting. Thereafter each appointment to 56758  
fill an expiring term shall be made by the board of county 56759  
commissioners of a participating county in the rotating order 56760  
represented by the alphabetical arrangement of the names of the 56761  
counties. The term of office of said trustees, if appointed 56762  
prior to the effective date of this amendment, shall be seven 56763  
years, or, if appointed on or after that date, shall be four 56764  
years, except that at the first appointment the terms must be 56765  
such that one member retires each year. Any appointment made to 56766  
fill a vacancy shall be made by the same body which appointed 56767  
the trustee whose place has become vacant and shall be for ~~his~~ 56768  
the remainder of the unexpired term. The members of such board 56769  
of library trustees shall serve without compensation but shall 56770  
be reimbursed for their actual and necessary expenses incurred 56771  
in the performance of their duties. Such board of library 56772  
trustees shall organize in accordance with section 3375.32 of 56773  
the Revised Code. Such board of library trustees shall have the 56774  
control and management of the regional district free public 56775



library and in exercise of such control and management shall be 56776  
governed by sections 3375.33 to 3375.41, ~~inclusive,~~ and section 56777  
3375.19 of the Revised Code. 56778

**Sec. 3375.404.** (A) As used in this chapter: 56779

(1) "Anticipation notes" means notes issued in 56780  
anticipation of the library facilities notes authorized by this 56781  
section. 56782

(2) "Authorizing proceedings" means the resolution, 56783  
legislation, trust agreement, certification and other 56784  
agreements, instruments, and documents, as amended and 56785  
supplemented, authorizing, or providing for the security or sale 56786  
or award of, notes, and includes the provisions set forth or 56787  
incorporated in those notes and proceedings. 56788

(3) "Board" or "board of library trustees" means the board 56789  
of library trustees appointed pursuant to sections 3375.06, 56790  
3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised 56791  
Code. 56792

(4) "Library fund" means the county public library fund 56793  
~~provided for in Chapter 5747. of the Revised Code~~ or any 56794  
successor to that fund. 56795

(5) "Note service charges" means principal, including any 56796  
mandatory sinking fund or redemption requirements for retirement 56797  
of notes, interest, and any redemption premium payable on notes. 56798

(6) "Notes" means the library facilities notes authorized 56799  
by this section, including anticipation notes. 56800

(7) "Public library" means any of the libraries provided 56801  
for in sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 56802  
3375.30 of the Revised Code. 56803

(8) "Refunding notes" means notes issued to provide for the refunding of the notes, or of obligations issued prior to March 4, 1996, collectively referred to in this section as refunded obligations.

(B) A board of library trustees of a public library that receives an allocation of the library fund pursuant to section 5705.32 ~~and Chapter 5747.~~ of the Revised Code may anticipate its portion of the proceeds of the library fund distribution and, if the board receives proceeds from a tax levied under section 5705.23 of the Revised Code by the taxing authority of the political subdivision to whose jurisdiction the board is subject, the lawfully available proceeds of that tax and issue library facilities notes of the public library in the principal amount necessary to pay the costs of financing the facilities or other property referred to in division (C) of section 3375.40 of the Revised Code, or to refund any refunded obligations, provided that the board projects annual note service charges on the notes, or on the notes being anticipated by anticipation notes, to be capable of being paid from the annual library fund receipts of the public library and the available proceeds of the tax. The maximum aggregate amount of notes that may be outstanding at any time in accordance with their terms upon issuance of the new notes shall not exceed an amount which requires or is estimated to require payments from library fund and tax receipts of note service charges on the notes, or, in the case of anticipation notes, projected note service charges on the notes anticipated, in any calendar year in an amount exceeding the sum of the following:

(1) Forty per cent of the average of the library fund receipts of the public library for the two calendar years prior to the year in which the notes are issued;

(2) The portion of the lawfully available proceeds from a tax levied under section 5705.23 of the Revised Code that the board has, in the authorizing proceedings, covenanted to appropriate annually for the purpose of paying note service charges or, in the case of anticipation notes, projected note service charges.

A board may at any time issue renewal anticipation notes, issue notes to pay renewal anticipation notes, and, if it considers refunding expedient, issue refunding notes whether the refunded obligations have or have not matured. The refunding notes shall be sold and the proceeds needed for such purpose applied in the manner provided in the authorizing proceedings of the board.

(C) Every issue of notes outstanding in accordance with their terms shall be payable out of the money received by the public library from the library fund or from a tax levied under section 5705.23 of the Revised Code or proceeds of notes, renewal anticipation notes, or refunding notes which may be pledged for such payment in the authorizing proceedings. The pledge shall be valid and binding from the time the pledge is made, and the receipts and proceeds so pledged and thereafter received by the board shall immediately be subject to the lien of that pledge without any physical delivery of the receipts or proceeds or further act. The lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the board, whether or not such parties have notice of the lien. Neither the resolution nor any trust agreement by which a pledge is created or further evidenced need be filed or recorded except in the board's records.

(D) No property tax levied under section 5705.23 of the Revised Code that is either pledged, or that a board of library trustees has covenanted to appropriate annually, to pay the note service charges and projected note service charges under this section shall be repealed while those notes are outstanding. If such a tax is reduced while those notes are outstanding, the taxing authority to whose jurisdiction the board is subject shall continue to levy and collect the tax under the authority of the original election authorizing the tax at a rate in each year that the board of library trustees reasonably estimates will produce an amount equal to the note service charges on the notes for that year.

(E) Notes issued under this section do not constitute a debt, or a pledge of the faith and credit, of the state, the public library, or any other political subdivision of the state, and the holders or owners of the notes have no right to have taxes levied by the general assembly or by the taxing authority of any political subdivision of the state, including the board of the public library, for the payment of note service charges. Notes are payable solely from the funds pledged for their payment as authorized by this section. All notes shall contain on their face a statement to the effect that the notes, as to note service charges, are not debts or obligations of the state and are not debts of any political subdivision of the state, but are payable solely from the funds pledged for their payment. The utilization and pledge of the library fund receipts and tax receipts and proceeds of notes, renewal anticipation notes, or refunding notes for the payment of note service charges is determined by the general assembly to create a special obligation which is not a bonded indebtedness subject to Section 11 of Article XII, Ohio Constitution, or, alternatively, to

satisfy any applicable requirement of that Section 11. 56896

(F) The notes shall bear such date or dates, shall be 56897  
executed in the manner, and shall mature at such time or times, 56898  
in the case of any anticipation notes not exceeding ten years 56899  
from the date of issue of the original anticipation notes and in 56900  
the case of any notes that are not anticipation notes or of any 56901  
refunding notes, not exceeding forty years from the date of the 56902  
original issue of notes, or other obligations for the purpose, 56903  
all as the authorizing proceedings may provide. The notes shall 56904  
bear interest at such rates, or at variable rate or rates 56905  
changing from time to time, in accordance with provisions 56906  
provided in the authorizing proceedings, be in such 56907  
denominations and form, either coupon or registered, carry such 56908  
registration privileges, be payable in such medium of payment 56909  
and at such place or places, and be subject to such terms of 56910  
redemption, as the board may authorize or provide. The notes may 56911  
be sold at public or private sale, and at, or at not less than, 56912  
the price or prices as the board determines. If any officer 56913  
whose signature or a facsimile of whose signature appears on any 56914  
notes or coupons ceases to be such officer before delivery of 56915  
the notes or anticipation notes, the signature or facsimile 56916  
shall nevertheless be sufficient for all purposes as if that 56917  
officer had remained in office until delivery of the notes. 56918  
Whether or not the notes are of such form and character as to be 56919  
negotiable instruments under Title XIII of the Revised Code, the 56920  
notes shall have all the qualities and incidents of negotiable 56921  
instruments, subject only to any provisions for registration. 56922  
Neither the members of the board nor any person executing the 56923  
notes shall be liable personally on the notes or be subject to 56924  
any personal liability or accountability by reason of their 56925  
issuance. 56926

(G) Notwithstanding any other provision of this section, 56927  
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and 56928  
division (A) of section 133.03 of the Revised Code apply to the 56929  
notes. Notes issued under this section need not comply with any 56930  
other law applicable to notes or bonds but the authorizing 56931  
proceedings may provide that divisions (B) through (E) of 56932  
section 133.25 of the Revised Code apply to the notes or 56933  
anticipation notes. 56934

(H) Any authorizing proceedings may contain provisions, 56935  
subject to any agreements with holders as may then exist, which 56936  
shall be a part of the contract with the holders, as to the 56937  
pledging of any or all of the board's anticipated library fund 56938  
receipts and receipts from a tax levied under section 5705.23 of 56939  
the Revised Code to secure the payment of the notes; the use and 56940  
disposition of the library fund and tax receipts of the boards; 56941  
the crediting of the proceeds of the sale of notes to and among 56942  
the funds referred to or provided for in the authorizing 56943  
proceedings; limitations on the purpose to which the proceeds of 56944  
the notes may be applied and the pledging of portions of such 56945  
proceeds to secure the payment of the notes or of anticipation 56946  
notes; the agreement of the board to do all things necessary for 56947  
the authorization, issuance, and sale of those notes anticipated 56948  
in such amounts as may be necessary for the timely payment of 56949  
note service charges on any anticipation notes; limitations on 56950  
the issuance of additional notes; the terms upon which 56951  
additional notes may be issued and secured; the refunding of 56952  
refunded obligations; the procedure by which the terms of any 56953  
contract with holders may be amended, and the manner in which 56954  
any required consent to amend may be given; securing any notes 56955  
by a trust agreement or other agreement which may provide for 56956  
notes or refunding notes to be further secured by a mortgage on 56957

the property financed with the proceeds of the notes, 56958  
anticipation notes, or refunded obligations refunded by 56959  
refunding notes; and any other matters, of like or different 56960  
character, that in any way affect the security or protection of 56961  
the notes or anticipation notes. 56962

Sec. 3375.47. A public library created under Chapter 3375. 56963  
of the Revised Code shall place material related to sexual 56964  
orientation or gender identity or expression in a portion of the 56965  
public library that is not primarily open to the view of persons 56966  
under the age of eighteen. 56967

**Sec. 3375.85.** An interstate library district lying partly 56968  
within this state may claim and be entitled to receive state 56969  
aid, ~~other than aid from the public library fund,~~ in support of 56970  
any of its functions to the same extent and in the same manner 56971  
as such functions are eligible for support when carried on by 56972  
entities wholly within this state. For the purposes of computing 56973  
and apportioning such state aid to an interstate library 56974  
district, this state will consider that portion of the area 56975  
which lies within this state as an independent entity for the 56976  
performance of the aided function or functions and compute and 56977  
apportion the aid accordingly. Any library association that was 56978  
organized and operated prior to January 1, 1968, and which 56979  
pursuant to the authority granted in section 3375.83 of the 56980  
Revised Code, has become part of an interstate library district 56981  
shall be considered a library association under section 5705.28 56982  
of the Revised Code and entitled to participate in the county 56983  
public library fund and other public funds. Subject to any 56984  
applicable laws of this state, such a district also may apply 56985  
for and be entitled to receive any federal aid for which it may 56986  
be eligible. 56987

**Sec. 3501.01.** As used in the sections of the Revised Code 56988  
relating to elections and political communications: 56989

(A) "General election" means the election held on the 56990  
first Tuesday after the first Monday in each November. 56991

(B) "Regular municipal election" means the election held 56992  
on the first Tuesday after the first Monday in November in each 56993  
odd-numbered year. 56994

(C) "Regular state election" means the election held on 56995  
the first Tuesday after the first Monday in November in each 56996  
even-numbered year. 56997

(D) "Special election" means any election other than those 56998  
elections defined in other divisions of this section. A special 56999  
election may be held only on the first Tuesday after the first 57000  
Monday in May or November, on the first Tuesday after the first 57001  
Monday in August in accordance with section 3501.022 of the 57002  
Revised Code, or on the day authorized by a particular municipal 57003  
or county charter for the holding of a primary election, except 57004  
that in any year in which a presidential primary election is 57005  
held, no special election shall be held in May, except as 57006  
authorized by a municipal or county charter, but may be held on 57007  
the third Tuesday after the first Monday in March. 57008

(E) (1) "Primary" or "primary election" means an election 57009  
held for the purpose of nominating persons as candidates of 57010  
political parties for election to offices, and for the purpose 57011  
of electing persons as members of the controlling committees of 57012  
political parties and as delegates and alternates to the 57013  
conventions of political parties. Primary elections shall be 57014  
held on the first Tuesday after the first Monday in May of each 57015  
year except in years in which a presidential primary election is 57016



held. 57017

(2) "Presidential primary election" means a primary 57018  
election as defined by division (E)(1) of this section at which 57019  
an election is held for the purpose of choosing delegates and 57020  
alternates to the national conventions of the major political 57021  
parties pursuant to section 3513.12 of the Revised Code. Unless 57022  
otherwise specified, presidential primary elections are included 57023  
in references to primary elections. In years in which a 57024  
presidential primary election is held, all primary elections 57025  
shall be held on the third Tuesday after the first Monday in 57026  
March except as otherwise authorized by a municipal or county 57027  
charter. 57028

(F) "Political party" means any group of voters meeting 57029  
the requirements set forth in section 3517.01 of the Revised 57030  
Code for the formation and existence of a political party. 57031

(1) "Major political party" means any political party 57032  
organized under the laws of this state whose candidate for 57033  
governor or nominees for presidential electors received not less 57034  
than twenty per cent of the total vote cast for such office at 57035  
the most recent regular state election. 57036

(2) "Minor political party" means any political party 57037  
organized under the laws of this state that meets either of the 57038  
following requirements: 57039

(a) Except as otherwise provided in this division, the 57040  
political party's candidate for governor or nominees for 57041  
presidential electors received less than twenty per cent but not 57042  
less than three per cent of the total vote cast for such office 57043  
at the most recent regular state election. A political party 57044  
that meets the requirements of this division remains a political 57045

party for a period of four years after meeting those 57046  
requirements. 57047

(b) The political party has filed with the secretary of 57048  
state, subsequent to its failure to meet the requirements of 57049  
division (F)(2)(a) of this section, a petition that meets the 57050  
requirements of section 3517.01 of the Revised Code. 57051

A newly formed political party shall be known as a minor 57052  
political party until the time of the first election for 57053  
governor or president which occurs not less than twelve months 57054  
subsequent to the formation of such party, after which election 57055  
the status of such party shall be determined by the vote for the 57056  
office of governor or president. 57057

(G) "Dominant party in a precinct" or "dominant political 57058  
party in a precinct" means that political party whose candidate 57059  
for election to the office of governor at the most recent 57060  
regular state election at which a governor was elected received 57061  
more votes than any other person received for election to that 57062  
office in such precinct at such election. 57063

(H) "Candidate" means any qualified person certified in 57064  
accordance with the provisions of the Revised Code for placement 57065  
on the official ballot of a primary, general, or special 57066  
election to be held in this state, or any qualified person who 57067  
claims to be a write-in candidate, or who knowingly assents to 57068  
being represented as a write-in candidate by another at either a 57069  
primary, general, or special election to be held in this state. 57070

(I) "Independent candidate" means any candidate who claims 57071  
not to be affiliated with a political party, and whose name has 57072  
been certified on the office-type ballot at a general or special 57073  
election through the filing of a statement of candidacy and 57074

nominating petition, as prescribed in section 3513.257 of the Revised Code. 57075  
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(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices. 57077  
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(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code. 57086  
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(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party. 57094  
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(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state. 57100  
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- (N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote. 57104  
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- (O) "Voter" means an elector who votes at an election. 57106
- (P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote. 57107  
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- (Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place. 57110  
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- (R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote. 57114  
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- (S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code. 57117  
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- (T) "Political subdivision" means a county, township, city, village, or school district. 57120  
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- (U) "Election officer" or "election official" means any of the following: 57122  
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- (1) Secretary of state; 57124
- (2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor; 57125  
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- (3) Director of a board of elections; 57129
- (4) Deputy director of a board of elections; 57130

(5) Member of a board of elections;	57131
(6) Employees of a board of elections;	57132
(7) Precinct election officials;	57133
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	57134 57135
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	57136 57137 57138 57139 57140 57141 57142
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	57143 57144 57145 57146
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for	57147 57148 57149 57150 57151 57152 57153 57154 57155 57156 57157 57158 57159

Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA) (1) "Photo identification" means one of the following documents that includes the individual's name and photograph and is not expired:

(a) An Ohio driver's license, state identification card, or interim identification form issued by the registrar of motor vehicles or a deputy registrar under Chapter 4506. or 4507. of the Revised Code;

(b) A United States passport or passport card;

(c) A United States military identification card, Ohio national guard identification card, or United States department of veterans affairs identification card.

(2) A "copy" of an individual's photo identification means images of both the front and back of a document described in division (AA) (1) of this section, except that if the document is a United States passport, a copy of the photo identification means an image of the passport's identification page that includes the individual's name, photograph, and other identifying information and the passport's expiration date.

(BB) "Driver's license" means a license or permit issued

by the registrar or a deputy registrar under Chapter 4506. or 57188  
4507. of the Revised Code that authorizes an individual to 57189  
drive. "Driver's license" includes a driver's license, 57190  
commercial driver's license, probationary license, restricted 57191  
license, motorcycle operator's license, or temporary instruction 57192  
permit identification card. "Driver's license" does not include 57193  
a limited term license issued under section 4506.14 or 4507.09 57194  
of the Revised Code. 57195

(CC) "State identification card" means a card issued by 57196  
the registrar or a deputy registrar under sections 4507.50 to 57197  
4507.52 of the Revised Code. 57198

(DD) "Interim identification form" means the document 57199  
issued by the registrar or a deputy registrar to an applicant 57200  
for a driver's license or state identification card that 57201  
contains all of the information otherwise found on the license 57202  
or card and that an applicant may use as a form of 57203  
identification until the physical license or card arrives in the 57204  
mail. 57205

**Sec. 3501.02.** General elections in the state and its 57206  
political subdivisions shall be held as follows: 57207

(A) For the election of electors of president and vice- 57208  
president of the United States, in the year of 1932 and every 57209  
four years thereafter; 57210

(B) For the election of a member of the senate of the 57211  
United States, in the years 1932 and 1934, and every six years 57212  
after each of such years; except as otherwise provided for 57213  
filling vacancies; 57214

(C) For the election of representatives in the congress of 57215  
the United States and of elective state and county officers 57216

~~including elected members of the state board of education, in~~ 57217  
the even-numbered years; except as otherwise provided for 57218  
filling vacancies; 57219

(D) For municipal and township officers, members of boards 57220  
of education, judges and clerks of municipal courts, in the odd- 57221  
numbered years; 57222

(E) Proposed constitutional amendments or proposed 57223  
measures submitted by the general assembly or by initiative or 57224  
referendum petitions to the voters of the state at large may be 57225  
submitted to the general election in any year occurring at least 57226  
~~sixty days, in case of a referendum, and ninety one hundred~~ 57227  
~~twenty-five days, in the case of an initiated measure,~~ 57228  
subsequent to the filing of the petitions therefor. Proposed 57229  
constitutional amendments submitted by the general assembly to 57230  
the voters of the state at large may be submitted at a special 57231  
election occurring on the day in any year specified by division 57232  
(E) of section 3501.01 of the Revised Code for the holding of a 57233  
primary election, when a special election on that date is 57234  
designated by the general assembly in the resolution adopting 57235  
the proposed constitutional amendment. 57236

No special election shall be held on a day other than the 57237  
day of a general election, unless a law or charter provides 57238  
otherwise, regarding the submission of a question or issue to 57239  
the voters of a county, township, city, village, or school 57240  
district. 57241

(F) (1) Notwithstanding any provision of the Revised Code 57242  
to the contrary, any question or issue, except a candidacy, to 57243  
be voted upon at an election shall be certified, for placement 57244  
upon the ballot, to the board of elections not later than four 57245  
p.m. of the ninetieth day before the day of the election. 57246



(2) Any question or issue that is certified for placement 57247  
on a ballot on or after ~~the effective date of this amendment~~ July 57248  
2, 2010, shall be certified not later than the ninetieth day 57249  
before the day of the applicable election, notwithstanding any 57250  
deadlines appearing in any section of the Revised Code governing 57251  
the placement of that question or issue on the ballot. 57252

**Sec. 3501.17.** (A) The expenses of the board of elections 57253  
shall be paid from the county treasury, in pursuance of 57254  
appropriations by the board of county commissioners, in the same 57255  
manner as other county expenses are paid. If the board of county 57256  
commissioners fails to appropriate an amount sufficient to 57257  
provide for the necessary and proper expenses of the board of 57258  
elections pertaining to the conduct of elections, the board of 57259  
elections may apply to the court of common pleas within the 57260  
county, which shall fix the amount necessary to be appropriated 57261  
and the amount shall be appropriated. Payments shall be made 57262  
upon vouchers of the board of elections certified to by its 57263  
chairperson or acting chairperson and the director or deputy 57264  
director, upon warrants of the county auditor. 57265

The board of elections shall not incur any obligation 57266  
involving the expenditure of money unless there are moneys 57267  
sufficient in the funds appropriated therefor to meet the 57268  
obligation. If the board of elections requests a transfer of 57269  
funds from one of its appropriation items to another, the board 57270  
of county commissioners shall adopt a resolution providing for 57271  
the transfer except as otherwise provided in section 5705.40 of 57272  
the Revised Code. The expenses of the board of elections shall 57273  
be apportioned among the county and the various subdivisions as 57274  
provided in this section, and the amount chargeable to each 57275  
subdivision shall be paid as provided in division (J) of this 57276  
section or withheld by the county auditor from the moneys 57277

payable thereto at the time of the next tax settlement. At the 57278  
time of submitting budget estimates in each year, the board of 57279  
elections shall submit to the taxing authority of each 57280  
subdivision, upon the request of the subdivision, an estimate of 57281  
the amount to be paid or withheld from the subdivision during 57282  
the current or next fiscal year. 57283

A board of township trustees may, by resolution, request 57284  
that the county auditor withhold expenses charged to the 57285  
township from a specified township fund that is to be credited 57286  
with revenue at a tax settlement. The resolution shall specify 57287  
the tax levy ballot issue, the date of the election on the levy 57288  
issue, and the township fund from which the expenses the board 57289  
of elections incurs related to that ballot issue shall be 57290  
withheld. 57291

(B) Except as otherwise provided in division (F) of this 57292  
section, the compensation of the members of the board of 57293  
elections and of the director, deputy director, and regular 57294  
employees in the board's offices, other than compensation for 57295  
overtime worked; the expenditures for the rental, furnishing, 57296  
and equipping of the office of the board and for the necessary 57297  
office supplies for the use of the board; the expenditures for 57298  
the acquisition, repair, care, and custody of the polling 57299  
places, booths, guardrails, and other equipment for polling 57300  
places; the cost of tally sheets, maps, flags, ballot boxes, and 57301  
all other permanent records and equipment; the cost of all 57302  
elections held in and for the state and county; and all other 57303  
expenses of the board which are not chargeable to a political 57304  
subdivision in accordance with this section shall be paid in the 57305  
same manner as other county expenses are paid. 57306

(C) The compensation of precinct election officials and 57307

intermittent employees in the board's offices; the cost of 57308  
renting, moving, heating, and lighting polling places and of 57309  
placing and removing ballot boxes and other fixtures and 57310  
equipment thereof, including voting machines, marking devices, 57311  
and automatic tabulating equipment; the cost of printing and 57312  
delivering ballots, cards of instructions, registration lists 57313  
required under section 3503.23 of the Revised Code, and other 57314  
election supplies, including the supplies required to comply 57315  
with division (H) of section 3506.01 of the Revised Code; the 57316  
cost of contractors engaged by the board to prepare, program, 57317  
test, and operate voting machines, marking devices, and 57318  
automatic tabulating equipment; and all other expenses of 57319  
conducting primaries and elections in the odd-numbered years 57320  
shall be charged to the subdivisions in and for which such 57321  
primaries or elections are held. The charge for each primary or 57322  
general election in odd-numbered years for each subdivision 57323  
shall be determined in the following manner: first, the total 57324  
cost of all chargeable items used in conducting such elections 57325  
shall be ascertained; second, the total charge shall be divided 57326  
by the number of precincts participating in such election, in 57327  
order to fix the cost per precinct; third, the cost per precinct 57328  
shall be prorated by the board of elections to the subdivisions 57329  
conducting elections for the nomination or election of offices 57330  
in such precinct; fourth, the total cost for each subdivision 57331  
shall be determined by adding the charges prorated to it in each 57332  
precinct within the subdivision. 57333

~~(D) The~~ (D) (1) Except as otherwise provided in division 57334  
(D) (2) of this section, the entire cost of special elections 57335  
held on a day other than the day of a primary or general 57336  
election, both in odd-numbered or in even-numbered years, shall 57337  
be charged to the subdivision. Where a special election is held 57338

on the same day as a primary or general election in an even- 57339  
numbered year, the subdivision submitting the special election 57340  
shall be charged only for the cost of ballots and advertising. 57341  
Where a special election is held on the same day as a primary or 57342  
general election in an odd-numbered year, the subdivision 57343  
submitting the special election shall be charged for the cost of 57344  
ballots and advertising for such special election, in addition 57345  
to the charges prorated to such subdivision for the election or 57346  
nomination of candidates in each precinct within the 57347  
subdivision, as set forth in the preceding paragraph. 57348

(2) The entire cost of a local option election held 57349  
pursuant to sections 4301.32 to 4301.391 of the Revised Code on 57350  
a day other than the day of a primary or general election, both 57351  
in odd-numbered or in even-numbered years, or on a day other 57352  
than the day of a special election of a political subdivision 57353  
seeking to submit a question or issue, a nomination for office, 57354  
or an election to office, shall be charged to the petitioner. 57355

(E) Where a special election is held on the day specified 57356  
by division (E) of section 3501.01 of the Revised Code for the 57357  
holding of a primary election, for the purpose of submitting to 57358  
the voters of the state constitutional amendments proposed by 57359  
the general assembly, and a subdivision conducts a special 57360  
election on the same day, the entire cost of the special 57361  
election shall be divided proportionally between the state and 57362  
the subdivision based upon a ratio determined by the number of 57363  
issues placed on the ballot by each, except as otherwise 57364  
provided in division (G) of this section. Such proportional 57365  
division of cost shall be made only to the extent funds are 57366  
available for such purpose from amounts appropriated by the 57367  
general assembly to the secretary of state. If a primary 57368  
election is also being conducted in the subdivision, the costs 57369

shall be apportioned as otherwise provided in this section. 57370

(F) When a precinct is open during a general, primary, or 57371  
special election solely for the purpose of submitting to the 57372  
voters a statewide ballot issue, the state shall bear the entire 57373  
cost of the election in that precinct and shall reimburse the 57374  
county for all expenses incurred in opening the precinct. 57375

(G) (1) The state shall bear the entire cost of advertising 57376  
in newspapers statewide ballot issues, explanations of those 57377  
issues, and arguments for or against those issues, as required 57378  
by Section 1g of Article II and Section 1 of Article XVI, Ohio 57379  
Constitution, and any other section of law. Appropriations made 57380  
to the controlling board shall be used to reimburse the 57381  
secretary of state for all expenses the secretary of state 57382  
incurs for such advertising under division (G) of section 57383  
3505.062 of the Revised Code. 57384

(2) There is hereby created in the state treasury the 57385  
statewide ballot advertising fund. The fund shall receive 57386  
transfers approved by the controlling board, and shall be used 57387  
by the secretary of state to pay the costs of advertising state 57388  
ballot issues as required under division (G) (1) of this section. 57389  
Any such transfers may be requested from and approved by the 57390  
controlling board prior to placing the advertising, in order to 57391  
facilitate timely provision of the required advertising. 57392

(H) The cost of renting, heating, and lighting 57393  
registration places; the cost of the necessary books, forms, and 57394  
supplies for the conduct of registration; and the cost of 57395  
printing and posting precinct registration lists shall be 57396  
charged to the subdivision in which such registration is held. 57397

(I) (1) (a) At the request of a majority of the members of 57398

the board of elections, the board of county commissioners may, 57399  
by resolution, establish an elections revenue fund. Except as 57400  
otherwise provided in this division and in division (I) (2) of 57401  
this section, the purpose of the fund shall be to accumulate 57402  
revenue withheld by or paid to the county under this section for 57403  
the payment of any expense related to the duties of the board of 57404  
elections specified in section 3501.11 of the Revised Code, upon 57405  
approval of a majority of the members of the board of elections. 57406  
The fund shall not accumulate any revenue withheld by or paid to 57407  
the county under this section for the compensation of the 57408  
members of the board of elections or of the director, deputy 57409  
director, or other regular employees in the board's offices, 57410  
other than compensation for overtime worked. 57411

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 57412  
of the Revised Code, the board of county commissioners may, by 57413  
resolution, transfer money to the elections revenue fund from 57414  
any other fund of the political subdivision from which such 57415  
payments lawfully may be made. Following an affirmative vote of 57416  
a majority of the members of the board of elections, the board 57417  
of county commissioners may, by resolution, rescind an elections 57418  
revenue fund established under this division. If an elections 57419  
revenue fund is rescinded, money that has accumulated in the 57420  
fund shall be transferred to the county general fund. 57421

(2) (a) The board of county commissioners of a county that 57422  
receives a payment from a political subdivision under division 57423  
(J) of this section shall, by resolution, establish a special 57424  
elections fund. The purpose of the fund shall be to accumulate 57425  
revenue paid to the county by political subdivisions under 57426  
division (J) of this section for the cost of preparing for and 57427  
conducting special elections. 57428

(b) If both of the following apply, the board of county commissioners may, by resolution, rescind the special elections fund and transfer any remaining money in the fund to the county general fund or to the elections revenue fund:

(i) All notifications and payments required under division (J) (3) of this section have been made.

(ii) The county has not received any payments from political subdivisions under division (J) (2) of this section for a future special election.

(J) (1) Not less than fifteen business days before the deadline for submitting a question or issue for placement on the ballot at a special election, the board of elections shall prepare and file with the board of county commissioners and the office of the secretary of state the estimated cost, based on the factors enumerated in this section, for preparing for and conducting an election on one question or issue, one nomination for office, or one election to office in each precinct in the county at that special election and shall divide that cost by the number of registered voters in the county.

(2) The board of elections shall provide to a political subdivision seeking to submit a question or issue, a nomination for office, or an election to office for placement on the ballot at a special election with the estimated cost for preparing for and conducting that election, which shall be calculated either by multiplying the number of registered voters in the political subdivision with the cost calculated under division (J) (1) of this section or by multiplying the cost per precinct with the number or precincts in the political subdivision. A political subdivision submitting a question or issue, a nomination for office, or an election to office for placement on the ballot at

that special election shall pay to the county special elections 57459  
fund sixty-five per cent of the estimated cost of the election 57460  
not less than ten business days after the deadline for 57461  
submitting a question or issue for placement on the ballot for 57462  
that special election. 57463

(3) Not later than sixty days after the date of a special 57464  
election, the board of elections shall provide to each political 57465  
subdivision the true and accurate cost for the question or 57466  
issue, nomination for office, or election to office that the 57467  
subdivision submitted to the voters on the special election 57468  
ballots. If the board of elections determines that a subdivision 57469  
paid less for the cost of preparing and conducting a special 57470  
election under division (J) (2) of this section than the actual 57471  
cost calculated under this division, the subdivision shall remit 57472  
to the county special elections fund the difference between the 57473  
payment made under division (J) (2) of this section and the final 57474  
cost calculated under this division within thirty days after 57475  
being notified of the final cost. If the board of elections 57476  
determines that a subdivision paid more for the cost of 57477  
preparing and conducting a special election under division (J) 57478  
(2) of this section than the actual cost calculated under this 57479  
division, the board of elections promptly shall notify the board 57480  
of county commissioners of that difference. The board of county 57481  
commissioners shall remit from the county special elections fund 57482  
to the political subdivision the difference between the payment 57483  
made under division (J) (2) of this section and the final cost 57484  
calculated under this division within thirty days after 57485  
receiving that notification. 57486

(K) As used in this section: 57487

(1) "Political subdivision" and "subdivision" mean any 57488



board of county commissioners, board of township trustees, 57489  
legislative authority of a municipal corporation, board of 57490  
education, or any other board, commission, district, or 57491  
authority that is empowered to levy taxes or permitted to 57492  
receive the proceeds of a tax levy, regardless of whether the 57493  
entity receives tax settlement moneys as described in division 57494  
(A) of this section; 57495

(2) "Statewide ballot issue" means any ballot issue, 57496  
whether proposed by the general assembly or by initiative or 57497  
referendum, that is submitted to the voters throughout the 57498  
state. 57499

**Sec. 3505.03.** (A) On the office type ballot shall be 57500  
printed the names of all candidates for election to offices, 57501  
except the office of judge of a municipal court, county court, 57502  
or court of common pleas, who were nominated at the most recent 57503  
primary election as candidates of a political party or who were 57504  
nominated in accordance with section 3513.02 of the Revised 57505  
Code, and the names of all candidates for election to offices 57506  
who were nominated by nominating petitions, except candidates 57507  
for the office of judge of a municipal court, county court, or 57508  
court of common pleas, ~~for member of the state board of~~ 57509  
~~education,~~ for member of a board of education, for municipal 57510  
offices, and for township offices. 57511

(B) The face of the ballot below the stub shall be 57512  
substantially in the following form: 57513

"OFFICIAL OFFICE TYPE BALLOT 57514

(1) To vote for a candidate record your vote in the manner 57515  
provided next to the name of such candidate. 57516

(2) If you tear, soil, deface, or erroneously mark this 57517

ballot, return it to the precinct election officers or, if you 57518  
cannot return it, notify the precinct election officers, and 57519  
obtain another ballot." 57520

(C) The order in which the offices shall be listed on the 57521  
ballot shall be prescribed by, and certified to each board of 57522  
elections by, the secretary of state; provided that for state, 57523  
district, and county offices the order from top to bottom shall 57524  
be as follows: governor and lieutenant governor, attorney 57525  
general, auditor of state, secretary of state, treasurer of 57526  
state, chief justice of the supreme court, justice of the 57527  
supreme court, United States senator, representative to 57528  
congress, state senator, state representative, judge of a court 57529  
of appeals, county commissioner, county auditor, prosecuting 57530  
attorney, clerk of the court of common pleas, sheriff, county 57531  
recorder, county treasurer, county engineer, and coroner. The 57532  
offices of governor and lieutenant governor shall be printed on 57533  
the ballot in a manner that requires a voter to cast one vote 57534  
jointly for the candidates who have been nominated by the same 57535  
political party or petition. 57536

(D) Within the rectangular space within which the title of 57537  
each judicial office listed in division (C) of this section is 57538  
printed on the ballot and immediately below the title shall be 57539  
printed the date of the commencement of the term of the office, 57540  
if it is a full term, as follows: "Full term commencing 57541  
\_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of the term of the 57542  
office, if it is an unexpired term, as follows: "Unexpired term 57543  
ending \_\_\_\_\_ (Date) \_\_\_\_\_" 57544

(E) (1) The names of all candidates for an office shall be 57545  
arranged in a group under the title of that office, and, except 57546  
for absentee ballots or when the number of candidates for a 57547

particular office is the same as the number of candidates to be 57548  
elected for that office, shall be rotated from one precinct to 57549  
another. On absentee ballots, the names of all candidates for an 57550  
office shall be arranged in a group under the title of that 57551  
office and shall be so alternated that each name shall appear, 57552  
insofar as may be reasonably possible, substantially an equal 57553  
number of times at the beginning, at the end, and in each 57554  
intermediate place, if any, of the group in which such name 57555  
belongs, unless the number of candidates for a particular office 57556  
is the same as the number of candidates to be elected for that 57557  
office. 57558

(2) The method of printing the ballots to meet the 57559  
rotation requirement of this section shall be as follows: the 57560  
least common multiple of the number of names in each of the 57561  
several groups of candidates shall be used, and the number of 57562  
changes made in the printer's forms in printing the ballots 57563  
shall correspond with that multiple. The board of elections 57564  
shall number all precincts in regular serial sequence. In the 57565  
first precinct, the names of the candidates in each group shall 57566  
be listed in alphabetical order. In each succeeding precinct, 57567  
the name in each group that is listed first in the preceding 57568  
precinct shall be listed last, and the name of each candidate 57569  
shall be moved up one place. In each precinct using paper 57570  
ballots, the printed ballots shall then be assembled in tablets. 57571

(F) Under the name of each candidate nominated at a 57572  
primary election, nominated by petition under section 3517.012 57573  
of the Revised Code, or certified by a party committee to fill a 57574  
vacancy under section 3513.31 of the Revised Code shall be 57575  
printed, in less prominent type face than that in which the 57576  
candidate's name is printed, the name of the political party by 57577  
which the candidate was nominated or certified. Under the name 57578

of each candidate appearing on the ballot who filed a nominating 57579  
petition and requested a ballot designation as a nonparty 57580  
candidate under section 3513.257 of the Revised Code shall be 57581  
printed, in less prominent type face than that in which the 57582  
candidate's name is printed, the designation of "nonparty 57583  
candidate." Under the name of each candidate appearing on the 57584  
ballot who filed a nominating petition and requested a ballot 57585  
designation as an other-party candidate under section 3513.257 57586  
of the Revised Code shall be printed, in less prominent type 57587  
face than that in which the candidate's name is printed, the 57588  
designation of "other-party candidate." No designation shall 57589  
appear under the name of a candidate appearing on the ballot who 57590  
filed a nominating petition and requested that no ballot 57591  
designation appear under the candidate's name under section 57592  
3513.257 of the Revised Code, or who filed a nominating petition 57593  
and failed to request a ballot designation either as a nonparty 57594  
candidate or as an other-party candidate under that section. 57595

(G) Except as provided in this section, no words, 57596  
designations, or emblems descriptive of a candidate or the 57597  
candidate's political affiliation, or indicative of the method 57598  
by which the candidate was nominated or certified, shall be 57599  
printed under or after a candidate's name that is printed on the 57600  
ballot. 57601

**Sec. 3505.04.** On the nonpartisan ballot shall be printed 57602  
the names of all nonpartisan candidates for election to the 57603  
office of judge of a municipal court, county court, or court of 57604  
common pleas, ~~the office of member of the state board of~~ 57605  
~~education,~~ the office of member of a board of education, 57606  
municipal or township offices for municipal corporations and 57607  
townships in which primary elections are not held for nomination 57608  
of candidates by political parties, and municipal offices of 57609

municipal corporations having charters which provide for 57610  
separate ballots for elections for such municipal offices. 57611

Such ballots shall have printed across the top, and below 57612  
the stubs, "Official Nonpartisan Ballot." 57613

The order in which the offices are listed on the ballot 57614  
shall be prescribed by, and certified to each board of elections 57615  
by, the secretary of state; provided that ~~the office of member~~ 57616  
~~of the state board of education~~ county judicial offices shall be 57617  
listed first on the ballot, ~~then county judicial offices,~~ 57618  
followed by municipal and township offices, and by offices of 57619  
member of a board of education, in the order stated. 57620

Within the rectangular space within which the title of 57621  
each judicial office is printed on the ballot and immediately 57622  
below such title shall be printed the date of the commencement 57623  
of the term of the office, if a full term, as follows: "Full 57624  
term commencing \_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of 57625  
the term of the office, if an unexpired term, as follows: 57626  
"Unexpired term ending \_\_\_\_\_ (Date) \_\_\_\_\_" 57627

~~The secretary of state shall prescribe the information and 57628  
directions to the voter to be printed on the ballot within the 57629  
rectangular space in which the title of office of member of the 57630  
state board of education appears. 57631~~

Within the rectangular space within which the title of 57632  
each office for member of a board of education is printed on the 57633  
ballot shall be printed "For Member of Board of Education," and 57634  
the number to be elected, directions to the voter as to voting 57635  
for one, two, or more, and, if the office to be voted for is 57636  
member of a board of education of a city school district, words 57637  
shall be printed in said space on the ballot to indicate whether 57638

candidates are to be elected from subdistricts or at large. 57639

The names of all nonpartisan candidates for an office 57640  
shall be arranged in a group under the title of that office, and 57641  
shall be rotated and printed on the ballot as provided in 57642  
section 3505.03 of the Revised Code. 57643

No name or designation of any political party nor any 57644  
words, designations, or emblems descriptive of a candidate or 57645  
the candidate's political affiliation, or indicative of the 57646  
method by which such candidate was nominated or certified, shall 57647  
be printed under or after any nonpartisan candidate's name which 57648  
is printed on the ballot. 57649

**Sec. 3505.33.** When the board of elections has completed 57650  
the canvass of the election returns from the precincts in its 57651  
county, in which electors were entitled to vote at any general 57652  
or special election, it shall determine and declare the results 57653  
of the elections determined by the electors of such county or of 57654  
a district or subdivision within such county. If more than the 57655  
number of candidates to be elected to an office received the 57656  
largest and an equal number of votes, such tie shall be resolved 57657  
by lot by the chairperson of the board in the presence of a 57658  
majority of the members of the board. Such declaration shall be 57659  
in writing and shall be signed by at least a majority of the 57660  
members of the board. It shall bear the date of the day upon 57661  
which it is made, and a copy thereof shall be posted by the 57662  
board in a conspicuous place in its office. The board shall keep 57663  
such copy posted for a period of at least five days. 57664

Thereupon the board shall promptly certify abstracts of 57665  
the results of such elections within its county, in such forms 57666  
as the secretary of state prescribes. Such forms shall be 57667  
designated and shall contain abstracts as follows: 57668

Form No. 1. An abstract of the votes cast for the office of president and vice-president of the United States.	57669 57670
Form No. 2. An abstract of the votes cast for the office of governor and lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court of Ohio, judge of the supreme court of Ohio, member of the senate of the congress of the United States, member at large of the house of representatives of the congress of the United States, district member of the house of representatives of the congress of the United States, and an abstract of the votes cast upon each question or issue submitted at such election to electors throughout the entire state.	57671 57672 57673 57674 57675 57676 57677 57678 57679 57680
Form No. 3. An abstract of the votes cast for the office of member of the senate of the general assembly, and member of the house of representatives of the general assembly.	57681 57682 57683
Form No. 4. A report of the votes cast for <del>the office of member of the state board of education,</del> judge of the court of appeals, judge of the court of common pleas, judge of the probate court, judge of the county court, county commissioner, county auditor, prosecuting attorney, clerk of the court of common pleas, sheriff, county recorder, county treasurer, county engineer, and coroner.	57684 57685 57686 57687 57688 57689 57690
Form No. 5. A report of the votes cast upon all questions and issues other than such questions and issues which were submitted to electors throughout the entire state.	57691 57692 57693
Form No. 6. A report of the votes cast for municipal offices, judge of the municipal court, township offices, and the office of member of a board of education.	57694 57695 57696
One copy of each of these forms shall be kept in the	57697

office of the board. One copy of each of these forms shall 57698  
promptly be sent to the secretary of state, who shall place the 57699  
records contained in forms No. 1, No. 2, No. 3, No. 4, and No. 6 57700  
in electronic format. One copy of Form No. 2 shall promptly be 57701  
sent by electronic mail to the president of the senate of the 57702  
general assembly. The board shall also at once upon completion 57703  
of the official count send a certified copy of that part of each 57704  
of the forms which pertains to an election in which only 57705  
electors of a district comprised of more than one county but 57706  
less than all of the counties of the state voted to the board of 57707  
the most populous county in such district. It shall also at once 57708  
upon completion of the official count send a certified copy of 57709  
that part of each of the forms which pertains to an election in 57710  
which only electors of a subdivision located partly within the 57711  
county voted to the board of the county in which the major 57712  
portion of the population of such subdivision is located. 57713

If, after certifying and sending abstracts and parts 57714  
thereof, a board finds that any such abstract or part thereof is 57715  
incorrect, it shall promptly prepare, certify, and send a 57716  
corrected abstract or part thereof to take the place of each 57717  
incorrect abstract or part thereof theretofore certified and 57718  
sent. 57719

**Sec. 3505.38.** Election officials who are required to 57720  
declare the results of a special or general election in which 57721  
persons were elected to offices shall, unless otherwise provided 57722  
by law, issue to the persons declared elected by them 57723  
appropriate certificates of election in such form as is 57724  
prescribed by the secretary of state. Such certificates of 57725  
election shall be issued by such election officials after the 57726  
time within which applications may be made for recounts of votes 57727  
has expired, and after recounts of votes which have been applied 57728



for are completed. 57729

All persons declared to be elected by the president of the 57730  
senate as provided for in section 3505.34 of the Revised Code 57731  
shall be issued certificates of election by the secretary of 57732  
state as provided for in such section and shall be issued 57733  
commissions for such offices by the governor, provided that the 57734  
board of elections required to determine and declare the results 57735  
of the election for candidates for election to the office of 57736  
member of the house of representatives of the congress of the 57737  
United States ~~or member of the state board of education~~ shall, 57738  
in lieu of issuing a certificate of election, certify to the 57739  
secretary of state the names of such candidates declared 57740  
elected, and the secretary of state, from such certification, 57741  
shall issue to the persons certified to the secretary of state 57742  
as elected as a member of the house of representatives of the 57743  
congress of the United States ~~or member of the state board of~~ 57744  
~~education~~ a certificate of the person's election, signed by the 57745  
governor, sealed with the great seal of the state, and 57746  
countersigned by the secretary of state. Certificates of 57747  
election of members of the house of representatives of the 57748  
congress of the United States shall be forwarded by registered 57749  
mail to the clerk of the house of representatives of the 57750  
congress of the United States, Washington, D.C., and the person 57751  
elected to such office shall be advised by letter from the 57752  
secretary of state that the person's certificate of election has 57753  
been forwarded to said clerk. 57754

**Sec. 3513.04.** Candidates for party nominations to state, 57755  
district, county, and municipal offices or positions, for which 57756  
party nominations are provided by law, and for election as 57757  
members of party controlling committees shall have their names 57758  
printed on the official primary ballot by filing a declaration 57759

of candidacy and paying the fees specified for the office under 57760  
divisions (A) and (B) of section 3513.10 of the Revised Code, 57761  
except that the joint candidates for party nomination to the 57762  
offices of governor and lieutenant governor shall, for the two 57763  
of them, file one declaration of candidacy. The joint candidates 57764  
also shall pay the fees specified for the joint candidates under 57765  
divisions (A) and (B) of section 3513.10 of the Revised Code. 57766

The secretary of state shall not accept for filing the 57767  
declaration of candidacy of a candidate for party nomination to 57768  
the office of governor unless the declaration of candidacy also 57769  
shows a joint candidate for the same party's nomination to the 57770  
office of lieutenant governor, shall not accept for filing the 57771  
declaration of candidacy of a candidate for party nomination to 57772  
the office of lieutenant governor unless the declaration of 57773  
candidacy also shows a joint candidate for the same party's 57774  
nomination to the office of governor, and shall not accept for 57775  
filing a declaration of candidacy that shows a candidate for 57776  
party nomination to the office of governor or lieutenant 57777  
governor who, for the same election, has already filed a 57778  
declaration of candidacy or a declaration of intent to be a 57779  
write-in candidate, or has become a candidate by the filling of 57780  
a vacancy under section 3513.30 of the Revised Code for any 57781  
other state office or any federal or county office. 57782

No person who seeks party nomination for an office or 57783  
position at a primary election by declaration of candidacy or by 57784  
declaration of intent to be a write-in candidate and no person 57785  
who is a first choice for president of candidates seeking 57786  
election as delegates and alternates to the national conventions 57787  
of the different major political parties who are chosen by 57788  
direct vote of the electors as provided in this chapter shall be 57789  
permitted to become a candidate by nominating petition, 57790

including a nominating petition filed under section 3517.012 of 57791  
the Revised Code, by declaration of intent to be a write-in 57792  
candidate, or by filling a vacancy under section 3513.31 of the 57793  
Revised Code at the following general election for any office 57794  
other than the ~~office of member of the state board of education,~~ 57795  
office of member of a city, local, or exempted village board of 57796  
education, office of member of a governing board of an 57797  
educational service center, or office of township trustee. 57798

**Sec. 3513.052.** (A) No person shall seek nomination or 57799  
election to any of the following offices or positions at the 57800  
same election by filing a declaration of candidacy and petition, 57801  
a declaration of intent to be a write-in candidate, or a 57802  
nominating petition, or by becoming a candidate through party 57803  
nomination in a primary election, or by the filling of a vacancy 57804  
under section 3513.30 or 3513.31 of the Revised Code: 57805

(1) Two or more state offices; 57806

(2) Two or more county offices; 57807

(3) A state office and a county office; 57808

(4) A federal office and a state or county office; 57809

(5) Any combination of two or more municipal or township 57810  
offices, positions as a member of a city, local, or exempted 57811  
village board of education, or positions as a member of a 57812  
governing board of an educational service center. 57813

(B) The secretary of state or a board of elections shall 57814  
not accept for filing a declaration of candidacy and petition, a 57815  
declaration of intent to be a write-in candidate, or a 57816  
nominating petition of a person seeking to become a candidate if 57817  
that person, for the same election, has already filed a 57818  
declaration of candidacy, a declaration of intent to be a write- 57819

in candidate, or a nominating petition, or has become a 57820  
candidate through party nomination at a primary election or by 57821  
the filling of a vacancy under section 3513.30 or 3513.31 of the 57822  
Revised Code for: 57823

(1) Any federal, state, or county office, if the 57824  
declaration of candidacy, declaration of intent to be a write-in 57825  
candidate, or nominating petition is for a state or county 57826  
office; 57827

(2) Any municipal or township office, or for member of a 57828  
city, local, or exempted village board of education, or for 57829  
member of a governing board of an educational service center, if 57830  
the declaration of candidacy, declaration of intent to be a 57831  
write-in candidate, or nominating petition is for a municipal or 57832  
township office, or for member of a city, local, or exempted 57833  
village board of education, or for member of a governing board 57834  
of an educational service center. 57835

(C) (1) If the secretary of state determines, before the 57836  
day of the primary election, that a person is seeking nomination 57837  
to more than one office at that election in violation of 57838  
division (A) of this section, the secretary of state shall do 57839  
one of the following: 57840

(a) If each office or the district for each office for 57841  
which the person is seeking nomination is wholly within a single 57842  
county and none of those offices is a federal office, the 57843  
secretary of state shall notify the board of elections of that 57844  
county. The board then shall determine the date on which the 57845  
person first sought to become a candidate for each of those 57846  
offices by filing a declaration of candidacy or a declaration of 57847  
intent to be a write-in candidate or by the filling of a vacancy 57848  
under section 3513.30 of the Revised Code. The board shall vote 57849

promptly to disqualify that person as a candidate for each 57850  
office for which the person sought to become a candidate after 57851  
the date on which the person first sought to become a candidate 57852  
for any of those offices. If the board determines that the 57853  
person sought to become a candidate for more than one of those 57854  
offices on the same date, the board shall vote promptly to 57855  
disqualify that person as a candidate for each office that would 57856  
be listed on the ballot below the highest office for which that 57857  
person seeks nomination, according to the ballot order 57858  
prescribed under section 3505.03 of the Revised Code. 57859

(b) If one or more of the offices for which the person is 57860  
seeking nomination is a state office or an office with a 57861  
district larger than a single county and none of the offices for 57862  
which the person is seeking nomination is a federal office, the 57863  
secretary of state shall determine the date on which the person 57864  
first sought to become a candidate for each of those offices by 57865  
filing a declaration of candidacy or a declaration of intent to 57866  
be a write-in candidate or by the filling of a vacancy under 57867  
section 3513.30 of the Revised Code. The secretary of state 57868  
shall order the board of elections of each county in which the 57869  
person is seeking to appear on the ballot to disqualify that 57870  
person as a candidate for each office for which the person 57871  
sought to become a candidate after the date on which the person 57872  
first sought to become a candidate for any of those offices. If 57873  
the secretary of state determines that the person sought to 57874  
become a candidate for more than one of those offices on the 57875  
same date, the secretary of state shall order the board of 57876  
elections of each county in which the person is seeking to 57877  
appear on the ballot to disqualify that person as a candidate 57878  
for each office that would be listed on the ballot below the 57879  
highest office for which that person seeks nomination, according 57880

to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(c) If each office or the district for each office for which the person is seeking nomination is wholly within a single county and any of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall vote promptly to disqualify that person as a candidate for each office that is not a federal office.

(d) If one or more of the offices for which the person is seeking nomination is a state office and any of the offices for which the person is seeking nomination is a federal office, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state.

(2) If a board of elections determines, before the day of the primary election, that a person is seeking nomination to more than one office at that election in violation of division (A) of this section, the board shall do one of the following:

(a) If each office or the district for each office for which the person is seeking nomination is wholly within that county and none of those offices is a federal office, the board shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a

write-in candidate or by the filling of a vacancy under section 57911  
3513.30 of the Revised Code. The board shall vote promptly to 57912  
disqualify that person as a candidate for each office for which 57913  
the person sought to become a candidate after the date on which 57914  
the person first sought to become a candidate for any of those 57915  
offices. If the board determines that the person sought to 57916  
become a candidate for more than one of those offices on the 57917  
same date, the board shall vote promptly to disqualify that 57918  
person as a candidate for each office that would be listed on 57919  
the ballot below the highest office for which that person seeks 57920  
nomination, according to the ballot order prescribed under 57921  
section 3505.03 of the Revised Code. 57922

(b) If one or more of the offices for which the person is 57923  
seeking nomination is a state office or an office with a 57924  
district larger than a single county and none of the offices for 57925  
which the person is seeking nomination is a federal office, the 57926  
board shall notify the secretary of state. The secretary of 57927  
state then shall determine the date on which the person first 57928  
sought to become a candidate for each of those offices by filing 57929  
a declaration of candidacy or a declaration of intent to be a 57930  
write-in candidate or by the filling of a vacancy under section 57931  
3513.30 of the Revised Code. The secretary of state shall order 57932  
the board of elections of each county in which the person is 57933  
seeking to appear on the ballot to disqualify that person as a 57934  
candidate for each office for which the person sought to become 57935  
a candidate after the date on which the person first sought to 57936  
become a candidate for any of those offices. If the secretary of 57937  
state determines that the person sought to become a candidate 57938  
for more than one of those offices on the same date, the 57939  
secretary of state shall order the board of elections of each 57940  
county in which the person is seeking to appear on the ballot to 57941

disqualify that person as a candidate for each office that would  
be listed on the ballot below the highest office for which that  
person seeks nomination, according to the ballot order  
prescribed under section 3505.03 of the Revised Code. Each board  
of elections so notified shall vote promptly to disqualify the  
person as a candidate in accordance with the order of the  
secretary of state.

(c) If each office or the district for each office for  
which the person is seeking nomination is wholly within a single  
county and any of those offices is a federal office, the board  
shall vote promptly to disqualify that person as a candidate for  
each office that is not a federal office.

(d) If one or more of the offices for which the person is  
seeking nomination is a state office and any of the offices for  
which the person is seeking nomination is a federal office, the  
board shall notify the secretary of state. The secretary of  
state then shall order the board of elections of each county in  
which the person is seeking to appear on the ballot to  
disqualify that person as a candidate for each office that is  
not a federal office. Each board of elections so notified shall  
vote promptly to disqualify the person as a candidate in  
accordance with the order of the secretary of state.

(D) (1) If the secretary of state determines, after the day  
of the primary election and before the day of the general  
election, that a person is seeking election to more than one  
office at that election in violation of division (A) of this  
section, the secretary of state shall do one of the following:

(a) If each office or the district for each office for  
which the person is seeking election is wholly within a single  
county and none of those offices is a federal office, the



secretary of state shall notify the board of elections of that 57972  
county. The board then shall determine the offices for which the 57973  
person seeks to appear as a candidate on the ballot. The board 57974  
shall vote promptly to disqualify that person as a candidate for 57975  
each office that would be listed on the ballot below the highest 57976  
office for which that person seeks election, according to the 57977  
ballot order prescribed under section 3505.03 of the Revised 57978  
Code. If the person sought nomination at a primary election and 57979  
has not yet been issued a certificate of nomination, the board 57980  
shall not issue that certificate for that person for any office 57981  
that would be listed on the ballot below the highest office for 57982  
which that person seeks election, according to the ballot order 57983  
prescribed under section 3505.03 of the Revised Code. 57984

(b) If one or more of the offices for which the person is 57985  
seeking election is a state office or an office with a district 57986  
larger than a single county and none of the offices for which 57987  
the person is seeking election is a federal office, the 57988  
secretary of state shall promptly investigate and determine the 57989  
offices for which the person seeks to appear as a candidate on 57990  
the ballot. The secretary of state shall order the board of 57991  
elections of each county in which the person is seeking to 57992  
appear on the ballot to disqualify that person as a candidate 57993  
for each office that would be listed on the ballot below the 57994  
highest office for which that person seeks election, according 57995  
to the ballot order prescribed under section 3505.03 of the 57996  
Revised Code. Each board of elections so notified shall vote 57997  
promptly to disqualify the person as a candidate in accordance 57998  
with the order of the secretary of state. If the person sought 57999  
nomination at a primary election and has not yet been issued a 58000  
certificate of nomination, the board shall not issue that 58001  
certificate for that person for any office that would be listed 58002

on the ballot below the highest office for which that person 58003  
seeks election, according to the ballot order prescribed under 58004  
section 3505.03 of the Revised Code. 58005

(c) If each office or the district for each office for 58006  
which the person is seeking election is wholly within a single 58007  
county and any of those offices is a federal office, the 58008  
secretary of state shall notify the board of elections of that 58009  
county. The board then shall vote promptly to disqualify that 58010  
person as a candidate for each office that is not a federal 58011  
office. If the person sought nomination at a primary election 58012  
and has not yet been issued a certificate of nomination, the 58013  
board shall not issue that certificate for that person for any 58014  
office that is not a federal office. 58015

(d) If one or more of the offices for which the person is 58016  
seeking election is a state office and any of the offices for 58017  
which the person is seeking election is a federal office, the 58018  
secretary of state shall order the board of elections of each 58019  
county in which the person is seeking to appear on the ballot to 58020  
disqualify that person as a candidate for each office that is 58021  
not a federal office. Each board of elections so notified shall 58022  
vote promptly to disqualify the person as a candidate in 58023  
accordance with the order of the secretary of state. If the 58024  
person sought nomination at a primary election and has not yet 58025  
been issued a certificate of nomination, the board shall not 58026  
issue that certificate for that person for any office that is 58027  
not a federal office. 58028

(2) If a board of elections determines, after the day of 58029  
the primary election and before the day of the general election, 58030  
that a person is seeking election to more than one office at 58031  
that election in violation of division (A) of this section, the 58032

board of elections shall do one of the following: 58033

(a) If each office or the district for each office for 58034  
which the person is seeking election is wholly within that 58035  
county and none of those offices is a federal office, the board 58036  
shall determine the offices for which the person seeks to appear 58037  
as a candidate on the ballot. The board shall vote promptly to 58038  
disqualify that person as a candidate for each office that would 58039  
be listed on the ballot below the highest office for which that 58040  
person seeks election, according to the ballot order prescribed 58041  
under section 3505.03 of the Revised Code. If the person sought 58042  
nomination at a primary election and has not yet been issued a 58043  
certificate of nomination, the board shall not issue that 58044  
certificate for that person for any office that would be listed 58045  
on the ballot below the highest office for which that person 58046  
seeks election, according to the ballot order prescribed under 58047  
section 3505.03 of the Revised Code. 58048

(b) If one or more of the offices for which the person is 58049  
seeking election is a state office or an office with a district 58050  
larger than a single county and none of the offices for which 58051  
the person is seeking election is a federal office, the board 58052  
shall notify the secretary of state. The secretary of state 58053  
promptly shall investigate and determine the offices for which 58054  
the person seeks to appear as a candidate on the ballot. The 58055  
secretary of state shall order the board of elections of each 58056  
county in which the person is seeking to appear on the ballot to 58057  
disqualify that person as a candidate for each office that would 58058  
be listed on the ballot below the highest office for which that 58059  
person seeks election, according to the ballot order prescribed 58060  
under section 3505.03 of the Revised Code. Each board of 58061  
elections so notified shall vote promptly to disqualify the 58062  
person as a candidate in accordance with the order of the 58063

secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(c) If each office or the district for each office for which the person is seeking election is wholly within that county and any of those offices is a federal office, the board shall vote promptly to disqualify that person as a candidate for each office that is not a federal office. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(d) If one or more of the offices for which the person is seeking election is a state office and any of the offices for which the person is seeking election is a federal office, the board shall notify the secretary of state. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(E) When a person is disqualified as a candidate under

division (C) or (D) of this section, on or before the seventieth day before the day of the applicable election, the board of elections shall remove the person's name from the ballot for any office for which that person has been disqualified as a candidate according to the directions of the secretary of state. When a person is disqualified as a candidate under division (C) or (D) of this section after the seventieth day before the day of the applicable election, the board of elections shall not remove the person's name from the ballot for any office for which that person has been disqualified as a candidate. The board of elections shall post a notice at each polling location on the day of the applicable election, and shall enclose with each absent voter's ballot given or mailed after the candidate is disqualified, a notice that votes for the person for the office for which the person has been disqualified as a candidate will be void and will not be counted. If the name is not removed from the ballots before the day of the election, the votes for the disqualified candidate are void and shall not be counted.

(F) Any vacancy created by the disqualification of a person as a candidate under division (C) or (D) of this section may be filled in the manner provided for in sections 3513.30 and 3513.31 of the Revised Code.

(G) Nothing in this section or section 3513.04, 3513.041, 3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, ~~3513.259~~, or 3513.261 of the Revised Code prohibits, and the secretary of state or a board of elections shall not disqualify, a person from being a candidate for an office, if that person timely withdraws as a candidate for any offices specified in division (A) of this section for which that person first sought to become a candidate by filing a declaration of candidacy and petition, a declaration of intent to be a write-in candidate, or

a nominating petition, by party nomination in a primary election, or by the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code.

(H) As used in this section:

(1) "State office" means the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, ~~member of the state board of education~~, member of the general assembly, chief justice of the supreme court, and justice of the supreme court.

(2) "Timely withdraws" means either of the following:

(a) Withdrawing as a candidate before the applicable deadline for filing a declaration of candidacy, declaration of intent to be a write-in candidate, or nominating petition for the subsequent office for which the person is seeking to become a candidate at the same election;

(b) Withdrawing as a candidate before the applicable deadline for the filling of a vacancy under section 3513.30 or 3513.31 of the Revised Code, if the person is seeking to become a candidate for a subsequent office at the same election under either of those sections.

**Sec. 3513.10.** (A) At the time of filing a declaration of candidacy for nomination for any office, or a declaration of intent to be a write-in candidate, each candidate, except joint candidates for governor and lieutenant governor, shall pay a fee as follows:

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A For statewide office

\$100

B	For court of appeals judge	\$50
C	For court of common pleas judge	\$50
D	For county court judge	\$50
E	For municipal court judge	\$50
F	For district office, including member of the United States house of representatives and member of the general assembly	\$50
G	For county office	\$50
H	For city office	\$20
I	For village office	\$10
J	For township office	\$10
K	<del>For member of state board of education</del>	<del>\$20</del>
L	For member of local, city, or exempted village board of education or educational service center governing board	\$10

At the time of filing a declaration of candidacy or a declaration of intent to be a write-in candidate for the offices of governor and lieutenant governor, the joint candidates shall jointly pay to the secretary of state a fee of one hundred dollars.

(B) (1) At the same time the fee required under division (A) of this section is paid, each candidate shall pay an additional fee as follows:

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A	For the joint candidates for governor and lieutenant governor	<del>\$50</del> <u>\$60</u>
B	For statewide office	<del>\$50</del> <u>\$60</u>
C	For district office, including member of the United States house of representatives and member of the general assembly	<del>\$35</del> <u>\$40</u>
D	<del>For member of state board of education</del>	<del>\$35</del>
E	For court of appeals judge	<del>\$30</del> <u>\$40</u>
F	For court of common pleas judge	<del>\$30</del> <u>\$40</u>
G	For county court judge	<del>\$30</del> <u>\$35</u>
H	For municipal court judge	<del>\$30</del> <u>\$35</u>
I	For county office	<del>\$30</del> <u>\$35</u>
J	For city office	<del>\$25</del>



		<u>\$30</u>
K	For village office	\$20
L	For township office	\$20
M	For member of local, city, or exempted village board of education or educational service center governing board	\$20
	(2) Whoever seeks to propose a ballot question or issue to be submitted to the electors shall pay the following fee at the time the petition proposing the question or issue is filed:	58160 58161 58162
	(a) If the question or issue is to be submitted to the electors throughout the entire state, twenty-five dollars;	58163 58164
	(b) If the question or issue is to be submitted to the electors of a county or of a district that consists of all or part of two or more counties but less than the entire state, fifteen dollars;	58165 58166 58167 58168
	(c) If the question or issue is to be submitted to the electors of a city, twelve dollars and fifty cents;	58169 58170
	(d) If the question or issue is to be submitted to the electors of a village, a township, a local, city, county, or exempted village school district, a precinct, or another district consisting of less than an entire county, ten dollars.	58171 58172 58173 58174
	(C) No fee shall be required of candidates filing for the office of delegate or alternate to the national convention of political parties, member of the state central committee of a political party, or member of the county central committee of a political party.	58175 58176 58177 58178 58179

(D) All fees required under division (A) of this section 58180  
immediately shall be paid by the officer receiving them into the 58181  
state treasury to the credit of the general revenue fund, in the 58182  
case of fees received by the secretary of state, and into the 58183  
county treasury to the credit of the county general fund, in the 58184  
case of fees received by a board of elections. 58185

(E) The officer who receives a fee required under division 58186  
(B) of this section immediately shall pay the fee to the credit 58187  
of the Ohio elections commission fund created by division (I) of 58188  
section 3517.152 of the Revised Code. 58189

(F) (1) In no case shall a fee paid under this section be 58190  
returned to a candidate. 58191

(2) Whenever a section of law refers to a filing fee to be 58192  
paid by a candidate or by a committee proposing a ballot 58193  
question or issue to be submitted to the electors, that fee 58194  
includes the fees required under divisions (A) and (B) of this 58195  
section. 58196

(G) As used in divisions (A) and (B) of this section, 58197  
"statewide office" means the office of secretary of state, 58198  
auditor of state, treasurer of state, attorney general, justice 58199  
and chief justice of the supreme court, and member of the United 58200  
States senate. 58201

**Sec. 3517.092.** (A) As used in this section: 58202

(1) "Appointing authority" has the same meaning as in 58203  
section 124.01 of the Revised Code. 58204

(2) "State elected officer" means any person appointed or 58205  
elected to a state elective office. 58206

(3) "State elective office" means any of the offices of 58207

governor, lieutenant governor, secretary of state, auditor of 58208  
state, treasurer of state, attorney general, ~~member of the state~~ 58209  
~~board of education~~, member of the general assembly, and justice 58210  
and chief justice of the supreme court. 58211

(4) "Contribution" includes a contribution to any 58212  
political party, campaign committee, political action committee, 58213  
political contributing entity, or legislative campaign fund. 58214

(B) (1) No state elected officer, no campaign committee of 58215  
such an officer, no employee of the state elected officer's 58216  
office, and no other person or entity shall knowingly solicit a 58217  
contribution to a state elected officer or to such an officer's 58218  
campaign committee, and no state elected officer and no campaign 58219  
committee of such an officer shall accept a contribution, from 58220  
any of the following: 58221

(a) A state employee whose appointing authority is the 58222  
state elected officer; 58223

(b) A state employee whose appointing authority is 58224  
authorized or required by law to be appointed by the state 58225  
elected officer; 58226

(c) A state employee who functions in or is employed in or 58227  
by the same public agency, department, division, or office as 58228  
the state elected officer. 58229

(2) No candidate for a state elective office, no campaign 58230  
committee of such a candidate, no employee of the candidate's 58231  
office if the candidate is a state elected officer or an elected 58232  
officer of a political subdivision of the state, and no other 58233  
person or entity shall knowingly solicit a contribution to a 58234  
candidate for a state elective office or to such a candidate's 58235  
campaign committee, and no candidate for a state elective office 58236

and no campaign committee of such a candidate shall accept a contribution, from any of the following:

(a) A state employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;

(b) A state employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;

(c) A state employee at the time of the solicitation, who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.

(C) (1) No elected officer of a political subdivision of the state, no campaign committee of such an officer, no employee of such an officer's office, and no other person or entity shall knowingly solicit a contribution to an elected officer of a political subdivision of the state or to such an officer's campaign committee from any of the following:

(a) An employee of that political subdivision whose appointing authority is that elected officer;

(b) An employee of that political subdivision whose appointing authority is authorized or required by law to be appointed by that elected officer;

(c) An employee of that political subdivision who functions in or is employed in or by the same public agency, department, division, or office as that elected officer.

(2) No candidate for an elective office of a political subdivision of the state, no campaign committee of such a candidate, no employee of the candidate's office if the candidate is a state elected officer or elected officer of a

political subdivision of the state, and no other person or 58265  
entity shall knowingly solicit a contribution to a candidate for 58266  
an elective office of a political subdivision of the state or to 58267  
such a candidate's campaign committee from any of the following: 58268

(a) An employee of that political subdivision at the time 58269  
of the solicitation, whose appointing authority will be the 58270  
candidate, if elected; 58271

(b) An employee of that political subdivision at the time 58272  
of the solicitation, whose appointing authority will be 58273  
appointed by the candidate, if elected, as authorized or 58274  
required by law; 58275

(c) An employee of that political subdivision at the time 58276  
of the solicitation, who will function in or be employed in or 58277  
by the same public agency, department, division, or office as 58278  
the candidate, if elected. 58279

(D) (1) No public employee shall solicit a contribution 58280  
from any person while the public employee is performing the 58281  
public employee's official duties or in those areas of a public 58282  
building where official business is transacted or conducted. 58283

(2) No person shall solicit a contribution from any public 58284  
employee while the public employee is performing the public 58285  
employee's official duties or is in those areas of a public 58286  
building where official business is transacted or conducted. 58287

(3) As used in division (D) of this section, "public 58288  
employee" does not include any person holding an elective 58289  
office. 58290

(E) The prohibitions in divisions (B), (C), and (D) of 58291  
this section are in addition to the prohibitions in sections 58292  
124.57, 3304.22, and 4503.032 of the Revised Code. 58293

**Sec. 3517.10.** (A) Except as otherwise provided in this 58294  
division, every campaign committee, political action committee, 58295  
legislative campaign fund, political party, and political 58296  
contributing entity that made or received a contribution or made 58297  
an expenditure in connection with the nomination or election of 58298  
any candidate or in connection with any ballot issue or question 58299  
at any election held or to be held in this state shall file, on 58300  
a form prescribed under this section or by electronic means of 58301  
transmission as provided in this section and section 3517.106 of 58302  
the Revised Code, a full, true, and itemized statement, made 58303  
under penalty of election falsification, setting forth in detail 58304  
the contributions and expenditures, not later than four p.m. of 58305  
the following dates: 58306

(1) The twelfth day before the election to reflect 58307  
contributions received and expenditures made from the close of 58308  
business on the last day reflected in the last previously filed 58309  
statement, if any, to the close of business on the twentieth day 58310  
before the election; 58311

(2) The thirty-eighth day after the election to reflect 58312  
the contributions received and expenditures made from the close 58313  
of business on the last day reflected in the last previously 58314  
filed statement, if any, to the close of business on the seventh 58315  
day before the filing of the statement; 58316

(3) The last business day of January of every year to 58317  
reflect the contributions received and expenditures made from 58318  
the close of business on the last day reflected in the last 58319  
previously filed statement, if any, to the close of business on 58320  
the last day of December of the previous year; 58321

(4) The last business day of July of every year to reflect 58322  
the contributions received and expenditures made from the close 58323

of business on the last day reflected in the last previously 58324  
filed statement, if any, to the close of business on the last 58325  
day of June of that year. 58326

A campaign committee shall only be required to file the 58327  
statements prescribed under divisions (A) (1) and (2) of this 58328  
section in connection with the nomination or election of the 58329  
committee's candidate. 58330

The statement required under division (A) (1) of this 58331  
section shall not be required of any campaign committee, 58332  
political action committee, legislative campaign fund, political 58333  
party, or political contributing entity that has received 58334  
contributions of less than one thousand dollars and has made 58335  
expenditures of less than one thousand dollars at the close of 58336  
business on the twentieth day before the election. Those 58337  
contributions and expenditures shall be reported in the 58338  
statement required under division (A) (2) of this section. 58339

If an election to select candidates to appear on the 58340  
general election ballot is held within sixty days before a 58341  
general election, the campaign committee of a successful 58342  
candidate in the earlier election may file the statement 58343  
required by division (A) (1) of this section for the general 58344  
election instead of the statement required by division (A) (2) of 58345  
this section for the earlier election if the pregeneral election 58346  
statement reflects the status of contributions and expenditures 58347  
for the period twenty days before the earlier election to twenty 58348  
days before the general election. 58349

If a person becomes a candidate less than twenty days 58350  
before an election, the candidate's campaign committee is not 58351  
required to file the statement required by division (A) (1) of 58352  
this section. 58353

No statement under division (A) (3) of this section shall  
be required for any year in which a campaign committee,  
political action committee, legislative campaign fund, political  
party, or political contributing entity is required to file a  
postgeneral election statement under division (A) (2) of this  
section. However, a statement under division (A) (3) of this  
section may be filed, at the option of the campaign committee,  
political action committee, legislative campaign fund, political  
party, or political contributing entity.

No campaign committee of a candidate for the office of  
chief justice or justice of the supreme court, and no campaign  
committee of a candidate for the office of judge of any court in  
this state, shall be required to file a statement under division  
(A) (4) of this section.

Except as otherwise provided in this paragraph and in the  
next paragraph of this section, the only campaign committees  
required to file a statement under division (A) (4) of this  
section are the campaign committee of a statewide candidate and  
the campaign committee of a candidate for county office. The  
campaign committee of a candidate for any other nonjudicial  
office is required to file a statement under division (A) (4) of  
this section if that campaign committee receives, during that  
period, contributions exceeding ten thousand dollars.

No statement under division (A) (4) of this section shall  
be required of a campaign committee, a political action  
committee, a legislative campaign fund, a political party, or a  
political contributing entity for any year in which the campaign  
committee, political action committee, legislative campaign  
fund, political party, or political contributing entity is  
required to file a postprimary election statement under division



(A) (2) of this section. However, a statement under division (A) 58384  
(4) of this section may be filed at the option of the campaign 58385  
committee, political action committee, legislative campaign 58386  
fund, political party, or political contributing entity. 58387

No statement under division (A) (3) or (4) of this section 58388  
shall be required if the campaign committee, political action 58389  
committee, legislative campaign fund, political party, or 58390  
political contributing entity has no contributions that it has 58391  
received and no expenditures that it has made since the last 58392  
date reflected in its last previously filed statement. However, 58393  
the campaign committee, political action committee, legislative 58394  
campaign fund, political party, or political contributing entity 58395  
shall file a statement to that effect, on a form prescribed 58396  
under this section and made under penalty of election 58397  
falsification, on the date required in division (A) (3) or (4) of 58398  
this section, as applicable. 58399

The campaign committee of a statewide candidate shall file 58400  
a monthly statement of contributions received during each of the 58401  
months of July, August, and September in the year of the general 58402  
election in which the candidate seeks office. The campaign 58403  
committee of a statewide candidate shall file the monthly 58404  
statement not later than three business days after the last day 58405  
of the month covered by the statement. During the period 58406  
beginning on the nineteenth day before the general election in 58407  
which a statewide candidate seeks election to office and 58408  
extending through the day of that general election, each time 58409  
the campaign committee of the joint candidates for the offices 58410  
of governor and lieutenant governor or of a candidate for the 58411  
office of secretary of state, auditor of state, treasurer of 58412  
state, or attorney general receives a contribution from a 58413  
contributor that causes the aggregate amount of contributions 58414

received from that contributor during that period to equal or 58415  
exceed ten thousand dollars and each time the campaign committee 58416  
of a candidate for the office of chief justice or justice of the 58417  
supreme court receives a contribution from a contributor that 58418  
causes the aggregate amount of contributions received from that 58419  
contributor during that period to exceed ten thousand dollars, 58420  
the campaign committee shall file a two-business-day statement 58421  
reflecting that contribution. Contributions reported on a two- 58422  
business-day statement required to be filed by a campaign 58423  
committee of a statewide candidate in a primary election shall 58424  
also be included in the postprimary election statement required 58425  
to be filed by that campaign committee under division (A) (2) of 58426  
this section. A two-business-day statement required by this 58427  
paragraph shall be filed not later than two business days after 58428  
receipt of the contribution. The statements required by this 58429  
paragraph shall be filed in addition to any other statements 58430  
required by this section. 58431

Subject to the secretary of state having implemented, 58432  
tested, and verified the successful operation of any system the 58433  
secretary of state prescribes pursuant to divisions (C) (6) (b) 58434  
and (D) (6) of this section and division (F) (1) of section 58435  
3517.106 of the Revised Code for the filing of campaign finance 58436  
statements by electronic means of transmission, a campaign 58437  
committee of a statewide candidate shall file a two-business-day 58438  
statement under the preceding paragraph by electronic means of 58439  
transmission if the campaign committee is required to file a 58440  
pre-election, postelection, or monthly statement of 58441  
contributions and expenditures by electronic means of 58442  
transmission under this section or section 3517.106 of the 58443  
Revised Code. 58444

If a campaign committee or political action committee has 58445

no balance on hand and no outstanding obligations and desires to 58446  
terminate itself, it shall file a statement to that effect, on a 58447  
form prescribed under this section and made under penalty of 58448  
election falsification, with the official with whom it files a 58449  
statement under division (A) of this section after filing a 58450  
final statement of contributions and a final statement of 58451  
expenditures, if contributions have been received or 58452  
expenditures made since the period reflected in its last 58453  
previously filed statement. 58454

(B) Except as otherwise provided in division (C) (7) of 58455  
this section, each statement required by division (A) of this 58456  
section shall contain the following information: 58457

(1) The full name and address of each campaign committee, 58458  
political action committee, legislative campaign fund, political 58459  
party, or political contributing entity, including any treasurer 58460  
of the committee, fund, party, or entity, filing a contribution 58461  
and expenditure statement; 58462

(2) (a) In the case of a campaign committee, the 58463  
candidate's full name and address; 58464

(b) In the case of a political action committee, the 58465  
registration number assigned to the committee under division (D) 58466  
(1) of this section. 58467

(3) The date of the election and whether it was or will be 58468  
a general, primary, or special election; 58469

(4) A statement of contributions received, which shall 58470  
include the following information: 58471

(a) The month, day, and year of the contribution; 58472

(b) (i) The full name and address of each person, political 58473

party, campaign committee, legislative campaign fund, political 58474  
action committee, or political contributing entity from whom 58475  
contributions are received and the registration number assigned 58476  
to the political action committee under division (D) (1) of this 58477  
section. The requirement of filing the full address does not 58478  
apply to any statement filed by a state or local committee of a 58479  
political party, to a finance committee of such committee, or to 58480  
a committee recognized by a state or local committee as its 58481  
fund-raising auxiliary. Notwithstanding division (F) of this 58482  
section, the requirement of filing the full address shall be 58483  
considered as being met if the address filed is the same address 58484  
the contributor provided under division (E) (1) of this section. 58485

(ii) If a political action committee, political 58486  
contributing entity, legislative campaign fund, or political 58487  
party that is required to file campaign finance statements by 58488  
electronic means of transmission under section 3517.106 of the 58489  
Revised Code or a campaign committee of a statewide candidate or 58490  
candidate for the office of member of the general assembly 58491  
receives a contribution from an individual that exceeds one 58492  
hundred dollars, the name of the individual's current employer, 58493  
if any, or, if the individual is self-employed, the individual's 58494  
occupation and the name of the individual's business, if any; 58495

(iii) If a campaign committee of a statewide candidate or 58496  
candidate for the office of member of the general assembly 58497  
receives a contribution transmitted pursuant to section 3599.031 58498  
of the Revised Code from amounts deducted from the wages and 58499  
salaries of two or more employees that exceeds in the aggregate 58500  
one hundred dollars during any one filing period under division 58501  
(A) (1), (2), (3), or (4) of this section, the full name of the 58502  
employees' employer and the full name of the labor organization 58503  
of which the employees are members, if any. 58504

(c) A description of the contribution received, if other than money;

(d) The value in dollars and cents of the contribution;

(e) A separately itemized account of all contributions and expenditures regardless of the amount, except a receipt of a contribution from a person in the sum of twenty-five dollars or less at one social or fund-raising activity and a receipt of a contribution transmitted pursuant to section 3599.031 of the Revised Code from amounts deducted from the wages and salaries of employees if the contribution from the amount deducted from the wages and salary of any one employee is twenty-five dollars or less aggregated in a calendar year. An account of the total contributions from each social or fund-raising activity shall include a description of and the value of each in-kind contribution received at that activity from any person who made one or more such contributions whose aggregate value exceeded two hundred fifty dollars and shall be listed separately, together with the expenses incurred and paid in connection with that activity. A campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall keep records of contributions from each person in the amount of twenty-five dollars or less at one social or fund-raising activity and contributions from amounts deducted under section 3599.031 of the Revised Code from the wages and salary of each employee in the amount of twenty-five dollars or less aggregated in a calendar year. No continuing association that is recognized by a state or local committee of a political party as an auxiliary of the party and that makes a contribution from funds derived solely from regular dues paid by members of the auxiliary shall be required to list the name or address of any members who paid those dues.

Contributions that are other income shall be itemized 58536  
separately from all other contributions. The information 58537  
required under division (B) (4) of this section shall be provided 58538  
for all other income itemized. As used in this paragraph, "other 58539  
income" means a loan, investment income, or interest income. 58540

(f) In the case of a campaign committee of a state elected 58541  
officer, if a person doing business with the state elected 58542  
officer in the officer's official capacity makes a contribution 58543  
to the campaign committee of that officer, the information 58544  
required under division (B) (4) of this section in regard to that 58545  
contribution, which shall be filed together with and considered 58546  
a part of the committee's statement of contributions as required 58547  
under division (A) of this section but shall be filed on a 58548  
separate form provided by the secretary of state. As used in 58549  
this division: 58550

(i) "State elected officer" has the same meaning as in 58551  
section 3517.092 of the Revised Code. 58552

(ii) "Person doing business" means a person or an officer 58553  
of an entity who enters into one or more contracts with a state 58554  
elected officer or anyone authorized to enter into contracts on 58555  
behalf of that officer to receive payments for goods or 58556  
services, if the payments total, in the aggregate, more than 58557  
five thousand dollars during a calendar year. 58558

(5) A statement of expenditures which shall include the 58559  
following information: 58560

(a) The month, day, and year of the expenditure; 58561

(b) The full name and address of each person, political 58562  
party, campaign committee, legislative campaign fund, political 58563  
action committee, or political contributing entity to whom the 58564

expenditure was made and the registration number assigned to the 58565  
political action committee under division (D) (1) of this 58566  
section; 58567

(c) The object or purpose for which the expenditure was 58568  
made; 58569

(d) The amount of each expenditure. 58570

(C) (1) The statement of contributions and expenditures 58571  
shall be signed by the person completing the form. If a 58572  
statement of contributions and expenditures is filed by 58573  
electronic means of transmission pursuant to this section or 58574  
section 3517.106 of the Revised Code, the electronic signature 58575  
of the person who executes the statement and transmits the 58576  
statement by electronic means of transmission, as provided in 58577  
division (F) of section 3517.106 of the Revised Code, shall be 58578  
attached to or associated with the statement and shall be 58579  
binding on all persons and for all purposes under the campaign 58580  
finance reporting law as if the signature had been handwritten 58581  
in ink on a printed form. 58582

(2) The person filing the statement, under penalty of 58583  
election falsification, shall include with it a list of each 58584  
anonymous contribution, the circumstances under which it was 58585  
received, and the reason it cannot be attributed to a specific 58586  
donor. 58587

(3) Each statement of a campaign committee of a candidate 58588  
who holds public office shall contain a designation of each 58589  
contributor who is an employee in any unit or department under 58590  
the candidate's direct supervision and control. In a space 58591  
provided in the statement, the person filing the statement shall 58592  
affirm that each such contribution was voluntarily made. 58593

(4) A campaign committee that did not receive 58594  
contributions or make expenditures in connection with the 58595  
nomination or election of its candidate shall file a statement 58596  
to that effect, on a form prescribed under this section and made 58597  
under penalty of election falsification, on the date required in 58598  
division (A) (2) of this section. 58599

(5) The campaign committee of any person who attempts to 58600  
become a candidate and who, for any reason, does not become 58601  
certified in accordance with Title XXXV of the Revised Code for 58602  
placement on the official ballot of a primary, general, or 58603  
special election to be held in this state, and who, at any time 58604  
prior to or after an election, receives contributions or makes 58605  
expenditures, or has given consent for another to receive 58606  
contributions or make expenditures, for the purpose of bringing 58607  
about the person's nomination or election to public office, 58608  
shall file the statement or statements prescribed by this 58609  
section and a termination statement, if applicable. Division (C) 58610  
(5) of this section does not apply to any person with respect to 58611  
an election to the offices of member of a county or state 58612  
central committee, presidential elector, or delegate to a 58613  
national convention or conference of a political party. 58614

(6) (a) The statements required to be filed under this 58615  
section shall specify the balance in the hands of the campaign 58616  
committee, political action committee, legislative campaign 58617  
fund, political party, or political contributing entity and the 58618  
disposition intended to be made of that balance. 58619

(b) The secretary of state shall prescribe the form for 58620  
all statements required to be filed under this section and shall 58621  
furnish the forms to the boards of elections in the several 58622  
counties. The boards of elections shall supply printed copies of 58623



those forms without charge. The secretary of state shall 58624  
prescribe the appropriate methodology, protocol, and data file 58625  
structure for statements required or permitted to be filed by 58626  
electronic means of transmission to the secretary of state or a 58627  
board of elections under division (A) of this section, division 58628  
(E) of section 3517.106, division (D) of section 3517.1011, 58629  
division (B) of section 3517.1012, division (C) of section 58630  
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 58631  
Revised Code. Subject to division (A) of this section, division 58632  
(E) of section 3517.106, division (D) of section 3517.1011, 58633  
division (B) of section 3517.1012, division (C) of section 58634  
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 58635  
Revised Code, the statements required to be stored on computer 58636  
by the secretary of state under division (B) of section 3517.106 58637  
of the Revised Code shall be filed in whatever format the 58638  
secretary of state considers necessary to enable the secretary 58639  
of state to store the information contained in the statements on 58640  
computer. Any such format shall be of a type and nature that is 58641  
readily available to whoever is required to file the statements 58642  
in that format. 58643

(c) The secretary of state shall assess the need for 58644  
training regarding the filing of campaign finance statements by 58645  
electronic means of transmission and regarding associated 58646  
technologies for candidates, campaign committees, political 58647  
action committees, legislative campaign funds, political 58648  
parties, or political contributing entities, for individuals, 58649  
partnerships, or other entities, for persons making 58650  
disbursements to pay the direct costs of producing or airing 58651  
electioneering communications, or for treasurers of transition 58652  
funds, required or permitted to file statements by electronic 58653  
means of transmission under this section or section 3517.105, 58654

3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code. If, in the opinion of the secretary of state, training in these areas is necessary, the secretary of state shall arrange for the provision of voluntary training programs for candidates, campaign committees, political action committees, legislative campaign funds, political parties, or political contributing entities, for individuals, partnerships, and other entities, for persons making disbursements to pay the direct costs of producing or airing electioneering communications, or for treasurers of transition funds, as appropriate.

(7) Each monthly statement and each two-business-day statement required by division (A) of this section shall contain the information required by divisions (B) (1) to (4), (C) (2), and, if appropriate, (C) (3) of this section. Each statement shall be signed as required by division (C) (1) of this section.

(D) (1) (a) Prior to receiving a contribution or making an expenditure, every campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall appoint a treasurer and shall file, on a form prescribed by the secretary of state, a designation of that appointment, including the full name and address of the treasurer and of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity. That designation shall be filed with the official with whom the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity is required to file statements under section 3517.11 of the Revised Code. The name of a campaign committee shall include at least the last name of the campaign committee's candidate. If two or more candidates

are the beneficiaries of a single campaign committee under 58686  
division (B) of section 3517.081 of the Revised Code, the name 58687  
of the campaign committee shall include at least the last name 58688  
of each candidate who is a beneficiary of that campaign 58689  
committee. The secretary of state shall assign a registration 58690  
number to each political action committee that files a 58691  
designation of the appointment of a treasurer under this 58692  
division if the political action committee is required by 58693  
division (A)(1) of section 3517.11 of the Revised Code to file 58694  
the statements prescribed by this section with the secretary of 58695  
state. 58696

(b) The secretary of state shall not accept for filing a 58697  
designation of treasurer of a political action committee or 58698  
political contributing entity if, in the opinion of the 58699  
secretary of state, the name of the political action committee 58700  
or political contributing entity would lead a reasonable person 58701  
to believe that the political action committee or political 58702  
contributing entity acts on behalf of or represents a county 58703  
political party, unless the designation is accompanied by a 58704  
written statement, signed by the chairperson of the county 58705  
political party's executive committee, granting the political 58706  
action committee or political contributing entity permission to 58707  
act on behalf of or represent the county political party. 58708

(2) The treasurer appointed under division (D)(1) of this 58709  
section shall keep a strict account of all contributions, from 58710  
whom received and the purpose for which they were disbursed. 58711

(3) (a) Except as otherwise provided in section 3517.108 of 58712  
the Revised Code, a campaign committee shall deposit all 58713  
monetary contributions received by the committee into an account 58714  
separate from a personal or business account of the candidate or 58715

campaign committee. 58716

(b) A political action committee shall deposit all 58717  
monetary contributions received by the committee into an account 58718  
separate from all other funds. 58719

(c) A state or county political party may establish a 58720  
state candidate fund that is separate from all other funds. A 58721  
state or county political party may deposit into its state 58722  
candidate fund any amounts of monetary contributions that are 58723  
made to or accepted by the political party subject to the 58724  
applicable limitations, if any, prescribed in section 3517.102 58725  
of the Revised Code. A state or county political party shall 58726  
deposit all other monetary contributions received by the party 58727  
into one or more accounts that are separate from its state 58728  
candidate fund. 58729

(d) Each state political party shall have only one 58730  
legislative campaign fund for each house of the general 58731  
assembly. Each such fund shall be separate from any other funds 58732  
or accounts of that state party. A legislative campaign fund is 58733  
authorized to receive contributions and make expenditures for 58734  
the primary purpose of furthering the election of candidates who 58735  
are members of that political party to the house of the general 58736  
assembly with which that legislative campaign fund is 58737  
associated. Each legislative campaign fund shall be administered 58738  
and controlled in a manner designated by the caucus. As used in 58739  
this division, "caucus" has the same meaning as in section 58740  
3517.01 of the Revised Code and includes, as an ex officio 58741  
member, the chairperson of the state political party with which 58742  
the caucus is associated or that chairperson's designee. 58743

(4) Every expenditure in excess of twenty-five dollars 58744  
shall be vouched for by a receipted bill, stating the purpose of 58745

the expenditure, that shall be filed with the statement of 58746  
expenditures. A canceled check with a notation of the purpose of 58747  
the expenditure is a receipted bill for purposes of division (D) 58748  
(4) of this section. 58749

(5) The secretary of state or the board of elections, as 58750  
the case may be, shall issue a receipt for each statement filed 58751  
under this section and shall preserve a copy of the receipt for 58752  
a period of at least six years. All statements filed under this 58753  
section shall be open to public inspection in the office where 58754  
they are filed and shall be carefully preserved for a period of 58755  
at least six years after the year in which they are filed. 58756

(6) The secretary of state, by rule adopted pursuant to 58757  
section 3517.23 of the Revised Code, shall prescribe both of the 58758  
following: 58759

(a) The manner of immediately acknowledging, with date and 58760  
time received, and preserving the receipt of statements that are 58761  
transmitted by electronic means of transmission to the secretary 58762  
of state or a board of elections pursuant to this section or 58763  
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 58764  
of the Revised Code; 58765

(b) The manner of preserving the contribution and 58766  
expenditure, contribution and disbursement, deposit and 58767  
disbursement, gift and disbursement, or donation and 58768  
disbursement information in the statements described in division 58769  
(D) (6) (a) of this section. The secretary of state shall preserve 58770  
the contribution and expenditure, contribution and disbursement, 58771  
deposit and disbursement, gift and disbursement, or donation and 58772  
disbursement information in those statements for at least ten 58773  
years after the year in which they are filed by electronic means 58774  
of transmission. 58775

(7) (a) The secretary of state, pursuant to division (G) of section 3517.106 of the Revised Code, shall make available online to the public through the internet the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in all of the following documents:

(i) All statements, all addenda, amendments, or other corrections to statements, and all amended statements filed with the secretary of state by electronic or other means of transmission under this section, division (B) (2) (b) or (C) (2) (b) of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 3517.1013, 3517.1014, or 3517.11 of the Revised Code;

(ii) All statements filed with a board of elections by electronic means of transmission, and all addenda, amendments, corrections, and amended versions of those statements, filed with the board under this section, division (B) (2) (b) or (C) (2) (b) of section 3517.105, or section 3517.106, 3517.1012, or 3517.11 of the Revised Code.

(b) The secretary of state may remove the information from the internet after a reasonable period of time.

(E) (1) Any person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity that makes a contribution in connection with the nomination or election of any candidate or in connection with any ballot issue or question at any election held or to be held in this state shall provide its full name and address to the recipient of the contribution at the time the contribution is made. The political action committee also shall provide the registration number assigned to the committee under division (D) (1) of this section to the recipient of the

contribution at the time the contribution is made. 58806

(2) Any individual who makes a contribution that exceeds 58807  
one hundred dollars to a political action committee, political 58808  
contributing entity, legislative campaign fund, or political 58809  
party or to a campaign committee of a statewide candidate or 58810  
candidate for the office of member of the general assembly shall 58811  
provide the name of the individual's current employer, if any, 58812  
or, if the individual is self-employed, the individual's 58813  
occupation and the name of the individual's business, if any, to 58814  
the recipient of the contribution at the time the contribution 58815  
is made. Sections 3599.39 and 3599.40 of the Revised Code do not 58816  
apply to division (E)(2) of this section. 58817

(3) If a campaign committee shows that it has exercised 58818  
its best efforts to obtain, maintain, and submit the information 58819  
required under divisions (B)(4)(b)(ii) and (iii) of this 58820  
section, that committee is considered to have met the 58821  
requirements of those divisions. A campaign committee shall not 58822  
be considered to have exercised its best efforts unless, in 58823  
connection with written solicitations, it regularly includes a 58824  
written request for the information required under division (B) 58825  
(4)(b)(ii) of this section from the contributor or the 58826  
information required under division (B)(4)(b)(iii) of this 58827  
section from whoever transmits the contribution. 58828

(4) Any check that a political action committee uses to 58829  
make a contribution or an expenditure shall contain the full 58830  
name and address of the committee and the registration number 58831  
assigned to the committee under division (D)(1) of this section. 58832

(F) As used in this section: 58833

(1)(a) Except as otherwise provided in division (F)(1) of 58834

this section, "address" means all of the following if they 58835  
exist: apartment number, street, road, or highway name and 58836  
number, rural delivery route number, city or village, state, and 58837  
zip code as used in a person's post-office address, but not 58838  
post-office box. 58839

(b) Except as otherwise provided in division (F)(1) of 58840  
this section, if an address is required in this section, a post- 58841  
office box and office, room, or suite number may be included in 58842  
addition to, but not in lieu of, an apartment, street, road, or 58843  
highway name and number. 58844

(c) If an address is required in this section, a campaign 58845  
committee, political action committee, legislative campaign 58846  
fund, political party, or political contributing entity may use 58847  
the business or residence address of its treasurer or deputy 58848  
treasurer. The post-office box number of the campaign committee, 58849  
political action committee, legislative campaign fund, political 58850  
party, or political contributing entity may be used in addition 58851  
to that address. 58852

(d) For the sole purpose of a campaign committee's 58853  
reporting of contributions on a statement of contributions 58854  
received under division (B)(4) of this section, "address" has 58855  
one of the following meanings at the option of the campaign 58856  
committee: 58857

(i) The same meaning as in division (F)(1)(a) of this 58858  
section; 58859

(ii) All of the following, if they exist: the 58860  
contributor's post-office box number and city or village, state, 58861  
and zip code as used in the contributor's post-office address. 58862

(e) As used with regard to the reporting under this 58863



section of any expenditure, "address" means all of the following 58864  
if they exist: apartment number, street, road, or highway name 58865  
and number, rural delivery route number, city or village, state, 58866  
and zip code as used in a person's post-office address, or post- 58867  
office box. If an address concerning any expenditure is required 58868  
in this section, a campaign committee, political action 58869  
committee, legislative campaign fund, political party, or 58870  
political contributing entity may use the business or residence 58871  
address of its treasurer or deputy treasurer or its post-office 58872  
box number. 58873

(2) "Statewide candidate" means the joint candidates for 58874  
the offices of governor and lieutenant governor or a candidate 58875  
for the office of secretary of state, auditor of state, 58876  
treasurer of state, attorney general, ~~member of the state board~~ 58877  
~~of education~~, chief justice of the supreme court, or justice of 58878  
the supreme court. 58879

(3) "Candidate for county office" means a candidate for 58880  
the office of county auditor, county treasurer, clerk of the 58881  
court of common pleas, judge of the court of common pleas, 58882  
sheriff, county recorder, county engineer, county commissioner, 58883  
prosecuting attorney, or coroner. 58884

(G) An independent expenditure shall be reported whenever 58885  
and in the same manner that an expenditure is required to be 58886  
reported under this section and shall be reported pursuant to 58887  
division (B) (2) (a) or (C) (2) (a) of section 3517.105 of the 58888  
Revised Code. 58889

(H) (1) Except as otherwise provided in division (H) (2) of 58890  
this section, if, during the combined pre-election and 58891  
postelection reporting periods for an election, a campaign 58892  
committee has received contributions of five hundred dollars or 58893

less and has made expenditures in the total amount of five 58894  
hundred dollars or less, it may file a statement to that effect, 58895  
under penalty of election falsification, in lieu of the 58896  
statement required by division (A) (2) of this section. The 58897  
statement shall indicate the total amount of contributions 58898  
received and the total amount of expenditures made during those 58899  
combined reporting periods. 58900

(2) In the case of a successful candidate at a primary 58901  
election, if either the total contributions received by or the 58902  
total expenditures made by the candidate's campaign committee 58903  
during the preprimary, postprimary, pregeneral, and postgeneral 58904  
election periods combined equal more than five hundred dollars, 58905  
the campaign committee may file the statement under division (H) 58906  
(1) of this section only for the primary election. The first 58907  
statement that the campaign committee files in regard to the 58908  
general election shall reflect all contributions received and 58909  
all expenditures made during the preprimary and postprimary 58910  
election periods. 58911

(3) Divisions (H) (1) and (2) of this section do not apply 58912  
if a campaign committee receives contributions or makes 58913  
expenditures prior to the first day of January of the year of 58914  
the election at which the candidate seeks nomination or election 58915  
to office or if the campaign committee does not file a 58916  
termination statement with its postprimary election statement in 58917  
the case of an unsuccessful primary election candidate or with 58918  
its postgeneral election statement in the case of other 58919  
candidates. 58920

(I) In the case of a contribution made by a partner of a 58921  
partnership or an owner or a member of another unincorporated 58922  
business from any funds of the partnership or other 58923

unincorporated business, all of the following apply: 58924

(1) The recipient of the contribution shall report the 58925  
contribution by listing both the partnership or other 58926  
unincorporated business and the name of the partner, owner, or 58927  
member making the contribution. 58928

(2) In reporting the contribution, the recipient of the 58929  
contribution shall be entitled to conclusively rely upon the 58930  
information provided by the partnership or other unincorporated 58931  
business, provided that the information includes one of the 58932  
following: 58933

(a) The name of each partner, owner, or member as of the 58934  
date of the contribution or contributions, and a statement that 58935  
the total contributions are to be allocated equally among all of 58936  
the partners, owners, or members; or 58937

(b) The name of each partner, owner, or member as of the 58938  
date of the contribution or contributions who is participating 58939  
in the contribution or contributions, and a statement that the 58940  
contribution or contributions are to be allocated to those 58941  
individuals in accordance with the information provided by the 58942  
partnership or other unincorporated business to the recipient of 58943  
the contribution. 58944

(3) For purposes of section 3517.102 of the Revised Code, 58945  
the contribution shall be considered to have been made by the 58946  
partner, owner, or member reported under division (I) (1) of this 58947  
section. 58948

(4) No contribution from a partner of a partnership or an 58949  
owner or a member of another unincorporated business shall be 58950  
accepted from any funds of the partnership or other 58951  
unincorporated business unless the recipient reports the 58952

contribution under division (I) (1) of this section together with 58953  
the information provided under division (I) (2) of this section. 58954

(5) No partnership or other unincorporated business shall 58955  
make a contribution or contributions solely in the name of the 58956  
partnership or other unincorporated business. 58957

(6) As used in division (I) of this section, "partnership 58958  
or other unincorporated business" includes, but is not limited 58959  
to, a cooperative, a sole proprietorship, a general partnership, 58960  
a limited partnership, a limited partnership association, a 58961  
limited liability partnership, and a limited liability company. 58962

(J) A candidate shall have only one campaign committee at 58963  
any given time for all of the offices for which the person is a 58964  
candidate or holds office. 58965

(K) (1) In addition to filing a designation of appointment 58966  
of a treasurer under division (D) (1) of this section, the 58967  
campaign committee of any candidate for an elected municipal 58968  
office that pays an annual amount of compensation of five 58969  
thousand dollars or less, the campaign committee of any 58970  
candidate for member of a board of education ~~except member of~~ 58971  
~~the state board of education~~, or the campaign committee of any 58972  
candidate for township trustee or township fiscal officer may 58973  
sign, under penalty of election falsification, a certificate 58974  
attesting that the committee will not accept contributions 58975  
during an election period that exceed in the aggregate two 58976  
thousand dollars from all contributors and one hundred dollars 58977  
from any one individual, and that the campaign committee will 58978  
not make expenditures during an election period that exceed in 58979  
the aggregate two thousand dollars. 58980

The certificate shall be on a form prescribed by the 58981

secretary of state and shall be filed not later than ten days 58982  
after the candidate files a declaration of candidacy and 58983  
petition, a nominating petition, or a declaration of intent to 58984  
be a write-in candidate. 58985

(2) Except as otherwise provided in division (K) (3) of 58986  
this section, a campaign committee that files a certificate 58987  
under division (K) (1) of this section is not required to file 58988  
the statements required by division (A) of this section. 58989

(3) If, after filing a certificate under division (K) (1) 58990  
of this section, a campaign committee exceeds any of the 58991  
limitations described in that division during an election 58992  
period, the certificate is void and thereafter the campaign 58993  
committee shall file the statements required by division (A) of 58994  
this section. If the campaign committee has not previously filed 58995  
a statement, then on the first statement the campaign committee 58996  
is required to file under division (A) of this section after the 58997  
committee's certificate is void, the committee shall report all 58998  
contributions received and expenditures made from the time the 58999  
candidate filed the candidate's declaration of candidacy and 59000  
petition, nominating petition, or declaration of intent to be a 59001  
write-in candidate. 59002

(4) As used in division (K) of this section, "election 59003  
period" means the period of time beginning on the day a person 59004  
files a declaration of candidacy and petition, nominating 59005  
petition, or declaration of intent to be a write-in candidate 59006  
through the day of the election at which the person seeks 59007  
nomination to office if the person is not elected to office, or, 59008  
if the candidate was nominated in a primary election, the day of 59009  
the election at which the candidate seeks office. 59010

(L) A political contributing entity that receives 59011

contributions from the dues, membership fees, or other 59012  
assessments of its members or from its officers, shareholders, 59013  
and employees may report the aggregate amount of contributions 59014  
received from those contributors and the number of individuals 59015  
making those contributions, for each filing period under 59016  
divisions (A) (1), (2), (3), and (4) of this section, rather than 59017  
reporting information as required under division (B) (4) of this 59018  
section, including, when applicable, the name of the current 59019  
employer, if any, of a contributor whose contribution exceeds 59020  
one hundred dollars or, if such a contributor is self-employed, 59021  
the contributor's occupation and the name of the contributor's 59022  
business, if any. Division (B) (4) of this section applies to a 59023  
political contributing entity with regard to contributions it 59024  
receives from all other contributors. 59025

**Sec. 3517.102.** (A) Except as otherwise provided in section 59026  
3517.103 of the Revised Code, as used in this section and 59027  
sections 3517.103 and 3517.104 of the Revised Code: 59028

(1) "Candidate" has the same meaning as in section 3517.01 59029  
of the Revised Code but includes only candidates for the offices 59030  
of governor, lieutenant governor, secretary of state, auditor of 59031  
state, treasurer of state, attorney general, ~~member of the state~~ 59032  
~~board of education,~~ member of the general assembly, chief 59033  
justice of the supreme court, and justice of the supreme court. 59034

(2) "Statewide candidate" or "any one statewide candidate" 59035  
means the joint candidates for the offices of governor and 59036  
lieutenant governor or a candidate for the office of secretary 59037  
of state, auditor of state, treasurer of state, attorney 59038  
general, ~~member of the state board of education,~~ chief justice 59039  
of the supreme court, or justice of the supreme court. 59040

(3) "Senate candidate" means a candidate for the office of 59041

state senator. 59042

(4) "House candidate" means a candidate for the office of 59043  
state representative. 59044

(5) (a) "Primary election period" for a candidate begins on 59045  
the beginning date of the candidate's pre-filing period 59046  
specified in division (A) (9) of section 3517.109 of the Revised 59047  
Code and ends on the day of the primary election. 59048

(b) In regard to any candidate, the "general election 59049  
period" begins on the day after the primary election immediately 59050  
preceding the general election at which the candidate seeks an 59051  
office specified in division (A) (1) of this section and ends on 59052  
the thirty-first day of December following that general 59053  
election. 59054

(6) "State candidate fund" means the state candidate fund 59055  
established by a state or county political party under division 59056  
(D) (3) (c) of section 3517.10 of the Revised Code. 59057

(7) "Postgeneral election statement" means the statement 59058  
filed under division (A) (2) of section 3517.10 of the Revised 59059  
Code by the campaign committee of a candidate after the general 59060  
election in which the candidate ran for office or filed by 59061  
legislative campaign fund after the general election in an even- 59062  
numbered year. 59063

(8) "Contribution" means any contribution that is required 59064  
to be reported in the statement of contributions under section 59065  
3517.10 of the Revised Code. 59066

(9) (a) Except as otherwise provided in division (A) (9) (b) 59067  
of this section, "designated state campaign committee" means: 59068

(i) In the case of contributions to or from a state 59069

political party, a campaign committee of a statewide candidate, 59070  
statewide officeholder, senate candidate, house candidate, or 59071  
member of the general assembly. 59072

(ii) In the case of contributions to or from a county 59073  
political party, a campaign committee of a senate candidate or 59074  
house candidate whose candidacy is to be submitted to some or 59075  
all of the electors in that county, or member of the general 59076  
assembly whose district contains all or part of that county. 59077

(iii) In the case of contributions to or from a 59078  
legislative campaign fund, a campaign committee of any of the 59079  
following: 59080

(I) A senate or house candidate who, if elected, will be a 59081  
member of the same party that established the legislative 59082  
campaign fund and the same house with which the legislative 59083  
campaign fund is associated; 59084

(II) A state senator or state representative who is a 59085  
member of the same party that established the legislative 59086  
campaign fund and the same house with which the legislative 59087  
campaign fund is associated. 59088

(b) A campaign committee is no longer a "designated state 59089  
campaign committee" after the campaign committee's candidate 59090  
changes the designation of treasurer required to be filed under 59091  
division (D) (1) of section 3517.10 of the Revised Code to 59092  
indicate that the person intends to be a candidate for, or 59093  
becomes a candidate for nomination or election to, any office 59094  
that, if elected, would not qualify that candidate's campaign 59095  
committee as a "designated state campaign committee" under 59096  
division (A) (9) (a) of this section. 59097

(B) (1) (a) No individual who is seven years of age or older 59098



shall make a contribution or contributions aggregating more	59099
than:	59100
(i) Ten thousand dollars to the campaign committee of any	59101
one statewide candidate in a primary election period or in a	59102
general election period;	59103
(ii) Ten thousand dollars to the campaign committee of any	59104
one senate candidate in a primary election period or in a	59105
general election period;	59106
(iii) Ten thousand dollars to the campaign committee of	59107
any one house candidate in a primary election period or in a	59108
general election period;	59109
(iv) Ten thousand dollars to a county political party of	59110
the county in which the individual's designated Ohio residence	59111
is located for the party's state candidate fund in a calendar	59112
year;	59113
(v) Fifteen thousand dollars to any one legislative	59114
campaign fund in a calendar year;	59115
(vi) Thirty thousand dollars to any one state political	59116
party for the party's state candidate fund in a calendar year;	59117
(vii) Ten thousand dollars to any one political action	59118
committee in a calendar year;	59119
(viii) Ten thousand dollars to any one political	59120
contributing entity in a calendar year.	59121
(b) No individual shall make a contribution or	59122
contributions to the state candidate fund of a county political	59123
party of any county other than the county in which the	59124
individual's designated Ohio residence is located.	59125

(c) No individual who is under seven years of age shall 59126  
make any contribution. 59127

(2) (a) Subject to division (D) (1) of this section, no 59128  
political action committee shall make a contribution or 59129  
contributions aggregating more than: 59130

(i) Ten thousand dollars to the campaign committee of any 59131  
one statewide candidate in a primary election period or in a 59132  
general election period; 59133

(ii) Ten thousand dollars to the campaign committee of any 59134  
one senate candidate in a primary election period or in a 59135  
general election period; 59136

(iii) Ten thousand dollars to the campaign committee of 59137  
any one house candidate in a primary election period or in a 59138  
general election period; 59139

(iv) Fifteen thousand dollars to any one legislative 59140  
campaign fund in a calendar year; 59141

(v) Thirty thousand dollars to any one state political 59142  
party for the party's state candidate fund in a calendar year; 59143

(vi) Ten thousand dollars to another political action 59144  
committee or to a political contributing entity in a calendar 59145  
year. This division does not apply to a political action 59146  
committee that makes a contribution to a political action 59147  
committee or a political contributing entity affiliated with it. 59148  
For purposes of this division, a political action committee is 59149  
affiliated with another political action committee or with a 59150  
political contributing entity if they are both established, 59151  
financed, maintained, or controlled by, or if they are, the same 59152  
corporation, organization, labor organization, continuing 59153  
association, or other person, including any parent, subsidiary, 59154

division, or department of that corporation, organization, labor 59155  
organization, continuing association, or other person. 59156

(b) No political action committee shall make a 59157  
contribution or contributions to a county political party for 59158  
the party's state candidate fund. 59159

(3) No campaign committee shall make a contribution or 59160  
contributions aggregating more than: 59161

(a) Ten thousand dollars to the campaign committee of any 59162  
one statewide candidate in a primary election period or in a 59163  
general election period; 59164

(b) Ten thousand dollars to the campaign committee of any 59165  
one senate candidate in a primary election period or in a 59166  
general election period; 59167

(c) Ten thousand dollars to the campaign committee of any 59168  
one house candidate in a primary election period or in a general 59169  
election period; 59170

(d) Ten thousand dollars to any one political action 59171  
committee in a calendar year; 59172

(e) Ten thousand dollars to any one political contributing 59173  
entity in a calendar year. 59174

(4) (a) Subject to division (D) (3) of this section, no 59175  
political party shall make a contribution or contributions 59176  
aggregating more than ten thousand dollars to any one political 59177  
action committee or to any one political contributing entity in 59178  
a calendar year. 59179

(b) No county political party shall make a contribution or 59180  
contributions to another county political party. 59181

(5) (a) Subject to division (B) (5) (b) of this section, no campaign committee, other than a designated state campaign committee, shall make a contribution or contributions aggregating in a calendar year more than:

(i) Thirty thousand dollars to any one state political party for the party's state candidate fund;

(ii) Fifteen thousand dollars to any one legislative campaign fund;

(iii) Ten thousand dollars to any one county political party for the party's state candidate fund.

(b) No campaign committee shall make a contribution or contributions to a county political party for the party's state candidate fund unless one of the following applies:

(i) The campaign committee's candidate will appear on a ballot in that county.

(ii) The campaign committee's candidate is the holder of an elected public office that represents all or part of the population of that county at the time the contribution is made.

(6) (a) No state candidate fund of a county political party shall make a contribution or contributions, except a contribution or contributions to a designated state campaign committee, in a primary election period or a general election period, aggregating more than:

(i) Two hundred fifty thousand dollars to the campaign committee of any one statewide candidate;

(ii) Ten thousand dollars to the campaign committee of any one senate candidate;

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(iii) Ten thousand dollars to the campaign committee of any one house candidate.	59209 59210
(b) (i) No state candidate fund of a state or county political party shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee in a primary election period or in a general election period aggregating more than:	59211 59212 59213 59214 59215
(I) Five hundred thousand dollars to the campaign committee of any one statewide candidate;	59216 59217
(II) One hundred thousand dollars to the campaign committee of any one senate candidate;	59218 59219
(III) Fifty thousand dollars to the campaign committee of any one house candidate.	59220 59221
(ii) No legislative campaign fund shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee aggregating more than:	59222 59223 59224 59225
(I) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period to the campaign committee of any one senate candidate;	59226 59227 59228
(II) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period to the campaign committee of any one house candidate.	59229 59230 59231
(iii) As used in divisions (B) (6) (b) and (C) (6) of this section, "transfer or contribution of cash or cash equivalents" does not include any in-kind contributions.	59232 59233 59234
(c) A county political party that has no state candidate fund and that is located in a county having a population of less	59235 59236

than one hundred fifty thousand may make one or more 59237  
contributions from other accounts to any one statewide candidate 59238  
or to any one designated state campaign committee that do not 59239  
exceed, in the aggregate, two thousand five hundred dollars in 59240  
any primary election period or general election period. 59241

(d) No legislative campaign fund shall make a 59242  
contribution, other than to a designated state campaign 59243  
committee or to the state candidate fund of a political party. 59244

(7) (a) Subject to division (D) (1) of this section, no 59245  
political contributing entity shall make a contribution or 59246  
contributions aggregating more than: 59247

(i) Ten thousand dollars to the campaign committee of any 59248  
one statewide candidate in a primary election period or in a 59249  
general election period; 59250

(ii) Ten thousand dollars to the campaign committee of any 59251  
one senate candidate in a primary election period or in a 59252  
general election period; 59253

(iii) Ten thousand dollars to the campaign committee of 59254  
any one house candidate in a primary election period or in a 59255  
general election period; 59256

(iv) Fifteen thousand dollars to any one legislative 59257  
campaign fund in a calendar year; 59258

(v) Thirty thousand dollars to any one state political 59259  
party for the party's state candidate fund in a calendar year; 59260

(vi) Ten thousand dollars to another political 59261  
contributing entity or to a political action committee in a 59262  
calendar year. This division does not apply to a political 59263  
contributing entity that makes a contribution to a political 59264

contributing entity or a political action committee affiliated 59265  
with it. For purposes of this division, a political contributing 59266  
entity is affiliated with another political contributing entity 59267  
or with a political action committee if they are both 59268  
established, financed, maintained, or controlled by, or if they 59269  
are, the same corporation, organization, labor organization, 59270  
continuing association, or other person, including any parent, 59271  
subsidiary, division, or department of that corporation, 59272  
organization, labor organization, continuing association, or 59273  
other person. 59274

(b) No political contributing entity shall make a 59275  
contribution or contributions to a county political party for 59276  
the party's state candidate fund. 59277

(C) (1) (a) Subject to division (D) (1) of this section, no 59278  
campaign committee of a statewide candidate shall do any of the 59279  
following: 59280

(i) Knowingly accept a contribution or contributions from 59281  
any individual who is under seven years of age; 59282

(ii) Accept a contribution or contributions aggregating 59283  
more than ten thousand dollars from any one individual who is 59284  
seven years of age or older, from any one political action 59285  
committee, from any one political contributing entity, or from 59286  
any one other campaign committee in a primary election period or 59287  
in a general election period; 59288

(iii) Accept a contribution or contributions aggregating 59289  
more than two hundred fifty thousand dollars from any one or 59290  
combination of state candidate funds of county political parties 59291  
in a primary election period or in a general election period. 59292

(b) No campaign committee of a statewide candidate shall 59293

accept a contribution or contributions aggregating more than two 59294  
thousand five hundred dollars in a primary election period or in 59295  
a general election period from a county political party that has 59296  
no state candidate fund and that is located in a county having a 59297  
population of less than one hundred fifty thousand. 59298

(2) (a) Subject to division (D) (1) of this section and 59299  
except for a designated state campaign committee, no campaign 59300  
committee of a senate candidate shall do either of the 59301  
following: 59302

(i) Knowingly accept a contribution or contributions from 59303  
any individual who is under seven years of age; 59304

(ii) Accept a contribution or contributions aggregating 59305  
more than ten thousand dollars from any one individual who is 59306  
seven years of age or older, from any one political action 59307  
committee, from any one political contributing entity, from any 59308  
one state candidate fund of a county political party, or from 59309  
any one other campaign committee in a primary election period or 59310  
in a general election period. 59311

(b) No campaign committee of a senate candidate shall 59312  
accept a contribution or contributions aggregating more than two 59313  
thousand five hundred dollars in a primary election period or in 59314  
a general election period from a county political party that has 59315  
no state candidate fund and that is located in a county having a 59316  
population of less than one hundred fifty thousand. 59317

(3) (a) Subject to division (D) (1) of this section and 59318  
except for a designated state campaign committee, no campaign 59319  
committee of a house candidate shall do either of the following: 59320

(i) Knowingly accept a contribution or contributions from 59321  
any individual who is under seven years of age; 59322



(ii) Accept a contribution or contributions aggregating 59323  
more than ten thousand dollars from any one individual who is 59324  
seven years of age or older, from any one political action 59325  
committee, from any one political contributing entity, from any 59326  
one state candidate fund of a county political party, or from 59327  
any one other campaign committee in a primary election period or 59328  
in a general election period. 59329

(b) No campaign committee of a house candidate shall 59330  
accept a contribution or contributions aggregating more than two 59331  
thousand five hundred dollars in a primary election period or in 59332  
a general election period from a county political party that has 59333  
no state candidate fund and that is located in a county having a 59334  
population of less than one hundred fifty thousand. 59335

(4) (a) (i) Subject to division (C) (4) (a) (ii) of this 59336  
section and except for a designated state campaign committee, no 59337  
county political party shall knowingly accept a contribution or 59338  
contributions from any individual who is under seven years of 59339  
age, or accept a contribution or contributions for the party's 59340  
state candidate fund aggregating more than ten thousand dollars 59341  
from any one individual whose designated Ohio residence is 59342  
located within that county and who is seven years of age or 59343  
older or from any one campaign committee in a calendar year. 59344

(ii) Subject to division (D) (1) of this section, no county 59345  
political party shall accept a contribution or contributions for 59346  
the party's state candidate fund from any individual whose 59347  
designated Ohio residence is located outside of that county and 59348  
who is seven years of age or older, from any campaign committee 59349  
unless the campaign committee's candidate will appear on a 59350  
ballot in that county or unless the campaign committee's 59351  
candidate is the holder of an elected public office that 59352

represents all or part of the population of that county at the 59353  
time the contribution is accepted, or from any political action 59354  
committee or any political contributing entity. 59355

(iii) No county political party shall accept a 59356  
contribution or contributions from any other county political 59357  
party. 59358

(b) Subject to division (D)(1) of this section, no state 59359  
political party shall do either of the following: 59360

(i) Knowingly accept a contribution or contributions from 59361  
any individual who is under seven years of age; 59362

(ii) Accept a contribution or contributions for the 59363  
party's state candidate fund aggregating more than thirty 59364  
thousand dollars from any one individual who is seven years of 59365  
age or older, from any one political action committee, from any 59366  
one political contributing entity, or from any one campaign 59367  
committee, other than a designated state campaign committee, in 59368  
a calendar year. 59369

(5) Subject to division (D)(1) of this section, no 59370  
legislative campaign fund shall do either of the following: 59371

(a) Knowingly accept a contribution or contributions from 59372  
any individual who is under seven years of age; 59373

(b) Accept a contribution or contributions aggregating 59374  
more than fifteen thousand dollars from any one individual who 59375  
is seven years of age or older, from any one political action 59376  
committee, from any one political contributing entity, or from 59377  
any one campaign committee, other than a designated state 59378  
campaign committee, in a calendar year. 59379

(6) (a) No designated state campaign committee shall accept 59380

a transfer or contribution of cash or cash equivalents from a state candidate fund of a state political party aggregating in a primary election period or a general election period more than:

(i) Five hundred thousand dollars, in the case of a campaign committee of a statewide candidate;

(ii) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;

(iii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.

(b) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a legislative campaign fund aggregating more than:

(i) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period, in the case of a campaign committee of a senate candidate;

(ii) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period, in the case of a campaign committee of a house candidate.

(c) No campaign committee of a candidate for the office of member of the general assembly, including a designated state campaign committee, shall accept a transfer or contribution of cash or cash equivalents from any one or combination of state candidate funds of county political parties aggregating in a primary election period or a general election period more than:

(i) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;

(ii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.

(7) (a) Subject to division (D) (3) of this section, no political action committee and no political contributing entity shall do either of the following:

(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age;

(ii) Accept a contribution or contributions aggregating more than ten thousand dollars from any one individual who is seven years of age or older, from any one campaign committee, or from any one political party in a calendar year.

(b) Subject to division (D) (1) of this section, no political action committee shall accept a contribution or contributions aggregating more than ten thousand dollars from another political action committee or from a political contributing entity in a calendar year. Subject to division (D) (1) of this section, no political contributing entity shall accept a contribution or contributions aggregating more than ten thousand dollars from another political contributing entity or from a political action committee in a calendar year. This division does not apply to a political action committee or political contributing entity that accepts a contribution from a political action committee or political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person.

(D) (1) (a) For purposes of the limitations prescribed in

division (B) (2) of this section and the limitations prescribed 59439  
in divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 59440  
section, whichever is applicable, all contributions made by and 59441  
all contributions accepted from political action committees that 59442  
are established, financed, maintained, or controlled by, or that 59443  
are, the same corporation, organization, labor organization, 59444  
continuing association, or other person, including any parent, 59445  
subsidiary, division, or department of that corporation, 59446  
organization, labor organization, continuing association, or 59447  
other person, are considered to have been made by or accepted 59448  
from a single political action committee. 59449

(b) For purposes of the limitations prescribed in division 59450  
(B) (7) of this section and the limitations prescribed in 59451  
divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 59452  
section, whichever is applicable, all contributions made by and 59453  
all contributions accepted from political contributing entities 59454  
that are established, financed, maintained, or controlled by, or 59455  
that are, the same corporation, organization, labor 59456  
organization, continuing association, or other person, including 59457  
any parent, subsidiary, division, or department of that 59458  
corporation, organization, labor organization, continuing 59459  
association, or other person, are considered to have been made 59460  
by or accepted from a single political contributing entity. 59461

(2) As used in divisions (B) (1) (a) (vii), (B) (3) (d), (B) (4) 59462  
(a), and (C) (7) of this section, "political action committee" 59463  
does not include a political action committee that is organized 59464  
to support or oppose a ballot issue or question and that makes 59465  
no contributions to or expenditures on behalf of a political 59466  
party, campaign committee, legislative campaign fund, political 59467  
action committee, or political contributing entity. As used in 59468  
divisions (B) (1) (a) (viii), (B) (3) (e), (B) (4) (a), and (C) (7) of 59469

this section, "political contributing entity" does not include a political contributing entity that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity.

(3) For purposes of the limitations prescribed in divisions (B) (4) and (C) (7) (a) of this section, all contributions made by and all contributions accepted from a national political party, a state political party, and a county political party are considered to have been made by or accepted from a single political party and shall be combined with each other to determine whether the limitations have been exceeded.

(E) (1) If a legislative campaign fund has kept a total amount of contributions exceeding one hundred fifty thousand dollars at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code, the legislative campaign fund shall comply with division (E) (2) of this section.

(2) (a) Any legislative campaign fund that has kept a total amount of contributions in excess of the amount specified in division (E) (1) of this section at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code shall dispose of the excess amount in the manner prescribed in division (E) (2) (b) (i), (ii), or (iii) of this section not later than ninety days after the day the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code. Any legislative campaign fund that is required to dispose of an excess amount of contributions under this division

shall file a statement on the ninetieth day after the 59500  
postgeneral election statement is required to be filed under 59501  
section 3517.10 of the Revised Code indicating the total amount 59502  
of contributions the fund has at the close of business on the 59503  
seventh day before the postgeneral election statement is 59504  
required to be filed under section 3517.10 of the Revised Code 59505  
and that the excess contributions were disposed of pursuant to 59506  
this division and division (E) (2) (b) of this section. The 59507  
statement shall be on a form prescribed by the secretary of 59508  
state and shall contain any additional information the secretary 59509  
of state considers necessary. 59510

(b) Any legislative campaign fund that is required to 59511  
dispose of an excess amount of contributions under division (E) 59512  
(2) of this section shall dispose of that excess amount by doing 59513  
any of the following: 59514

(i) Giving the amount to the treasurer of state for 59515  
deposit into the state treasury to the credit of the Ohio 59516  
elections commission fund created by division (I) of section 59517  
3517.152 of the Revised Code; 59518

(ii) Giving the amount to individuals who made 59519  
contributions to that legislative campaign fund as a refund of 59520  
all or part of their contributions; 59521

(iii) Giving the amount to a corporation that is exempt 59522  
from federal income taxation under subsection 501(a) and 59523  
described in subsection 501(c) of the Internal Revenue Code. 59524

(F) (1) No legislative campaign fund shall fail to file a 59525  
statement required by division (E) of this section. 59526

(2) No legislative campaign fund shall fail to dispose of 59527  
excess contributions as required by division (E) of this 59528

section. 59529

(G) Nothing in this section shall affect, be used in 59530  
determining, or supersede a limitation on campaign contributions 59531  
as provided for in the Federal Election Campaign Act. 59532

**Sec. 3517.103.** (A) For purposes of this section: 59533

(1) "Statewide candidate" means the joint candidates for 59534  
the offices of governor and lieutenant governor or a candidate 59535  
for the office of secretary of state, auditor of state, 59536  
treasurer of state, or attorney general, ~~or member of the state~~ 59537  
~~board of education.~~ 59538

(2) (a) "Personal funds" means contributions to the 59539  
campaign committee of a candidate by the candidate. 59540

(b) A loan obtained by, guaranteed by, or for the benefit 59541  
of a statewide candidate, senate candidate, or house candidate 59542  
shall be considered "personal funds" subject to the provisions 59543  
of this section to the extent that the loan is obtained or 59544  
guaranteed by the candidate. A loan that is obtained or 59545  
guaranteed and that is for the benefit of a statewide candidate, 59546  
senate candidate, or house candidate shall not be considered 59547  
"personal funds" for the purposes of this section but shall be 59548  
considered to be a "contribution" for the purposes of this 59549  
chapter if the loan is obtained or guaranteed by anyone other 59550  
than the candidate. 59551

(c) When a debt or other obligation incurred by a 59552  
committee or by a candidate on behalf of the candidate's 59553  
committee is to be paid from "personal funds," those funds are 59554  
considered to be expended when the debt or other obligation is 59555  
incurred, regardless of when it is paid. 59556

(B) (1) Except as otherwise provided in division (B) (2) of 59557



this section, no statewide candidate or candidate for the office of member of the general assembly shall make an expenditure of personal funds to influence the results of an election for that candidate's nomination or election to office unless the personal funds are first deposited into the campaign fund of that candidate's campaign committee.

(2) A statewide candidate or candidate for the office of member of the general assembly may make an expenditure of personal funds without first depositing those funds into the campaign committee's funds as long as the aggregate total of those expenditures does not exceed five hundred dollars at any time during an election period. After the candidate's campaign committee reimburses the candidate for any direct expenditure of personal funds, the amount that was reimbursed is no longer included in the aggregate total of expenditures of personal funds subject to the five-hundred-dollar limit.

**Sec. 3517.104.** (A) In January of each odd-numbered year, the secretary of state, in accordance with this division and division (B) of this section, shall adjust each amount specified in section 3517.102, in division (B)(4)(e) of section 3517.10, and in division (B) of section 3517.101 of the Revised Code. The adjustment shall be based on the yearly average of the previous two years of the Consumer Price Index for All Urban Consumers or its successive equivalent, as determined by the United States department of labor, bureau of labor statistics, or its successor in responsibility, for all items, Series A. Using the 1996 yearly average as the base year, the secretary of state shall compare the most current average consumer price index with that determined in the preceding odd-numbered year, and shall determine the percentage increase or decrease. The percentage increase or decrease shall be multiplied by the actual dollar

figure for each office or entity specified in section 3517.102 59589  
of the Revised Code and by each actual dollar figure specified 59590  
in division (B) (4) (e) of section 3517.10 and in division (B) of 59591  
section 3517.101 of the Revised Code as determined in the 59592  
previous odd-numbered year, and the product shall be added to or 59593  
subtracted from its corresponding actual dollar figure, as 59594  
necessary, for that previous odd-numbered year. 59595

The resulting amount shall be rounded to the nearest 59596  
twenty-five dollars if the calculations are made regarding the 59597  
amounts specified in division (B) (4) (e) of section 3517.10 of 59598  
the Revised Code. 59599

If the calculations are made regarding the amounts 59600  
specified in section 3517.101 or 3517.102 of the Revised Code, 59601  
the resulting amount shall not be rounded. If that resulting 59602  
amount is less than one hundred dollars, the secretary of state 59603  
shall retain a record of the resulting amount and the manner in 59604  
which it was calculated, but shall not make an adjustment unless 59605  
the resulting amount, when added to the resulting amount 59606  
calculated in each prior odd-numbered year since the last 59607  
adjustment was made, equals or exceeds one hundred dollars. 59608

(B) (1) The secretary of state shall calculate the 59609  
adjustment under division (A) of this section and shall report 59610  
the calculations and necessary materials to the auditor of 59611  
state, on or before the thirty-first day of January of each odd- 59612  
numbered year. The secretary of state shall base the adjustment 59613  
on the most current consumer price index that is described in 59614  
division (A) of this section and that is in effect as of the 59615  
first day of January of each odd-numbered year. 59616

(2) The calculations made by the secretary of state under 59617  
divisions (A) and (B) (1) of this section shall be certified by 59618

the auditor of state on or before the fifteenth day of February 59619  
of each odd-numbered year. 59620

(3) On or before the twenty-fifth day of February of each 59621  
odd-numbered year, the secretary of state shall prepare a report 59622  
setting forth the maximum contribution limitations under section 59623  
3517.102 of the Revised Code, the maximum amounts, if any, of 59624  
contributions permitted to be kept under that section, the 59625  
amounts required under division (B) (4) (e) of section 3517.10 of 59626  
the Revised Code for reporting contributions and in-kind 59627  
contributions at social or fund-raising activities and 59628  
contributions from amounts deducted from an employee's wages and 59629  
salary, and the maximum office facility gift limitations under 59630  
section 3517.101 of the Revised Code, as calculated and 59631  
certified pursuant to divisions (A) and (B) (1) and (2) of this 59632  
section. The report and all documents relating to the 59633  
calculations contained in the report are public records. The 59634  
report shall contain an indication of the period in which the 59635  
limitations, the maximum contribution or gift amounts, and the 59636  
reporting amounts apply, a summary of how the limitations, the 59637  
maximum contribution or gift amounts, and the reporting amounts 59638  
were calculated, and a statement that the report and all related 59639  
documents are available for inspection and copying at the office 59640  
of the secretary of state. 59641

(4) On or before the twenty-fifth day of February of each 59642  
odd-numbered year, the secretary of state shall transmit the 59643  
report to the general assembly and shall send the report by mail 59644  
to the board of elections of each county. 59645

(5) The secretary of state shall send the report by mail 59646  
to each person who files a declaration of candidacy or 59647  
nominating petition with the secretary of state for the office 59648

of governor, lieutenant governor, secretary of state, auditor of 59649  
state, treasurer of state, attorney general, ~~member of the state~~ 59650  
~~board of education,~~ chief justice of the supreme court, or 59651  
justice of the supreme court. The report shall be mailed on or 59652  
before the tenth day after the filing. 59653

(6) A board of elections shall send the report by mail to 59654  
each person who files a declaration of candidacy or nominating 59655  
petition with the board for the office of state representative 59656  
or state senator. The report shall be mailed on or before the 59657  
tenth day after the filing. 59658

**Sec. 3517.108.** (A) As used in divisions (A) and (B) of 59659  
this section: 59660

(1) "Candidate" has the same meaning as in section 3517.01 59661  
of the Revised Code but includes only candidates for the offices 59662  
of governor, lieutenant governor, secretary of state, auditor of 59663  
state, treasurer of state, attorney general, ~~member of the state~~ 59664  
~~board of education,~~ member of the general assembly, chief 59665  
justice of the supreme court, and justice of the supreme court. 59666

(2) A "general election period" begins on the day after 59667  
the primary election immediately preceding the general election 59668  
at which a candidate seeks an office specified in division (A) 59669  
(1) of this section and ends on the thirty-first day of December 59670  
following that general election. 59671

(3) A "primary election period" begins on the first day of 59672  
January of the year following the year in which the general 59673  
election was held for the office that the candidate seeks, 59674  
including any mid-term election, and ends on the day of the 59675  
primary election. 59676

(B) Whenever the campaign committee of a candidate has 59677

unpaid debt at the end of a primary election period or at the 59678  
end of a general election period, the committee may accept 59679  
additional contributions during the immediately following 59680  
election period up to the applicable limitation prescribed under 59681  
section 3517.102 of the Revised Code from any individual, 59682  
political action committee, political contributing entity, or 59683  
other campaign committee who, during the primary or general 59684  
election period for which debt remains unpaid, has contributed 59685  
less than the contribution limitations prescribed under section 59686  
3517.102 of the Revised Code applicable to that individual, 59687  
political action committee, political contributing entity, or 59688  
other campaign committee. Any additional contribution that a 59689  
campaign committee accepts under this division shall count 59690  
toward the applicable limitations prescribed under section 59691  
3517.102 of the Revised Code for that primary or general 59692  
election period at the end of which the debt remains unpaid, and 59693  
shall not count toward the applicable limitations for any other 59694  
primary or general election period if all of the following 59695  
conditions apply: 59696

(1) The campaign committee reports, on the statement 59697  
required to be filed under division (A) (2) of section 3517.10 of 59698  
the Revised Code, all debt remaining unpaid at the end of the 59699  
election period. The committee shall also file a separate 59700  
statement, on a form prescribed by the secretary of state, at 59701  
the same time that the committee is required to file a statement 59702  
of contributions and expenditures under section 3517.10 of the 59703  
Revised Code. The separate statement shall include the name and 59704  
address of each contributor who makes an additional contribution 59705  
under division (B) of this section, how the contribution was 59706  
applied to pay the unpaid debt as required by division (B) (3) of 59707  
this section, and the balance of the unpaid debt after each 59708

contribution was applied to it. 59709

(2) The additional contributions are accepted only during 59710  
the primary or general election period, whichever is applicable, 59711  
immediately following the election period covered in the 59712  
statement filed under division (B)(1) of this section. 59713

(3) All additional contributions made under division (B) 59714  
of this section are used by the campaign committee that receives 59715  
them only to pay the debt of the committee reported under 59716  
division (B)(1) of this section. 59717

(4) The campaign committee maintains a separate account 59718  
for all additional contributions made under division (B) of this 59719  
section and uses moneys in that account only to pay the unpaid 59720  
debt reported under division (B)(1) of this section and to 59721  
administer the account. 59722

(5) The campaign committee stops accepting additional 59723  
contributions after funds sufficient to repay the unpaid debt 59724  
reported under division (B)(1) of this section have been raised 59725  
and promptly disposes of any contributions received that exceed 59726  
the amount of the unpaid debt by returning the excess 59727  
contributions to the contributors or by giving the excess 59728  
contributions to an organization that is exempt from federal 59729  
income taxation under subsection 501(a) and described in 59730  
subsection 501(c)(3), (4), (8), (10), or (19) of the Internal 59731  
Revenue Code. 59732

**Sec. 3517.109.** (A) As used in this section: 59733

(1) "Candidate" has the same meaning as in section 3517.01 59734  
of the Revised Code but includes only candidates for the offices 59735  
of governor, lieutenant governor, secretary of state, auditor of 59736  
state, treasurer of state, attorney general, ~~member of the state~~ 59737

~~board of education,~~ and member of the general assembly. 59738

(2) "Statewide candidate" means the joint candidates for 59739  
the offices of governor and lieutenant governor or a candidate 59740  
for the office of secretary of state, auditor of state, 59741  
treasurer of state, and attorney general, ~~and member of the~~ 59742  
~~state board of education.~~ 59743

(3) "Senate candidate" means a candidate for the office of 59744  
state senator. 59745

(4) "House candidate" means a candidate for the office of 59746  
state representative. 59747

(5) "State office" means the offices of governor, 59748  
lieutenant governor, secretary of state, auditor of state, 59749  
treasurer of state, attorney general, ~~member of the state board~~ 59750  
~~of education,~~ and member of the general assembly. 59751

(6) "Aggregate contribution" means the total of all 59752  
contributions from a contributor during the pre-filing period. 59753

(7) "Allowable aggregate contribution" means all of the 59754  
following: 59755

(a) In the case of a contribution from a contributor whose 59756  
contributions are subject to the contribution limits described 59757  
in division (B) (1), (2), (3), (6) (a), or (7) of section 3517.102 59758  
of the Revised Code, that portion of the amount of the 59759  
contributor's aggregate contribution that does not exceed the 59760  
preprimary contribution limit applicable to that contributor. 59761

(b) In the case of a contribution or contributions from a 59762  
contributor whose contributions are not subject to the 59763  
contribution limits described in divisions (B) (1), (2), (3), (6) 59764  
(a), or (7) of section 3517.102 of the Revised Code, the total 59765

of the following: 59766

(i) That portion of the aggregate contribution that was 59767  
received as in-kind services; 59768

(ii) That portion of the aggregate contribution that was 59769  
received as cash and does not exceed the applicable preprimary 59770  
cash transfer or contribution limits described in division (B) 59771  
(6) (b) of section 3517.102 of the Revised Code. 59772

(8) "Excess aggregate contribution" means, for each 59773  
contributor, the amount by which that contributor's aggregate 59774  
contribution exceeds that contributor's allowable aggregate 59775  
contribution. 59776

(9) "Pre-filing period" means the period of time ending on 59777  
the day that the candidacy petitions are due for the state 59778  
office for which the candidate has filed and beginning on the 59779  
latest date of the following: 59780

(a) The first day of January of the year following the 59781  
general election in which that state office was last on the 59782  
ballot; 59783

(b) The first day of January of the year following the 59784  
general election in which the candidate was last a candidate for 59785  
any office; 59786

(c) The first day of the month following the primary 59787  
election in which the candidate was last a candidate for any 59788  
office. 59789

(10) "Filing date" means the last date on which a 59790  
candidacy petition may be filed for an office. 59791

(11) "Applicable carry-in limit" means thirty-five 59792  
thousand dollars if the candidate is a house candidate ~~or a~~ 59793



~~candidate for the state board of education~~, one hundred thousand 59794  
dollars if the candidate is a senate candidate, and two hundred 59795  
thousand dollars if the candidate is a statewide candidate ~~other~~ 59796  
~~than a candidate for the state board of education.~~ 59797

(12) "Campaign asset" means prepaid, purchased, or donated 59798  
assets available to the candidate on the date of the filing 59799  
deadline for the office the candidate is seeking that will be 59800  
consumed or depleted in the course of the candidate's election 59801  
campaign, including, but not limited to, postage, prepaid rent 59802  
for campaign headquarters, prepaid radio, television, and 59803  
newspaper advertising, and other prepaid consulting and personal 59804  
services. 59805

(13) "Permitted funds" means the sum of the following: 59806

(a) The total of the allowable aggregate contribution of 59807  
each contributor; 59808

(b) The applicable carry-in limit. 59809

(14) "Excess funds" means the amount by which the sum of 59810  
the total cash on hand and total reported campaign assets 59811  
exceeds permitted funds. 59812

(15) "Covered candidate" means both of the following: 59813

(a) A candidate who, during the pre-filing period, accepts 59814  
or has a campaign committee that accepts contributions on the 59815  
candidate's behalf for the purpose of nominating or electing the 59816  
candidate to any office not subject to the contribution limits 59817  
prescribed in section 3517.102 of the Revised Code; 59818

(b) A person who, during the pre-filing period, accepts or 59819  
has a campaign committee that accepts contributions on the 59820  
person's behalf prior to the person deciding upon or announcing 59821

the office for which the person will become a candidate for 59822  
nomination or election. 59823

(B) Each candidate who files for state office, not later 59824  
than the filing date for that office, shall dispose of any 59825  
excess funds. Each covered candidate who files for state office, 59826  
not later than the filing date for that office, shall dispose of 59827  
any excess aggregate contributions. 59828

(C) Any campaign committee that is required to dispose of 59829  
excess funds or excess aggregate contributions under division 59830  
(B) of this section shall dispose of that excess amount or 59831  
amounts by doing any of the following: 59832

(1) Giving the amount to the treasurer of state for 59833  
deposit into the state treasury to the credit of the Ohio 59834  
elections commission fund created by division (I) of section 59835  
3517.152 of the Revised Code; 59836

(2) Giving the amount to individuals who made 59837  
contributions to that campaign committee as a refund of all or 59838  
part of their contributions; 59839

(3) Giving the amount to a corporation that is exempt from 59840  
federal income taxation under subsection 501(a) and described in 59841  
subsection 501(c) of the Internal Revenue Code. 59842

(D) (1) Subject to division (D) (2) of this section, no 59843  
candidate or covered candidate shall appear on the ballot, even 59844  
if certified to appear on the ballot, unless the candidate's or 59845  
covered candidate's campaign committee has disposed of excess 59846  
funds, excess aggregate contributions, or both as required by 59847  
divisions (B) and (C) of this section. 59848

(2) If the excess aggregate contributions accepted by a 59849  
covered candidate or a covered candidate's campaign committee 59850

aggregate a total of less than five thousand dollars from all 59851  
contributors, that candidate shall not be prohibited from 59852  
appearing on the ballot under division (D)(1) of this section. 59853

(E)(1) The campaign committee of each candidate required 59854  
to dispose of excess funds under this section shall file a 59855  
report, on a form prescribed by the secretary of state, with the 59856  
official or board with which the candidate is required to file 59857  
statements under section 3517.11 of the Revised Code. The report 59858  
shall be filed by the seventh day following the filing deadline 59859  
for the office the candidate is seeking, shall indicate the 59860  
amount of excess funds disposed of, and shall describe the 59861  
manner in which the campaign committee disposed of the excess 59862  
amount. 59863

(2) In addition to the information required to be included 59864  
in a report filed under division (E)(1) of this section, the 59865  
campaign committee of each covered candidate required to dispose 59866  
of excess aggregate contributions under this section shall 59867  
include in that report the source and amount of each excess 59868  
aggregate contribution disposed of and shall describe the manner 59869  
in which the campaign committee disposed of the excess amount. 59870

(F)(1) Each campaign committee of a candidate who has 59871  
filed a declaration of candidacy or a nominating petition for a 59872  
state office, not later than seven days after the filing date 59873  
for the office the candidate is seeking, shall file a 59874  
declaration of filing-day finances, on a form prescribed by the 59875  
secretary of state, with the official or board with which the 59876  
candidate is required to file statements under section 3517.11 59877  
of the Revised Code. 59878

(2) A declaration of filing-day finances shall list all of 59879  
the following: 59880

(a) The amount of cash on hand in the candidate's campaign fund on the filing date for the office the candidate is seeking.	59881 59882
(b) The value and description of all campaign assets worth five hundred dollars or more available to the candidate on the filing date. Assets purchased by the campaign shall be valued at actual cost, and in-kind contributions shall be valued at market value.	59883 59884 59885 59886 59887
(c) The total of all aggregate contributions;	59888
(d) The total of all allowable aggregate contributions;	59889
(e) The applicable carry-in limit, if any.	59890
(3) In addition to the information required to be included in a report of filing-day finances filed under division (F) (1) of this section, the campaign committee of each covered candidate shall include both of the following in that report:	59891 59892 59893 59894
(a) The total of all excess aggregate contributions;	59895
(b) For each contributor, if any, for whom there is an excess aggregate contribution, the name, address, aggregate contribution, and excess aggregate contribution.	59896 59897 59898
(G) A campaign committee of a candidate is not required to file a declaration of filing-day finances under division (F) of this section if all of the following apply:	59899 59900 59901
(1) The campaign committee has not accepted, during the pre-filing period, any aggregate contribution greater than the applicable amount.	59902 59903 59904
(2) The campaign committee had less than the carry-in amount in cash on hand at the beginning of the pre-filing period.	59905 59906 59907

(3) The candidate files a declaration, on a form 59908  
prescribed by the secretary of state, with the official or board 59909  
with which the candidate is required to file statements under 59910  
section 3517.11 of the Revised Code not later than seven days 59911  
after the filing date for the office that candidate is seeking, 59912  
stating that the candidate's campaign committee has not accepted 59913  
aggregate contributions as described in division (G) (1) of this 59914  
section and has less than the carry-in amount in cash on hand as 59915  
described in division (G) (2) of this section. 59916

**Sec. 3517.11.** (A) (1) Campaign committees of candidates for 59917  
statewide office ~~or the state board of education~~, political 59918  
action committees or political contributing entities that make 59919  
contributions to campaign committees of candidates that are 59920  
required to file the statements prescribed by section 3517.10 of 59921  
the Revised Code with the secretary of state, political action 59922  
committees or political contributing entities that make 59923  
contributions to campaign committees of candidates for member of 59924  
the general assembly, political action committees or political 59925  
contributing entities that make contributions to state and 59926  
national political parties and to legislative campaign funds, 59927  
political action committees or political contributing entities 59928  
that receive contributions or make expenditures in connection 59929  
with a statewide ballot issue, political action committees or 59930  
political contributing entities that make contributions to other 59931  
political action committees or political contributing entities, 59932  
political parties, and campaign committees, except as set forth 59933  
in division (A) (3) of this section, legislative campaign funds, 59934  
and state and national political parties shall file the 59935  
statements prescribed by section 3517.10 of the Revised Code 59936  
with the secretary of state. 59937

(2) (a) Except as otherwise provided in division (E) of 59938

section 3517.106 of the Revised Code, campaign committees of 59939  
candidates for all other offices shall file the statements 59940  
prescribed by section 3517.10 of the Revised Code with the board 59941  
of elections where their candidates are required to file their 59942  
petitions or other papers for nomination or election. 59943

(b) A campaign committee of a candidate for office of 59944  
member of the general assembly or a campaign committee of a 59945  
candidate for the office of judge of a court of appeals shall 59946  
file two copies of the printed version of any statement, 59947  
addendum, or amended statement if the committee does not file 59948  
pursuant to division (E) or (J) of section 3517.106 of the 59949  
Revised Code but files by printed version only with the 59950  
appropriate board of elections. The board of elections shall 59951  
send one of those copies by certified mail or an electronic copy 59952  
to the secretary of state before the close of business on the 59953  
day the board of elections receives the statement, addendum, or 59954  
amended statement. 59955

(3) Political action committees or political contributing 59956  
entities that only contribute to a county political party, 59957  
contribute to campaign committees of candidates whose nomination 59958  
or election is to be submitted only to electors within a county, 59959  
subdivision, or district, excluding candidates for member of the 59960  
general assembly, and receive contributions or make expenditures 59961  
in connection with ballot questions or issues to be submitted 59962  
only to electors within a county, subdivision, or district shall 59963  
file the statements prescribed by section 3517.10 of the Revised 59964  
Code with the board of elections in that county or in the county 59965  
contained in whole or part within the subdivision or district 59966  
having a population greater than that of any other county 59967  
contained in whole or part within that subdivision or district, 59968  
as the case may be. 59969

(4) Except as otherwise provided in division (E) (1) (e) of section 3517.106 of the Revised Code with respect to state candidate funds, county political parties shall file the statements prescribed by section 3517.10 of the Revised Code with the board of elections of their respective counties.

(B) (1) The official with whom petitions and other papers for nomination or election to public office are filed shall furnish each candidate at the time of that filing a copy of sections 3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 3599.031 of the Revised Code and any other materials that the secretary of state may require. Each candidate receiving the materials shall acknowledge their receipt in writing.

(2) On or before the tenth day before the dates on which statements are required to be filed by section 3517.10 of the Revised Code, the secretary of state shall notify every candidate subject to the provisions of this section and sections 3517.10 and 3517.106 of the Revised Code of the requirements and applicable penalties of those sections. The secretary of state shall notify all candidates required to file those statements with the secretary of state's office either by certified mail, or, if the secretary of state has record of an internet identifier of record associated with the candidate, by ordinary mail and by that internet identifier of record. The board of elections of every county shall notify by first class mail any candidate who has personally appeared at the office of the board on or before the tenth day before the statements are required to be filed and signed a form, to be provided by the secretary of state, attesting that the candidate has been notified of the candidate's obligations under the campaign finance law. The board shall forward the completed form to the secretary of

state. The board shall notify all other candidates required to 60001  
file those statements with it either by certified mail, or, if 60002  
the secretary of state has record of an internet identifier of 60003  
record associated with the candidate, by ordinary mail and by 60004  
that internet identifier of record. 60005

(3) (a) Any statement required to be filed under sections 60006  
3517.081 to 3517.14 of the Revised Code that is found to be 60007  
incomplete or inaccurate by the officer to whom it is submitted 60008  
shall be accepted on a conditional basis, and the person who 60009  
filed it shall be notified by certified mail as to the 60010  
incomplete or inaccurate nature of the statement. The secretary 60011  
of state may examine statements filed for candidates for the 60012  
office of member of the general assembly and candidates for the 60013  
office of judge of a court of appeals for completeness and 60014  
accuracy. The secretary of state shall examine for completeness 60015  
and accuracy statements that campaign committees of candidates 60016  
for the office of member of the general assembly and campaign 60017  
committees of candidates for the office of judge of a court of 60018  
appeals file pursuant to division (E) or (J) of section 3517.106 60019  
of the Revised Code. If an officer at the board of elections 60020  
where a statement filed for a candidate for the office of member 60021  
of the general assembly or for a candidate for the office of 60022  
judge of a court of appeals was submitted finds the statement to 60023  
be incomplete or inaccurate, the officer shall immediately 60024  
notify the secretary of state of its incomplete or inaccurate 60025  
nature. If either an officer at the board of elections or the 60026  
secretary of state finds a statement filed for a candidate for 60027  
the office of member of the general assembly or for a candidate 60028  
for the office of judge of a court of appeals to be incomplete 60029  
or inaccurate, only the secretary of state shall send the 60030  
notification as to the incomplete or inaccurate nature of the 60031



statement. 60032

Within twenty-one days after receipt of the notice, in the 60033  
case of a pre-election statement, a postelection statement, a 60034  
monthly statement, an annual statement, or a semiannual 60035  
statement prescribed by section 3517.10, an annual statement 60036  
prescribed by section 3517.101, or a statement prescribed by 60037  
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 60038  
3517.107 of the Revised Code, the recipient shall file an 60039  
addendum, amendment, or other correction to the statement 60040  
providing the information necessary to complete or correct the 60041  
statement. The secretary of state may require that, in lieu of 60042  
filing an addendum, amendment, or other correction to a 60043  
statement that is filed by electronic means of transmission to 60044  
the office of the secretary of state or a board of elections 60045  
pursuant to section 3517.106 of the Revised Code, the recipient 60046  
of the notice described in this division file by electronic 60047  
means of transmission an amended statement that incorporates the 60048  
information necessary to complete or correct the statement. 60049

The secretary of state shall determine by rule when an 60050  
addendum, amendment, or other correction to any of the following 60051  
or when an amended statement of any of the following shall be 60052  
filed: 60053

(i) A two-business-day statement prescribed by section 60054  
3517.10 of the Revised Code; 60055

(ii) A disclosure of electioneering communications 60056  
statement prescribed by division (D) of section 3517.1011 of the 60057  
Revised Code; 60058

(iii) A deposit and disbursement statement prescribed 60059  
under division (B) of section 3517.1012 of the Revised Code; 60060

(iv) A gift and disbursement statement prescribed under section 3517.1013 of the Revised Code; 60061  
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(v) A donation and disbursement statement prescribed under section 3517.1014 of the Revised Code. 60063  
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An addendum, amendment, or other correction to a statement that is filed by electronic means of transmission pursuant to section 3517.106 of the Revised Code shall be filed in the same manner as the statement. 60065  
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The provisions of sections 3517.10, 3517.106, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised Code pertaining to the filing of statements of contributions and expenditures, statements of independent expenditures, disclosure of electioneering communications statements, deposit and disbursement statements, gift and disbursement statements, and donation and disbursement statements by electronic means of transmission apply to the filing of addenda, amendments, or other corrections to those statements by electronic means of transmission and the filing of amended statements by electronic means of transmission. 60069  
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(b) Within five business days after the secretary of state receives, by electronic or other means of transmission, an addendum, amendment, or other correction to a statement or an amended statement under division (B)(3)(a) of this section, the secretary of state, pursuant to divisions (E) and (G) of section 3517.106 or division (D) of section 3517.1011 of the Revised Code, shall make the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in that addendum, amendment, correction, or amended statement available online to the public through the internet. 60080  
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(4) (a) The secretary of state or the board of elections shall examine all statements for compliance with sections 3517.08 to 3517.14 of the Revised Code.

(b) The secretary of state may contract with an individual or entity not associated with the secretary of state and experienced in interpreting the campaign finance law of this state to conduct examinations of statements filed by any statewide candidate, as defined in section 3517.103 of the Revised Code.

(c) The examination shall be conducted by a person or entity qualified to conduct it. The results of the examination shall be available to the public, and, when the examination is conducted by an individual or entity not associated with the secretary of state, the results of the examination shall be reported to the secretary of state.

(C) (1) In the event of a failure to file or a late filing of a statement required to be filed under sections 3517.081 to 3517.14 of the Revised Code, or if a filed statement or any addendum, amendment, or other correction to a statement or any amended statement, if an addendum, amendment, or other correction or an amended statement is required to be filed, is incomplete or inaccurate or appears to disclose a failure to comply with or a violation of law, the official whose duty it is to examine the statement shall promptly file a complaint with the Ohio elections commission under section 3517.153 of the Revised Code if the law is one over which the commission has jurisdiction to hear complaints, or the official shall promptly report the failure or violation to the board of elections and the board shall promptly report it to the prosecuting attorney in accordance with division (J) of section 3501.11 of the

Revised Code. If the official files a complaint with the 60121  
commission, the commission shall proceed in accordance with 60122  
sections 3517.154 to 3517.157 of the Revised Code. 60123

(2) For purposes of division (C)(1) of this section, a 60124  
statement or an addendum, amendment, or other correction to a 60125  
statement or an amended statement required to be filed under 60126  
sections 3517.081 to 3517.14 of the Revised Code is incomplete 60127  
or inaccurate under this section if the statement, addendum, 60128  
amendment, other correction, or amended statement fails to 60129  
disclose substantially all contributions, gifts, or donations 60130  
that are received or deposits that are made that are required to 60131  
be reported under sections 3517.10, 3517.107, 3517.108, 60132  
3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised 60133  
Code or if the statement, addendum, amendment, other correction, 60134  
or amended statement fails to disclose at least ninety per cent 60135  
of the total contributions, gifts, or donations received or 60136  
deposits made or of the total expenditures or disbursements made 60137  
during the reporting period. 60138

(D) No certificate of nomination or election shall be 60139  
issued to a person, and no person elected to an office shall 60140  
enter upon the performance of the duties of that office, until 60141  
that person or that person's campaign committee, as appropriate, 60142  
has fully complied with this section and sections 3517.08, 60143  
3517.081, 3517.10, and 3517.13 of the Revised Code. 60144

**Sec. 3517.13.** (A)(1) No campaign committee of a statewide 60145  
candidate shall fail to file a complete and accurate statement 60146  
required under division (A)(1) of section 3517.10 of the Revised 60147  
Code. 60148

(2) No campaign committee of a statewide candidate shall 60149  
fail to file a complete and accurate monthly statement, and no 60150

campaign committee of a statewide candidate or a candidate for 60151  
the office of chief justice or justice of the supreme court 60152  
shall fail to file a complete and accurate two-business-day 60153  
statement, as required under section 3517.10 of the Revised 60154  
Code. 60155

As used in this division, "statewide candidate" has the 60156  
same meaning as in division (F) (2) of section 3517.10 of the 60157  
Revised Code. 60158

(B) No campaign committee shall fail to file a complete 60159  
and accurate statement required under division (A) (1) of section 60160  
3517.10 of the Revised Code. 60161

(C) No campaign committee shall fail to file a complete 60162  
and accurate statement required under division (A) (2) of section 60163  
3517.10 of the Revised Code. 60164

(D) No campaign committee shall fail to file a complete 60165  
and accurate statement required under division (A) (3) or (4) of 60166  
section 3517.10 of the Revised Code. 60167

(E) No person other than a campaign committee shall 60168  
knowingly fail to file a statement required under section 60169  
3517.10 or 3517.107 of the Revised Code. 60170

(F) No person shall make cash contributions to any person 60171  
totaling more than one hundred dollars in each primary, special, 60172  
or general election. 60173

(G) (1) No person shall knowingly conceal or misrepresent 60174  
contributions given or received, expenditures made, or any other 60175  
information required to be reported by a provision in sections 60176  
3517.08 to 3517.13 of the Revised Code. 60177

(2) (a) No person shall make a contribution to a campaign 60178

committee, political action committee, political contributing 60179  
entity, legislative campaign fund, political party, or person 60180  
making disbursements to pay the direct costs of producing or 60181  
airing electioneering communications in the name of another 60182  
person. 60183

(b) A person does not make a contribution in the name of 60184  
another when either of the following applies: 60185

(i) An individual makes a contribution from a partnership 60186  
or other unincorporated business account, if the contribution is 60187  
reported by listing both the name of the partnership or other 60188  
unincorporated business and the name of the partner or owner 60189  
making the contribution as required under division (I) of 60190  
section 3517.10 of the Revised Code. 60191

(ii) A person makes a contribution in that person's 60192  
spouse's name or in both of their names. 60193

(H) No person within this state, publishing a newspaper or 60194  
other periodical, shall charge a campaign committee for 60195  
political advertising a rate in excess of the rate such person 60196  
would charge if the campaign committee were a general rate 60197  
advertiser whose advertising was directed to promoting its 60198  
business within the same area as that encompassed by the 60199  
particular office that the candidate of the campaign committee 60200  
is seeking. The rate shall take into account the amount of space 60201  
used, as well as the type of advertising copy submitted by or on 60202  
behalf of the campaign committee. All discount privileges 60203  
otherwise offered by a newspaper or periodical to general rate 60204  
advertisers shall be available upon equal terms to all campaign 60205  
committees. 60206

No person within this state, operating a radio or 60207

television station or network of stations in this state, shall 60208  
charge a campaign committee for political broadcasts a rate that 60209  
exceeds: 60210

(1) During the forty-five days preceding the date of a 60211  
primary election and during the sixty days preceding the date of 60212  
a general or special election in which the candidate of the 60213  
campaign committee is seeking office, the lowest unit charge of 60214  
the station for the same class and amount of time for the same 60215  
period; 60216

(2) At any other time, the charges made for comparable use 60217  
of that station by its other users. 60218

(I) Subject to divisions (K), (L), (M), and (N) of this 60219  
section, no agency or department of this state or any political 60220  
subdivision shall award any contract, other than one let by 60221  
competitive bidding or a contract incidental to such contract or 60222  
which is by force account, for the purchase of goods costing 60223  
more than five hundred dollars or services costing more than 60224  
five hundred dollars to any individual, partnership, 60225  
association, including, without limitation, a professional 60226  
association organized under Chapter 1785. of the Revised Code, 60227  
estate, or trust if the individual has made or the individual's 60228  
spouse has made, or any partner, shareholder, administrator, 60229  
executor, or trustee or the spouse of any of them has made, as 60230  
an individual, within the two previous calendar years, one or 60231  
more contributions totaling in excess of one thousand dollars to 60232  
the holder of the public office having ultimate responsibility 60233  
for the award of the contract or to the public officer's 60234  
campaign committee. 60235

(J) Subject to divisions (K), (L), (M), and (N) of this 60236  
section, no agency or department of this state or any political 60237

subdivision shall award any contract, other than one let by 60238  
competitive bidding or a contract incidental to such contract or 60239  
which is by force account, for the purchase of goods costing 60240  
more than five hundred dollars or services costing more than 60241  
five hundred dollars to a corporation or business trust, except 60242  
a professional association organized under Chapter 1785. of the 60243  
Revised Code, if an owner of more than twenty per cent of the 60244  
corporation or business trust or the spouse of that person has 60245  
made, as an individual, within the two previous calendar years, 60246  
taking into consideration only owners for all of that period, 60247  
one or more contributions totaling in excess of one thousand 60248  
dollars to the holder of a public office having ultimate 60249  
responsibility for the award of the contract or to the public 60250  
officer's campaign committee. 60251

(K) For purposes of divisions (I) and (J) of this section, 60252  
if a public officer who is responsible for the award of a 60253  
contract is appointed by the governor, whether or not the 60254  
appointment is subject to the advice and consent of the senate, 60255  
excluding members of boards, commissions, committees, 60256  
authorities, councils, boards of trustees, task forces, and 60257  
other such entities appointed by the governor, the office of the 60258  
governor is considered to have ultimate responsibility for the 60259  
award of the contract. 60260

(L) For purposes of divisions (I) and (J) of this section, 60261  
if a public officer who is responsible for the award of a 60262  
contract is appointed by the elected chief executive officer of 60263  
a municipal corporation, or appointed by the elected chief 60264  
executive officer of a county operating under an alternative 60265  
form of county government or county charter, excluding members 60266  
of boards, commissions, committees, authorities, councils, 60267  
boards of trustees, task forces, and other such entities 60268



appointed by the chief executive officer, the office of the 60269  
chief executive officer is considered to have ultimate 60270  
responsibility for the award of the contract. 60271

(M) (1) Divisions (I) and (J) of this section do not apply 60272  
to contracts awarded by the board of commissioners of the 60273  
sinking fund, municipal legislative authorities, boards of 60274  
education, boards of county commissioners, boards of township 60275  
trustees, or other boards, commissions, committees, authorities, 60276  
councils, boards of trustees, task forces, and other such 60277  
entities created by law, by the supreme court or courts of 60278  
appeals, by county courts consisting of more than one judge, 60279  
courts of common pleas consisting of more than one judge, or 60280  
municipal courts consisting of more than one judge, or by a 60281  
division of any court if the division consists of more than one 60282  
judge. This division shall apply to the specified entity only if 60283  
the members of the entity act collectively in the award of a 60284  
contract for goods or services. 60285

(2) Divisions (I) and (J) of this section do not apply to 60286  
actions of the controlling board. 60287

(N) (1) Divisions (I) and (J) of this section apply to 60288  
contributions made to the holder of a public office having 60289  
ultimate responsibility for the award of a contract, or to the 60290  
public officer's campaign committee, during the time the person 60291  
holds the office and during any time such person was a candidate 60292  
for the office. Those divisions do not apply to contributions 60293  
made to, or to the campaign committee of, a candidate for or 60294  
holder of the office other than the holder of the office at the 60295  
time of the award of the contract. 60296

(2) Divisions (I) and (J) of this section do not apply to 60297  
contributions of a partner, shareholder, administrator, 60298

executor, trustee, or owner of more than twenty per cent of a 60299  
corporation or business trust made before the person held any of 60300  
those positions or after the person ceased to hold any of those 60301  
positions in the partnership, association, estate, trust, 60302  
corporation, or business trust whose eligibility to be awarded a 60303  
contract is being determined, nor to contributions of the 60304  
person's spouse made before the person held any of those 60305  
positions, after the person ceased to hold any of those 60306  
positions, before the two were married, after the granting of a 60307  
decree of divorce, dissolution of marriage, or annulment, or 60308  
after the granting of an order in an action brought solely for 60309  
legal separation. Those divisions do not apply to contributions 60310  
of the spouse of an individual whose eligibility to be awarded a 60311  
contract is being determined made before the two were married, 60312  
after the granting of a decree of divorce, dissolution of 60313  
marriage, or annulment, or after the granting of an order in an 60314  
action brought solely for legal separation. 60315

(0) No beneficiary of a campaign fund or other person 60316  
shall convert for personal use, and no person shall knowingly 60317  
give to a beneficiary of a campaign fund or any other person, 60318  
for the beneficiary's or any other person's personal use, 60319  
anything of value from the beneficiary's campaign fund, 60320  
including, without limitation, payments to a beneficiary for 60321  
services the beneficiary personally performs, except as 60322  
reimbursement for any of the following: 60323

(1) Legitimate and verifiable prior campaign expenses 60324  
incurred by the beneficiary; 60325

(2) Legitimate and verifiable ordinary and necessary prior 60326  
expenses incurred by the beneficiary in connection with duties 60327  
as the holder of a public office, including, without limitation, 60328

expenses incurred through participation in nonpartisan or 60329  
bipartisan events if the participation of the holder of a public 60330  
office would normally be expected; 60331

(3) Legitimate and verifiable ordinary and necessary prior 60332  
expenses incurred by the beneficiary while doing any of the 60333  
following: 60334

(a) Engaging in activities in support of or opposition to 60335  
a candidate other than the beneficiary, political party, or 60336  
ballot issue; 60337

(b) Raising funds for a political party, political action 60338  
committee, political contributing entity, legislative campaign 60339  
fund, campaign committee, or other candidate; 60340

(c) Participating in the activities of a political party, 60341  
political action committee, political contributing entity, 60342  
legislative campaign fund, or campaign committee; 60343

(d) Attending a political party convention or other 60344  
political meeting. 60345

For purposes of this division, an expense is incurred 60346  
whenever a beneficiary has either made payment or is obligated 60347  
to make payment, as by the use of a credit card or other credit 60348  
procedure or by the use of goods or services received on 60349  
account. 60350

(P) No beneficiary of a campaign fund shall knowingly 60351  
accept, and no person shall knowingly give to the beneficiary of 60352  
a campaign fund, reimbursement for an expense under division (O) 60353  
of this section to the extent that the expense previously was 60354  
reimbursed or paid from another source of funds. If an expense 60355  
is reimbursed under division (O) of this section and is later 60356  
paid or reimbursed, wholly or in part, from another source of 60357

funds, the beneficiary shall repay the reimbursement received 60358  
under division (O) of this section to the extent of the payment 60359  
made or reimbursement received from the other source. 60360

(Q) No candidate or public official or employee shall 60361  
accept for personal or business use anything of value from a 60362  
political party, political action committee, political 60363  
contributing entity, legislative campaign fund, or campaign 60364  
committee other than the candidate's or public official's or 60365  
employee's own campaign committee, and no person shall knowingly 60366  
give to a candidate or public official or employee anything of 60367  
value from a political party, political action committee, 60368  
political contributing entity, legislative campaign fund, or 60369  
such a campaign committee, except for the following: 60370

(1) Reimbursement for legitimate and verifiable ordinary 60371  
and necessary prior expenses not otherwise prohibited by law 60372  
incurred by the candidate or public official or employee while 60373  
engaged in any legitimate activity of the political party, 60374  
political action committee, political contributing entity, 60375  
legislative campaign fund, or such campaign committee. Without 60376  
limitation, reimbursable expenses under this division include 60377  
those incurred while doing any of the following: 60378

(a) Engaging in activities in support of or opposition to 60379  
another candidate, political party, or ballot issue; 60380

(b) Raising funds for a political party, legislative 60381  
campaign fund, campaign committee, or another candidate; 60382

(c) Attending a political party convention or other 60383  
political meeting. 60384

(2) Compensation not otherwise prohibited by law for 60385  
actual and valuable personal services rendered under a written 60386

contract to the political party, political action committee, 60387  
political contributing entity, legislative campaign fund, or 60388  
such campaign committee for any legitimate activity of the 60389  
political party, political action committee, political 60390  
contributing entity, legislative campaign fund, or such campaign 60391  
committee. 60392

Reimbursable expenses under this division do not include, 60393  
and it is a violation of this division for a candidate or public 60394  
official or employee to accept, or for any person to knowingly 60395  
give to a candidate or public official or employee from a 60396  
political party, political action committee, political 60397  
contributing entity, legislative campaign fund, or campaign 60398  
committee other than the candidate's or public official's or 60399  
employee's own campaign committee, anything of value for 60400  
activities primarily related to the candidate's or public 60401  
official's or employee's own campaign for election, except for 60402  
contributions to the candidate's or public official's or 60403  
employee's campaign committee. 60404

For purposes of this division, an expense is incurred 60405  
whenever a candidate or public official or employee has either 60406  
made payment or is obligated to make payment, as by the use of a 60407  
credit card or other credit procedure, or by the use of goods or 60408  
services on account. 60409

(R) (1) Division (O) or (P) of this section does not 60410  
prohibit a campaign committee from making direct advance or post 60411  
payment from contributions to vendors for goods and services for 60412  
which reimbursement is permitted under division (O) of this 60413  
section, except that no campaign committee shall pay its 60414  
candidate or other beneficiary for services personally performed 60415  
by the candidate or other beneficiary. 60416

(2) If any expense that may be reimbursed under division (O), (P), or (Q) of this section is part of other expenses that may not be paid or reimbursed, the separation of the two types of expenses for the purpose of allocating for payment or reimbursement those expenses that may be paid or reimbursed may be by any reasonable accounting method, considering all of the surrounding circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this section, mileage allowance at a rate not greater than that allowed by the internal revenue service at the time the travel occurs may be paid instead of reimbursement for actual travel expenses allowable.

(S) (1) As used in division (S) of this section:

(a) "State elective office" has the same meaning as in section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in the Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal campaign committee or authorized committee as defined in the Federal Election Campaign Act.

(2) No person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall transfer any funds or assets from that person's federal campaign committee for nomination or election to the federal office to that person's campaign committee as a candidate for state elective office.

(3) No campaign committee of a person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall accept any funds or assets

from that person's federal campaign committee for that person's nomination or election to the federal office. 60446  
60447

(T) (1) Except as otherwise provided in division (B) (6) (c) 60448  
of section 3517.102 of the Revised Code, a state or county 60449  
political party shall not disburse moneys from any account other 60450  
than a state candidate fund to make contributions to any of the 60451  
following: 60452

(a) A state candidate fund; 60453

(b) A legislative campaign fund; 60454

(c) A campaign committee of a candidate for the office of 60455  
governor, lieutenant governor, secretary of state, auditor of 60456  
state, treasurer of state, attorney general, ~~member of the state~~ 60457  
~~board of education,~~ or member of the general assembly. 60458

(2) No state candidate fund, legislative campaign fund, or 60459  
campaign committee of a candidate for any office described in 60460  
division (T) (1) (c) of this section shall knowingly accept a 60461  
contribution in violation of division (T) (1) of this section. 60462

(U) No person shall fail to file a statement required 60463  
under section 3517.12 of the Revised Code. 60464

(V) No campaign committee shall fail to file a statement 60465  
required under division (K) (3) of section 3517.10 of the Revised 60466  
Code. 60467

(W) (1) No foreign national shall, directly or indirectly 60468  
through any other person or entity, make a contribution, 60469  
expenditure, or independent expenditure or promise, either 60470  
expressly or implicitly, to make a contribution, expenditure, or 60471  
independent expenditure in support of or opposition to a 60472  
candidate for any elective office in this state, including an 60473

office of a political party. 60474

(2) No candidate, campaign committee, political action 60475  
committee, political contributing entity, legislative campaign 60476  
fund, state candidate fund, political party, or separate 60477  
segregated fund shall solicit or accept a contribution, 60478  
expenditure, or independent expenditure from a foreign national. 60479  
The secretary of state may direct any candidate, committee, 60480  
entity, fund, or party that accepts a contribution, expenditure, 60481  
or independent expenditure in violation of this division to 60482  
return the contribution, expenditure, or independent expenditure 60483  
or, if it is not possible to return the contribution, 60484  
expenditure, or independent expenditure, then to return instead 60485  
the value of it, to the contributor. 60486

(3) As used in division (W) of this section, "foreign 60487  
national" has the same meaning as in section 441e(b) of the 60488  
Federal Election Campaign Act. 60489

(X) (1) No state or county political party shall transfer 60490  
any moneys from its restricted fund to any account of the 60491  
political party into which contributions may be made or from 60492  
which contributions or expenditures may be made. 60493

(2) (a) No state or county political party shall deposit a 60494  
contribution or contributions that it receives into its 60495  
restricted fund. 60496

(b) No state or county political party shall make a 60497  
contribution or an expenditure from its restricted fund. 60498

(3) (a) No corporation or labor organization shall make a 60499  
gift or gifts from the corporation's or labor organization's 60500  
money or property aggregating more than ten thousand dollars to 60501  
any one state or county political party for the party's 60502



restricted fund in a calendar year. 60503

(b) No state or county political party shall accept a gift 60504  
or gifts for the party's restricted fund aggregating more than 60505  
ten thousand dollars from any one corporation or labor 60506  
organization in a calendar year. 60507

(4) No state or county political party shall transfer any 60508  
moneys in the party's restricted fund to any other state or 60509  
county political party. 60510

(5) No state or county political party shall knowingly 60511  
fail to file a statement required under section 3517.1012 of the 60512  
Revised Code. 60513

(Y) The administrator of workers' compensation and the 60514  
employees of the bureau of workers' compensation shall not 60515  
conduct any business with or award any contract, other than one 60516  
awarded by competitive bidding, for the purchase of goods 60517  
costing more than five hundred dollars or services costing more 60518  
than five hundred dollars to any individual, partnership, 60519  
association, including, without limitation, a professional 60520  
association organized under Chapter 1785. of the Revised Code, 60521  
estate, or trust, if the individual has made, or the 60522  
individual's spouse has made, or any partner, shareholder, 60523  
administrator, executor, or trustee, or the spouses of any of 60524  
those individuals has made, as an individual, within the two 60525  
previous calendar years, one or more contributions totaling in 60526  
excess of one thousand dollars to the campaign committee of the 60527  
governor or lieutenant governor or to the campaign committee of 60528  
any candidate for the office of governor or lieutenant governor. 60529

(Z) The administrator of workers' compensation and the 60530  
employees of the bureau of workers' compensation shall not 60531

conduct business with or award any contract, other than one 60532  
awarded by competitive bidding, for the purchase of goods 60533  
costing more than five hundred dollars or services costing more 60534  
than five hundred dollars to a corporation or business trust, 60535  
except a professional association organized under Chapter 1785. 60536  
of the Revised Code, if an owner of more than twenty per cent of 60537  
the corporation or business trust, or the spouse of the owner, 60538  
has made, as an individual, within the two previous calendar 60539  
years, taking into consideration only owners for all of such 60540  
period, one or more contributions totaling in excess of one 60541  
thousand dollars to the campaign committee of the governor or 60542  
lieutenant governor or to the campaign committee of any 60543  
candidate for the office of governor or lieutenant governor. 60544

**Sec. 3701.021.** (A) The director of health shall adopt, in 60545  
accordance with Chapter 119. of the Revised Code, such rules as 60546  
are necessary to carry out sections 3701.021 to 3701.0210 of the 60547  
Revised Code, including, but not limited to, rules to establish 60548  
the following: 60549

(1) Subject to division (D) of this section, medical and 60550  
financial eligibility requirements for the program for children 60551  
and youth with special health care needs; 60552

(2) Subject to division (C) of this section, eligibility 60553  
requirements for providers who provide goods and services for 60554  
the program for children and youth with special health care 60555  
needs; 60556

(3) Procedures to be followed by the department of health 60557  
in disqualifying providers for violating requirements adopted 60558  
under division (A) (2) of this section; 60559

(4) Procedures to be used by the department regarding 60560

application for diagnostic services under division (B) of 60561  
section 3701.023 of the Revised Code and payment for those 60562  
services under division (E) of that section; 60563

(5) Standards for the provision of service coordination by 60564  
the department of health and city and general health districts; 60565

(6) Procedures for the department to use to determine the 60566  
amount to be paid annually by each county for services for 60567  
children and youth with special health care needs and to allow 60568  
counties to retain funds under divisions (A) (2) and (3) of 60569  
section 3701.024 of the Revised Code; 60570

(7) Financial eligibility requirements for services for 60571  
Ohio residents twenty-one years of age or older who have cystic 60572  
fibrosis; 60573

(8) Criteria for payment of approved providers who provide 60574  
goods and services for children and youth with special health 60575  
care needs; 60576

(9) Criteria for the department to use in determining 60577  
whether the payment of health insurance premiums of participants 60578  
in the program for children and youth with special health care 60579  
needs is cost-effective; 60580

(10) Procedures for appeal of denials of applications 60581  
under divisions (A) and (D) of section 3701.023 of the Revised 60582  
Code, disqualification of providers, and amounts paid for 60583  
services; 60584

(11) Terms of appointment for members of the children and 60585  
youth with special health care needs medical advisory council 60586  
created in section 3701.025 of the Revised Code; 60587

(12) Eligibility requirements for the hemophilia program, 60588

including income and hardship requirements; 60589

(13) If a manufacturer discount program is established 60590  
under division (J) (1) of section 3701.023 of the Revised Code, 60591  
procedures for administering the program, including criteria and 60592  
other requirements for participation in the program by 60593  
manufacturers of drugs and nutritional formulas. 60594

(B) The department of health shall develop a manual of 60595  
operational procedures and guidelines for the program for 60596  
children and youth with special health care needs to implement 60597  
sections 3701.021 to 3701.0210 of the Revised Code. 60598

(C) A medicaid provider, as defined in section 5164.01 of 60599  
the Revised Code, is eligible to be a provider of the same goods 60600  
and services for the program for children and youth with special 60601  
health care needs that the provider is approved to provide for 60602  
the medicaid program and the director shall approve such a 60603  
provider for participation in the program for children and youth 60604  
with special health care needs. 60605

(D) In establishing medical and financial eligibility 60606  
requirements for the program for children and youth with special 60607  
health care needs, the director of health shall not specify an 60608  
age restriction that excludes from eligibility an individual who 60609  
is ~~either of the following:~~ 60610

~~(1) Beginning on July 1, 2021, less than twenty-two years~~ 60611  
~~of age;~~ 60612

~~(2) Beginning on July 1, 2022, less than twenty-three~~ 60613  
~~years of age;~~ 60614

~~(3) Beginning on July 1, 2023, less than twenty-four years~~ 60615  
~~of age;~~ 60616

~~(4) Beginning on July 1, 2024, less than twenty five years  
of age less than twenty-six years of age.~~ 60617  
60618

**Sec. 3701.033.** (A) This section establishes the order of 60619  
priority to be followed by the department of health when 60620  
distributing funds for the purpose of providing family planning 60621  
services, including funds the department receives through the 60622  
"Maternal and Child Health Block Grant," Title V of the "Social 60623  
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, 60624  
and funds the department receives through Title X of the "Public 60625  
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 60626  
amended. This section does not apply to grants awarded by the 60627  
department under section 3701.046 of the Revised Code. 60628

(B) With respect to each period during which funds from a 60629  
particular source are distributed for the purpose of providing 60630  
family planning services, the department is subject to both of 60631  
the following when distributing the funds to applicants seeking 60632  
those funds: 60633

(1) Foremost priority shall be given to public entities 60634  
that are operated by state or local government entities and that 60635  
provide or are able to provide family planning services. 60636

(2) If any funds remain after the department distributes 60637  
funds to public entities under division (B)(1) of this section, 60638  
the department may distribute funds to nonpublic entities. If 60639  
funds are distributed to nonpublic entities, the department 60640  
shall distribute the funds in the following order of descending 60641  
priority: 60642

(a) Nonpublic entities that are federally qualified health 60643  
centers or federally qualified health center look-alikes, both 60644  
as defined in section 3701.047 of the Revised Code, or community 60645

action agencies, as defined in section ~~122.66~~ 5101.311 of the Revised Code; 60646  
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(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services; 60648  
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(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services. 60651  
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**Sec. 3701.045.** (A) The department of health, in consultation with the ~~children's trust fund board established under section 3109.15 of the Revised Code~~ department of children and youth and any bodies acting as child fatality review boards on October 5, 2000, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following: 60654  
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(1) Establish the format for the annual reports required by section 307.626 of the Revised Code; 60663  
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(2) Establish guidelines for a county or regional child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report; 60665  
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(3) Establish guidelines for a county or regional child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures; 60670  
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(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.

(B) On or before the thirtieth day of September of each year, the department of health and the ~~children's trust fund board~~ department of children and youth jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by county or regional child fatality review boards in their annual reports for the previous calendar year, and recommendations for any changes to law and policy that might prevent future deaths. The department of health and the ~~children's trust fund board~~ department of children and youth jointly shall provide a copy of the report to the governor, the speaker of the house of representatives, the president of the senate, the minority leaders of the house of representatives and the senate, each county or regional child fatality review board, and each county or regional family and children first council.

**Sec. 3701.21.** (A) As used in this section:

(1) "Amblyopia" means reduced vision in an eye that has not received adequate use during early childhood.

(2) "501(c) organization" means an organization exempt from federal income taxation pursuant to 26 U.S.C.A. 501(a) and (c). 60705  
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(B) There is hereby created in the state treasury the save our sight fund. The fund shall consist of voluntary contributions deposited as provided in ~~section~~sections 3701.21 and 4503.104 of the Revised Code. All investment earnings from the fund shall be credited to the fund. 60708  
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(C) The director of health shall use the money in the save our sight fund as follows: 60713  
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(1) To provide support to 501(c) organizations that offer vision services in all counties of the state and have demonstrated experience in the delivery of vision services to do one or more of the following: 60715  
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(a) Implement a voluntary children's vision screening training and certification program for volunteers, child care providers, nurses, teachers, health care professionals practicing in primary care settings, and others serving children; 60719  
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(b) Provide materials for the program implemented under division (C) (1) (a) of this section; 60724  
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(c) Develop and implement a registry and targeted voluntary case management system to determine whether children with amblyopia are receiving professional eye care and to provide their parents with information and support regarding their child's vision care; 60726  
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(d) Establish a matching grant program for the purchase and distribution of protective eyewear to children; 60731  
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(e) Provide vision health and safety programs and materials for classrooms. 60733  
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(2) For the purpose of section 4503.104 of the Revised Code, to develop and distribute informational materials on the importance of eye care and safety to the registrar of motor vehicles and each deputy registrar; 60735  
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(3) To pay costs incurred by the director in administering the fund; 60739  
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(4) To reimburse the bureau of motor vehicles for the administrative costs incurred in performing its duties under section 4503.104 of the Revised Code. 60741  
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(D) A 501(c) organization seeking funding from the save our sight fund for any of the projects specified in division (C) of this section shall submit a request for the funding to the director in accordance with rules adopted under division (E) of this section. The director shall determine the appropriateness of and approve or disapprove projects for funding and approve or disapprove the disbursement of money from the save our sight fund. 60744  
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(E) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include the parameters of the projects specified in division (C)(1) of this section that may be funded with money in the save our sight fund and procedures for 501(c) organizations to request funding from the fund. 60752  
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**Sec. 3701.511.** None of the funds appropriated to administer the programs authorized by sections 3701.501 and 3701.502 of the Revised Code shall be used to counsel or refer for abortion, ~~except in the case of a medical emergency.~~ 60758  
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**Sec. 3701.79.** (A) As used in this section and in sections 3701.791 and 3701.792 of the Revised Code:

(1) "Abortion" has the same meaning as in section 2919.11 of the Revised Code.

(2) "Abortion report" means a form completed pursuant to division (C) of this section.

(3) "Ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code.

(4) "Department" means the department of health.

(5) "Hospital" means any building, structure, institution, or place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and medical or surgical care for three or more unrelated individuals having illness, disease, injury, or deformity, and regularly making available at least clinical laboratory services, diagnostic x-ray services, treatment facilities for surgery or obstetrical care, or other definitive medical treatment. "Hospital" does not include a "home" as defined in section 3721.01 of the Revised Code.

(6) "Physician's office" means an office or portion of an office that is used to provide medical or surgical services to the physician's patients. "Physician's office" does not mean an ambulatory surgical facility, a hospital, or a hospital emergency department.

(7) "Postabortion care" means care given after the uterus has been evacuated by abortion.

(B) The department shall be responsible for collecting and collating abortion data reported to the department as required by this section.

(C) The attending physician shall complete an individual 60790  
abortion report for the abortion, by surgical procedure or by 60791  
abortion-inducing drugs, of each zygote, blastocyte, embryo, or 60792  
fetus the physician performs. The report shall be confidential 60793  
and shall not contain the woman's name. The report shall 60794  
include, but is not limited to, all of the following, insofar as 60795  
the patient makes the data available that is not within the 60796  
physician's knowledge: 60797

(1) Patient number; 60798

(2) The name and address of the facility in which the 60799  
abortion was performed, and whether the facility is a hospital, 60800  
ambulatory surgical facility, physician's office, or other 60801  
facility; 60802

(3) The date of the abortion; 60803

(4) If a surgical abortion, the method of final 60804  
disposition of the fetal remains under Chapter 3726. of the 60805  
Revised Code; 60806

(5) All of the following regarding the woman on whom the 60807  
abortion was performed: 60808

(a) ~~Zip~~ State and zip code of residence; 60809

(b) Age; 60810

(c) Race; 60811

(d) Marital status; 60812

(e) Number of previous pregnancies; 60813

(f) Years of education; 60814

(g) Number of living children; 60815

(h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;	60816 60817
(i) Date of last induced abortion;	60818
(j) Date of last live birth;	60819
(k) Method of contraception at the time of conception;	60820
(l) Date of the first day of the last menstrual period;	60821
(m) Medical condition at the time of the abortion;	60822
(n) Rh-type;	60823
(o) The number of weeks of gestation at the time of the abortion.	60824 60825
(6) The type of abortion procedure performed;	60826
(7) Complications by type;	60827
(8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:	60828 60829 60830
(a) A test result indicating Down syndrome in an unborn child;	60831 60832
(b) A prenatal diagnosis of Down syndrome in an unborn child;	60833 60834
(c) Any other reason to believe that an unborn child has Down syndrome.	60835 60836
(9) Type of procedure performed after the abortion;	60837
(10) Type of family planning recommended;	60838
(11) Type of additional counseling given;	60839

(12) Signature of attending physician. 60840

(D) The physician who completed the abortion report under 60841  
division (C) of this section shall submit the abortion report to 60842  
the department within fifteen days after the woman is 60843  
discharged. 60844

(E) The appropriate vital records report or certificate 60845  
shall be made out after the twentieth week of gestation. 60846

(F) A copy of the abortion report shall be made part of 60847  
the medical record of the patient of the facility in which the 60848  
abortion was performed. 60849

(G) Each hospital shall file monthly and annual reports 60850  
listing the total number of women who have undergone a post- 60851  
twelve-week-gestation abortion and received postabortion care. 60852  
The reports also shall include the total number of Ohio 60853  
residents and the total number of non-Ohio residents who have 60854  
undergone a post-twelve-week gestation abortion and received 60855  
postabortion care. The annual report shall be filed following 60856  
the conclusion of the state's fiscal year. Each report shall be 60857  
filed within thirty days after the end of the applicable 60858  
reporting period. 60859

(H) Each case in which a physician treats a post abortion 60860  
complication shall be reported on a postabortion complication 60861  
form. The report shall be made upon a form prescribed by the 60862  
department, shall be signed by the attending physician, and 60863  
shall be confidential. 60864

(I) (1) Not later than the first day of ~~October~~ March of 60865  
each year, the department shall issue an annual report of the 60866  
abortion data reported to the department for the previous 60867  
calendar year as required by this section. The department shall 60868

develop a public electronic dashboard to publish on a monthly 60869  
basis the abortion data reported to the department. The annual 60870  
report and monthly dashboard update shall include at least the 60871  
following information: 60872

(a) The total number of zygotes, blastocytes, embryos, or 60873  
fetuses that were aborted; 60874

(b) The number of abortions performed on Ohio residents 60875  
and the number performed on out-of-state residents; 60876

(c) The number of abortions performed, sorted by each of 60877  
the following: 60878

(i) The age of the woman on whom the abortion was 60879  
performed, using the following categories: under fifteen years 60880  
of age, fifteen to nineteen years of age, twenty to twenty-four 60881  
years of age, twenty-five to twenty-nine years of age, thirty to 60882  
thirty-four years of age, thirty-five to thirty-nine years of 60883  
age, forty to forty-four years of age, forty-five years of age 60884  
or older; 60885

(ii) The race and Hispanic ethnicity of the woman on whom 60886  
the abortion was performed; 60887

(iii) The education level of the woman on whom the 60888  
abortion was performed, using the following categories or their 60889  
equivalents: less than ninth grade, ninth through twelfth grade, 60890  
one or more years of college; 60891

(iv) The marital status of the woman on whom the abortion 60892  
was performed; 60893

(v) The number of living children of the woman on whom the 60894  
abortion was performed, using the following categories: none, 60895  
one, or two or more; 60896

(vi) The number of weeks of gestation of the woman at the time the abortion was performed, using the following categories: less than nine weeks, nine to twelve weeks, thirteen to nineteen weeks, or twenty weeks or more;

(vii) The county in which the abortion was performed;

(viii) The type of abortion procedure performed;

(ix) The number of zygotes, blastocytes, embryos, or fetuses previously aborted by the woman on whom the abortion was performed;

(x) The type of facility in which the abortion was performed;

(xi) For Ohio residents, the county of residence of the woman on whom the abortion was performed.

(2) The report also shall indicate the number and type of the abortion complications reported to the department either on the abortion report required under division (C) of this section or the postabortion complication report required under division (H) of this section.

(3) In addition to the annual report required under division (I)(1) of this section, the department shall make available, on request, the number of abortions performed by zip code of residence.

(J) The director of health shall implement this section and shall apply to the court of common pleas for temporary or permanent injunctions restraining a violation or threatened violation of its requirements. This action is an additional remedy not dependent on the adequacy of the remedy at law.

**Sec. 3704.01.** As used in this chapter:

(A) "Administrator" means the administrator of the United States environmental protection agency or the chief executive of any successor federal agency responsible for implementation of the federal Clean Air Act.

(B) "Air contaminant" means particulate matter, dust, fumes, gas, mist, radionuclides, smoke, vapor, or odorous substances, or any combination thereof, but does not mean emissions from agricultural production activities, as defined in section 929.01 of the Revised Code, that are consistent with generally accepted agricultural practices, were established prior to adjacent nonagricultural activities, have no substantial, adverse effect on the public health, safety, or welfare, do not result from the negligent or other improper operations of any such agricultural activities, and would not be required to obtain a Title V permit. For the purposes of this chapter, agricultural production activities do not include the installation and operation of off-farm facilities for the storage or processing of agricultural products, including, but not limited to, alfalfa dehydrating facilities, rendering plants, and feed and grain mills, elevators, and terminals.

(C) "Air contaminant source" means each separate operation or activity that results or may result in the emission of any air contaminant.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants or any combination thereof in sufficient quantity and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life, or property, or as unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere



outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life or property.

(F) "Best available technology" means any combination of work practices, raw material specifications, throughput limitations, source design characteristics, an evaluation of the annualized cost per ton of pollutant removed, and air pollution control devices that have been previously demonstrated to the director of environmental protection to operate satisfactorily in this state or other states with similar air quality on substantially similar air pollution sources.

(G) "Change within a permitted facility" means, within the context of the Title V permit program established under section 3704.036 of the Revised Code, a change that is limited by a federally enforceable provision of an applicable Title V permit and that does not include physical, production, or other changes that are neither addressed nor limited by the federally enforceable portion of a Title V permit unless the change would result in a violation of a federally enforceable requirement or a modification under Title I of the federal Clean Air Act or would be subject to any requirements under Title IV of that act.

(H) "Chemical speciation network," "state or local air monitoring stations," and "special purpose monitor" have the same meanings as in 40 C.F.R. part 58.1.

(I) "Community air monitoring" means any measurement or quantification of emissions or ambient air concentrations of an air contaminant, including both one-time monitoring events and multi-sampling events. "Community air monitoring" does not include any of the following:

(1) State or local air monitoring stations or special

purpose monitors installed and operated in accordance with 40 C.F.R. part 58 by the environmental protection agency or by a local air pollution control authority under the terms of a delegation agreement pursuant to section 3704.111 of the Revised Code; 60984  
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(2) Near-road monitors designed to measure peak hourly concentrations of carbon monoxide, nitrogen dioxide, or fine particulate matter and installed and operated in accordance with 40 C.F.R. part 58, appendix D by the environmental protection agency or by a local air pollution control authority under the terms of a delegation agreement pursuant to section 3704.111 of the Revised Code; 60989  
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(3) Chemical speciation network stations installed and operated in accordance with 40 C.F.R. part 58, appendix D by the environmental protection agency or by a local air pollution control authority under the terms of a delegation agreement pursuant to section 3704.111 of the Revised Code; 60996  
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(4) Any measurement system, testing equipment, tool, or process for detecting or measuring emissions that is specifically identified or described in and either required or allowed to be used for a particular air contaminant source or source category under any of the following: 61001  
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(a) The federal Clean Air Act; 61006

(b) Any implementation plan promulgated or approved before the effective date of this amendment; 61007  
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(c) Any permit, variance, or order issued before the effective date of this amendment or any renewal thereof after the effective date of this amendment; 61009  
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(d) Any other permit, variance, or order issued on or 61012

after the effective date of this amendment, if the use of the 61013  
measurement system, testing equipment, tool, or process was 61014  
proposed, requested, or voluntarily accepted by the air 61015  
contaminant source or sources subject to that permit, variance, 61016  
or order; 61017

(5) Any measurement system, testing equipment, tool, or 61018  
process installed and used to detect or measure odor. 61019

(J) "Emit" or "emission" means the release into the 61020  
ambient air of an air contaminant. 61021

~~(I)~~(K) "Emission limitation" and "emission standard" mean 61022  
a requirement that limits the quantity, rate, or concentration 61023  
of emissions of air contaminants, including any requirement 61024  
relating to the operation or maintenance of an air contaminant 61025  
source. 61026

~~(J)~~(L) "Facility," for the purposes of the Title V permit 61027  
program established under section 3704.036 of the Revised Code, 61028  
means all of the emitting activities that are located on 61029  
contiguous or adjacent properties that are under the control of 61030  
the same person or persons or are under common control and that 61031  
are in the same major group as described in the standard 61032  
Industrial Classification Manual, 1987. 61033

~~(K)~~(M) "Federal Clean Air Act" means "Air Quality Act of 61034  
1967," 81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air 61035  
Act Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 61036  
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 61037  
9, 1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 61038  
88 Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 61039  
1977," 91 Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act 61040  
Amendments of 1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air 61041

Act Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and 61042  
any other amendments that have been or may hereafter be adopted, 61043  
or any supplements to those acts and laws of the United States 61044  
that have been or may hereafter be enacted in substitution 61045  
therefor, together with any regulations that have been or may 61046  
hereafter be adopted by the administrator by virtue of and in 61047  
accordance with those acts and laws. Reference to a particular 61048  
title or section of the federal Clean Air Act includes any 61049  
amendments that have been or may hereafter be enacted in 61050  
substitution therefor and any regulations pertaining to the 61051  
title or section that have been or may hereafter be adopted by 61052  
the administrator by virtue of and in accordance with the 61053  
federal Clean Air Act. 61054

~~(I)~~ (N) "Hazardous air pollutant" means any pollutant 61055  
listed under section 112(b) of the federal Clean Air Act. 61056

~~(M)~~ (O) "Implementation plan" means a program for the 61057  
prevention and abatement of air pollution in the state that has 61058  
been promulgated or approved by the administrator pursuant to 61059  
the federal Clean Air Act. 61060

~~(N)~~ (P) "Local air pollution control authority" includes 61061  
all of the following unless terminated by the political 61062  
subdivisions represented thereby: 61063

(1) All of the following agencies representing the 61064  
following political subdivisions, as those agencies existed on 61065  
July 1, 1993: 61066

(a) The Akron regional air quality management district 61067  
representing Medina, Summit, and Portage counties; 61068

(b) The Canton city health department representing Stark 61069  
county; 61070

- (c) The Hamilton county department of environmental services, southwest Ohio air quality agency representing Butler, Warren, Hamilton, and Clermont counties; 61071  
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- (d) The city of Cleveland division of the environment representing Cuyahoga county; 61074  
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- (e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties; 61076  
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- (f) The Lake county general health district representing Lake and Geauga counties; 61078  
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- (g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties; 61080  
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- (h) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county. 61082  
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- (2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to (i) of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority; 61085  
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- (3) Any new local air pollution control authority established on or after July 1, 1993, by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section 3704.11 of the Revised Code. 61093  
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- ~~(O)~~(Q) "Person" means the federal government or any agency 61098

thereof, the state or any agency thereof, any political 61099  
subdivision or any agency thereof, or any public or private 61100  
corporation, individual, partnership, or other entity. 61101

~~(P)~~(R) "Research and development sources" means sources 61102  
whose activities are conducted for nonprofit scientific or 61103  
educational purposes; sources whose activities are conducted to 61104  
test more efficient production processes or methods for 61105  
preventing or reducing adverse environmental impacts, provided 61106  
that the activities do not include the production of an 61107  
intermediate or final product for sale or exchange for 61108  
commercial profit, except in a de minimis manner; a research or 61109  
laboratory source the primary purpose of which is to conduct 61110  
research and development into new processes and products, that 61111  
is operated under the close supervision of technically trained 61112  
personnel, and that is not engaged in the manufacture of 61113  
products for sale or exchange for commercial profit, except in a 61114  
de minimis manner; the temporary use of normal production 61115  
sources in a research and development mode to test the technical 61116  
or commercial viability of alternative raw materials or 61117  
production processes, provided that the use does not include the 61118  
production of an intermediate or final product for sale or 61119  
exchange for commercial profit, except in a de minimis manner; 61120  
the experimental firing of any fuel or combination of fuels in a 61121  
boiler, heater, furnace, or dryer for the purpose of conducting 61122  
research and development of more efficient combustion or more 61123  
effective prevention or control of air pollutant emissions, 61124  
provided that, during those periods of research and development, 61125  
the heat generated is not used for normal production purposes or 61126  
for producing a product for sale or exchange for commercial 61127  
profit, except in a de minimis manner; and such other similar 61128  
sources as the director may prescribe by rule. 61129

~~(Q)~~(S) "Responsible official" means one of the following, 61130  
as applicable: 61131

(1) For a corporation: a president, secretary, treasurer, 61132  
or vice-president of the corporation in charge of a principal 61133  
business function, any other person who performs similar policy 61134  
or decision-making functions for the corporation, or a duly 61135  
authorized representative of any such person if the 61136  
representative is responsible for the overall operation of one 61137  
or more manufacturing, production, or operating facilities 61138  
applying for or subject to a Title V permit and if one of the 61139  
following applies: 61140

(a) The facilities employ more than two hundred fifty 61141  
individuals or have gross annual sales or expenditures exceeding 61142  
twenty-five million dollars, in second quarter 1980 dollars; 61143

(b) The delegation of authority to the representative is 61144  
approved in advance by the director. 61145

(2) For a partnership or sole proprietorship: a general 61146  
partner or the proprietor, respectively. 61147

(3) For the federal government or any agency thereof, the 61148  
state or any agency thereof, a political subdivision or any 61149  
agency thereof, or any other public agency, either a principal 61150  
executive officer or authorized elected official. For the 61151  
purposes of this division, a principal executive officer of a 61152  
federal agency includes the chief executive officer having 61153  
responsibility for the overall operation of a principal 61154  
geographic unit of the agency. 61155

(4) For affected sources, both of the following: 61156

(a) The designated representative insofar as actions, 61157  
standards, requirements, or prohibitions under Title IV of the 61158

federal Clean Air Act or regulations adopted under it are 61159  
concerned; 61160

(b) The designated representative for any other purposes 61161  
under 40 C.F.R. part 70. 61162

~~(R)~~(T) "Small business stationary source" means any 61163  
building, structure, facility, or installation that emits any 61164  
federally regulated air pollutant and is owned or operated by a 61165  
person who employs one hundred or fewer individuals; is a small 61166  
business concern as defined in the "Small Business Act," 72 61167  
Stat. 384 (1958), 15 U.S.C.A. 632, as amended; is not a major 61168  
stationary source as defined in section 302(j) of the federal 61169  
Clean Air Act; does not emit fifty tons or more per year of any 61170  
federally regulated air pollutant or any hazardous air 61171  
pollutant; and emits less than seventy-five tons per year of all 61172  
federally regulated air pollutants. 61173

~~(S)~~(U) "Title V permit" means an operating permit required 61174  
to be issued by the state under section 502 of the federal Clean 61175  
Air Act and issued under section 3704.036 of the Revised Code 61176  
and rules adopted under it. 61177

~~(T)~~(V) For the purposes of the Title V permit program 61178  
established under this chapter and rules adopted under it, all 61179  
terms defined in 40 C.F.R. part 70 have the same meaning as in 61180  
that part. 61181

**Sec. 3704.03.** The director of environmental protection may 61182  
do any of the following: 61183

(A) Develop programs for the prevention, control, and 61184  
abatement of air pollution; 61185

(B) Advise, consult, contract, and cooperate with any 61186  
governmental or private agency in the furtherance of the 61187



purposes of this chapter; 61188

(C) Encourage, participate in, or conduct studies, 61189  
investigations, and research relating to air pollution, collect 61190  
and disseminate information, and conduct education and training 61191  
programs relating to the causes, prevention, control, and 61192  
abatement of air pollution; 61193

(D) Adopt, modify, and rescind rules prescribing ambient 61194  
air quality standards for the state as a whole or for various 61195  
areas of the state that are consistent with and no more 61196  
stringent than the national ambient air quality standards in 61197  
effect under the federal Clean Air Act; 61198

(E) Adopt, modify, suspend, and rescind rules for the 61199  
prevention, control, and abatement of air pollution, including 61200  
rules prescribing for the state as a whole or for various areas 61201  
of the state emission standards for air contaminants, and other 61202  
necessary rules for the purpose of achieving and maintaining 61203  
compliance with ambient air quality standards in all areas 61204  
within the state as expeditiously as practicable, but not later 61205  
than any deadlines applicable under the federal Clean Air Act; 61206  
rules for the prevention or control of the emission of hazardous 61207  
or toxic air contaminants; rules prescribing fugitive dust 61208  
limitations and standards that are related, on an areawide 61209  
basis, to attainment and maintenance of ambient air quality 61210  
standards; rules prescribing shade, density, or opacity 61211  
limitations and standards for emissions, provided that with 61212  
regard to air contaminant sources for which there are 61213  
particulate matter emission standards in addition to a shade, 61214  
density, or opacity rule, upon demonstration by such a source of 61215  
compliance with those other standards, the shade, density, or 61216  
opacity rule shall provide for establishment of a shade, 61217

density, or opacity limitation for that source that does not 61218  
require the source to reduce emissions below the level specified 61219  
by those other standards; rules for the prevention or control of 61220  
odors and air pollution nuisances; rules that prevent 61221  
significant deterioration of air quality to the extent required 61222  
by the federal Clean Air Act; rules for the protection of 61223  
visibility as required by the federal Clean Air Act; and rules 61224  
prescribing open burning limitations and standards. In adopting, 61225  
modifying, suspending, or rescinding any such rules, the 61226  
director, to the extent consistent with the federal Clean Air 61227  
Act, shall hear and give consideration to evidence relating to 61228  
all of the following: 61229

(1) Conditions calculated to result from compliance with 61230  
the rules, the overall cost within this state of compliance with 61231  
the rules, and their relation to benefits to the people of the 61232  
state to be derived from that compliance; 61233

(2) The quantity and characteristics of air contaminants, 61234  
the frequency and duration of their presence in the ambient air, 61235  
and the dispersion and dilution of those contaminants; 61236

(3) Topography, prevailing wind directions and velocities, 61237  
physical conditions, and other factors that may or may combine 61238  
to affect air pollution. 61239

Consistent with division (K) of section 3704.036 of the 61240  
Revised Code, the director shall consider alternative emission 61241  
limits proposed by the owner or operator of an air contaminant 61242  
source that is subject to an emission limit established in rules 61243  
adopted under this division and shall accept those alternative 61244  
emission limits that the director determines to be equivalent to 61245  
emission limits established in rules adopted under this 61246  
division. 61247

(F) (1) Adopt, modify, suspend, and rescind rules 61248  
consistent with the purposes of this chapter prohibiting the 61249  
location, installation, construction, or modification of any air 61250  
contaminant source or any machine, equipment, device, apparatus, 61251  
or physical facility intended primarily to prevent or control 61252  
the emission of air contaminants unless an installation permit 61253  
therefor has been obtained from the director or the director's 61254  
authorized representative. 61255

(2) (a) Applications for installation permits shall be 61256  
accompanied by plans, specifications, construction schedules, 61257  
and such other pertinent information and data, including data on 61258  
ambient air quality impact and a demonstration of best available 61259  
technology, as the director may require. Installation permits 61260  
shall be issued for a period specified by the director and are 61261  
transferable. The director shall specify in each permit the 61262  
applicable emission standards and that the permit is conditioned 61263  
upon payment of the applicable fees as required by section 61264  
3745.11 of the Revised Code and upon the right of the director's 61265  
authorized representatives to enter upon the premises of the 61266  
person to whom the permit has been issued, at any reasonable 61267  
time and subject to safety requirements of the person in control 61268  
of the premises, for the purpose of determining compliance with 61269  
such standards, this chapter, the rules adopted thereunder, and 61270  
the conditions of any permit, variance, or order issued 61271  
thereunder. Each proposed new or modified air contaminant source 61272  
shall provide such notice of its proposed installation or 61273  
modification to other states as is required under the federal 61274  
Clean Air Act. Installation permits shall include the 61275  
authorization to operate sources installed and operated in 61276  
accordance with terms and conditions of the installation permits 61277  
for a period not to exceed one year from commencement of 61278

operation, which authorization shall constitute an operating permit under division (G) of this section and rules adopted under it.

No installation permit shall be required for activities that are subject to and in compliance with a plant-wide applicability limit issued by the director in accordance with rules adopted under this section.

No installation permit shall be issued except in accordance with all requirements of this chapter and rules adopted thereunder. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(b) An air contaminant source that is the subject of an installation permit shall be installed or modified in accordance with the permit not later than eighteen months after the permit's effective date at which point the permit shall terminate unless one of the following applies:

(i) The owner or operator has undertaken a continuing program of installation or modification during the eighteen-month period.

(ii) The owner or operator has entered into a binding contractual obligation to undertake and complete within a reasonable period of time a continuing program of installation or modification of the air contaminant source during the eighteen-month period.

(iii) The director has extended the date by which the air contaminant source that is the subject of the installation

permit must be installed or modified. 61308

(iv) The installation permit is the subject of an appeal 61309  
by a party other than the owner or operator of the air 61310  
contaminant source that is the subject of the installation 61311  
permit, in which case the date of termination of the permit is 61312  
not later than eighteen months after the effective date of the 61313  
permit plus the number of days between the date in which the 61314  
permit was appealed and the date on which all appeals concerning 61315  
the permit have been resolved. 61316

(v) The installation permit has been superseded by a 61317  
subsequent installation permit, in which case the original 61318  
installation permit terminates on the effective date of the 61319  
superseding installation permit. 61320

Division (F) (2) (b) of this section applies to an 61321  
installation permit that has not terminated as of October 16, 61322  
2009. 61323

The director may adopt rules in accordance with Chapter 61324  
119. of the Revised Code for the purpose of establishing 61325  
additional requirements that are necessary for the 61326  
implementation of division (F) (2) (b) of this section. 61327

(3) Not later than two years after August 3, 2006, the 61328  
director shall adopt a rule in accordance with Chapter 119. of 61329  
the Revised Code specifying that a permit to install is required 61330  
only for new or modified air contaminant sources that emit any 61331  
of the following air contaminants: 61332

(a) An air contaminant or precursor of an air contaminant 61333  
for which a national ambient air quality standard has been 61334  
adopted under the federal Clean Air Act; 61335

(b) An air contaminant for which the air contaminant 61336

source is regulated under the federal Clean Air Act; 61337

(c) An air contaminant that presents, or may present, 61338  
through inhalation or other routes of exposure, a threat of 61339  
adverse human health effects, including, but not limited to, 61340  
substances that are known to be, or may reasonably be 61341  
anticipated to be, carcinogenic, mutagenic, teratogenic, or 61342  
neurotoxic, that cause reproductive dysfunction, or that are 61343  
acutely or chronically toxic, or a threat of adverse 61344  
environmental effects whether through ambient concentrations, 61345  
bioaccumulation, deposition, or otherwise, and that is 61346  
identified in the rule by chemical name and chemical abstract 61347  
service number. 61348

The director may modify the rule adopted under division 61349  
(F) (3) (c) of this section for the purpose of adding or deleting 61350  
air contaminants. For each air contaminant that is contained in 61351  
or deleted from the rule adopted under division (F) (3) (c) of 61352  
this section, the director shall include in a notice 61353  
accompanying any proposed or final rule an explanation of the 61354  
director's determination that the air contaminant meets the 61355  
criteria established in that division and should be added to, or 61356  
no longer meets the criteria and should be deleted from, the 61357  
list of air contaminants. The explanation shall include an 61358  
identification of the scientific evidence on which the director 61359  
relied in making the determination. Until adoption of the rule 61360  
under division (F) (3) (c) of this section, nothing shall affect 61361  
the director's authority to issue, deny, modify, or revoke 61362  
permits to install under this chapter and rules adopted under 61363  
it. 61364

(4) (a) Applications for permits to install new or modified 61365  
air contaminant sources shall contain sufficient information 61366

regarding air contaminants for which the director may require a permit to install to determine conformity with the environmental protection agency's document entitled "Review of New Sources of Air Toxics Emissions, Option A," dated May 1986, which the director shall use to evaluate toxic emissions from new or modified air contaminant sources. The director shall make copies of the document available to the public upon request at no cost and post the document on the environmental protection agency's web site. Any inconsistency between the document and division (F) (4) of this section shall be resolved in favor of division (F) (4) of this section.

(b) The maximum acceptable ground level concentration of an air contaminant shall be calculated in accordance with the document entitled "Review of New Sources of Air Toxics Emissions, Option A." Modeling shall be conducted to determine the increase in the ground level concentration of an air contaminant beyond the facility's boundary caused by the emissions from a new or modified source that is the subject of an application for a permit to install. Modeling shall be based on the maximum hourly rate of emissions from the source using information including, but not limited to, any emission control devices or methods, operational restrictions, stack parameters, and emission dispersion devices or methods that may affect ground level concentrations, either individually or in combination. The director shall determine whether the activities for which a permit to install is sought will cause an increase in the ground level concentration of one or more relevant air contaminants beyond the facility's boundary by an amount in excess of the maximum acceptable ground level concentration. In making the determination as to whether the maximum acceptable ground level concentration will be exceeded, the director shall

give consideration to the modeling conducted under division (F) 61398  
(4) (b) of this section and other relevant information submitted 61399  
by the applicant. 61400

(c) If the modeling conducted under division (F) (4) (b) of 61401  
this section with respect to an application for a permit to 61402  
install demonstrates that the maximum ground level concentration 61403  
from a new or modified source will be greater than or equal to 61404  
eighty per cent, but less than one hundred per cent of the 61405  
maximum acceptable ground level concentration for an air 61406  
contaminant, the director may establish terms and conditions in 61407  
the permit to install for the air contaminant source that will 61408  
require the owner or operator of the air contaminant source to 61409  
maintain emissions of that air contaminant commensurate with the 61410  
modeled level, which shall be expressed as allowable emissions 61411  
per day. In order to calculate the allowable emissions per day, 61412  
the director shall multiply the hourly emission rate modeled 61413  
under division (F) (4) (b) of this section to determine the ground 61414  
level concentration by the operating schedule that has been 61415  
identified in the permit to install application. Terms and 61416  
conditions imposed under division (F) (4) (c) of this section are 61417  
not federally enforceable requirements and, if included in a 61418  
Title V permit, shall be placed in the portion of the permit 61419  
that is only enforceable by the state. 61420

(d) If the modeling conducted under division (F) (4) (b) of 61421  
this section with respect to an application for a permit to 61422  
install demonstrates that the maximum ground level concentration 61423  
from a new or modified source will be less than eighty per cent 61424  
of the maximum acceptable ground level concentration, the owner 61425  
or operator of the source annually shall report to the director, 61426  
on a form prescribed by the director, whether operations of the 61427  
source are consistent with the information regarding the 61428



operations that was used to conduct the modeling with regard to 61429  
the permit to install application. The annual report to the 61430  
director shall be in lieu of an emission limit or other permit 61431  
terms and conditions imposed pursuant to division (F) (4) of this 61432  
section. The director may consider any significant departure 61433  
from the operations of the source described in the permit to 61434  
install application that results in greater emissions than the 61435  
emissions rate modeled to determine the ground level 61436  
concentration as a modification and require the owner or 61437  
operator to submit a permit to install application for the 61438  
increased emissions. The requirements established in division 61439  
(F) (4) (d) of this section are not federally enforceable 61440  
requirements and, if included in a Title V permit, shall be 61441  
placed in the portion of the permit that is only enforceable by 61442  
the state. 61443

(e) Division (F) (4) of this section and the document 61444  
entitled "Review of New Sources of Air Toxics Emissions, Option 61445  
A" shall not be included in the state implementation plan under 61446  
section 110 of the federal Clean Air Act and do not apply to an 61447  
air contaminant source that is subject to a maximum achievable 61448  
control technology standard or residual risk standard under 61449  
section 112 of the federal Clean Air Act, to a particular air 61450  
contaminant identified under 40 C.F.R. 51.166, division (b) (23), 61451  
for which the director has determined that the owner or operator 61452  
of the source is required to install best available control 61453  
technology for that particular air contaminant, or to a 61454  
particular air contaminant for which the director has determined 61455  
that the source is required to meet the lowest achievable 61456  
emission rate, as defined in 40 C.F.R. part 51, Appendix S, for 61457  
that particular air contaminant. 61458

(f) (i) Division (F) (4) of this section and the document 61459

entitled "Review of New Sources of Air Toxics Emissions, Option 61460  
A" do not apply to parking lots, storage piles, storage tanks, 61461  
transfer operations, grain silos, grain dryers, emergency 61462  
generators, gasoline dispensing operations, air contaminant 61463  
sources that emit air contaminants solely from the combustion of 61464  
fossil fuels, or the emission of wood dust, sand, glass dust, 61465  
coal dust, silica, and grain dust. 61466

(ii) Notwithstanding division (F) (4) (f) (i) of this 61467  
section, the director may require an individual air contaminant 61468  
source that is within one of the source categories identified in 61469  
division (F) (4) (f) (i) of this section to submit information in 61470  
an application for a permit to install a new or modified source 61471  
in order to determine the source's conformity to the document if 61472  
the director has information to conclude that the particular new 61473  
or modified source will potentially cause an increase in ground 61474  
level concentration beyond the facility's boundary that exceeds 61475  
the maximum acceptable ground level concentration as set forth 61476  
in the document. 61477

(iii) The director may adopt rules in accordance with 61478  
Chapter 119. of the Revised Code that are consistent with the 61479  
purposes of this chapter and that add to or delete from the 61480  
source category exemptions established in division (F) (4) (f) (i) 61481  
of this section. 61482

(5) Not later than one year after August 3, 2006, the 61483  
director shall adopt rules in accordance with Chapter 119. of 61484  
the Revised Code specifying activities that do not, by 61485  
themselves, constitute beginning actual construction activities 61486  
related to the installation or modification of an air 61487  
contaminant source for which a permit to install is required 61488  
such as the grading and clearing of land, on-site storage of 61489

portable parts and equipment, and the construction of 61490  
foundations or buildings that do not themselves emit air 61491  
contaminants. The rules also shall allow specified initial 61492  
activities that are part of the installation or modification of 61493  
an air contaminant source, such as the installation of 61494  
electrical and other utilities for the source, prior to issuance 61495  
of a permit to install, provided that the owner or operator of 61496  
the source has filed a complete application for a permit to 61497  
install, the director or the director's designee has determined 61498  
that the application is complete, and the owner or operator of 61499  
the source has notified the director that this activity will be 61500  
undertaken prior to the issuance of a permit to install. Any 61501  
activity that is undertaken by the source under those rules 61502  
shall be at the risk of the owner or operator. The rules shall 61503  
not apply to activities that are precluded prior to permit 61504  
issuance under section 111, section 112, Part C of Title I, and 61505  
Part D of Title I of the federal Clean Air Act. 61506

(G) Adopt, modify, suspend, and rescind rules prohibiting 61507  
the operation or other use of any new, modified, or existing air 61508  
contaminant source unless an operating permit has been obtained 61509  
from the director or the director's authorized representative, 61510  
or the air contaminant source is being operated in compliance 61511  
with the conditions of a variance issued pursuant to division 61512  
(H) of this section. Applications for operating permits shall be 61513  
accompanied by such plans, specifications, and other pertinent 61514  
information as the director may require. Operating permits may 61515  
be issued for a period determined by the director not to exceed 61516  
ten years, are renewable, and are transferable. The director 61517  
shall specify in each operating permit that the permit is 61518  
conditioned upon payment of the applicable fees as required by 61519  
section 3745.11 of the Revised Code and upon the right of the 61520

director's authorized representatives to enter upon the premises 61521  
of the person to whom the permit has been issued, at any 61522  
reasonable time and subject to safety requirements of the person 61523  
in control of the premises, for the purpose of determining 61524  
compliance with this chapter, the rules adopted thereunder, and 61525  
the conditions of any permit, variance, or order issued 61526  
thereunder. Operating permits may be denied or revoked for 61527  
failure to comply with this chapter or the rules adopted 61528  
thereunder. An operating permit shall be issued only upon a 61529  
showing satisfactory to the director or the director's 61530  
representative that the air contaminant source is being operated 61531  
in compliance with applicable emission standards and other rules 61532  
or upon submission of a schedule of compliance satisfactory to 61533  
the director for a source that is not in compliance with all 61534  
applicable requirements at the time of permit issuance, provided 61535  
that the compliance schedule shall be consistent with and at 61536  
least as stringent as that contained in any judicial consent 61537  
decree or administrative order to which the air contaminant 61538  
source is subject. The rules shall provide for the issuance of 61539  
conditional operating permits for such reasonable periods as the 61540  
director may determine to allow the holder of an installation 61541  
permit, who has constructed, installed, located, or modified a 61542  
new air contaminant source in accordance with the provisions of 61543  
an installation permit, to make adjustments or modifications 61544  
necessary to enable the new air contaminant source to comply 61545  
with applicable emission standards and other rules. Terms and 61546  
conditions of operating permits issued pursuant to this division 61547  
shall be federally enforceable for the purpose of establishing 61548  
the potential to emit of a stationary source and shall be 61549  
expressly designated as federally enforceable. Any such 61550  
federally enforceable restrictions on a source's potential to 61551  
emit shall include both an annual limit and a short-term limit 61552

of not more than thirty days for each pollutant to be restricted together with adequate methods for establishing compliance with the restrictions. In other respects, operating permits issued pursuant to this division are enforceable as state law only. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(H) Adopt, modify, and rescind rules governing the issuance, revocation, modification, or denial of variances that authorize emissions in excess of the applicable emission standards.

No variance shall be issued except pursuant to those rules. The rules shall prescribe conditions and criteria in furtherance of the purposes of this chapter and consistent with the federal Clean Air Act governing eligibility for issuance of variances, which shall include all of the following:

(1) Provisions requiring consistency of emissions authorized by a variance with timely attainment and maintenance of ambient air quality standards;

(2) Provisions prescribing the classes and categories of air contaminants and air contaminant sources for which variances may be issued;

(3) Provisions defining the circumstances under which an applicant shall demonstrate that compliance with applicable emission standards is technically infeasible, economically unreasonable, or impossible because of conditions beyond the control of the applicant;

(4) Other provisions prescribed in furtherance of the

goals of this chapter. 61582

The rules shall prohibit the issuance of variances from 61583  
any emission limitation that was applicable to a source pursuant 61584  
to an installation permit and shall prohibit issuance of 61585  
variances that conflict with the federal Clean Air Act. 61586

Applications for variances shall be accompanied by such 61587  
information as the director may require. In issuing variances, 61588  
the director may order the person to whom a variance is issued 61589  
to furnish plans and specifications and such other information 61590  
and data, including interim reports, as the director may require 61591  
and to proceed to take such action within such time as the 61592  
director may determine to be appropriate and reasonable to 61593  
prevent, control, or abate the person's existing emissions of 61594  
air contaminants. The director shall specify in each variance 61595  
that the variance is conditioned upon payment of the applicable 61596  
fees as required by section 3745.11 of the Revised Code and upon 61597  
the right of the director's authorized representatives to enter 61598  
upon the premises of the person to whom the variance has been 61599  
issued, at any reasonable time and subject to safety 61600  
requirements of the person in control of the premises, for the 61601  
purpose of determining compliance with this chapter, the rules 61602  
adopted thereunder, and the conditions of any permit, variance, 61603  
or order issued thereunder. 61604

The director may hold a public hearing on an application 61605  
for a variance or renewal thereof at a location in the county 61606  
where the variance is sought. The director shall give not less 61607  
than twenty days' notice of the hearing to the applicant by 61608  
certified mail or another type of mail accompanied by a receipt. 61609  
The director also shall cause at least one publication of notice 61610  
in a newspaper with general circulation in the county where the 61611

variance is sought or may instead provide public notice by 61612  
publication on the environmental protection agency's web site. 61613  
The director shall keep available for public inspection at the 61614  
principal office of the environmental protection agency a 61615  
current schedule of pending applications for variances and a 61616  
current schedule of pending variance hearings. The director 61617  
shall make a complete stenographic record or electronic record 61618  
of testimony and other evidence submitted at the hearing. The 61619  
director shall make a written determination to issue, renew, or 61620  
deny the variance and shall enter the determination and the 61621  
basis therefor into the record of the hearing. The director 61622  
shall issue, renew, or deny an application for a variance or 61623  
renewal thereof, or issue a proposed action upon the application 61624  
pursuant to section 3745.07 of the Revised Code, within six 61625  
months of the date upon which the director receives a complete 61626  
application with all pertinent information and data required by 61627  
the director. 61628

Any variance granted pursuant to rules adopted under this 61629  
division shall be for a period specified by the director, not to 61630  
exceed three years, and may be renewed from time to time on such 61631  
terms and for such periods, not to exceed three years each, as 61632  
the director determines to be appropriate. A variance may be 61633  
revoked, or renewal denied, for failure to comply with 61634  
conditions specified in the variance. No variance shall be 61635  
issued, denied, revoked, or modified without a written order 61636  
stating the findings upon which the issuance, denial, 61637  
revocation, or modification is based. A copy of the order shall 61638  
be sent to the applicant or variance holder by certified mail. 61639

(I) Require the owner or operator of an air contaminant 61640  
source to install, employ, maintain, and operate such emissions, 61641  
ambient air quality, meteorological, or other monitoring devices 61642

or methods as the director shall prescribe; to sample those 61643  
emissions at such locations, at such intervals, and in such 61644  
manner as the director prescribes; to maintain records and file 61645  
periodic reports with the director containing information as to 61646  
location, size, and height of emission outlets, rate, duration, 61647  
and composition of emissions, and any other pertinent 61648  
information the director prescribes; and to provide such written 61649  
notice to other states as the director shall prescribe. In 61650  
requiring monitoring devices, records, and reports, the 61651  
director, to the extent consistent with the federal Clean Air 61652  
Act, shall give consideration to technical feasibility and 61653  
economic reasonableness and allow reasonable time for 61654  
compliance. For sources where a specific monitoring, record- 61655  
keeping, or reporting requirement is specified for a particular 61656  
air contaminant from a particular air contaminant source in an 61657  
applicable regulation adopted by the United States environmental 61658  
protection agency under the federal Clean Air Act or in an 61659  
applicable rule adopted by the director, the director shall not 61660  
impose an additional requirement in a permit that is a different 61661  
monitoring, record-keeping, or reporting requirement other than 61662  
the requirement specified in the applicable regulation or rule 61663  
for that air contaminant except as otherwise agreed to by the 61664  
owner or operator of the air contaminant source and the 61665  
director. For sources where no specific monitoring requirement 61666  
is specified for a particular air contaminant from a particular 61667  
air contaminant source in an applicable regulation adopted by 61668  
the United States environmental protection agency under the 61669  
federal Clean Air Act or in an applicable rule adopted by the 61670  
director, the director shall not impose a monitoring requirement 61671  
in a permit that requires community air monitoring, except as 61672  
otherwise agreed to by the owner or air operator of the air 61673  
contaminant source and the director. If two or more regulations 61674



or rules impose different monitoring, record-keeping, or reporting requirements for the same air contaminant from the same air contaminant source, the director may impose permit terms and conditions that consolidate or streamline the monitoring, record-keeping, or reporting requirements in a manner that conforms with each applicable requirement. To the extent consistent with the federal Clean Air Act and except as otherwise agreed to by the owner or operator of an air contaminant source and the director, the director shall not require an operating restriction that has the practical effect of increasing the stringency of an existing applicable emission limitation or standard.

(J) Establish, operate, and maintain monitoring stations and other devices designed to measure air pollution and enter into contracts with any public or private agency for the establishment, operation, or maintenance of such stations and devices, except for community air monitoring where the intended use of the data produced by such monitoring stations and other devices would violate divisions (B) or (C) of section 3704.09 of the Revised Code;

(K) By rule adopt procedures for giving reasonable public notice and conducting public hearings on any plans for the prevention, control, and abatement of air pollution that the director is required to submit to the federal government;

(L) Through any employee, agent, or authorized representative of the director or the environmental protection agency, enter upon private or public property, including improvements thereon, at any reasonable time, to make inspections, take samples, conduct tests, and examine records or reports pertaining to any emission of air contaminants and any

monitoring equipment or methods and to determine if there are 61705  
any actual or potential emissions from such premises and, if so, 61706  
to determine the sources, amounts, contents, and extent of those 61707  
emissions, or to ascertain whether there is compliance with this 61708  
chapter, any orders issued or rules adopted thereunder, or any 61709  
other determination of the director. The director, at reasonable 61710  
times, may have access to and copy any such records. If entry or 61711  
inspection authorized by this division is refused, hindered, or 61712  
thwarted, the director or the director's authorized 61713  
representative may by affidavit apply for, and any judge of a 61714  
court of record may issue, an appropriate inspection warrant 61715  
necessary to achieve the purposes of this chapter within the 61716  
court's territorial jurisdiction. 61717

(M) Accept and administer gifts or grants from the federal 61718  
government and from any other source, public or private, for 61719  
carrying out any of the functions under this chapter; 61720

(N) Obtain necessary scientific, technical, and laboratory 61721  
services; 61722

(O) Establish advisory boards in accordance with section 61723  
121.13 of the Revised Code; 61724

(P) Delegate to any city or general health district or 61725  
political subdivision of the state any of the director's 61726  
enforcement and monitoring powers and duties, other than rule- 61727  
making powers, as the director elects to delegate, and in 61728  
addition employ, compensate, and prescribe the powers and duties 61729  
of such officers, employees, and consultants as are necessary to 61730  
enable the director to exercise the authority and perform duties 61731  
imposed upon the director by law. Technical and other services 61732  
shall be performed, insofar as practical, by personnel of the 61733  
environmental protection agency. 61734

(Q) Certify to the government of the United States or any agency thereof that an industrial air pollution facility is in conformity with the state program or requirements for control of air pollution whenever such certificate is required for a taxpayer pursuant to any federal law or requirements;

(R) Issue, modify, or revoke orders requiring abatement of or prohibiting emissions that violate applicable emission standards or other requirements of this chapter and rules adopted thereunder, or requiring emission control devices or measures in order to comply with applicable emission standards or other requirements of this chapter and rules adopted thereunder. Any such order shall require compliance with applicable emission standards by a specified date and shall not conflict with any requirement of the federal Clean Air Act. In the making of such orders, the director, to the extent consistent with the federal Clean Air Act, shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of compliance with such orders and their relation to benefits to the people of the state to be derived from such compliance. If, under the federal Clean Air Act, any such order shall provide for the posting of a bond or surety to secure compliance with the order as a condition of issuance of the order, the order shall so provide, but only to the extent required by the federal Clean Air Act.

(S) To the extent provided by the federal Clean Air Act, adopt, modify, and rescind rules providing for the administrative assessment and collection of monetary penalties, not in excess of those required pursuant to the federal Clean Air Act, for failure to comply with any emission limitation or standard, compliance schedule, or other requirement of any rule,

order, permit, or variance issued or adopted under this chapter 61766  
or required under the applicable implementation plan whether or 61767  
not the source is subject to a federal or state consent decree. 61768  
The director may require the submission of compliance schedules, 61769  
calculations of penalties for noncompliance, and related 61770  
information. Any orders, payments, sanctions, or other 61771  
requirements imposed pursuant to rules adopted under this 61772  
division shall be in addition to any other permits, orders, 61773  
payments, sanctions, or other requirements established under 61774  
this chapter and shall not affect any civil or criminal 61775  
enforcement proceedings brought under any provision of this 61776  
chapter or any other provision of state or local law. This 61777  
division does not apply to any requirement of this chapter 61778  
regarding the prevention or abatement of odors. 61779

(T) Require new or modified air contaminant sources to 61780  
install best available technology, but only in accordance with 61781  
this division. With respect to permits issued pursuant to 61782  
division (F) of this section beginning three years after August 61783  
3, 2006, best available technology for air contaminant sources 61784  
and air contaminants emitted by those sources that are subject 61785  
to standards adopted under section 112, Part C of Title I, and 61786  
Part D of Title I of the federal Clean Air Act shall be 61787  
equivalent to and no more stringent than those standards. For an 61788  
air contaminant or precursor of an air contaminant for which a 61789  
national ambient air quality standard has been adopted under the 61790  
federal Clean Air Act, best available technology only shall be 61791  
required to the extent required by rules adopted under Chapter 61792  
119. of the Revised Code for permit to install applications 61793  
filed three or more years after August 3, 2006. 61794

Best available technology requirements established in 61795  
rules adopted under this division shall be expressed only in one 61796

of the following ways that is most appropriate for the 61797  
applicable source or source categories: 61798

(1) Work practices; 61799

(2) Source design characteristics or design efficiency of 61800  
applicable air contaminant control devices; 61801

(3) Raw material specifications or throughput limitations 61802  
averaged over a twelve-month rolling period; 61803

(4) Monthly allowable emissions averaged over a twelve- 61804  
month rolling period. 61805

Best available technology requirements shall not apply to 61806  
an air contaminant source that has the potential to emit, taking 61807  
into account air pollution controls installed on the source, 61808  
less than ten tons per year of emissions of an air contaminant 61809  
or precursor of an air contaminant for which a national ambient 61810  
air quality standard has been adopted under the federal Clean 61811  
Air Act. In addition, best available technology requirements 61812  
established in rules adopted under this division shall not apply 61813  
to any existing, new, or modified air contaminant source that is 61814  
subject to a plant-wide applicability limit that has been 61815  
approved by the director. Further, best available technology 61816  
requirements established in rules adopted under this division 61817  
shall not apply to general permits issued prior to January 1, 61818  
2006, under rules adopted under this chapter. 61819

For permits to install issued three or more years after 61820  
August 3, 2006, any new or modified air contaminant source that 61821  
has the potential to emit, taking into account air pollution 61822  
controls installed on the source, ten or more tons per year of 61823  
volatile organic compounds or nitrogen oxides shall meet, at a 61824  
minimum, the requirements of any applicable reasonably available 61825

control technology rule in effect as of January 1, 2006, 61826  
regardless of the location of the source. 61827

(U) Consistent with section 507 of the federal Clean Air 61828  
Act, adopt, modify, suspend, and rescind rules for the 61829  
establishment of a small business stationary source technical 61830  
and environmental compliance assistance program as provided in 61831  
section 3704.18 of the Revised Code; 61832

(V) Provide for emissions trading, marketable permits, 61833  
auctions of emission rights, and economic incentives that would 61834  
reduce the cost or increase the efficiency of achieving a 61835  
specified level of environmental protection; 61836

(W) Provide for the construction of an air contaminant 61837  
source prior to obtaining a permit to install pursuant to 61838  
division (F) of this section if the applicant demonstrates that 61839  
the source will be installed to comply with all applicable 61840  
emission limits and will not adversely affect public health or 61841  
safety or the environment and if the director determines that 61842  
such an action will avoid an unreasonable hardship on the owner 61843  
or operator of the source. Any such determination shall be 61844  
consistent with the federal Clean Air Act. 61845

(X) Exercise all incidental powers, including adoption of 61846  
rules, required to carry out this chapter. 61847

The environmental protection agency shall develop a plan 61848  
to control air pollution resulting from state-operated 61849  
facilities and property. 61850

**Sec. 3704.031.** ~~Prior~~ (A) Except as provided in division 61851  
(B) of this section, prior to issuance or renewal of a permit or 61852  
a variance under division (F), (G), or (H) of section 3704.03 of 61853  
the Revised Code, the director of environmental protection may 61854

require the applicant to install such equipment and conduct such tests and analyses as the director finds reasonable and necessary to determine adequately the amount and content of any emissions from such sources, the ambient air quality at the proposed site and in areas that may be affected by emissions from such sources, and any violation or potential violation of Chapter 3704. of the Revised Code, or the regulations or orders promulgated thereunder.

(B) The director shall not require an applicant to conduct community air monitoring other than any analysis or measurement of an air pollutant in the ambient air pursuant to a federal reference method or federal equivalent method.

**Sec. 3704.09.** (A) Determinations made by the director of environmental protection or other persons acting under sections 3704.03 and 3704.04 of the Revised Code shall not be used as evidence in civil actions nor create any presumption of law or finding of fact which shall inure to or be for the benefit of any person other than the state, and sections 3704.01 to 3704.07 of the Revised Code do not create, enlarge, or abrogate existing private rights. Nothing in Chapter 3704. of the Revised Code shall be construed to abridge, limit, or otherwise impair the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceedings therefor.

(B) Data produced from community air monitoring shall not be used as evidence, or disclosed or disseminated by the environmental protection agency, a local air pollution control authority, or any person, to support either of the following:

(1) A fine, penalty, or notice of violation against any person for violations of or noncompliance with the federal Clean

Air Act, this chapter, the rules adopted thereunder, or any 61885  
other applicable law, rule, or regulation for which the state 61886  
has primary enforcement authority; 61887

(2) An administrative, regulatory, or judicial enforcement 61888  
action, lawsuit, or proceeding for violations of or 61889  
noncompliance with the federal Clean Air Act, this chapter, the 61890  
rules adopted thereunder, or any other applicable law, rule, or 61891  
regulation for which the state has primary enforcement 61892  
authority. 61893

(C) Data produced from community air monitoring shall not 61894  
be considered or relied upon by the environmental protection 61895  
agency or a local air pollution control authority in any 61896  
rulemaking action or in any action relating to the issuance of 61897  
an installation permit or operating permit unless such 61898  
consideration or reliance is requested by the owner or operator 61899  
of the air contaminant source requesting the permit. 61900

**Sec. 3704.111.** (A) Not later than October 1, 1993, the 61901  
director of environmental protection shall enter into a 61902  
delegation agreement with each local air pollution control 61903  
authority listed in divisions ~~(N) (1) (a) to (h)~~ (P) (1) of section 61904  
3704.01 of the Revised Code under which the local air pollution 61905  
control authority agrees to perform on behalf of the 61906  
environmental protection agency air pollution control regulatory 61907  
services within the political subdivision represented by the 61908  
local air pollution control authority. The director may enter 61909  
into such a delegation agreement with a local air pollution 61910  
control authority established on or after the effective date of 61911  
this section, subject to the condition established in division 61912  
(B) of this section. Each delegation agreement shall be self- 61913  
renewing on an annual basis on the first day of October of each 61914



year. The terms of each such delegation agreement shall remain 61915  
unchanged from year to year unless they are amended by mutual 61916  
agreement of the director and the local air pollution control 61917  
authority. 61918

(B) The director may conduct a periodic performance 61919  
evaluation of the air pollution control program operated by each 61920  
local air pollution control authority. Based upon the findings 61921  
of such a performance evaluation, the director may terminate or 61922  
refuse to renew the delegation agreement with a local air 61923  
pollution control authority if the director determines that the 61924  
local air pollution control authority is not adequately 61925  
performing its obligations under the agreement. 61926

(C) The director may enter into contracts for payments to 61927  
local air pollution control authorities from moneys credited to 61928  
the clean air fund created in section 3704.035 of the Revised 61929  
Code, subject to the limitation specified in that section, and 61930  
any other moneys appropriated by the general assembly for that 61931  
purpose. The director shall distribute the moneys available for 61932  
making payments to the local air pollution control authorities 61933  
pursuant to such contracts equitably among the local air 61934  
pollution control authorities based upon the amount of local 61935  
funding and the workload of each local air pollution control 61936  
authority, including, without limitation, population served, 61937  
number of air permits issued for both new and existing sources, 61938  
land area, and number of air contaminant sources. The director 61939  
biennially shall review the workload of each local air pollution 61940  
control authority and shall determine the percentage of the 61941  
moneys available for the purpose of making payments under the 61942  
contracts. In determining the percentage of those moneys that is 61943  
to be so distributed, the director shall consider the 61944  
recommendations of the local air pollution control authorities. 61945

(D) The director may modify a contract between the 61946  
director and a local air pollution control authority to 61947  
authorize the local air pollution control authority to perform 61948  
air pollution control activities outside the geographic 61949  
boundaries of that local air pollution control authority. 61950

**Sec. 3704.112.** For the purpose of fulfilling the duties 61951  
and obligations imposed pursuant to a delegation agreement 61952  
entered into under section 3704.111 of the Revised Code, a local 61953  
air pollution control authority, in the name of the 61954  
environmental protection agency, may do all of the following 61955  
within the political subdivisions that it represents: 61956

(A) Establish, maintain, and operate air quality 61957  
monitoring stations and other devices designed to measure air 61958  
pollution or ambient air quality, except for community air 61959  
monitoring where the intended use of the data produced by such 61960  
monitoring stations and other devices would violate divisions 61961  
(B) or (C) of section 3704.09 of the Revised Code; 61962

(B) Enter upon public or private property, real or 61963  
personal, at any reasonable time to make inspections, conduct 61964  
tests, examine or copy records or reports, determine actual or 61965  
potential emissions of air contaminants from a premises, and 61966  
ascertain compliance with this chapter and any rules, orders, 61967  
terms or conditions of permits or variances, or other 61968  
determinations made or issued under it. If the entry or 61969  
inspection authorized under this division is refused, hindered, 61970  
or thwarted, an authorized representative of the local air 61971  
pollution control authority may apply for, and any judge of a 61972  
court of record may issue, an administrative inspection warrant 61973  
under division (F) of section 2933.21 of the Revised Code, or 61974  
other appropriate search warrant, to achieve the purposes of 61975

this chapter within the court's territorial jurisdiction. 61976

(C) Investigate or make inquiries into any alleged 61977  
violation of this chapter or a rule, order, term or condition of 61978  
a permit or variance, or other determination made or issued 61979  
under it, or act of air pollution, upon the complaint of any 61980  
person, the local air pollution control authority's own 61981  
initiative, or the request of the environmental protection 61982  
agency; 61983

(D) In accordance with Chapter 119. of the Revised Code 61984  
and the rules adopted under section 3704.03 of the Revised Code 61985  
governing open burning, grant or deny permission to conduct open 61986  
burning to persons making application for permission to do so; 61987

(E) Encourage, participate in, or conduct studies, 61988  
investigations, research, and education and training programs, 61989  
and collect and disseminate information, relating to air 61990  
pollution; 61991

(F) Accept and administer grants from the federal 61992  
government and any other source, public or private, for the 61993  
purpose of carrying out any function under this chapter. 61994

**Sec. 3704.14.** (A) (1) If the director of environmental 61995  
protection determines that implementation of a motor vehicle 61996  
inspection and maintenance program is necessary for the state to 61997  
effectively comply with the federal Clean Air Act after June 30, 61998  
~~2023~~2025, the director may provide for the implementation of the 61999  
program in those counties in this state in which such a program 62000  
is federally mandated. Upon making such a determination, the 62001  
director of environmental protection may request the director of 62002  
administrative services to extend the terms of the contract that 62003  
was entered into under the authority of ~~Am. Sub. H.B. 64-33~~ of 62004

the ~~131st~~ 135th general assembly. Upon receiving the request, 62005  
the director of administrative services shall extend the 62006  
contract, beginning on July 1, ~~2023~~ 2025, in accordance with this 62007  
section. The contract shall be extended for a period of up to 62008  
twenty-four months with the contractor who conducted the motor 62009  
vehicle inspection and maintenance program under that contract. 62010

(2) Prior to the expiration of the contract extension that 62011  
~~is~~ was authorized by division (A) (1) of this section under the 62012  
authority of H.B. 33 of the 135th general assembly, the director 62013  
of environmental protection shall request the director of 62014  
administrative services to enter into a contract with a vendor 62015  
to operate a decentralized motor vehicle inspection and 62016  
maintenance program in each county in this state in which such a 62017  
program is federally mandated through June 30, 2027, ~~with an~~ 62018  
~~option for the state to renew the contract for a period of up to~~ 62019  
~~twenty-four months through June 30, 2029~~. The contract shall 62020  
ensure that the decentralized motor vehicle inspection and 62021  
maintenance program achieves at least the same an equivalent 62022  
amount of emission reductions as achieved by the program 62023  
operated under the authority of the contract that was extended 62024  
under division (A) (1) of this section under the authority of 62025  
H.B. 33 of the 135th general assembly. The director of 62026  
administrative services shall select a vendor through a 62027  
competitive selection process in compliance with Chapter 125. of 62028  
the Revised Code. 62029

(3) Notwithstanding any law to the contrary, the director 62030  
of administrative services shall ensure that a competitive 62031  
selection process regarding a contract to operate a 62032  
decentralized motor vehicle inspection and maintenance program 62033  
in this state incorporates the following, which shall be 62034  
included in the contract: 62035

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

(b) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The contract shall require the notification to be provided not later than sixty days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The director of environmental protection and the vendor shall jointly agree on the content of the notice. However, the notice shall include at a minimum the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration;

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

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

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

- (1) Comply with the federal Clean Air Act; 62066
- (2) Provide for the issuance of inspection certificates; 62067
- (3) Provide for a new car exemption for motor vehicles 62068  
four years old or newer and provide that a new motor vehicle is 62069  
exempt for four years regardless of whether legal title to the 62070  
motor vehicle is transferred during that period; 62071
- (4) Provide for an exemption for battery electric motor 62072  
vehicles. 62073
- (C) (1) The director of environmental protection shall 62074  
adopt rules in accordance with Chapter 119. of the Revised Code 62075  
that the director determines are necessary to implement this 62076  
section. The director may continue to implement and enforce 62077  
rules pertaining to the motor vehicle inspection and maintenance 62078  
program previously implemented under former section 3704.14 of 62079  
the Revised Code as that section existed prior to its repeal and 62080  
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 62081  
provided that the rules do not conflict with this section. 62082
- (2) The director of environmental protection shall issue 62083  
an inspection certificate provided for under division (B) (2) of 62084  
this section in accordance with Chapter 4796. of the Revised 62085  
Code to an applicant if either of the following applies: 62086
- (a) The individual holds a certificate or license in 62087  
another state. 62088
- (b) The individual has satisfactory work experience, a 62089  
government certification, or a private certification as 62090  
described in that chapter as a vehicle inspector in a state that 62091  
does not issue that certificate. 62092
- (D) There is hereby created in the state treasury the auto 62093

emissions test fund, which shall consist of money received by 62094  
the director from any cash transfers, state and local grants, 62095  
and other contributions that are received for the purpose of 62096  
funding the program established under this section. The director 62097  
of environmental protection shall use money in the fund solely 62098  
for the implementation, supervision, administration, operation, 62099  
and enforcement of the motor vehicle inspection and maintenance 62100  
program established under this section. Money in the fund shall 62101  
not be used for either of the following: 62102

(1) To pay for the inspection costs incurred by a motor 62103  
vehicle dealer so that the dealer may provide inspection 62104  
certificates to an individual purchasing a motor vehicle from 62105  
the dealer when that individual resides in a county that is 62106  
subject to the motor vehicle inspection and maintenance program; 62107

(2) To provide payment for more than one free passing 62108  
emissions inspection or a total of three emissions inspections 62109  
for a motor vehicle in any three-hundred-sixty-five-day period. 62110  
The owner or lessee of a motor vehicle is responsible for 62111  
inspection fees that are related to emissions inspections beyond 62112  
one free passing emissions inspection or three total emissions 62113  
inspections in any three-hundred-sixty-five-day period. 62114  
Inspection fees that are charged by a contractor conducting 62115  
emissions inspections under a motor vehicle inspection and 62116  
maintenance program shall be approved by the director of 62117  
environmental protection. 62118

(E) The motor vehicle inspection and maintenance program 62119  
established under this section expires upon the termination of 62120  
all contracts entered into under this section and shall not be 62121  
implemented beyond the final date on which termination occurs. 62122

(F) If the United States environmental protection agency 62123

determines that the motor vehicle inspection and maintenance 62124  
program implemented in accordance with this section is not 62125  
necessary for the state or any area of the state to comply with 62126  
the federal Clean Air Act, the director shall immediately 62127  
discontinue the program and take any actions necessary to 62128  
effectuate the termination of the program. 62129

(G) As used in this section "battery electric motor 62130  
vehicle" has the same meaning as in section 4501.01 of the 62131  
Revised Code. 62132

**Sec. 3705.126.** The department of health shall neither open 62133  
an adoption file nor make its contents available except as 62134  
follows: 62135

(A) The department shall inspect the file to determine the 62136  
court involved for the purpose of division (D) of section 62137  
3107.09 or section 3107.091 or 3107.171 of the Revised Code. 62138

(B) The department shall make the file's contents 62139  
available to an adopted person or lineal descendant of an 62140  
adopted person in accordance with section 3107.38 of the Revised 62141  
Code. 62142

(C) The department shall open the file to transfer 62143  
releases to the file in accordance with section 3107.381 of the 62144  
Revised Code. 62145

(D) The department shall open the file to file a contact 62146  
preference form from a biological parent pursuant to section 62147  
3107.39 of the Revised Code and remove any previously filed 62148  
contact preference form from the biological parent. 62149

(E) The department shall open the file to ~~file a~~ 62150  
~~biological parent's name redaction request form pursuant to~~ 62151  
~~division (C) of section 3107.391 of the Revised Code or to~~ 62152



remove and destroy ~~the~~ a name redaction request form pursuant to 62153  
division ~~(D)~~ (A) of ~~that~~ section 3107.391 of the Revised Code. 62154

(F) The department shall open the file to file a denial of 62155  
release form under division (A) of section 3107.46 of the 62156  
Revised Code or an authorization of release form under division 62157  
(B) of that section. 62158

(G) The department shall make the file's contents 62159  
available to an adopted person or adoptive parent in accordance 62160  
with section 3107.47 of the Revised Code. 62161

(H) The department shall open the file to file a request 62162  
from an adopted person under division (A) of section 3107.48 of 62163  
the Revised Code or to remove and destroy the request pursuant 62164  
to division (B) of that section. 62165

(I) The department shall inspect the file to assist a 62166  
birth parent or birth sibling in finding the adopted person's 62167  
name by adoption in accordance with section 3107.49 of the 62168  
Revised Code. 62169

(J) The court that decreed the adoption may order that the 62170  
contents be made open for inspection or available for copying. 62171

**Sec. 3705.17.** The body of a person whose death occurs in 62172  
this state shall not be interred, deposited in a vault or tomb, 62173  
cremated, or otherwise disposed of by a funeral director until a 62174  
burial permit is issued by a local registrar or sub-registrar of 62175  
vital statistics. No such permit shall be issued by a local 62176  
registrar or sub-registrar until a satisfactory death, fetal 62177  
death, or provisional death certificate is filed with the local 62178  
registrar or sub-registrar. When the medical certification as to 62179  
the cause of death cannot be provided by the attending physician 62180  
or coroner prior to burial, for sufficient cause, as determined 62181

by rule of the director of health, the funeral director may file 62182  
a provisional death certificate with the local registrar or sub- 62183  
registrar for the purpose of securing a burial or burial-transit 62184  
permit. When the funeral director files a provisional death 62185  
certificate to secure a burial or burial-transit permit, the 62186  
funeral director shall file a satisfactory and complete death 62187  
certificate within five days after the date of death. The 62188  
director of health, by rule, may provide additional time for 62189  
filing a satisfactory death certificate. A burial permit 62190  
authorizing cremation shall not be issued upon the filing of a 62191  
provisional certificate of death. 62192

When a funeral director or other person obtains a burial 62193  
permit from a local registrar or sub-registrar, the registrar or 62194  
sub-registrar shall charge a fee of ~~three~~ten dollars for the 62195  
issuance of the burial permit. ~~Two~~Nine dollars and fifty cents 62196  
of each fee collected for a burial permit shall be paid into the 62197  
state treasury to the credit of the cemetery registration fund 62198  
created under section 4767.03 of the Revised Code to be used by 62199  
the division of real estate and professional licensing in the 62200  
department of commerce in discharging its duties prescribed in 62201  
Chapter 4767. of the Revised Code and the Ohio cemetery dispute 62202  
resolution commission created by section 4767.05 of the Revised 62203  
Code. A local registrar or sub-registrar shall transmit payments 62204  
of that portion of the amount of each fee collected under this 62205  
section to the treasurer of state on a quarterly basis or more 62206  
frequently, if possible. The director of health, by rule, shall 62207  
provide for the issuance of a burial permit without the payment 62208  
of the fee required by this section if the total cost of the 62209  
burial will be paid by an agency or instrumentality of the 62210  
United States, the state or a state agency, or a political 62211  
subdivision of the state. 62212

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate and professional licensing for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and professional licensing and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public inspection.

**Sec. 3706.01.** As used in this chapter:

(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency

thereof, and any agency, commission, or authority established 62243  
pursuant to an interstate compact or agreement. 62244

(B) "Person" means any individual, firm, partnership, 62245  
association, or corporation, or any combination thereof. 62246

(C) "Air contaminant" means particulate matter, dust, 62247  
fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, 62248  
radiation, or odorous substance, or any combination thereof. 62249

(D) "Air pollution" means the presence in the ambient air 62250  
of one or more air contaminants in sufficient quantity and of 62251  
such characteristics and duration as to injure human health or 62252  
welfare, plant or animal life, or property, or that unreasonably 62253  
interferes with the comfortable enjoyment of life or property. 62254

(E) "Ambient air" means that portion of the atmosphere 62255  
outside of buildings and other enclosures, stacks, or ducts that 62256  
surrounds human, plant, or animal life, or property. 62257

(F) "Emission" means the release into the outdoor 62258  
atmosphere of an air contaminant. 62259

(G) "Air quality facility" means any of the following: 62260

(1) Any method, modification or replacement of property, 62261  
process, device, structure, or equipment that removes, reduces, 62262  
prevents, contains, alters, conveys, stores, disperses, or 62263  
disposes of air contaminants or substances containing air 62264  
contaminants, or that renders less noxious or reduces the 62265  
concentration of air contaminants in the ambient air, including, 62266  
without limitation, facilities and expenditures that qualify as 62267  
air pollution control facilities under section 103 (C) (4) (F) of 62268  
the Internal Revenue Code of 1954, as amended, and regulations 62269  
adopted thereunder; 62270

- (2) Motor vehicle inspection stations operated in accordance with, and any equipment used for motor vehicle inspections conducted under, section 3704.14 of the Revised Code and rules adopted under it; 62271  
62272  
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- (3) Ethanol or other biofuel facilities, including any equipment used at the ethanol or other biofuel facility for the production of ethanol or other biofuels; 62275  
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- (4) Any property or portion thereof used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product or solid waste resulting from any method, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air; 62278  
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- (5) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through improvements in the efficiency of energy utilization or energy conservation; 62286  
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- (6) Any coal research and development project conducted under Chapter 1555. of the Revised Code; 62290  
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- (7) As determined by the director of the Ohio coal development office, any property or portion thereof that is used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product resulting from a coal research and development project as defined in section 1555.01 of the Revised Code or from the use of clean coal technology, excluding any property or portion thereof that is used primarily for other subsequent commercial purposes; 62292  
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~~(8) Any property or portion thereof that is part of the FutureGen project of the United States department of energy or related to the siting of the FutureGen project~~  
Any property, device, or equipment comprising a facility generating green energy;

(9) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through the generation of clean, renewable energy with renewable energy resources or advanced energy resources as defined in section 3706.25 of the Revised Code;

(10) Any property, device, structure, or equipment necessary for the manufacture and production of equipment described as an air quality facility under this chapter;

(11) Any property, device, or equipment related to the recharging or refueling of vehicles that promotes the reduction of emissions of air contaminants into the ambient air through the use of an alternative fuel as defined in section 125.831 of the Revised Code or the use of a renewable energy resource as defined in section 3706.25 of the Revised Code;

(12) Any special energy improvement project, as defined in section 1710.01 of the Revised Code, that promotes the reduction of emissions of air contaminants into the ambient air.

"Air quality facility" further includes any property or system to be used in whole or in part for any of the purposes in divisions (G) (1) to (12) of this section, whether another purpose is also served, and any property or system incidental to or that has to do with, or the end purpose of which is, any of the foregoing. Air quality facilities that are defined in this division for industry, commerce, distribution, or research,

including public utility companies, are hereby determined to be 62329  
those that qualify as facilities for the control of air 62330  
pollution and thermal pollution related to air under Section 13 62331  
of Article VIII, Ohio Constitution. 62332

(H) "Project" or "air quality project" means any air 62333  
quality facility, including undivided or other interests 62334  
therein, acquired or to be acquired or constructed or to be 62335  
constructed by the ~~Ohio~~ office of air quality development 62336  
~~authority~~ under this chapter, or acquired or to be acquired or 62337  
constructed or to be constructed by a governmental agency or 62338  
person with all or a part of the cost thereof being paid from a 62339  
loan or grant from the ~~authority~~ office under this chapter or 62340  
otherwise paid from the proceeds of air quality revenue bonds, 62341  
including all buildings and facilities that the ~~authority~~ office 62342  
determines necessary for the operation of the project, together 62343  
with all property, rights, easements, and interests that may be 62344  
required for the operation of the project. 62345

(I) "Cost" as applied to an air quality project means the 62346  
cost of acquisition and construction, the cost of acquisition of 62347  
all land, rights-of-way, property rights, easements, franchise 62348  
rights, and interests required for such acquisition and 62349  
construction, the cost of demolishing or removing any buildings 62350  
or structures on land so acquired, including the cost of 62351  
acquiring any lands to which such buildings or structures may be 62352  
moved, the cost of acquiring or constructing and equipping a 62353  
principal office and sub-offices of the ~~authority~~ office, the 62354  
cost of diverting highways, interchange of highways, and access 62355  
roads to private property, including the cost of land or 62356  
easements for such access roads, the cost of public utility and 62357  
common carrier relocation or duplication, the cost of all 62358  
machinery, furnishings, and equipment, financing charges, 62359

interest prior to and during construction and for no more than 62360  
eighteen months after completion of construction, engineering, 62361  
expenses of research and development with respect to air quality 62362  
facilities, the cost of any commodity contract, including fees 62363  
and expenses related thereto, legal expenses, plans, 62364  
specifications, surveys, studies, estimates of cost and 62365  
revenues, working capital, other expenses necessary or incident 62366  
to determining the feasibility or practicability of acquiring or 62367  
constructing such project, administrative expense, and such 62368  
other expense as may be necessary or incident to the acquisition 62369  
or construction of the project, the financing of such 62370  
acquisition or construction, including the amount authorized in 62371  
the ~~resolution of the authority~~ determination of the director of 62372  
environmental protection providing for the issuance of air 62373  
quality revenue bonds to be paid into any special funds from the 62374  
proceeds of such bonds, and the financing of the placing of such 62375  
project in operation. Any obligation, cost, or expense incurred 62376  
by any governmental agency or person for surveys, borings, 62377  
preparation of plans and specifications, and other engineering 62378  
services, or any other cost described above, in connection with 62379  
the acquisition or construction of a project may be regarded as 62380  
a part of the cost of that project and may be reimbursed out of 62381  
the proceeds of air quality revenue bonds as authorized by this 62382  
chapter. 62383

(J) "Owner" includes an individual, copartnership, 62384  
association, or corporation having any title or interest in any 62385  
property, rights, easements, or interests authorized to be 62386  
acquired by this chapter. 62387

(K) "Revenues" means all rentals and other charges 62388  
received by the ~~authority~~ office for the use or services of any 62389  
air quality project, any gift or grant received with respect to 62390



any air quality project, any moneys received with respect to the 62391  
lease, sublease, sale, including installment sale or conditional 62392  
sale, or other disposition of an air quality project, moneys 62393  
received in repayment of and for interest on any loans made by 62394  
the ~~authority~~office to a person or governmental agency, whether 62395  
from the United States or any department, administration, or 62396  
agency thereof, or otherwise, proceeds of such bonds to the 62397  
extent that use thereof for payment of principal of, premium, if 62398  
any, or interest on the bonds is authorized by the 62399  
~~authority~~office, amounts received or otherwise derived from a 62400  
commodity contract or from the sale of the related commodity 62401  
under such a contract, proceeds from any insurance, 62402  
condemnation, or guaranty pertaining to a project or property 62403  
mortgaged to secure bonds or pertaining to the financing of the 62404  
project, and income and profit from the investment of the 62405  
proceeds of air quality revenue bonds or of any revenues. 62406

(L) "Public roads" includes all public highways, roads, 62407  
and streets in the state, whether maintained by the state, 62408  
county, city, township, or other political subdivision. 62409

(M) "Public utility facilities" includes tracks, pipes, 62410  
mains, conduits, cables, wires, towers, poles, and other 62411  
equipment and appliances of any public utility. 62412

(N) "Construction," unless the context indicates a 62413  
different meaning or intent, includes reconstruction, 62414  
enlargement, improvement, or providing furnishings or equipment. 62415

(O) "Air quality revenue bonds," unless the context 62416  
indicates a different meaning or intent, includes air quality 62417  
revenue notes, air quality revenue renewal notes, and air 62418  
quality revenue refunding bonds, except that notes issued in 62419  
anticipation of the issuance of bonds shall have a maximum 62420

maturity of five years as provided in section 3706.05 of the Revised Code and notes or renewal notes issued as the definitive obligation may be issued maturing at such time or times with a maximum maturity of forty years from the date of issuance of the original note.

(P) "Solid waste" means any garbage; refuse; sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but not including solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or byproduct material as defined by the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste, other than a recyclable by-product, generated from a municipal, commercial, or industrial waste water treatment plant, water supply plant, or air pollution control facility or any other such wastes having similar characteristics and effects.

(R) "Ethanol or other biofuel facility" means a plant at which ethanol or other biofuel is produced.

(S) "Ethanol" means fermentation ethyl alcohol derived from agricultural products, including potatoes, cereal, grains, cheese whey, and sugar beets; forest products; or other renewable or biomass resources, including residue and waste

generated from the production, processing, and marketing of 62451  
agricultural products, forest products, and other renewable or 62452  
biomass resources, that meets all of the specifications in the 62453  
American society for testing and materials (ASTM) specification 62454  
D 4806-88 and is denatured as specified in Parts 20 and 21 of 62455  
Title 27 of the Code of Federal Regulations. 62456

(T) "Biofuel" means any fuel that is made from cellulosic 62457  
biomass resources, including renewable organic matter, crop 62458  
waste residue, wood, aquatic plants and other crops, animal 62459  
waste, solid waste, or sludge, and that is used for the 62460  
production of energy for transportation or other purposes. 62461

(U) "FutureGen project" means the buildings, equipment, 62462  
and real property and functionally related buildings, equipment, 62463  
and real property, including related research projects that 62464  
support the development and operation of the buildings, 62465  
equipment, and real property, designated by the United States 62466  
department of energy and the FutureGen industrial alliance, 62467  
inc., as the coal-fueled, zero-emissions power plant designed to 62468  
prove the technical and economic feasibility of producing 62469  
electricity and hydrogen from coal and nearly eliminating carbon 62470  
dioxide emissions through capture and permanent storage. 62471

(V) "Commodity contract" means a contract or series of 62472  
contracts entered into in connection with the acquisition or 62473  
construction of air quality facilities for the purchase or sale 62474  
of a commodity that is eligible for prepayment with the proceeds 62475  
of federally tax exempt bonds under sections 103, 141, and 148 62476  
of the Internal Revenue Code of 1986, as amended, and 62477  
regulations adopted under it. 62478

(W) "Green energy" has the same meaning as in section 62479  
4928.01 of the Revised Code. 62480

**Sec. 3706.02.** There is hereby created in the environmental 62481  
protection agency the Ohio office of air quality development- 62482  
authority. Such authority is a body both corporate and politic- 62483  
in this state, and the carrying out of its purposes and the 62484  
exercise by it of the powers conferred by Chapter 3706. of the 62485  
Revised Code shall be held to be, and are hereby determined to 62486  
be, essential governmental functions and public purposes of the 62487  
state, but the authority shall not be immune from liability by 62488  
reason thereof. 62489

~~The authority shall consist of seven members as follows:~~ 62490  
~~five members appointed by the governor, with the advice and~~ 62491  
~~consent of the senate, no more than three of whom shall be~~ 62492  
~~members of the same political party, and the director of~~ 62493  
~~environmental protection and the director of health, who shall~~ 62494  
~~be members ex officio without compensation. Each appointive~~ 62495  
~~member shall be a resident of the state, and a qualified elector~~ 62496  
~~therein. The members of the authority first appointed shall~~ 62497  
~~continue in office for terms expiring on June 30, 1971, June 30,~~ 62498  
~~1973, June 30, 1975, June 30, 1977, and June 30, 1978,~~ 62499  
~~respectively, the term of each member to be designated by the~~ 62500  
~~governor. Appointed members' terms of office shall be for eight-~~ 62501  
~~years, commencing on the first day of July and ending on the~~ 62502  
~~thirtieth day of June. Each appointed member shall hold office~~ 62503  
~~from the date of his appointment until the end of the term for~~ 62504  
~~which he was appointed. Any member appointed to fill a vacancy~~ 62505  
~~occurring prior to the expiration of the term for which his~~ 62506  
~~predecessor was appointed shall hold office for the remainder of~~ 62507  
~~such term. Any appointed member shall continue in office~~ 62508  
~~subsequent to the expiration date of his term until his~~ 62509  
~~successor takes office, or until a period of sixty days has~~ 62510  
~~elapsed, whichever occurs first. A member of the authority is-~~ 62511

~~eligible for reappointment. Each appointed member of the~~ 62512  
~~authority, before entering upon his duties, shall take an oath~~ 62513  
~~as provided by Section 7 of Article XV, Ohio Constitution. The~~ 62514  
~~governor may at any time remove any member of the authority for~~ 62515  
~~misfeasance, nonfeasance, or malfeasance in office. The~~ 62516  
~~authority shall elect one of its appointed members as chairman~~ 62517  
~~and another as vice-chairman, and shall appoint a secretary-~~ 62518  
~~treasurer who need not be a member of the authority. Four~~ 62519  
~~members of the authority shall constitute a quorum, and the~~ 62520  
~~affirmative vote of four members shall be necessary for any~~ 62521  
~~action taken by vote of the authority. No vacancy in the~~ 62522  
~~membership of the authority shall impair the rights of a quorum~~ 62523  
~~by such vote to exercise all the rights and perform all the~~ 62524  
~~duties of the authority.~~ 62525

~~Before the issuance of any air quality revenue bonds under~~ 62526  
~~Chapter 3706. of the Revised Code, each appointed member of the~~ 62527  
~~authority shall give a surety bond to the state in the penal sum~~ 62528  
~~of twenty-five thousand dollars and the secretary-treasurer~~ 62529  
~~shall give such a bond in the penal sum of fifty thousand~~ 62530  
~~dollars, each such surety bond to be conditioned upon the~~ 62531  
~~faithful performance of the duties of the office, to be executed~~ 62532  
~~by a surety company authorized to transact business in this~~ 62533  
~~state, and to be approved by the governor and filed in the~~ 62534  
~~office of the secretary of state. Each appointed member of the~~ 62535  
~~authority shall receive an annual salary of five thousand~~ 62536  
~~dollars, payable in monthly installments. Each member shall be~~ 62537  
~~reimbursed for his actual expenses necessarily incurred in the~~ 62538  
~~performance of his duties. The director of environmental~~ 62539  
~~protection shall appoint an executive director of the office of~~ 62540  
~~air quality development. All expenses incurred in carrying out~~ 62541  
~~Chapter 3706. of the Revised Code shall be payable solely from~~ 62542

funds provided under Chapter 3706. of the Revised Code, 62543  
appropriated for such purpose by the general assembly, or 62544  
provided by the controlling board. No liability or obligation 62545  
shall be incurred by the ~~authority~~agency or office beyond the 62546  
extent to which moneys have been so provided or appropriated. 62547

**Sec. 3706.03.** It is hereby declared to be the public 62548  
policy of the state through the operations of the ~~Ohio~~office of 62549  
air quality development ~~authority~~ under this chapter to 62550  
contribute toward one or more of the following: to provide for 62551  
the conservation of air as a natural resource of the state, and 62552  
to prevent or abate the pollution thereof, to provide for the 62553  
comfort, health, safety, and general welfare of all employees, 62554  
as well as all other inhabitants of the state, to assist in the 62555  
financing of air quality facilities for industry, commerce, 62556  
distribution, and research, including public utility companies, 62557  
to create or preserve jobs and employment opportunities or 62558  
improve the economic welfare of the people, or assist and 62559  
cooperate with governmental agencies in achieving such purposes. 62560  
In furtherance of such public policy the ~~Ohio~~office of air 62561  
quality development ~~authority~~ may initiate, acquire, construct, 62562  
maintain, repair, and operate air quality projects or cause the 62563  
same to be operated pursuant to a lease, sublease, or agreement 62564  
with any person or governmental agency; may make loans and 62565  
grants to governmental agencies for the acquisition or 62566  
construction of air quality facilities by such governmental 62567  
agencies; may make loans to persons for the acquisition or 62568  
construction of air quality facilities by such persons; may 62569  
enter into commodity contracts with, or make loans for the 62570  
purpose of entering into commodity contracts to, any person, 62571  
governmental agency, or entity located within or without the 62572  
state in connection with the acquisition or construction of air 62573

quality facilities; and may issue air quality revenue bonds of 62574  
this state payable solely from revenues, to pay the cost of such 62575  
projects, including any related commodity contracts. Any air 62576  
quality project shall be determined by the ~~authority~~ office to 62577  
be not inconsistent with any applicable air quality standards 62578  
duly established and then required to be met pursuant to the 62579  
"Clean Air Act," 84 Stat. 1679 (1970), 42 U.S.C.A. 1857, as 62580  
amended. Any ~~resolution of the authority~~ determination by the 62581  
director of environmental protection providing for acquiring or 62582  
constructing such projects or for making a loan or grant for 62583  
such projects shall include a finding by the ~~authority~~ director 62584  
that such determination has been made. Determinations by 62585  
~~resolution of the authority~~ director that a project is an air 62586  
quality facility under this chapter and is consistent with the 62587  
purposes of section 13 of Article VIII, Ohio Constitution, and 62588  
this chapter, shall be conclusive as to the validity and 62589  
enforceability of the air quality revenue bonds issued to 62590  
finance such project and of the ~~resolutions~~ determinations, trust 62591  
agreements or indentures, leases, subleases, sale agreements, 62592  
loan agreements, and other agreements made in connection 62593  
therewith, all in accordance with their terms. 62594

**Sec. 3706.04.** The ~~Ohio~~ office of air quality development 62595  
~~authority~~ may: 62596

(A) ~~Adopt bylaws for the regulation of its affairs and the~~ 62597  
~~conduct of its business;~~ 62598

~~(B) Adopt an official seal;~~ 62599

~~(C) Maintain a principal office and suboffices at such~~ 62600  
~~places within the state as it designates;~~ 62601

~~(D) Sue and plead in its own name; be sued and impleaded~~ 62602

~~in its own name with respect to its contracts or torts of its~~ 62603  
~~members, employees, or agents acting within the scope of their~~ 62604  
~~employment, or to enforce its obligations and covenants made~~ 62605  
~~under sections 3706.05, 3706.07, and 3706.12 of the Revised~~ 62606  
~~Code. Any such actions against the authority shall be brought in~~ 62607  
~~the court of common pleas of the county in which the principal~~ 62608  
~~office of the authority is located, or in the court of common~~ 62609  
~~pleas of the county in which the cause of action arose, provided~~ 62610  
~~such county is located within this state, and all summonses,~~ 62611  
~~exceptions, and notices of every kind shall be served on the~~ 62612  
~~authority by leaving a copy thereof at the principal office with~~ 62613  
~~the person in charge thereof or with the secretary-treasurer of~~ 62614  
~~the authority.~~ 62615

~~(E)~~ Make loans and grants to governmental agencies for the 62616  
acquisition or construction of air quality projects by any such 62617  
governmental agency and adopt rules and procedures for making 62618  
such loans and grants; 62619

~~(F)~~ (B) Acquire, construct, reconstruct, enlarge, improve, 62620  
furnish, equip, maintain, repair, operate, lease or rent to, or 62621  
contract for operation by, a person or governmental agency, air 62622  
quality projects, and establish rules for the use of such 62623  
projects; 62624

~~(G)~~ (C) Make available the use or services of any air 62625  
quality project to one or more persons, one or more governmental 62626  
agencies, or any combination thereof; 62627

~~(H)~~ (D) Issue air quality revenue bonds and notes and air 62628  
quality revenue refunding bonds of the state, payable solely 62629  
from revenues as provided in section 3706.05 of the Revised 62630  
Code, unless the bonds be refunded by refunding bonds, for the 62631  
purpose of paying any part of the cost of one or more air 62632



quality projects or parts thereof; 62633

~~(I)~~ (E) Acquire by gift or purchase, hold, and dispose of 62634  
real and personal property in the exercise of the powers of the 62635  
authority and the performance of its duties under this chapter; 62636

~~(J)~~ (F) Acquire, in the name of the state, by purchase or 62637  
otherwise, on such terms and in such manner as the ~~authority-~~ 62638  
office finds proper, or by the exercise of the right of 62639  
condemnation in the manner provided by section 3706.17 of the 62640  
Revised Code, such public or private lands, including public 62641  
parks, playgrounds, or reservations, or parts thereof or rights 62642  
therein, rights-of-way, property, rights, easements, and 62643  
interests as it finds necessary for carrying out this chapter, 62644  
but excluding the acquisition by the exercise of the right of 62645  
condemnation of any air quality facility owned by any person or 62646  
governmental agency; and compensation shall be paid for public 62647  
or private lands so taken; 62648

~~(K)~~ (G) Make and enter into all contracts and agreements 62649  
and execute all instruments necessary or incidental to the 62650  
performance of its duties and the execution of its powers under 62651  
this chapter. 62652

(1) When the cost under any such contract or agreement, 62653  
other than compensation for personal services, involves an 62654  
expenditure of more than two thousand dollars, the ~~authority-~~ 62655  
office shall make a written contract with the lowest responsive 62656  
and responsible bidder, in accordance with section 9.312 of the 62657  
Revised Code, after advertisement for not less than two 62658  
consecutive weeks in a newspaper of general circulation in 62659  
Franklin county, and in such other publications as the ~~authority~~ 62660  
office determines, which notice shall state the general 62661  
character of the work and the general character of the materials 62662

to be furnished, the place where plans and specifications 62663  
therefor may be examined, and the time and place of receiving 62664  
bids; provided, that a contract or lease for the operation of an 62665  
air quality project constructed and owned by the ~~authority-~~ 62666  
office or an agreement for cooperation in the acquisition or 62667  
construction of an air quality project pursuant to section 62668  
3706.12 of the Revised Code or any contract for the construction 62669  
of an air quality project that is to be leased by the ~~authority-~~ 62670  
office to, and operated by, persons who are not governmental 62671  
agencies and the cost of such project is to be amortized 62672  
exclusively from rentals or other charges paid to the ~~authority-~~ 62673  
office by persons who are not governmental agencies is not 62674  
subject to the foregoing requirements and the ~~authority-~~office 62675  
may enter into such contract, lease, or agreement pursuant to 62676  
negotiation and upon such terms and conditions and for such 62677  
period as it finds to be reasonable and proper in the 62678  
circumstances and in the best interests of proper operation or 62679  
of efficient acquisition or construction of such project. 62680

(2) Each bid for a contract for the construction, 62681  
demolition, alteration, repair, or reconstruction of an 62682  
improvement shall contain the full name of every person 62683  
interested in it and meet the requirements of section 153.54 of 62684  
the Revised Code. 62685

(3) Each bid for a contract except as provided in division 62686  
~~(K)~~ ~~(2)~~ (G) (2) of this section shall contain the full name of 62687  
every person interested in it and shall be accompanied by a 62688  
sufficient bond or certified check on a solvent bank that if the 62689  
bid is accepted a contract will be entered into and the 62690  
performance thereof secured. 62691

(4) The ~~authority-~~office may reject any and all bids. 62692

(5) A bond with good and sufficient surety, approved by the ~~authority~~office, shall be required of every contractor awarded a contract except as provided in division ~~(K) (2)~~ (G) (2) of this section, in an amount equal to at least fifty per cent of the contract price, conditioned upon the faithful performance of the contract.

~~(L)~~ (H) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and such other consultants and independent contractors as are necessary in its judgment to carry out this chapter, and fix the compensation thereof. All expenses thereof shall be payable solely from the proceeds of air quality revenue bonds or notes issued under this chapter, from revenues, or from funds appropriated for such purpose by the general assembly.

~~(M)~~ (I) Receive and accept from any federal agency, subject to the approval of the governor, grants for or in aid of the construction of any air quality project or for research and development with respect to air quality facilities, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

~~(N)~~ (J) Engage in research and development with respect to air quality facilities;

~~(O)~~ (K) Purchase fire and extended coverage and liability insurance for any air quality project ~~and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from~~

~~its operations,~~ and any other insurance the ~~authority office~~ may agree to provide under any ~~resolution~~ determination of the director of environmental protection authorizing its air quality revenue bonds or in any trust agreement securing the same;

~~(P)~~ (L) Charge, alter, and collect rentals and other charges for the use or services of any air quality project as provided in section 3706.13 of the Revised Code;

~~(Q)~~ Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

~~(R)~~ (M) In accordance with section 54D(e) of the Internal Revenue Code, 26 U.S.C. 54D(e), allocate the national qualified energy conservation bond limitation allocated to the state and reallocate any portion of an allocation waived by a county or municipality.

~~(S)~~ (N) Do all acts necessary or proper to carry out the powers expressly granted in this chapter.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

**Sec. 3706.041.** (A) With respect to projects, and the financing thereof, for industry, commerce, distribution, or research, including public utility companies, under agreements whereby the person to whom the project is to be leased, subleased, or sold, or to whom a loan is to be made for the project, is to make payments sufficient to pay all of the principal of, premium, if any, and interest on the air quality revenue bonds issued for the project, or the counterparty under any related commodity contract agrees to make payments

sufficient in amount to pay all of the principal of, premium, if 62752  
any, and interest on the related air quality revenue bonds, the 62753  
~~Ohio office of air quality development authority~~ may, in 62754  
addition to other powers under this chapter: 62755

(1) Make loans for the acquisition or construction of the 62756  
project to such person upon such terms as the ~~authority office~~ 62757  
may determine or authorize, including secured or unsecured 62758  
loans, and, in connection therewith, enter into loan agreements 62759  
and other agreements, including commodity contracts, accept 62760  
notes and other forms of obligation to evidence such 62761  
indebtedness and mortgages, liens, pledges, assignments, or 62762  
other security interests to secure such indebtedness, which may 62763  
be prior or subordinate to or on a parity with other 62764  
indebtedness, obligations, mortgages, pledges, assignments, 62765  
other security interests, or liens or encumbrances, and take 62766  
such actions as may be considered by it appropriate to protect 62767  
such security and safeguard against losses, including, without 62768  
limitation thereto, foreclosure and the bidding upon and 62769  
purchase of property upon foreclosure or other sale. 62770

(2) Sell such project under such terms as it may 62771  
determine, including, without limitation thereto, sale by 62772  
conditional sale or installment sale, under which title may pass 62773  
prior to or after completion of the project or payment or 62774  
provisions for payment of all principal of, premium, if any, and 62775  
interest on such bonds, or at any other time provided in such 62776  
agreement pertaining to such sale, and including sale under an 62777  
option to purchase at a price which may be a nominal amount or 62778  
less than true value at the time of purchase. 62779

(3) Grant a mortgage, lien, or other encumbrance on, or 62780  
pledge or assignment of, or other security interest with respect 62781

to, all or any part of the project, revenues, reserve funds, or 62782  
other funds established in connection with such bonds, or on, 62783  
of, or with respect to any lease, sublease, sale, conditional 62784  
sale or installment sale agreement, loan agreement, or other 62785  
agreement pertaining to the lease, sublease, sale, or other 62786  
disposition of a project or pertaining to a loan made for a 62787  
project, or any guaranty or insurance agreement made with 62788  
respect thereto, or any interest of the authority office 62789  
therein, or any other interest granted, assigned, or released to 62790  
secure payments of the principal of, premium, if any, or 62791  
interest on the bonds or to secure any other payments to be made 62792  
by the authority office, which mortgage, lien, encumbrance, 62793  
pledge, assignment, or other security interest may be prior or 62794  
subordinate to or on a parity with any other mortgage, 62795  
assignment, other security interest, or lien or encumbrance. 62796

(4) Provide that the interest on such bonds may be at a 62797  
variable rate or rates changing from time to time in accordance 62798  
with a base or formula as authorized by the authority office. 62799

(5) Contract for the acquisition or construction of such 62800  
project or any part thereof, including any related commodity 62801  
contracts, and for the leasing, subleasing, sale or other 62802  
disposition of such project in a manner determined by the 62803  
authority office in its sole discretion, without necessity for 62804  
competitive bidding or performance bonds. 62805

(B) Property comprising a project shall not be subject to 62806  
taxes or assessments and so long as the bonds or notes issued to 62807  
finance the costs of such project are outstanding, and the 62808  
transfer of title to or possession of such property to the 62809  
person to whom a loan or installment sale or conditional sale 62810  
with respect to such project is made shall not be subject to the 62811

taxes levied pursuant to Chapters 5739. and 5741. of the Revised Code. 62812  
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The ~~authority~~office shall certify the property comprising a project which is exempt from taxes and assessments pursuant to this section, and shall send, by certified mail, copies of such certification to the owner of such exempt property, to the tax commissioner, and to the county auditor of the county or counties in which any such exempt property is located. 62814  
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Each county auditor shall maintain a separate list of all property exempt pursuant to this section and sections 6121.044 and 6123.041 of the Revised Code, in addition to the list of exempt property required to be maintained pursuant to section 5713.07 of the Revised Code. 62820  
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(C) The ~~authority~~office, in the lease, sale or loan agreement with respect to a project referred to in division (A) of this section, shall make appropriate provision for adequate maintenance of the project. 62825  
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(D) With respect to the projects referred to in this section, the authority granted by this section is cumulative and supplementary to all other authority granted in this chapter. The authority granted by this section does not alter or impair any similar authority granted elsewhere in this chapter for or with respect to other projects. 62829  
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**Sec. 3706.05.** The ~~Ohio~~office of air quality development ~~authority~~ may at any time issue revenue bonds and notes of the state in such principal amount as, in the opinion of the ~~authority~~office, are necessary for the purpose of paying any part of the cost of one or more air quality projects or parts thereof, including one or more payments pursuant to a commodity 62835  
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contract entered into in connection with the acquisition or 62841  
construction of air quality facilities. The ~~authority office~~ may 62842  
at any time issue renewal notes, issue bonds to pay such notes 62843  
and whenever it deems refunding expedient, refund any bonds by 62844  
the issuance of air quality revenue refunding bonds of the 62845  
state, whether the bonds to be refunded have or have not 62846  
matured, and issue bonds partly to refund bonds then 62847  
outstanding, and partly for any other authorized purpose. The 62848  
refunding bonds shall be sold and the proceeds applied to the 62849  
purchase, redemption, or payment of the bonds to be refunded. 62850  
Except as may otherwise be expressly provided by the 62851  
~~authority office~~, every issue of its bonds or notes shall be 62852  
obligations of the ~~authority office~~ payable solely out of the 62853  
revenues of the ~~authority office~~ that are pledged for such 62854  
payment, without preference or priority of the first bonds 62855  
issued, subject only to any agreements with the holders of 62856  
particular bonds or notes pledging any particular revenues. Such 62857  
pledge shall be valid and binding from the time the pledge is 62858  
made and the revenues so pledged and thereafter received by the 62859  
~~authority office~~ shall immediately be subject to the lien of 62860  
such pledge without any physical delivery thereof or further 62861  
act, and the lien of any such pledge is valid and binding as 62862  
against all parties having claims of any kind in tort, contract, 62863  
or otherwise against the ~~authority office~~, irrespective of 62864  
whether such parties have notice thereof. Neither the ~~resolution~~ 62865  
determination nor any trust agreement by which a pledge is 62866  
created need be filed or recorded except in the records of the 62867  
~~authority office~~. 62868

Whether or not the bonds or notes are of such form and 62869  
character as to be negotiable instruments, the bonds or notes 62870  
shall have all the qualities and incidents of negotiable 62871



instruments, subject only to the provisions of the bonds or 62872  
notes for registration. 62873

The bonds and notes shall be authorized by ~~resolution a~~ 62874  
~~determination~~ of the ~~authority~~director of environmental 62875  
~~protection~~, shall bear such date or dates, and shall mature at 62876  
such time or times, in the case of any such note or any renewals 62877  
thereof not exceeding five years from the date of issue of such 62878  
original note and in the case of any such bond not exceeding 62879  
forty years from the date of issue, as such ~~resolution or~~ 62880  
~~resolutions~~ ~~determination or determinations~~ may provide. The 62881  
bonds and notes shall bear interest at such rate or rates, be in 62882  
such denominations, be in such form, either coupon or 62883  
registered, carry such registration privileges, be payable in 62884  
such medium of payment, at such place or places, and be subject 62885  
to such terms of redemption as the ~~authority~~office may 62886  
authorize. The bonds and notes of the ~~authority~~office may be 62887  
sold by the ~~authority~~office, at public or private sale, at or at 62888  
not less than such price or prices as the ~~authority~~office 62889  
determines. The bonds and notes shall be executed by the 62890  
~~chairperson and vice-chairperson of the authority~~executive 62891  
~~director of the office and the director of environmental~~ 62892  
~~protection~~, either or both of whom may use a facsimile 62893  
signature, the official seal of the ~~authority~~environmental 62894  
~~protection agency~~ or a facsimile thereof shall be affixed 62895  
thereto or printed thereon and attested, manually or by 62896  
facsimile signature, by the ~~secretary-treasurer of the~~ 62897  
~~authority~~director of environmental protection, and any coupons 62898  
attached thereto shall bear the ~~signature~~signatures or 62899  
facsimile ~~signature~~signatures of the ~~chairperson of the~~ 62900  
~~authority~~executive director of the office and the director. In 62901  
case ~~any officer~~the executive director of the office or the 62902

director whose signature, or a facsimile of whose signature, 62903  
appears on any bonds, notes or coupons ceases to be ~~such officer~~ 62904  
the executive director of the office or director before delivery 62905  
of bonds or notes, such signature or facsimile shall 62906  
nevertheless be sufficient for all purposes the same as if the 62907  
~~officer~~ executive director of the office or director had 62908  
remained in office until such delivery, and in case the seal of 62909  
the ~~authority~~ agency has been changed after a facsimile has been 62910  
imprinted on such bonds or notes, such facsimile seal will 62911  
continue to be sufficient for all purposes. 62912

Any ~~resolution or resolutions~~ determination or 62913  
determinations by the director authorizing any bonds or notes or 62914  
any issue thereof may contain provisions, subject to such 62915  
agreements with bondholders or noteholders as may then exist, 62916  
which provisions shall be a part of the contract with the 62917  
holders thereof, as to: the pledging of all or any part of the 62918  
revenues of the ~~authority~~ office to secure the payment of the 62919  
bonds or notes or of any issue thereof; the use and disposition 62920  
of revenues of the ~~authority~~ office; a covenant to fix, alter, 62921  
and collect rentals and other charges so that pledged revenues 62922  
will be sufficient to pay costs of operation, maintenance, and 62923  
repairs, pay principal of and interest on bonds or notes secured 62924  
by the pledge of such revenues, and provide such reserves as may 62925  
be required by the applicable ~~resolution~~ determination or trust 62926  
agreement; the setting aside of reserve funds, sinking funds, or 62927  
replacement and improvement funds and the regulation and 62928  
disposition thereof; the crediting of the proceeds of the sale 62929  
of bonds or notes to and among the funds referred to or provided 62930  
for in the ~~resolution~~ determination authorizing the issuance of 62931  
the bonds or notes; the use, lease, sale, or other disposition 62932  
of any air quality project or any other assets of the 62933

~~authority~~office; limitations on the purpose to which the 62934  
proceeds of sale of bonds or notes may be applied and the 62935  
pledging of such proceeds to secure the payment of the bonds or 62936  
notes or of any issue thereof; as to notes issued in 62937  
anticipation of the issuance of bonds, the agreement of the 62938  
~~authority~~office to do all things necessary for the 62939  
authorization, issuance, and sale of such bonds in such amounts 62940  
as may be necessary for the timely retirement of such notes; 62941  
limitations on the issuance of additional bonds or notes; the 62942  
terms upon which additional bonds or notes may be issued and 62943  
secured; the refunding of outstanding bonds or notes; the 62944  
procedure, if any, by which the terms of any contract with 62945  
bondholders or noteholders may be amended or abrogated, the 62946  
amount of bonds or notes the holders of which must consent 62947  
thereto, and the manner in which such consent may be given; 62948  
limitations on the amount of moneys to be expended by the 62949  
~~authority~~office for operating, administrative, or other 62950  
expenses of the ~~authority~~office; securing any bonds or notes by 62951  
a trust agreement in accordance with section 3706.07 of the 62952  
Revised Code; any other matters, of like or different character, 62953  
that in any way affect the security or protection of the bonds 62954  
or notes. 62955

Neither the ~~members~~head of the office, employees of the 62956  
~~authority~~office, the director or employees of the agency, nor 62957  
any person executing the bonds or notes shall be liable 62958  
personally on the bonds or notes or be subject to any personal 62959  
liability or accountability by reason of the issuance thereof. 62960

**Sec. 3706.051.** (A) The ~~Ohio~~office of air quality 62961  
development ~~authority~~may enter into an agreement with the 62962  
legislative authority of a municipal corporation or a board of 62963  
township trustees that provides for all of the following: 62964

(1) The ~~authority-office~~ may issue revenue bonds or notes 62965  
under section 3706.05 of the Revised Code for the purpose of 62966  
paying any part of the cost of an air quality facility described 62967  
under division (G) (12) of section 3706.01 of the Revised Code. 62968

(2) The municipal corporation or township may levy a 62969  
special assessment under section 503.59 or 727.01 of the Revised 62970  
Code upon property specially benefited by that air quality 62971  
facility. 62972

(3) The municipal corporation or township shall pledge 62973  
special assessments levied under division (A) (2) of this section 62974  
for the payment of bonds or notes issued under division (A) (1) 62975  
of this section. 62976

(B) If the municipal corporation or township is a 62977  
participating political subdivision of a special improvement 62978  
district organized under Chapter 1710. of the Revised Code for 62979  
the purpose of developing and implementing plans for special 62980  
energy improvement projects, the municipal corporation or 62981  
township shall provide notice to the special improvement 62982  
district of the following: 62983

(1) The agreement entered into under division (A) of this 62984  
section; 62985

(2) The air quality facility for which property is to be 62986  
assessed pursuant to that division. 62987

**Sec. 3706.07.** In the discretion of the ~~Ohio~~ office of air 62988  
quality development-~~authority~~, any air quality revenue bonds or 62989  
notes or air quality revenue refunding bonds issued under 62990  
Chapter 3706. of the Revised Code, may be secured by a trust 62991  
agreement between the ~~authority-office~~ and a corporate trustee, 62992  
which trustee may be any trust company or bank having the powers 62993

of a trust company within or without the state. 62994

Any such trust agreement may pledge or assign revenues of 62995  
the ~~authority office~~ to be received, but shall not convey or 62996  
mortgage any air quality project or any part thereof. Any such 62997  
trust agreement or any ~~resolution determination of the director~~  
of environmental protection providing for the issuance of such 62998  
bonds or notes may contain such provisions for protecting and 62999  
enforcing the rights and remedies of the bondholders or 63000  
noteholders as are reasonable and proper and not in violation of 63001  
law, including covenants setting forth the duties of the 63002  
~~authority office~~ in relation to the acquisition of property, the 63003  
construction, improvement, maintenance, repair, operation, and 63004  
insurance of the air quality project or projects in connection 63005  
with which such bonds or notes are authorized, the rentals or 63006  
other charges to be imposed for the use or services of any air 63007  
quality project, the application of revenues received or 63008  
otherwise derived from a commodity contract or from the sale of 63009  
the related commodity under such contract, the custody, 63010  
safeguarding, and application of all moneys, and provisions for 63011  
the employment of consulting engineers in connection with the 63012  
construction or operation of such air quality project or 63013  
projects. Any bank or trust company incorporated under the laws 63014  
of this state that may act as depository of the proceeds of 63015  
bonds or notes or of revenues may furnish such indemnifying 63016  
bonds or may pledge such securities as are required by the 63017  
~~authority office~~. Any such trust agreement may set forth the 63018  
rights and remedies of the bondholders and noteholders and of 63019  
the trustee, and may restrict the individual right of action by 63020  
bondholders and noteholders as is customary in trust agreements 63021  
or trust indentures securing similar bonds. Such trust agreement 63022  
may contain such other provisions as the ~~authority office~~ 63023  
63024

determines reasonable and proper for the security of the 63025  
bondholders or noteholders. All expenses incurred in carrying 63026  
out the provisions of any such trust agreement may be treated as 63027  
a part of the cost of the operation of the air quality project 63028  
or projects. Any such trust agreement or ~~resolution~~ 63029  
determination of the director of environmental protection 63030  
authorizing the issuance of air quality revenue bonds may 63031  
provide the method whereby the general administrative overhead 63032  
expenses of the ~~authority office~~ shall be allocated among the 63033  
several projects acquired or constructed by it as a factor of 63034  
the operation expense of each such project. 63035

**Sec. 3706.08.** Any holder of air quality revenue bonds 63036  
issued under Chapter 3706. of the Revised Code, or any of the 63037  
coupons appertaining thereto, and the trustee under any trust 63038  
agreement, except to the extent the rights given by such chapter 63039  
may be restricted by the applicable ~~resolution~~ determination or 63040  
such trust agreement, may by suit, action, mandamus, or other 63041  
proceedings, protect and enforce any rights under the laws of 63042  
the state or granted under such chapter, trust agreement, or the 63043  
~~resolution~~ determination of the director of environmental 63044  
protection authorizing the issuance of such bonds, and may 63045  
enforce and compel the performance of all duties required by 63046  
such chapter, or by the trust agreement or 63047  
~~resolution~~ determination, to be performed by the ~~Ohio~~ office of 63048  
air quality development ~~authority~~ or ~~any officer thereof~~ the 63049  
executive director of the office or the director of 63050  
environmental protection, including the fixing, charging, and 63051  
collecting of rentals or other charges. 63052

**Sec. 3706.09.** Air quality revenue bonds and notes and air 63053  
quality revenue refunding bonds issued under Chapter 3706. of 63054  
the Revised Code do not constitute a debt, or a pledge of the 63055

faith and credit, of the state or any political subdivision 63056  
thereof, and the holders or owners thereof have no right to have 63057  
taxes levied by the general assembly or taxing authority of any 63058  
political subdivision of the state for the payment of the 63059  
principal thereof or interest thereon, but such bonds and notes 63060  
are payable solely from the revenues and funds pledged for their 63061  
payment as authorized by such chapter, unless the notes are 63062  
issued in anticipation of the issuance of bonds or the bonds are 63063  
refunded by refunding bonds issued under such chapter, which 63064  
bonds or refunding bonds shall be payable solely from revenues 63065  
and funds pledged for their payment as authorized by such 63066  
sections. All such bonds and notes shall contain on the face 63067  
thereof a statement to the effect that the bonds or notes, as to 63068  
both principal and interest, are not debts of the state or any 63069  
political subdivision thereof, but are payable solely from 63070  
revenues and funds pledged for their payment. 63071

All expenses incurred in carrying out Chapter 3706. of the 63072  
Revised Code are payable solely from funds provided under such 63073  
chapter. Such chapter does not authorize the ~~Ohio office of air~~ 63074  
quality development ~~authority~~ to incur indebtedness or liability 63075  
on behalf of or payable by the state or any political 63076  
subdivision thereof. 63077

**Sec. 3706.10.** All moneys, funds, properties, and assets 63078  
acquired by the ~~Ohio office of air quality development authority~~ 63079  
under Chapter 3706. of the Revised Code, whether as proceeds 63080  
from the sale of air quality revenue bonds or as revenues, or 63081  
otherwise, shall be held by it in trust for the purposes of 63082  
carrying out its powers and duties, shall be used and reused as 63083  
provided in such chapter, and shall at no time be part of other 63084  
public funds. Such funds, except as otherwise provided in any 63085  
~~resolution~~ determination of the director of environmental 63086

protection authorizing its air quality revenue bonds or in any 63087  
trust agreement securing the same, or except when invested 63088  
pursuant to section 3706.11 of the Revised Code, shall be kept 63089  
in depositories selected by the authority in the manner provided 63090  
in Chapter 135. of the Revised Code, and the deposits shall be 63091  
secured as provided in Chapter 135. of the Revised Code. The 63092  
~~resolution-determination~~ authorizing the issuance of such bonds 63093  
of any issue or the trust agreement securing such bonds shall 63094  
provide that any officer to whom, or any bank or trust company 63095  
to which, such moneys are paid shall act as trustee of such 63096  
moneys and hold and apply them for the purposes hereof, subject 63097  
to such conditions as such chapter and such ~~resolutions-~~ 63098  
determinations or trust agreement provide. 63099

**Sec. 3706.11.** ~~Moneys~~ Money in the funds of the ~~Ohio~~ office 63100  
of air quality development ~~authority~~, except as otherwise 63101  
provided in any ~~resolution-determination~~ of the director of 63102  
environmental protection authorizing the issuance of ~~its~~ the 63103  
office's air quality revenue bonds or in any trust agreement 63104  
securing the same, in excess of current needs, may be invested 63105  
in notes, bonds, or other obligations of the United States of 63106  
America or any agency or instrumentality thereof, or in 63107  
obligations of this state or any political subdivision thereof. 63108  
Income from all such investments of moneys in any fund shall be 63109  
credited to such funds as the ~~authority~~ office determines, 63110  
subject to the provisions of any such ~~resolution-determination~~ 63111  
or trust agreement and such investments may be sold at such 63112  
times as the ~~authority~~ office determines. 63113

**Sec. 3706.12.** The ~~Ohio~~ office of air quality development 63114  
~~authority~~ may charge, alter, and collect rentals or other 63115  
charges for the use or services of any air quality project and 63116  
contract in the manner provided by this section with one or more 63117



persons, one or more governmental agencies, or any combination 63118  
thereof, desiring the use or services of such project, and fix 63119  
the terms, conditions, rentals, or other charges for such use or 63120  
services. Such rentals or other charges shall not be subject to 63121  
supervision or regulation by any other authority, commission, 63122  
board, bureau, or agency of the state and such contract may 63123  
provide for acquisition by such person or governmental agency of 63124  
all or any part of such air quality project for such 63125  
consideration payable over the period of the contract or 63126  
otherwise as the ~~authority office~~ in its sole discretion 63127  
determines to be appropriate, but subject to the provisions of 63128  
any ~~resolution~~ determination of the director of environmental 63129  
protection authorizing the issuance of air quality revenue bonds 63130  
or notes or air quality revenue refunding bonds of the ~~authority~~ 63131  
office or any trust agreement securing the same. Any 63132  
governmental agency that has power to construct, operate, and 63133  
maintain air quality facilities may enter into a contract or 63134  
lease with the ~~authority office~~ whereby the use or services of 63135  
any air quality project of the ~~authority office~~ will be made 63136  
available to such governmental agency and may pay for such use 63137  
or services such rentals or other charges as may be agreed to by 63138  
the ~~authority office~~ and such governmental agency. 63139

Any governmental agency or combination of governmental 63140  
agencies may cooperate with the ~~authority office~~ in the 63141  
acquisition or construction of an air quality project and shall 63142  
enter into such agreements with the ~~authority office~~ as may be 63143  
necessary, with a view to effective cooperative action and 63144  
safeguarding of the respective interests of the parties thereto, 63145  
which agreements shall provide for such contributions by the 63146  
parties thereto in such proportion as may be agreed upon and 63147  
such other terms as may be mutually satisfactory to the parties 63148

including without limitation the authorization of the 63149  
construction of the project by one of the parties acting as 63150  
agent for all of the parties and the ownership and control of 63151  
the project by the ~~authority~~office to the extent necessary or 63152  
appropriate for purposes of the issuance of air quality revenue 63153  
bonds by the ~~authority~~office. Any governmental agency may 63154  
provide the funds for the payment of such contribution as is 63155  
required under such agreements by the levy of taxes, assessments 63156  
or rentals and other charges for the use of the utility system 63157  
of which the air quality project is a part or to which it is 63158  
connected, if otherwise authorized by the laws governing such 63159  
governmental agency in the construction of the type of air 63160  
quality project provided for in the agreements, and may pay the 63161  
proceeds from the collection of such taxes, assessments, utility 63162  
rentals, or other charges to the ~~authority~~office pursuant to 63163  
such agreements; or the governmental agency may issue bonds or 63164  
notes, if authorized by such laws, in anticipation of the 63165  
collection of such taxes, assessments, utility rentals, or other 63166  
charges and may pay the proceeds of such bonds or notes to the 63167  
~~authority~~office pursuant to such agreements. In addition any 63168  
governmental agency may provide the funds for the payment of 63169  
such contribution by the appropriation of money or, if otherwise 63170  
authorized by law, by the issuance of bonds or notes and may pay 63171  
such appropriated money or the proceeds of such bonds or notes 63172  
to the ~~authority~~office pursuant to such agreements. The 63173  
agreement by the governmental agency to provide such 63174  
contribution, whether from appropriated money or from the 63175  
proceeds of such taxes, assessments, utility rentals, or other 63176  
charges, or such bonds or notes, or any combination thereof, 63177  
shall not be subject to Chapter 133. of the Revised Code or any 63178  
regulations or limitations contained therein. The proceeds from 63179  
the collection of such taxes or assessments, and any interest 63180

earned thereon, shall be paid into a special fund immediately 63181  
upon the collection thereof by the governmental agency for the 63182  
purpose of providing such contribution at the times required 63183  
under such agreements. 63184

When the contribution of any governmental agency is to be 63185  
made over a period of time from the proceeds of the collection 63186  
of special assessments, the interest accrued and to accrue 63187  
before the first installment of such assessments shall be 63188  
collected which is payable by such governmental agency on such 63189  
contribution under the terms and provisions of such agreements 63190  
shall be treated as part of the cost of the improvement for 63191  
which such assessments are levied, and that portion of such 63192  
assessments as are collected in installments shall bear interest 63193  
at the same rate as such governmental agency is obligated to pay 63194  
on such contribution under the terms and provisions of such 63195  
agreements and for the same period of time as the contribution 63196  
is to be made under such agreements. If the assessment or any 63197  
installment thereof is not paid when due, it shall bear interest 63198  
until the payment thereof at the same rate as such contribution 63199  
and the county auditor shall annually place on the tax list and 63200  
duplicate the interest applicable to such assessment and the 63201  
penalty and additional interest thereon as otherwise authorized 63202  
by law. 63203

Any governmental agency, pursuant to a favorable vote of 63204  
the electors in an election held before or after June 1, 1970, 63205  
for the purpose of issuing bonds to provide funds to acquire, 63206  
construct, or equip, or provide real estate and interests in 63207  
real estate for, an air quality facility, whether or not such 63208  
governmental agency, at the time of such election, had the 63209  
~~authority office~~ to pay the proceeds from such bonds or notes 63210  
issued in anticipation thereof to the ~~authority office~~ as 63211

provided in this section, may issue such bonds or notes in 63212  
anticipation of the issuance thereof and pay the proceeds 63213  
thereof to the ~~authority office~~ in accordance with its agreement 63214  
with the ~~authority office~~; provided, that the legislative 63215  
authority of the governmental agency find and determine that the 63216  
air quality project to be acquired or constructed by the 63217  
~~authority office~~ in cooperation with such governmental agency 63218  
will serve the same public purpose and meet substantially the 63219  
same public need as the facility otherwise proposed to be 63220  
acquired or constructed by the governmental agency with the 63221  
proceeds of such bonds or notes. 63222

The ~~authority office~~ may enter into an agreement under 63223  
this section with a municipal corporation, a township, or a 63224  
special improvement district created under Chapter 1710. of the 63225  
Revised Code pursuant to which the ~~authority office~~ issues air 63226  
quality revenue bonds or notes under section 3706.05 of the 63227  
Revised Code and remits the proceeds to the municipal 63228  
corporation, township, district, or other party to the 63229  
transaction to pay any part of the cost of an air quality 63230  
facility described in division (G) (12) of section 3706.01 of the 63231  
Revised Code. Under the agreement, the municipal corporation, 63232  
township, or district shall assign and remit the proceeds of a 63233  
special assessment levied under Chapter 727. or section 1710.06 63234  
of the Revised Code for paying the costs of that air quality 63235  
facility to the ~~authority office~~, or its agents or assignees, for 63236  
the purpose of servicing those bonds and notes. 63237

**Sec. 3706.13.** Each air quality project, when constructed 63238  
and placed in operation, shall be maintained and kept in good 63239  
condition and repair by the ~~Ohio office of~~ air quality 63240  
development ~~authority~~ or the ~~authority office~~ shall cause the 63241  
same to be maintained and kept in good condition and repair. 63242

Each such project shall be operated by such operating employees 63243  
as the ~~authority~~ office employs or pursuant to a contract or 63244  
lease with a person or governmental agency. All public or 63245  
private property damaged or destroyed in carrying out the powers 63246  
granted by Chapter 3706. of the Revised Code, shall be restored 63247  
or repaired and placed in its original condition, as nearly as 63248  
practicable, or adequate compensation shall be paid therefor 63249  
from funds provided under such chapter. 63250

On or before the twentieth day of April in each year, the 63251  
~~authority~~ director of environmental protection on behalf of the 63252  
office shall make a report of ~~its~~ the office's activities for 63253  
the preceding calendar year to the governor and the general 63254  
assembly. Each such report shall set forth a complete operating 63255  
and financial statement covering the ~~authority's~~ office's 63256  
operations during the year. ~~The authority shall cause an audit~~ 63257  
~~of its books and accounts to be made at least once each year by~~ 63258  
~~certified public accountants and the cost thereof may be treated~~ 63259  
~~as a part of the cost of construction or of operations of its~~ 63260  
~~projects.~~ 63261

**Sec. 3706.15.** The exercise of the powers granted by 63262  
Chapter 3706. of the Revised Code, will be for the benefit of 63263  
the people of the state, for the improvement of their health, 63264  
safety, convenience, and welfare, and for the enhancement of 63265  
their residential, agricultural, recreational, economic, 63266  
commercial, and industrial opportunities and is a public 63267  
purpose. As the operation and maintenance of air quality 63268  
projects will constitute the performance of essential 63269  
governmental functions, the ~~Ohio~~ office of air quality 63270  
development ~~authority~~ shall not be required to pay any taxes or 63271  
assessments upon any air quality project, or upon any property 63272  
acquired or used by the ~~authority~~ office under Chapter 3706. of 63273

the Revised Code, or upon the income therefrom, nor shall the 63274  
transfer to or from the ~~Ohio air quality development authority~~ 63275  
office of title or possession of any air quality project, part 63276  
thereof, or item included or to be included in any such project, 63277  
be subject to the taxes levied pursuant to Chapters 5739. and 63278  
5741. of the Revised Code, and the bonds and notes issued under 63279  
this chapter, their transfer, and the income therefrom, 63280  
including any profit made on the sale thereof, shall at all 63281  
times be free from taxation within the state. 63282

**Sec. 3706.16.** The ~~Ohio~~ office of air quality development 63283  
~~authority~~ may acquire by purchase, whenever it finds such 63284  
purchase expedient, any land, property, rights, rights-of-way, 63285  
franchises, easements, and other interests in lands as it finds 63286  
to be necessary or convenient for the construction and operation 63287  
of any air quality project, upon such terms and at such price as 63288  
it considers reasonable and are agreed upon between the 63289  
~~authority~~ office and the owner thereof, and take title thereto 63290  
in the name of the state. 63291

Any governmental agency, notwithstanding any contrary 63292  
provision of law and without the necessity for an advertisement, 63293  
auction, order of court, or other action or formality, other 63294  
than the regular and formal action of such governmental agency 63295  
concerned, may lease, lend, grant, or convey to the 63296  
~~authority~~ office, at its request, upon such terms as the proper 63297  
authorities of such governmental agency find reasonable and fair 63298  
any real property or interests therein including improvements 63299  
thereto or personal property which is necessary or convenient to 63300  
effect the authorized purposes of the ~~authority~~ office, including 63301  
public roads and real or personal property already devoted to 63302  
public use. 63303

**Sec. 3706.17.** The ~~Ohio~~office of air quality development authority may acquire by appropriation pursuant to division ~~(J)~~ (F) of section 3706.04 of the Revised Code any land, rights, rights-of-way, franchises, easements, or other property necessary or proper for the construction or the efficient operation of any air quality project. In any proceedings for appropriation under this section, the procedure to be followed shall be in accordance with Chapter 163. of the Revised Code.

This section does not empower the ~~authority~~office to take or disturb property or facilities belonging to and required for the proper and convenient operation of any public utility or any common carrier engaged in interstate commerce, unless provision is made for the restoration, relocation, or duplication of such property or facilities elsewhere at the sole cost of the ~~authority~~office.

**Sec. 3706.18.** When the ~~Ohio~~office of air quality development authority, after consulting with the director of environmental protection, finds it necessary to change the location of any portion of any public road, state highway, railroad, or public utility facility in connection with the construction of an air quality project, it shall cause the same to be reconstructed at such location as the division of government having jurisdiction over such road, highway, railroad, or public utility facility finds most favorable. Such reconstruction shall be of substantially the same type and in as good condition as the original road, highway, railroad, or public utility facility. The cost of such reconstruction, relocation, or removal and any damage incurred in changing the location of any such road, highway, railroad, or public utility facility shall be paid by the ~~authority~~office as a part of the cost of such air quality project.

When the ~~authority office~~ finds it necessary that any public highway or portion thereof be vacated by reason of the acquisition or construction of an air quality project, the ~~authority office~~ may request the director of transportation, in writing, to vacate such highway or portion thereof in accordance with section 5511.07 of the Revised Code if the highway or portion thereof to be vacated is on the state highway system, or, if the highway or portion thereof to be vacated is under the jurisdiction of the county commissioners, the ~~authority office~~ shall request the director, in writing, to petition the county commissioners, in the manner provided in section 5553.041 of the Revised Code, to vacate such highway or portion thereof. The ~~authority office~~ shall pay to the director or to the county, as a part of the cost of such air quality project, any amounts required to be deposited with any court in connection with proceedings for the determination of compensation and damages and all amounts of compensation and damages finally determined to be payable as a result of such vacation.

The ~~authority office~~ may make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of railroad or public utility facilities in, on, over, or under any air quality project. Whenever the ~~authority office~~ determines that it is necessary that any such facilities installed or constructed in, on, over, or under property of the ~~authority office~~ pursuant to such regulations be relocated, the public utility owning or operating such facilities shall relocate or remove them in accordance with the order of the ~~authority office~~. The cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, and the cost of any lands, or any rights or interests in lands, and the cost of any other rights,



acquired to accomplish such relocation or removal, may be paid 63366  
by the ~~authority office~~ as a part of the cost of such air 63367  
quality project. In case of any such relocation or removal of 63368  
facilities, the railroad or public utility owning or operating 63369  
them, its successors, or assigns may maintain and operate such 63370  
facilities, with the necessary appurtenances, in the new 63371  
location in, on, over, or under the property of the ~~authority~~  
~~office~~ for as long a period and upon the same terms as it had 63372  
the right to maintain and operate such facilities in their 63373  
former location. 63374  
63375

**Sec. 3706.19.** (A) There is hereby created in the ~~Ohio~~ 63376  
~~office of~~ air quality development authority the ~~office~~~~suboffice~~ 63377  
of ombudsperson for the small business stationary source 63378  
technical and environmental compliance assistance program 63379  
created under section 3704.18 of the Revised Code. The ~~office~~~~suboffice~~ 63380  
~~suboffice~~ shall exercise its duties independently of any other 63381  
state agency. 63382

(B) The governor, with the advice and consent of the 63383  
senate, shall appoint the ombudsperson. The ombudsperson shall 63384  
serve for a term of four years. The person who is appointed to 63385  
serve as the ombudsperson shall be experienced in management and 63386  
in working with private enterprise and government entities, 63387  
knowledgeable in the areas of arbitration and negotiation, 63388  
experienced in interpreting statutory and regulatory law, and 63389  
knowledgeable in investigation techniques and procedures, 63390  
recordkeeping, and report writing. The ombudsperson may be the 63391  
highest ranking managerial employee of the ~~authority~~~~office~~. 63392

(C) The ombudsperson shall do all of the following: 63393

(1) Ensure that the goals of the program are being met; 63394

- (2) Conduct independent evaluations of all aspects of the program; 63395  
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- (3) Review the development and implementation of air pollution control requirements that have an impact on small businesses in the state and provide comments and recommendations, as appropriate, to the environmental protection agency and the United States environmental protection agency; 63397  
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- (4) Facilitate and promote the participation of small businesses in the development of rules to be adopted under Chapter 3704. of the Revised Code that affect small businesses; 63402  
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- (5) Aid in the dissemination of information, including air pollution requirements and control technologies, to small businesses and other interested persons; 63405  
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- (6) Provide free, confidential assistance on individual source problems and grievances presented by small businesses; 63408  
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- (7) Aid in investigating and resolving complaints against, and disputes involving, the agency from small businesses; 63410  
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- (8) Refer small businesses to the appropriate specialist in the program from whom they may obtain information and assistance on affordable alternative technologies, process changes, and products and operational methods to help reduce air pollution and accidental releases; 63412  
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- (9) Work with trade associations and small businesses to effect voluntary compliance with the federal Clean Air Act, Chapter 3704. of the Revised Code, and rules adopted under it; 63417  
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- (10) Work with other states to establish a network for sharing information on small businesses and their efforts to comply with the federal Clean Air Act and state and local air 63420  
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pollution control laws; 63423

(11) Seek public and private funding sources that can 63424  
financially assist small businesses that are in need of moneys 63425  
to comply with air pollution control laws; 63426

(12) Conduct studies to evaluate the impacts of the 63427  
federal Clean Air Act on the state's economy, local economies, 63428  
and small businesses. 63429

(D) There is hereby created in the state treasury the 63430  
small business ombudsperson fund, which shall consist of moneys 63431  
transferred to it from the Title V clean air fund created in 63432  
section 3704.035 of the Revised Code. Moneys in the fund shall 63433  
be used exclusively for the purposes of this section. 63434

The director of environmental protection and the executive 63435  
director of the ~~authority office~~ annually shall determine the 63436  
amount of moneys necessary for the operation of the ~~office~~ 63437  
suboffice of the ombudsperson. Thereafter, the director shall 63438  
request the director of budget and management to, and that 63439  
director shall, transfer that amount of moneys from the Title V 63440  
clean air fund to the small business ombudsperson fund. 63441

(E) There is hereby created in the state treasury the 63442  
small business assistance fund, which shall consist of moneys 63443  
credited to it under division (K) of section 3745.11 of the 63444  
Revised Code. The ombudsperson shall use moneys in the fund 63445  
solely to provide financial assistance to small businesses that 63446  
have one hundred or fewer employees and that are having 63447  
financial difficulty complying with the "Clean Air Act 63448  
Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and 63449  
regulations adopted under it. 63450

In accordance with Chapter 119. of the Revised Code, the 63451

ombudsperson shall adopt rules establishing procedures and 63452  
requirements governing grants awarded under this division. 63453

**Sec. 3706.20.** All meetings of the ~~Ohio~~office of air 63454  
quality development ~~authority~~ shall be public. All final actions 63455  
of the ~~authority~~office shall be journalized and such journal 63456  
and the records of the ~~authority~~office shall be open to public 63457  
inspection at all reasonable times, except that any records or 63458  
information relating to secret processes or secret methods of 63459  
manufacture or production that may be obtained by the ~~authority~~- 63460  
office or other persons acting under Chapter 3706. of the 63461  
Revised Code are confidential and shall not be disclosed. 63462

**Sec. 3706.28.** (A) Determinations made by the executive 63463  
director of the ~~Ohio~~office of air quality development- 63464  
~~authority~~, with the ~~affirmative vote of a majority of the~~ 63465  
~~members of the authority~~agreement of the director of 63466  
environmental protection, that a particular project is an 63467  
advanced energy project and is consistent with Chapter 166. of 63468  
the Revised Code and Section 2p or 13 of Article VIII, Ohio 63469  
Constitution, shall be conclusive as to the validity and 63470  
enforceability of the obligations issued to finance such a 63471  
project and of the authorizations, trust agreements or 63472  
indentures, loan agreements, or grant agreements, and other 63473  
agreements made in connection therewith, all in accordance with 63474  
their terms. 63475

(B) Advanced energy facilities for industry, commerce, 63476  
distribution, or research are hereby deemed to qualify as 63477  
facilities for the control of air pollution and thermal 63478  
pollution related to air under Section 2p or 13 of Article VIII, 63479  
Ohio Constitution. 63480

**Sec. 3706.29.** The ~~Ohio~~office of air quality development 63481

~~authority~~ shall, in accordance with Chapter 119. of the Revised Code, adopt any rules necessary to implement sections 3706.25 to 3706.28 of the Revised Code. 63482  
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**Sec. 3706.41.** Not later than February 1, 2020, the owner or operator of a qualifying solar resource may apply to the ~~Ohio office of air quality development authority~~ to receive payments for solar energy credits under section 3706.55 of the Revised Code. 63485  
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**Sec. 3706.43.** After receiving an application under section 3706.41 of the Revised Code, the ~~Ohio office of air quality development authority~~ shall review and approve the application, not later than March 31, 2020, if the resource meets the definition of a qualifying solar resource in section 3706.40 of the Revised Code. 63490  
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**Sec. 3706.431.** All financial and proprietary information, including trade secrets, submitted to the ~~Ohio office of air quality development authority~~ under sections 3706.41 and 3706.43 of the Revised Code is confidential information and is not a public record for the purpose of section 149.43 of the Revised Code. 63496  
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**Sec. 3706.45.** (A) An owner or operator of a qualifying solar resource whose application was approved under section 3706.43 of the Revised Code shall report to the ~~Ohio office of air quality development authority~~, not later than seven days after the close of each quarter, the number of megawatt hours the resource produced, if any, in the previous quarter. The first report shall be made not later than April 7, 2020, and the last report shall be made not later than January 7, 2027. The information reported shall be in accordance with data from the generation attribute tracking designated by the ~~authority~~office. 63502  
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(B) The ~~authority office~~ shall issue one solar energy 63512  
credit to a qualifying solar resource for each megawatt hour of 63513  
electricity that is both reported under division (A) of this 63514  
section and approved by the ~~authority office~~. 63515

(C) The price for a solar energy credit paid under section 63516  
3706.55 of the Revised Code shall be nine dollars. 63517

**Sec. 3706.49.** (A) There is hereby created the solar 63518  
generation fund. The fund shall be in the custody of the 63519  
treasurer of state but shall not be part of the state treasury. 63520  
The fund shall consist of the charges collected under section 63521  
3706.46 of the Revised Code and deposited by the ~~Ohio office of~~  
~~air quality development authority~~, in consultation with the 63522  
public utilities commission. The interest generated by the fund 63523  
shall be retained in the fund and used for the purposes set 63524  
forth in sections 3706.40 to 3706.65 of the Revised Code. 63525  
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(B) The fund shall be administered by the ~~Ohio director of~~ 63527  
~~environmental protection on behalf of the office of air quality~~  
~~development authority~~, and the ~~authority director~~ shall request 63528  
the treasurer of state to create the account for the fund. The 63529  
treasurer of state shall distribute the moneys in the fund in 63530  
accordance with directions provided by the ~~authority director~~. 63531  
Before giving directions under this division, the ~~authority~~  
~~office~~ shall consult with the public utilities commission. 63532  
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**Sec. 3706.491.** (A) Except as provided in division (B) of 63535  
this section, each fiscal year, beginning July 1, 2021, and 63536  
ending June 30, 2029, and subject to controlling board approval, 63537  
the ~~Ohio office of~~ air quality development ~~authority~~ may use, 63538  
from the solar generation fund created under section 3706.49 of 63539  
the Revised Code, up to a maximum of three hundred thousand 63540  
dollars to pay for the ~~authority's office's~~ administrative costs 63541

for that year under sections 3706.40 to 3706.65 of the Revised Code. 63542  
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(B) In addition to the amount approved in division (A) of 63544  
this section for fiscal year 2022 and subject to controlling 63545  
board approval, the ~~authority office~~ may use the following 63546  
amounts in fiscal year 2022 from the solar generation fund: 63547

(1) Up to three hundred thousand dollars to pay for the 63548  
~~authority's office's~~ administrative costs incurred in fiscal 63549  
year 2020; 63550

(2) Up to three hundred thousand dollars to pay for the 63551  
~~authority's office's~~ administrative costs incurred in fiscal 63552  
year 2021. 63553

**Sec. 3706.55.** (A) For the period beginning with April of 63554  
2021 and ending with January of 2028, the ~~Ohio~~ director of 63555  
environmental protection on behalf of the office of air quality 63556  
~~development authority~~ shall, in April of 2021 and every three 63557  
months thereafter through the end of the period, and not later 63558  
than the twenty-first day of the month, direct the treasurer of 63559  
state to remit money from the solar generation fund created 63560  
under section 3706.49 of the Revised Code. Subject to section 63561  
3706.59 of the Revised Code, the moneys from the fund shall be 63562  
remitted to the owners or operators of qualifying solar 63563  
resources, in the amount equivalent to the number of credits 63564  
earned by the resources during the quarter that ended twelve 63565  
months prior to the last day of the previous quarter multiplied 63566  
by the credit price. 63567

(B) Notwithstanding section 4905.32 of the Revised Code, 63568  
any amounts remaining in the fund as of December 31, 2027, minus 63569  
the remittances that are required to be made between that date 63570

and January 21, 2028, shall be refunded to customers in a manner 63571  
that shall be determined by the authority in consultation with 63572  
the public utilities commission. 63573

**Sec. 3706.551.** (A) Notwithstanding the solar energy credit 63574  
application deadlines for qualifying solar resources under 63575  
sections 3706.41 and 3706.43 of the Revised Code, the ~~Ohio~~ 63576  
office of air quality development authority shall rereview and 63577  
approve an application from a qualifying solar resource if the 63578  
resource submitted the application before March 1, 2020. 63579

(B) The deadlines for the quarterly reports required under 63580  
section 3706.45 of the Revised Code that have passed before ~~the~~ 63581  
~~effective date of this section~~ June 30, 2021, do not apply to a 63582  
qualifying solar resource whose application for solar energy 63583  
credits is approved under division (A) of this section. 63584

**Sec. 3706.59.** If the money in the solar generation fund is 63585  
insufficient to make the payments in the amounts required under 63586  
section 3706.55 of the Revised Code for all owners and operators 63587  
of qualifying solar resources, then the ~~authority~~ office of air 63588  
quality development shall do both of the following: 63589

(A) Not later than twenty-one days after the close of the 63590  
quarter in which the charges collected were insufficient, direct 63591  
the treasurer to prorate payments from the total amount 63592  
available in the solar generation fund, based on the number of 63593  
each resource's credits earned during the quarter that ended 63594  
twelve months prior to the last day of the previous quarter; 63595

(B) Not later than twenty-one days after the close of any 63596  
quarter in which the owners or operators received prorated 63597  
payments under division (A) of this section, direct the 63598  
treasurer of state to remit money from the solar generation fund 63599



to pay for the unpaid credits. Unpaid credits paid for under 63600  
division (B) of this section shall be paid before any other 63601  
remittances are made under section 3706.55 of the Revised Code. 63602

**Sec. 3706.63.** Not later than January 1, 2020, the ~~Ohio~~ 63603  
office of air quality development authority shall adopt rules 63604  
under Chapter 119. of the Revised Code that are necessary to 63605  
implement sections 3706.40 to 3706.65 of the Revised Code. 63606

**Sec. 3706.65.** (A) For the purpose of carrying out the ~~Ohio~~ 63607  
office of air quality development authority's development's 63608  
duties under sections 3706.40 to 3706.63 of the Revised Code, 63609  
the authority office may make use of the staff and experts 63610  
employed at the public utilities commission in such manner as is 63611  
provided by mutual arrangement between the authority office and 63612  
the commission. Any information, data, and equipment of the 63613  
commission shall be placed at the disposal of the 63614  
authority office. 63615

(B) If any information, data, or equipment is not a public 63616  
record for purposes of section 149.43 of the Revised Code 63617  
because either the authority office or the commission possesses 63618  
that information, data, or equipment, then the operation of 63619  
division (A) of this section shall not be construed to render 63620  
that information, data, or equipment a public record, 63621  
notwithstanding any provision of the Revised Code to the 63622  
contrary. 63623

**Sec. 3715.021.** (A) As used in this section, ~~"food":~~ 63624

(1) "Food processing establishment" means a premises or 63625  
part of a premises where food is processed, packaged, 63626  
manufactured, or otherwise held or handled for distribution to 63627  
another location or for sale at wholesale. "Food processing 63628

establishment" includes the activities of a bakery, 63629  
confectionery, cannery, bottler, warehouse, or distributor, and 63630  
the activities of an entity that receives or salvages distressed 63631  
food for sale or use as food. A "food processing establishment" 63632  
does not include a cottage food production operation; a small 63633  
egg producer; a processor of tree syrup who boils sap when a 63634  
minimum of seventy-five per cent of the sap used to produce the 63635  
syrup is collected directly from trees by that processor; a 63636  
processor of sorghum who processes sorghum juice when a minimum 63637  
of seventy-five per cent of the sorghum juice used to produce 63638  
the sorghum is extracted directly from sorghum plants by that 63639  
processor; a beekeeper who jars honey when a minimum of seventy- 63640  
five per cent of the honey is from that beekeeper's own hives; 63641  
or a processor of apple syrup or apple butter who directly 63642  
harvests from trees a minimum of seventy-five per cent of the 63643  
apples used to produce the apple syrup or apple butter. 63644

(2) "Small egg producer" means any person that is engaged 63645  
in the operation of egg production and annually maintains five 63646  
hundred or fewer birds. 63647

(B) The director of agriculture shall adopt rules in 63648  
accordance with Chapter 119. of the Revised Code that establish, 63649  
when otherwise not established by the Revised Code, standards 63650  
and good manufacturing practices for food processing 63651  
establishments, including the facilities of food processing 63652  
establishments and their sanitation. The rules shall conform 63653  
with or be equivalent to the standards for foods established by 63654  
the United States food and drug administration in Title 21 of 63655  
the Code of Federal Regulations. 63656

A business or that portion of a business that is regulated 63657  
by the department of agriculture under Chapter 917. or 918. of 63658

the Revised Code is not subject to regulation under this section 63659  
as a food processing establishment. 63660

**Sec. 3718.02.** (A) The director of health, in accordance 63661  
with Chapter 119. of the Revised Code, shall adopt, and 63662  
subsequently may amend and rescind, rules of general application 63663  
throughout the state to administer this chapter. Rules adopted 63664  
under division (A) of this section shall do at least all of the 63665  
following: 63666

(1) Require that the appropriate board of health approve 63667  
or disapprove the installation, operation, and alteration of a 63668  
sewage treatment system if it is not connected to a sanitary 63669  
sewerage system; 63670

(2) Require a board of health, or other person as 63671  
established by rule, to conduct a site evaluation for any 63672  
proposed installation of a sewage treatment system; 63673

(3) Prescribe standards for the siting, design, 63674  
installation, operation, monitoring, maintenance, and 63675  
abandonment of sewage treatment systems that may be used in this 63676  
state and for the progressive or incremental alteration or 63677  
repair of an existing sewage treatment system or the progressive 63678  
or incremental installation of a new system to replace an 63679  
existing sewage treatment system. The rules shall be adopted so 63680  
as to establish a preference for the repair of an existing 63681  
sewage treatment system, when technically and economically 63682  
feasible, rather than its replacement with a new system. The 63683  
standards shall include at a minimum all of the following: 63684

(a) Soil absorption specifications and vertical separation 63685  
distances. 63686

(i) Soil absorption specifications established in rules 63687

shall include standards regarding the sizing of sewage treatment 63688  
systems in use in the state. 63689

(ii) In establishing soil absorption specifications and 63690  
vertical separation distances, the rules shall identify those 63691  
soil conditions that present a low or moderate risk of 63692  
inadequate treatment or dispersal of sewage from sewage 63693  
treatment systems. For low and moderate risk conditions, the 63694  
required vertical separation distance shall not exceed eighteen 63695  
inches except as authorized pursuant to rules adopted under 63696  
divisions (A) (3) (a) (iii) and (iv) of this section. 63697

In addition, the rules shall identify those soil 63698  
conditions that present a high risk of inadequate treatment or 63699  
dispersal of sewage. For such high risk conditions, the vertical 63700  
separation distance shall be set at a depth from twenty-four to 63701  
thirty-six inches and shall not be lowered unless a reduction of 63702  
vertical separation is granted in accordance with rules adopted 63703  
under division (A) (3) (a) (iii) of this section. 63704

(iii) The rules shall establish options to be utilized by 63705  
a board of health when approving the reductions of or compliance 63706  
with vertical separation distances that are established in rules 63707  
adopted under division (A) (3) (a) (ii) of this section. The 63708  
options for a board of health in providing such approval shall 63709  
include, but not be limited to: the use where deemed appropriate 63710  
for a particular site of subsurface interceptor drains, 63711  
perimeter drains, or engineered drainage; pretreatment of 63712  
sewage; or soil elevation. 63713

(iv) The rules shall provide that a board of health may 63714  
petition the director to increase the vertical separation 63715  
distances required for sewage treatment systems in the 63716  
applicable health district or a portion of the district when 63717

conditions present a high risk of inadequate treatment or 63718  
dispersal of sewage. The rules also shall provide that the 63719  
director may approve such a request upon a demonstration by the 63720  
board of health that unusual or unique local conditions relating 63721  
to terrain, bedrock, water table, soil fragments, or soil 63722  
textures require the establishment of greater vertical 63723  
separation distances within the jurisdiction of the board of 63724  
health or a portion thereof. If, under the rules, the director 63725  
of health approves a greater vertical separation distance, a 63726  
board of health still may approve a reduction of that vertical 63727  
separation distance for an individual sewage treatment system 63728  
pursuant to rules adopted under division (A) (3) (a) (iii) of this 63729  
section. Further, if, under the rules, the director approves a 63730  
greater vertical separation distance, a person who is denied 63731  
permission by a board of health to install or replace a sewage 63732  
treatment system as a result of the director's approval may 63733  
request a hearing in accordance with section 3718.11 of the 63734  
Revised Code. 63735

(b) Specifications for the quality of treated sewage 63736  
effluent from household sewage treatment systems that is applied 63737  
to soil on the property where a household sewage treatment 63738  
system is located. The specifications established in the rules 63739  
for the quality of effluent from discharging systems shall 63740  
comply with discharge requirements imposed by the national 63741  
pollutant discharge elimination system permit program 63742  
established under section 6111.03 of the Revised Code and rules 63743  
adopted under it. 63744

(c) Requirements for the reasonable maintenance of a 63745  
system according to maintenance requirements approved by the 63746  
director of health as recommended by the sewage treatment system 63747  
technical advisory committee or according to accepted standards 63748

and practices established in rules, as applicable. The 63749  
requirements may include standards for service contracts or 63750  
other arrangements that assure regular maintenance and upkeep of 63751  
the system. In determining the reasonableness of a maintenance 63752  
requirement, the director shall consider a manufacturer's 63753  
maintenance requirements as well as all other maintenance 63754  
alternatives. 63755

(4) Prescribe procedures for notification to boards of 63756  
health of the approval of a sewage treatment system or 63757  
components of a system by the director of health under section 63758  
3718.04 of the Revised Code; 63759

(5) Prescribe criteria and procedures under which boards 63760  
of health shall issue installation permits, operation permits, 63761  
and alteration permits for sewage treatment systems. The rules 63762  
shall require as a condition of an installation permit that the 63763  
installer of a system must warrant that the system was installed 63764  
in accordance with all applicable rules and design requirements. 63765  
In addition, the rules shall require a board of health, not 63766  
later than sixty days after the issuance of an installation, 63767  
operation, or alteration permit, to notify the director that the 63768  
permit was issued. The rules shall require the notification to 63769  
be in a format prescribed by the director and to include 63770  
information related to the issuance of the permit. With the 63771  
assistance of the department of health, a board of health, to 63772  
the extent practicable, shall computerize the process of the 63773  
issuance of permits for sewage treatment systems. 63774

(6) Require a board of health to inspect a sewage 63775  
treatment system not later than twelve months after its 63776  
installation to ensure that the system is operating properly. 63777  
The rules shall require a board of health, not later than sixty 63778

days after the inspection, to certify to the director on a form 63779  
provided by the director that the inspection was performed. 63780

(7) Require each board of health to develop a program for 63781  
the administration of maintenance requirements established in 63782  
rules adopted under division (A) (3) (c) of this section. The 63783  
rules shall include requirements and procedures under which a 63784  
person may demonstrate the required maintenance of a system in 63785  
lieu of having an inspection conducted when an inspection 63786  
otherwise is required. The rules shall require a board of health 63787  
to provide written notice to a person that is demonstrating 63788  
maintenance of a system in lieu of an inspection that if proof 63789  
of the required maintenance of the system is not provided as 63790  
required by rules, the system is subject to inspection by the 63791  
board and the reasonable cost of the inspection must be paid by 63792  
the person. The rules shall authorize a board of health to 63793  
inspect any sewage treatment system if there is a good-faith 63794  
complaint regarding the system, there is probable cause for the 63795  
inspection, or proof of the required maintenance of the system 63796  
has not been provided as required by rules. In addition, the 63797  
rules shall authorize a board of health to inspect a sewage 63798  
treatment system without prior notice in any instance in which 63799  
the board has probable cause to believe that the system is 63800  
endangering or threatening to endanger public health. The rules 63801  
shall require that the reasonable costs for sewage effluent 63802  
testing or evaluation be paid by the owner of a sewage treatment 63803  
system that is being investigated. Further, the rules shall 63804  
establish a methodology for determining the reasonable costs of 63805  
an inspection in accordance with section 3709.09 of the Revised 63806  
Code. The rules shall allow, but shall not require, a board of 63807  
health to continue an inspection program that was established by 63808  
the board prior to the effective date of the rules, provided 63809

that the program authorizes a person to demonstrate the required maintenance of a system in lieu of an inspection. 63810  
63811

(8) Require a board of health to register installers, 63812  
service providers, and septage haulers that perform work within 63813  
the health district; prescribe criteria and procedures for the 63814  
registration; and prescribe criteria for a demonstration of 63815  
competency as a part of the registration. The rules shall 63816  
establish uniform statewide bonding requirements or other 63817  
financial security requirements for installers, service 63818  
providers, and septage haulers as a condition of registration 63819  
within any health district. The rules shall establish a 63820  
methodology by which the required amount of a bond or other 63821  
security may be calculated for each installer, service provider, 63822  
and septage hauler. The methodology, at a minimum, shall 63823  
consider the number of systems installed or serviced and the 63824  
type of system installed or serviced by an installer, service 63825  
provider, or septage hauler on an annual basis. The rules shall 63826  
provide that no board of health shall require an additional or 63827  
different bond or security requirement as a condition of 63828  
registration beyond the bonding and security requirements 63829  
established in the rules adopted under division (A)(8) of this 63830  
section. 63831

The rules shall establish a cost methodology for 63832  
determining the fee for the registration of an installer, 63833  
service provider, or septage hauler in any health district. 63834

(9) Prescribe requirements for the collection, 63835  
transportation, disposal, and land application of domestic 63836  
septage in this state from a sewage treatment system; 63837

(10) Require boards of health to maintain records that are 63838  
determined necessary to ascertain compliance with this chapter 63839



and the rules adopted under it; 63840

(11) Require the manufacturer of a sewage treatment system 63841  
that is authorized for use in this state in rules adopted under 63842  
this section or that is approved for use in this state under 63843  
section 3718.04 of the Revised Code to provide instructions for 63844  
the operation and maintenance of the system. The rules shall 63845  
provide that a board of health may require a copy of a 63846  
manufacturer's instructions for the operation and maintenance of 63847  
a system to be filed with the board prior to the installation 63848  
and use of the system in the health district in which the board 63849  
has jurisdiction. In addition, the rules shall require a board 63850  
of health and a manufacturer to provide a copy of the operation 63851  
and maintenance instructions, if available, when a board of 63852  
health or a manufacturer receives a written request for 63853  
instructions. 63854

(12) Prescribe criteria for the provision of written 63855  
evidence of compliance with rules pertaining to sewage treatment 63856  
for purposes of sections 711.05 and 711.10 of the Revised Code; 63857

(13) Pursuant to divisions (A) (1) and (3) of this section, 63858  
prescribe standards for the siting, design, installation, 63859  
operation, monitoring, maintenance, and abandonment of small 63860  
flow on-site sewage treatment systems that may be used in this 63861  
state; 63862

(14) Prescribe minimum criteria and procedures under which 63863  
boards of health may establish household sewage treatment 63864  
district management programs for the purpose of providing a 63865  
responsive approach toward preventing or solving sewage 63866  
treatment problems resulting from household sewage treatment 63867  
systems within the districts established under the program. For 63868  
purposes of division (A) (14) of this section, a board of health 63869

may enter into a contract with any entity to administer a household sewage treatment district management program.

(15) Prescribe standards for the use of subsurface interceptor drains, perimeter drains, and engineered drainage to remove or divert any subsurface water from an area to be used for soil absorption of sewage in the soil of a sewage treatment system;

(16) Prescribe standards for the inspection of septage hauling truck tanks by boards of health, including, but not limited to, tank seal safety specifications;

(17) Establish standards and testing methods to ensure that all septic tanks, other disposal component tanks, dosing tanks, pump vaults, household sewage treatment disposal system holding tanks and privy vaults, or other applicable sewage disposal system components manufactured after September 17, 2010, and used in this state are watertight and structurally sound;

(18) Require a board of health to give notice and an opportunity for a hearing, pursuant to section 3718.11 of the Revised Code, to an affected property owner regarding any of the following:

(a) The denial of an installation, operation, or alteration permit for a sewage treatment system;

(b) The imposition of a condition on the installation of a sewage treatment system;

(c) The required replacement of a sewage treatment system;

(d) Any other final order or decision of a board of health that is made under this chapter concerning which a property

owner is claiming to be aggrieved or adversely affected. 63898

The rules also shall establish procedures for giving such 63899  
notice and for conducting the hearing required in rules adopted 63900  
under division (A) (18) of this section. 63901

(19) Prescribe standards for the regulation of gray water 63902  
recycling systems; 63903

(20) Prohibit a sewage treatment system from causing a 63904  
public health nuisance; 63905

(21) Define economic impact for purposes of division (B) 63906  
of this section and section 3718.022 of the Revised Code. 63907

The director may adopt other rules under division (A) of 63908  
this section that the director determines are necessary to 63909  
implement this chapter and to protect the public health and 63910  
welfare. 63911

At least sixty days prior to adopting a rule under 63912  
division (A) of this section, the director shall provide boards 63913  
of health and any other interested parties an opportunity to 63914  
comment on the rule. 63915

(B) (1) In accordance with section 3709.20 or 3709.21 of 63916  
the Revised Code, as applicable, and subject to review by and 63917  
approval of the director under division (C) of section 3718.05 63918  
of the Revised Code, a board of health may adopt rules necessary 63919  
for the public health providing for more stringent standards 63920  
than those established in rules adopted by the director under 63921  
division (A) of this section. In proposing or adopting the 63922  
rules, a board of health shall consider and document the 63923  
economic impact of the rules on property owners within the 63924  
applicable health district. 63925

(2) A board that intends to adopt rules shall notify the department of health of the proposed rules and submit a copy of the proposed rules and the documentation of the economic impact of the rules at least ninety days prior to the proposed date of adoption. The director shall approve or disapprove any such proposed rule within ninety days after receiving a copy of the proposed rule from the board of health.

(3) In reviewing a proposed rule, the director shall approve the rule if all of the following apply:

(a) The proposed rule is not in conflict with this chapter or rules adopted under it.

(b) The proposed rule is authorized by division (B) of this section.

(c) The proposed rule is no less stringent than rules adopted by the director.

(d) Unless otherwise authorized by this chapter or rules adopted under it, the proposed rule does not require design changes to a sewage treatment system, or component thereof, that differ from a design authorized in rules adopted under division (A) of this section, including rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of this section, or approved by the director under section 3718.04 of the Revised Code.

(e) The proposed rule does not require operation or maintenance procedures for a sewage treatment system that conflict with operation or maintenance procedures authorized in rules adopted under division (A) of this section, including rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of this section, or approved by the director under section 3718.04 of the Revised Code.

(4) If a board of health fails to submit a proposed rule to the director or fails to demonstrate that the board has considered the economic impact of the proposed rule, the rule shall have no force or effect and is not enforceable.

(C) The director shall not adopt rules under this chapter requiring a soil evaluator or soil scientist to evaluate the soil type and slope with respect to a sewage treatment system or a proposed sewage treatment system.

**Sec. 3719.04.** (A) A person ~~identified in division (B) (1) (a) of section 4729.52 of the Revised Code~~ who holds a ~~category III~~ license issued under that section 4729.52 of the Revised Code granting authority with respect to controlled substances may sell at wholesale controlled substances to any of the following persons and is subject to the following conditions:

(1) To another person who holds a ~~category III~~ license issued under section 4729.52 of the Revised Code granting authority with respect to controlled substances or to a terminal distributor of dangerous drugs with a ~~category III~~ license issued under section 4729.54 of the Revised Code granting authority with respect to controlled substances;

(2) To a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing controlled substances by reason of official duties;

(3) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board the ship or aircraft, when not in port; provided such controlled substances shall be

sold to the master of the ship or person in charge of the aircraft only in pursuance of a special official written order approved by a commissioned medical officer or acting assistant surgeon of the United States public health service;

(4) To a person in a foreign country, if the federal drug abuse control laws are complied with.

(B) An official written order for any schedule II controlled substances shall comply with all requirements of the federal drug abuse control laws and rules adopted by the state board of pharmacy. Except as provided in section 3719.05 of the Revised Code or as otherwise specified in rules adopted by the board, each party engaged in the sale of schedule II controlled substances shall maintain all records relating to the order for a period of five years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter.

**Sec. 3721.074.** (A) As used in this section:

(1) "Independent living facility" has the same meaning as in section 5709.12 of the Revised Code.

(2) "Residential facility" has the same meaning as in section 5119.34 of the Revised Code.

(B) (1) Notwithstanding any provision of the Revised Code to the contrary, an independent living facility or residential facility that applies to the director of health pursuant to section 3721.07 of the Revised Code for a license as a residential care facility may continue to operate as an independent living facility or residential facility in accordance with this section during the period of time that the application is under consideration by the director.

(2) An independent living facility or residential facility shall not provide care to more than two residents while its application under section 3721.07 of the Revised Code is pending. 64013  
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**Sec. 3721.32.** (A) The director of health shall establish a state nurse aide registry listing all individuals who have done any of the following: 64017  
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(1) Were used by a long-term care facility as nurse aides on a full-time, temporary, per diem, or other basis at any time during the period commencing July 1, 1989, and ending January 1, 1990, and successfully completed, not later than October 1, 1990, a competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or conducted by the director under division (C) of that section; 64020  
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(2) Successfully completed a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or met the conditions specified in division (F) (1) or (2) of section 3721.28 of the Revised Code, and, if the training and competency evaluation program or the training, instruction, or education the individual completed in meeting the conditions specified in division (F) (1) of section 3721.28 of the Revised Code was conducted in or by a long-term care facility, has successfully completed a competency evaluation program conducted by the director; 64027  
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(3) Successfully completed a training and competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code; 64038  
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(4) Successfully completed, prior to July 1, 1989, a 64041

program that the director has determined under division (B) (3) 64042  
of section 3721.28 of the Revised Code included a competency 64043  
evaluation component no less stringent than the competency 64044  
evaluation programs approved or conducted by the director under 64045  
section 3721.31 of the Revised Code, and was otherwise 64046  
comparable to the training and competency evaluation program 64047  
being approved by the director under section 3721.31 of the 64048  
Revised Code; 64049

(5) Are listed in a nurse aide registry maintained by 64050  
another state that certifies that its program for training and 64051  
evaluation of competency of nurse aides complies with Titles 64052  
XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 64053  
42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 64054

(6) Were found competent, as provided in division (B) (5) 64055  
of section 3721.28 of the Revised Code, prior to July 1, 1989, 64056  
after the completion of a course of nurse aide training of at 64057  
least one hundred hours' duration; 64058

(7) Are enrolled in a prelicensure program of nursing 64059  
education approved by the board of nursing or by an agency of 64060  
another state that regulates nursing education, have provided 64061  
the long-term care facility with a certificate from the program 64062  
indicating that the individual has successfully completed the 64063  
courses that teach basic nursing skills including infection 64064  
control, safety and emergency procedures, and personal care, and 64065  
have successfully completed a competency evaluation program 64066  
conducted by the director under division (A) of section 3721.31 64067  
of the Revised Code; 64068

(8) Have the equivalent of twelve months or more of full- 64069  
time employment in the five years preceding listing in the 64070  
registry as a hospital aide or orderly and have successfully 64071



completed a competency evaluation program conducted by the 64072  
director under division (C) of section 3721.31 of the Revised 64073  
Code; 64074

(9) Successfully completed a prelicensure program of 64075  
nursing education approved by the board of nursing under section 64076  
4723.06 of the Revised Code or by an agency of another state 64077  
that regulates nursing education and passed the examination 64078  
accepted by the board of nursing under section 4723.10 of the 64079  
Revised Code, which shall be deemed as successfully completing a 64080  
competency evaluation program conducted by the director under 64081  
division (C) of section 3721.31 of the Revised Code; 64082

(10) Successfully completed both of the following: 64083

(a) A training course provided by the United States 64084  
department of veterans affairs in a community living center 64085  
operated by the department of veterans affairs that the director 64086  
of health determines is similar to a training and competency 64087  
evaluation program conducted by the director under division (C) 64088  
of section 3721.31 of the Revised Code; 64089

(b) A competency evaluation program conducted by the 64090  
director of health under division (C) of section 3721.31 of the 64091  
Revised Code. 64092

(B) In addition to the list of individuals required by 64093  
division (A) of this section, the registry shall include both of 64094  
the following: 64095

(1) The statement required by section 3721.23 of the 64096  
Revised Code detailing findings by the director under that 64097  
section regarding alleged abuse, neglect, or exploitation of a 64098  
resident or misappropriation of resident property; 64099

(2) Any statement provided by an individual under section 64100

3721.23 of the Revised Code disputing the director's findings. 64101

Whenever an inquiry is received as to the information 64102  
contained in the registry concerning an individual about whom a 64103  
statement required by section 3721.23 of the Revised Code is 64104  
included in the registry, the director shall disclose the 64105  
statement or a summary of the statement together with any 64106  
statement provided by the individual under section 3721.23 or a 64107  
clear and accurate summary of that statement. 64108

(C) The director may by rule specify additional 64109  
information that must be provided to the registry by long-term 64110  
care facilities and persons or government agencies conducting 64111  
approved training and competency evaluation programs. 64112

(D) Information contained in the registry is a public 64113  
record for the purposes of section 149.43 of the Revised Code, 64114  
and is subject to inspection and copying under section 1347.08 64115  
of the Revised Code. 64116

(E) An individual who is listed on the registry in good 64117  
standing shall be referred to as a certified nurse aide. Only 64118  
individuals listed on the registry shall use the designation 64119  
"certified nurse aide" or "CNA." 64120

~~**Sec. 3722.04.** If a hospital licensed under this chapter is 64121  
assigned, sold, or transferred to a new owner, within thirty 64122  
days of the assignment, sale, or transfer, the new owner shall 64123  
apply to the director of health for a license transfer. The 64124  
application shall be submitted to the director in the form and 64125  
manner prescribed in rules adopted under section 3722.06 of the 64126  
Revised Code.~~ (A) As used in this section: 64127

(1) "Entering owner" means the person, political 64128  
subdivision, agency, or instrumentality of this state, including 64129

a state university, that will become the owner and operator of a 64130  
hospital when a change of owner occurs. 64131

(2) "Related party" means an individual or organization 64132  
that, to a significant extent, has common ownership with, is 64133  
associated or affiliated with, has control of, or is controlled 64134  
by, the entering owner. 64135

(a) An individual who is a relative of an entering owner 64136  
is a related party. 64137

(b) Common ownership exists when an individual or 64138  
individuals possess significant ownership or equity in both the 64139  
provider and the other organization. Significant ownership or 64140  
equity exists when an individual or individuals possess five per 64141  
cent ownership or equity in both the entering owner and a 64142  
supplier. Significant ownership or equity is presumed to exist 64143  
when an individual or individuals possess ten per cent ownership 64144  
or equity in both the entering owner and another organization 64145  
from which the entering owner purchases or leases real property. 64146

(c) Control exists when an individual or organization has 64147  
the power, directly or indirectly, to significantly influence or 64148  
direct the actions or policies of an organization. 64149

(d) An individual or organization that supplies goods or 64150  
services to an entering owner shall not be considered a related 64151  
party if all of the following conditions are met: 64152

(i) The supplier is a separate bona fide organization. 64153

(ii) A substantial part of the supplier's business 64154  
activity of the type carried on with the entering owner is 64155  
transacted with others than the entering owner and there is an 64156  
open, competitive market for the types of goods or services the 64157  
supplier furnishes. 64158

(iii) The types of goods or services are commonly obtained 64159  
by other hospitals from outside organizations and are not a 64160  
basic element of patient care ordinarily furnished directly to 64161  
patients by hospitals. 64162

(iv) The charge to the entering owner is in line with the 64163  
charge for the goods or services in the open market and not more 64164  
than the charge made under comparable circumstances to others by 64165  
the supplier. 64166

(B) If a change of owner is proposed for a hospital for 64167  
which a license to operate has been issued under this chapter, a 64168  
person or political subdivision, agency, or instrumentality of 64169  
the state, including a state university, seeking to operate the 64170  
hospital as its entering owner shall apply to the director of 64171  
health for a license to operate the hospital. 64172

An application shall be submitted not later than forty- 64173  
five days before the date of the proposed change of owner, 64174  
except that the director may waive that timeline in the event of 64175  
an emergency. 64176

(C) To be eligible for the license, an applicant shall 64177  
satisfy all of the following: 64178

(1) Submit a complete application and pay the change of 64179  
owner fee specified in rules adopted under section 3722.06 of 64180  
the Revised Code; 64181

(2) Identify the one or more individuals, that own, 64182  
directly or indirectly, at least five per cent of each of the 64183  
following: 64184

(a) The entering owner, if the entering owner is an 64185  
entity; 64186

(b) The owner of the building or buildings in which the main hospital and, if applicable, any of its remote locations are located, if the owner of the building or buildings differs from the entering owner; 64187  
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(c) Each related party that provides or will provide services to the hospital, through contracts with any individual identified in division (C) (2) of this section. 64191  
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(3) With respect to an individual identified as described in division (C) (2) of this section, disclose the exact percentage of the individual's ownership interest; 64194  
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(4) Disclose the following: 64197

(a) Whether or not an individual identified in division (C) (2) of this section owns or owned, directly or indirectly, an interest in a hospital licensed by the director or by another state; 64198  
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(b) With respect to the hospital described in division (C) (4) (a) of this section, whether or not any of the following events occurred within the five years immediately preceding the date of application: 64202  
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(i) The hospital closed, either voluntarily or involuntarily; 64206  
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(ii) The hospital or its owner was the subject of voluntary or involuntary bankruptcy proceedings; 64208  
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(iii) The hospital or its owner was the subject of voluntary or involuntary receivership proceedings; 64210  
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(iv) The hospital's license to operate was suspended, denied, or revoked; 64212  
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(v) The hospital was the subject of injunction proceedings initiated by a regulatory agency; 64214  
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(vi) A civil or criminal action was filed against the hospital by a state or federal entity. 64216  
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(4) Provide any additional information that the director of health considers necessary. 64218  
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(D) Except for an application identifying direct or indirect ownership of at least fifty per cent of the entering owner, the applicant also shall submit to the director evidence of a bond in an amount not less than the product of the number of beds reported by the hospital in its most recent license application or renewal, multiplied by ten thousand dollars. 64220  
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(1) The bond shall be renewed, replaced, or maintained for five years after the effective date of the change of owner. The aggregate liability of a surety shall not exceed the sum of the bond, which is not cumulative from period to period. If the bond is not renewed, replaced, or maintained in accordance with this division, the director shall revoke the hospital's license after providing thirty days' notice to the owner. The bond shall be released five years after the effective date of the change of owner if none of the events described in division (C) (2) of this section have occurred. 64226  
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(2) The director may utilize the bond required under this division to pay expenses incurred by the director or another state official or agency if any of the following occur during the five-year period for which the bond is required: 64236  
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(a) The hospital is voluntarily or involuntarily closed. 64240

(b) The hospital or its owner is the subject of voluntary or involuntary bankruptcy proceedings. 64241  
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- (c) The hospital or its owner is the subject of voluntary or involuntary receivership proceedings. 64243  
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- (d) The license to operate the hospital is suspended, denied, or revoked. 64245  
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- (e) The hospital undergoes a change of ownership, unless the new applicant submits a bond in accordance with this section. 64247  
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- (E) The applicant also shall demonstrate to the director that the entering owner or person who will have operational control of the hospital has at least five years of experience with operational control of a hospital licensed by the director or by another state. 64250  
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- (F) The applicant also shall attest to the director all of the following: 64255  
64256
- (1) That the entering owner has developed quality assurance and risk management plans for the hospital's operation; 64257  
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64259
- (2) That the entering owner has general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate; 64260  
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- (3) That sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of hospital patients. 64264  
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- (G) As soon as practicable after receiving a completed application, the director shall review it to determine if the requirements of this section, rules adopted under this section, or rules regarding changes of owner adopted under section 64267  
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3722.06 of the Revised Code have been met. If the director makes 64271  
such a determination, the director shall issue to the applicant 64272  
a notice of intent to grant a change of owner license, with the 64273  
license's issuance contingent on the submission of documents 64274  
evidencing completion of the change of owner transaction. 64275

(H) The director shall deny a change of owner application 64276  
if any of the following is the case: 64277

(1) The requirements of this section, any rules adopted 64278  
under it, or any rules regarding changes of owner adopted under 64279  
section 3722.06 of the Revised Code have not been met. 64280

(2) The entering owner or individual identified in 64281  
division (C)(2) of this section as owning, directly or 64282  
indirectly, twenty-five per cent or more of the entering owner 64283  
meets both of the following criteria: 64284

(a) The entering owner or individual has or had either of 64285  
the following relationships with a currently or previously 64286  
licensed hospital by the director or by another state: 64287

(i) Fifty per cent or more direct or indirect ownership in 64288  
the hospital; 64289

(ii) Alone or together with one or more other persons, 64290  
operational control of the hospital. 64291

(b) Any of the following occurred with respect to the 64292  
current or previously licensed hospital described in division 64293  
(H)(2)(a) of this section within the five years immediately 64294  
preceding the date of application: 64295

(i) Involuntary closure of the hospital by a regulatory 64296  
agency or voluntary closure in response to licensure or 64297  
certification action; 64298



<u>(ii) Voluntary or involuntary bankruptcy proceedings that</u>	64299
<u>are not dismissed within sixty days of filing for bankruptcy;</u>	64300
<u>(iii) Voluntary or involuntary receivership proceedings</u>	64301
<u>that are not dismissed within sixty days of the proceedings'</u>	64302
<u>initiation;</u>	64303
<u>(iv) License suspension, denial, or revocation for failure</u>	64304
<u>to comply with operating standards.</u>	64305
<u>(3) If a change of twenty-five per cent or more of the</u>	64306
<u>property ownership interest in a hospital occurs in connection</u>	64307
<u>with the change of owner, the person who acquired the property</u>	64308
<u>ownership interest meets both of the following criteria:</u>	64309
<u>(a) The person has or had either of the following</u>	64310
<u>relationships to a hospital currently or previously licensed by</u>	64311
<u>the director or by another state:</u>	64312
<u>(i) Fifty per cent or more direct or indirect property</u>	64313
<u>ownership in the hospital;</u>	64314
<u>(ii) Alone or together with one or more other persons,</u>	64315
<u>operational control of the hospital.</u>	64316
<u>(b) Any of the following occurred with respect to the</u>	64317
<u>current or previously licensed hospital described in division</u>	64318
<u>(H) (3) (a) of this section within the five years immediately</u>	64319
<u>preceding the date of application:</u>	64320
<u>(i) Involuntary closure of the hospital by a regulatory</u>	64321
<u>agency or voluntary closure in response to licensure or</u>	64322
<u>certification action;</u>	64323
<u>(ii) Voluntary or involuntary bankruptcy proceedings that</u>	64324
<u>are not dismissed within sixty days of filing for bankruptcy;</u>	64325

(iii) Voluntary or involuntary receivership proceedings 64326  
that are not dismissed within sixty days of the proceedings' 64327  
initiation; 64328

(iv) License suspension, denial, or revocation for failure 64329  
to comply with operating standards. 64330

(I) An applicant may appeal, in accordance with Chapter 64331  
119. of the Revised Code, the denial of a change of owner 64332  
license. 64333

(J) An entering owner shall do all of the following: 64334

(1) As soon as practicable after the entering owner 64335  
discovers an error, omission, or change of information in the 64336  
entering owner's application submitted under this section, 64337  
notify the director of the error, omission, or change; 64338

(2) When a change in the information or documentation 64339  
required by this section occurs after the change of owner 64340  
license is issued, notify the director of the change in the 64341  
information or documentation within ten days of its occurrence; 64342

(3) Truthfully supply to the director any additional 64343  
information or documentation that the director requests; 64344

(4) Refrain from completing the change of owner 64345  
transaction until after the director issues to the entering 64346  
owner notice of the director's intent to grant a change of owner 64347  
as described in division (G) of this section; 64348

(5) Not later than five days after completing the change 64349  
of owner transaction, submit to the director the final document 64350  
evidencing its completion. 64351

If an entering owner fails to notify the director or to 64352  
supply additional information or documentation as required by 64353

divisions (J) (1) to (3) of this section, the director shall 64354  
impose on the entering owner a civil penalty of two thousand 64355  
dollars for each day of noncompliance. 64356

(K) (1) The director shall investigate either of the 64357  
following: 64358

(a) An allegation that a change of owner has occurred and 64359  
the entering owner failed to submit an application under this 64360  
section; 64361

(b) An allegation that an application filed under this 64362  
section included information that was fraudulent. 64363

The director may request the attorney general's assistance 64364  
in conducting such an investigation. 64365

(2) If the director becomes aware, by means of an 64366  
investigation or otherwise, that either of the events described 64367  
in division (K) (1) of this section are the case, the director 64368  
shall impose on the entering owner a civil penalty of two 64369  
thousand dollars for each day of noncompliance after the date 64370  
the change of owner has occurred. 64371

If the entering owner fails to submit an application or 64372  
new application for a change of owner license within sixty days 64373  
of the director becoming aware of the change of owner, the 64374  
director shall begin the process for license revocation 64375  
specified in section 3722.07 of the Revised Code. 64376

(L) The ~~new~~ entering owner is responsible for compliance 64377  
with any action taken or proposed by the director under section 64378  
3722.07 or 3722.08 of the Revised Code. If a notice has been 64379  
served under sections 119.05 and 119.07 of the Revised Code, the 64380  
~~new~~ entering owner becomes party to the notice. 64381

(M) In addition to the rules establishing procedures for 64382  
changing owners required by section 3722.06 of the Revised Code, 64383  
the director may adopt any other rules as necessary to implement 64384  
this section. The rules shall be adopted in accordance with 64385  
Chapter 119. of the Revised Code. 64386

(N) It is the intent of the general assembly in amending 64387  
this section to require full and complete disclosure and 64388  
transparency with respect to the ownership, operation, and 64389  
management of each licensed hospital undergoing a change of 64390  
owner. 64391

**Sec. 3722.06.** (A) Not later than the date that is one year 64392  
after ~~the effective date of this section~~ September 30, 2022, the 64393  
director of health shall adopt rules establishing health, 64394  
safety, welfare, and quality standards for hospitals licensed 64395  
under this chapter, including standards for all of the 64396  
following: 64397

(1) Maternity units; 64398

(2) Newborn care nurseries; 64399

(3) Health care services. 64400

(B) Not later than the date that is one year after ~~the~~ 64401  
~~effective date of this section~~ September 30, 2022, the director 64402  
shall adopt rules establishing standards and procedures for the 64403  
licensure of hospitals, including all of the following: 64404

(1) Procedures for applying and renewing licenses as 64405  
described in section 3722.03 of the Revised Code; 64406

(2) Procedures for ~~transferring licenses~~ changing owners 64407  
as described in section 3722.04 of the Revised Code; 64408

(3) Procedures for inspections following complaints; 64409

(4) Subject to division (C) (1) of this section, fees for initial applications, license renewals, and <del>license</del>	64410
<del>transfers</del> <u>changes of owner</u> , as well as inspections conducted	64411
under section 3722.05 of the Revised Code;	64412
	64413
(5) Subject to division (C) (2) of this section, standards and procedures for imposing civil penalties as described in	64414
section 3722.07 of the Revised Code;	64415
	64416
(6) Subject to division (C) (3) of this section, standards and procedures for correcting violations, including through the	64417
submission of correction plans;	64418
	64419
(7) Standards and procedures for identifying, monitoring, managing, reporting, and reducing exposures to risk conditions,	64420
such as Legionella, including through the use of environmental	64421
facility assessments, the development of water management plans,	64422
and the use of disinfection measures;	64423
	64424
(8) Standards and procedures for data reporting;	64425
(9) Standards and procedures for emergency preparedness;	64426
(10) Standards and procedures for the provision of	64427
technical assistance as described in section 3722.09 of the	64428
Revised Code;	64429
(11) Standards and procedures for new hospitals to	64430
demonstrate eligibility as described in division (B) (2) of	64431
section 3722.03 of the Revised Code;	64432
(12) Standards and procedures to address changes to a	64433
hospital's license, including adding or removing a location of	64434
the hospital.	64435
(C) (1) In the case of an inspection fee described in	64436
division (B) (4) of this section, the director shall establish an	64437

amount to cover only the cost of the inspection. All other fees 64438  
established under that division shall be limited to what is 64439  
necessary to support the hospital licensure program. 64440

(2) The director shall establish a scale for use in 64441  
determining the amount of a civil penalty that may be imposed 64442  
under section 3722.07 of the Revised Code. The scale shall 64443  
include per day amounts for ongoing violations. The total amount 64444  
of a civil penalty shall not exceed two hundred fifty thousand 64445  
dollars for each violation. 64446

(3) The director shall accept a corrective action plan 64447  
that also was accepted by the federal centers for medicare and 64448  
medicaid services or an accrediting organization approved under 64449  
42 U.S.C. 1395bb(a) provided that the plan was submitted to the 64450  
centers or organization in response to the same deficiencies 64451  
identified by the director. 64452

(D) The director may adopt any other rules as necessary to 64453  
implement this chapter. 64454

(E) When adopting rules under this section, all of the 64455  
following apply: 64456

(1) The director shall adopt the rules in accordance with 64457  
Chapter 119. of the Revised Code; 64458

(2) Any rules adopted are not subject to division (F) of 64459  
section 121.95 of the Revised Code; 64460

(3) The director shall collaborate with representatives of 64461  
this state's hospital industry to maximize the public health 64462  
utility of rules adopted under this section and limit the 64463  
administrative burden of and costs of complying with such rules. 64464

(4) The director shall not adopt rules that conflict with 64465

requirements under federal laws or regulations. 64466

**Sec. 3728.01.** As used in this chapter: 64467

(A) "Administer epinephrine" means to inject an individual 64468  
with epinephrine using an autoinjector in a manufactured dosage 64469  
form. 64470

(B) "Peace officer" has the same meaning as in section 64471  
109.71 of the Revised Code and also includes a sheriff. 64472

(C) "Prescriber" means an individual who is authorized by 64473  
law to prescribe drugs or dangerous drugs or drug therapy 64474  
related devices in the course of the individual's professional 64475  
practice, including only the following: 64476

(1) A clinical nurse specialist, certified nurse-midwife, 64477  
or certified nurse practitioner who holds a certificate to 64478  
prescribe issued under section 4723.48 of the Revised Code; 64479

(2) A physician authorized under Chapter 4731. of the 64480  
Revised Code to practice medicine and surgery, osteopathic 64481  
medicine and surgery, or podiatric medicine and surgery; 64482

(3) A physician assistant who is licensed under Chapter 64483  
4730. of the Revised Code, holds a valid prescriber number 64484  
issued by the state medical board, and has been granted 64485  
physician-delegated prescriptive authority. 64486

(D) "Qualified entity" means either of the following: 64487

(1) Any public or private entity that is associated with a 64488  
location where allergens capable of causing anaphylaxis may be 64489  
present, including child care centers, colleges and 64490  
universities, places of employment, restaurants, amusement 64491  
parks, recreation camps, sports playing fields and arenas, and 64492  
other similar locations, except that "qualified entity" does not 64493

include either of the following: 64494

(a) A chartered or nonchartered nonpublic school; 64495  
community school; science, technology, engineering, and 64496  
mathematics school; college-preparatory boarding school; or a 64497  
school operated by the board of education of a city, local, 64498  
exempted village, or joint vocational school district, as those 64499  
entities are otherwise authorized to procure epinephrine 64500  
autoinjectors pursuant to sections 3313.7110, 3313.7111, 64501  
3314.143, 3326.28, or 3328.29 of the Revised Code; 64502

(b) A camp described in section ~~5101.76~~5180.26 of the 64503  
Revised Code that is authorized to procure epinephrine 64504  
autoinjectors pursuant to that section; 64505

(2) Either of the following served by a peace officer: a 64506  
law enforcement agency or other entity described in division (A) 64507  
of section 109.71 of the Revised Code. 64508

**Sec. 3734.021.** (A) Infectious wastes shall be segregated, 64509  
managed, treated, and disposed of in accordance with rules 64510  
adopted under this section. 64511

(B) The director of environmental protection, in 64512  
accordance with Chapter 119. of the Revised Code, shall adopt 64513  
rules necessary or appropriate to protect human health or safety 64514  
or the environment that do both of the following: 64515

(1) Establish standards for generators of infectious 64516  
wastes that include, without limitation, the following 64517  
requirements and authorizations that: 64518

(a) All generators of infectious wastes: 64519

(i) Either treat all specimen cultures and cultures of 64520  
viable infectious agents on the premises where they are 64521



generated to render them noninfectious by methods, techniques, 64522  
or practices prescribed by rules adopted under division (B) (2) 64523  
(a) of this section before they are transported off that 64524  
premises for disposal or ensure that such wastes are treated to 64525  
render them noninfectious at an infectious waste treatment 64526  
facility off that premises prior to disposal of the wastes; 64527

(ii) Transport and dispose of infectious wastes, if a 64528  
generator produces fewer than fifty pounds of infectious wastes 64529  
during any one month that are subject to and packaged and 64530  
labeled in accordance with federal requirements, in the same 64531  
manner as solid wastes. Such generators who treat specimen 64532  
cultures and cultures of viable infectious agents on the 64533  
premises where they are generated shall not be considered 64534  
treatment facilities as "treatment" and "facility" are defined 64535  
in section 3734.01 of the Revised Code. 64536

(iii) Dispose of infectious wastes subject to and treated 64537  
in accordance with rules adopted under division (B) (1) (a) (i) of 64538  
this section in the same manner as solid wastes; 64539

(iv) May take wastes generated in providing care to a 64540  
patient by an emergency medical services organization, as 64541  
defined in section 4765.01 of the Revised Code, to and leave 64542  
them at a hospital, as defined in section 3727.01 of the Revised 64543  
Code, for treatment at a treatment facility owned or operated by 64544  
the hospital or, in conjunction with infectious wastes generated 64545  
by the hospital, at another treatment facility regardless of 64546  
whether the wastes were generated in providing care to the 64547  
patient at the scene of an emergency or during the 64548  
transportation of the patient to a hospital; 64549

(v) May take wastes generated by an individual for 64550  
purposes of the individual's own care or treatment to and leave 64551

them at a hospital, as defined in section 3727.01 of the Revised Code, for treatment at a treatment facility owned or operated by the hospital or, in conjunction with infectious wastes generated by the hospital, at another treatment facility.

(b) Each generator of fifty pounds or more of infectious wastes during any one month:

(i) Register with the environmental protection agency as a generator of infectious wastes and obtain a registration certificate. ~~The fee for issuance of a generator registration certificate is one hundred forty dollars payable at the time of application.~~ The registration certificate applies to all the premises owned or operated by the generator in this state where infectious wastes are generated and shall list the address of each such premises. If a generator owns or operates facilities for the treatment of infectious wastes it generates, the certificate shall list the address and method of treatment used at each such facility.

A generator registration certificate is valid for three years from the date of issuance and shall be renewed for a term of three years upon the generator's submission of an application for renewal ~~and payment of a one hundred forty dollar renewal fee.~~

The rules may establish a system of staggered renewal dates with approximately one-third of such certificates subject to renewal each year. The applicable renewal date shall be prescribed on each registration certificate. ~~Registration fees shall be prorated according to the time remaining in the registration cycle to the nearest year.~~

~~The registration and renewal fees collected under division~~

~~(B) (1) (b) (i) of this section shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.~~ 64581  
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(ii) Segregate infectious wastes from other wastes at the point of generation. Nothing in this section and rules adopted under it prohibits a generator of infectious wastes from designating and managing any wastes, in addition to those defined as infectious wastes under section 3734.01 of the Revised Code, as infectious wastes. After designating any such other wastes as infectious, the generator shall manage those wastes in compliance with the requirements of this chapter and rules adopted under it applicable to the management of infectious wastes. 64584  
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(iii) Either treat the infectious wastes that it generates at a facility owned or operated by the generator by methods, techniques, or practices prescribed by rules adopted under division (B) (2) (a) of this section to render them noninfectious, or designate the wastes for treatment off that premises at an infectious waste treatment facility holding a license issued under division (B) of section 3734.05 of the Revised Code, at an infectious waste treatment facility that is located in another state that is in compliance with applicable state and federal laws, or at a treatment facility authorized by rules adopted under division (B) (2) (d) of this section, prior to disposal of the wastes. After being treated to render them noninfectious, the wastes shall be disposed of at a solid waste disposal facility holding a license issued under division (A) of section 3734.05 of the Revised Code or at a disposal facility in another state that is in compliance with applicable state and federal laws. 64594  
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(iv) Not compact or grind any type of infectious wastes 64611  
prior to treatment in accordance with rules adopted under 64612  
division (B) (2) (a) of this section; 64613

(v) May discharge untreated liquid or semiliquid 64614  
infectious wastes consisting of blood, blood products, body 64615  
fluids, and excreta into a disposal system, as defined in 64616  
section 6111.01 of the Revised Code, unless the discharge of 64617  
those wastes into a disposal system is inconsistent with the 64618  
terms and conditions of the permit for the system issued under 64619  
Chapter 6111. of the Revised Code; 64620

(vi) May transport or cause to be transported infectious 64621  
wastes that have been treated to render them noninfectious in 64622  
the same manner as solid wastes are transported. 64623

(2) Establish standards for owners and operators of 64624  
infectious waste treatment facilities that include, without 64625  
limitation, the following requirements and authorizations that: 64626

(a) Require treatment of all wastes received to be 64627  
performed in accordance with methods, techniques, and practices 64628  
approved by the director; 64629

(b) Govern the location, design, construction, and 64630  
operation of infectious waste treatment facilities. The rules 64631  
adopted under division (B) (2) (b) of this section shall require 64632  
that a new infectious waste incineration facility be located so 64633  
that the incinerator unit and all areas where infectious wastes 64634  
are handled on the premises where the facility is proposed to be 64635  
located are at least three hundred feet inside the property line 64636  
of the tract of land on which the facility is proposed to be 64637  
located and are at least one thousand feet from any domicile, 64638  
school, prison, or jail that is in existence on the date on 64639

which the application for the permit to establish the 64640  
incinerator is submitted under division (B) (2) (b) of section 64641  
3734.05 of the Revised Code. 64642

(c) Establish quality control and testing procedures to 64643  
ensure compliance with the rules adopted under division (B) (2) 64644  
(b) of this section; 64645

(d) Authorize infectious wastes to be treated at a 64646  
facility that holds a license or renewal of a license to operate 64647  
a crematory facility issued under Chapter 4717., and a permit 64648  
issued under Chapter 3704., of the Revised Code to the extent 64649  
that the treatment of those wastes is consistent with that 64650  
permit and its terms and conditions. The rules adopted under 64651  
divisions (B) (2) (b) and (c) of this section do not apply to a 64652  
facility holding such a license and permit. 64653

In adopting the rules required by divisions (B) (2) (a) to 64654  
(d) of this section, the director shall consider and, to the 64655  
maximum feasible extent, utilize existing standards and 64656  
guidelines established by professional and governmental 64657  
organizations having expertise in the fields of infection 64658  
control and infectious wastes management. 64659

(e) Require shipping papers to accompany shipments of 64660  
wastes that have been treated to render them noninfectious. The 64661  
shipping papers shall include only the following elements: 64662

(i) The name of the owner or operator of the facility 64663  
where the wastes were treated and the address of the treatment 64664  
facility; 64665

(ii) A certification by the owner or operator of the 64666  
treatment facility where the wastes were treated indicating that 64667  
the wastes have been treated by the methods, techniques, and 64668

practices prescribed in rules adopted under division (B) (2) (a) 64669  
of this section. 64670

(C) This section and rules adopted under it do not apply 64671  
to the treatment or disposal of wastes consisting of dead 64672  
animals or parts thereof, or the blood of animals: 64673

(1) By the owner of the animal after slaughter by the 64674  
owner on the owner's premises to obtain meat for consumption by 64675  
the owner and the members of the owner's household; 64676

(2) In accordance with Chapter 941. of the Revised Code; 64677  
or 64678

(3) By persons who are subject to any of the following: 64679

(a) Inspection under the "Federal Meat Inspection Act," 81 64680  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 64681

(b) Chapter 918. of the Revised Code; 64682

(c) Chapter 953. of the Revised Code. 64683

(D) As used in this section, "generator" means a person 64684  
who produces infectious wastes at a specific premises. 64685

(E) Rules adopted under this section shall not concern or 64686  
relate to personnel policies, salaries, wages, fringe benefits, 64687  
or other conditions of employment of employees of persons owning 64688  
or operating infectious waste treatment facilities. 64689

(F) (1) The director, in accordance with Chapter 119. of 64690  
the Revised Code, shall adopt rules governing the issuance, 64691  
modification, revocation, suspension, and denial of variances 64692  
from the rules adopted under division (B) of this section. 64693  
Variances shall be issued, modified, revoked, suspended, or 64694  
denied in accordance with division (F) of this section, rules 64695

adopted under it, and Chapter 3745. of the Revised Code. 64696

(2) A person who desires to obtain a variance or renew a 64697  
variance from the rules adopted under division (B) of this 64698  
section shall submit to the director an application as 64699  
prescribed by the director. The application shall contain detail 64700  
plans, specifications, and information regarding objectives, 64701  
procedures, controls, and any other information that the 64702  
director may require. The director shall issue, renew, or deny a 64703  
variance or renewal of a variance within six months of the date 64704  
on which the director receives a complete application with all 64705  
required information and data. 64706

(3) The director may hold a public hearing on an 64707  
application submitted under division (F) of this section for a 64708  
variance at a location in the county in which the operations 64709  
that are the subject of the application for a variance or 64710  
renewal of variance are conducted. Not less than twenty days 64711  
before the hearing, the director shall provide to the applicant 64712  
notice of the hearing by certified mail or by another type of 64713  
mail that is accompanied by a receipt and shall publish notice 64714  
of the hearing at least one time in a newspaper of general 64715  
circulation in the county in which the hearing is to be held or 64716  
may instead provide public notice by publication on the 64717  
environmental protection agency's web site. The director shall 64718  
make a complete stenographic record or electronic record of 64719  
testimony and other evidence submitted at the hearing. Not later 64720  
than ten days after the hearing, the director shall make a 64721  
written determination to issue, renew, or deny the variance and 64722  
shall enter the determination and the basis for it into the 64723  
record of the hearing. 64724

(4) A variance shall not be issued, modified, revoked, or 64725

denied under division (F) of this section until the director has  
considered the relative interests of the applicant, other  
persons and property that will be affected by the variance, and  
the general public. The director shall grant a variance only if  
the applicant demonstrates to the director's satisfaction that  
the requested action will not create a nuisance or a hazard to  
the health or safety of the public or to the environment. In  
granting a variance, the director shall state the specific  
provision or provisions whose terms are to be varied and also  
shall state specific terms or conditions imposed on the  
applicant in place of the provision or provisions.

(5) A variance granted under division (F) of this section  
shall be for a period specified by the director and may be  
renewed from time to time on terms and for periods that the  
director determines to be appropriate. The director may order  
the person to whom a variance has been issued to take action  
within the time that the director determines to be appropriate  
and reasonable to prevent the creation of a nuisance or a hazard  
to the health or safety of the public or to the environment.

(6) An application submitted under division (F) of this  
section shall not be denied and a variance shall not be revoked  
or modified under that division without a written order of the  
director stating the findings on which the denial, revocation,  
or modification is based. A copy of the order shall be sent to  
the applicant or holder of a variance by certified mail or by  
another type of mail that is accompanied by a receipt.

(7) The director shall make available for public  
inspection at the principal office of the environmental  
protection agency a current list of pending applications for  
variances submitted under division (F) of this section and a



current schedule of pending variance hearings under it. 64756

**Sec. 3734.05.** (A) (1) Except as provided in divisions (A) 64757  
(6) and (7) of this section, no person shall operate or maintain 64758  
a solid waste facility without a license issued under this 64759  
division by the board of health of the health district in which 64760  
the facility is located or by the director of environmental 64761  
protection when the health district in which the facility is 64762  
located is not on the approved list under section 3734.08 of the 64763  
Revised Code. 64764

During the month of December, but before the first day of 64765  
January of the next year, every person proposing to continue to 64766  
operate an existing solid waste facility shall procure a license 64767  
under this division to operate the facility for that year from 64768  
the board of health of the health district in which the facility 64769  
is located or, if the health district is not on the approved 64770  
list under section 3734.08 of the Revised Code, from the 64771  
director. The application for such a license shall be submitted 64772  
to the board of health or to the director, as appropriate, on or 64773  
before the last day of September of the year preceding that for 64774  
which the license is sought. In addition to the application fee 64775  
prescribed in division (A) (2) of this section, a person who 64776  
submits an application after that date shall pay an additional 64777  
ten per cent of the amount of the application fee for each week 64778  
that the application is late. Late payment fees accompanying an 64779  
application submitted to the board of health shall be credited 64780  
to the special fund of the health district created in division 64781  
(B) of section 3734.06 of the Revised Code, and late payment 64782  
fees accompanying an application submitted to the director shall 64783  
be credited to the general revenue fund. A person who has 64784  
received a license, upon sale or disposition of a solid waste 64785  
facility, and upon consent of the board of health and the 64786

director, may have the license transferred to another person. 64787  
The board of health or the director may include such terms and 64788  
conditions in a license or revision to a license as are 64789  
appropriate to ensure compliance with this chapter and rules 64790  
adopted under it. The terms and conditions may establish the 64791  
authorized maximum daily waste receipts for the facility. 64792  
Limitations on maximum daily waste receipts shall be specified 64793  
in cubic yards of volume for the purpose of regulating the 64794  
design, construction, and operation of solid waste facilities. 64795  
Terms and conditions included in a license or revision to a 64796  
license by a board of health shall be consistent with, and 64797  
pertain only to the subjects addressed in, the rules adopted 64798  
under division (A) of section 3734.02 and division (D) of 64799  
section 3734.12 of the Revised Code. 64800

(2) (a) Except as provided in divisions (A) (2) (b), (6), and 64801  
(7) of this section, each person proposing to open a new solid 64802  
waste facility or to modify an existing solid waste facility 64803  
shall submit an application for a permit with accompanying 64804  
detail plans and specifications to the environmental protection 64805  
agency for required approval under the rules adopted by the 64806  
director pursuant to division (A) of section 3734.02 of the 64807  
Revised Code and applicable rules adopted under division (D) of 64808  
section 3734.12 of the Revised Code at least two hundred seventy 64809  
days before proposed operation of the facility ~~and~~. The 64810  
applicant shall concurrently ~~make~~ do both of the following: 64811

(i) Make application for the issuance of a license under 64812  
division (A) (1) of this section with the board of health of the 64813  
health district in which the proposed facility is to be located; 64814

(ii) Submit with such permit application a community 64815  
impact analysis that evaluates the impact of the proposed solid 64816

waste disposal facility on the local economy and considers 64817  
mitigation measures to minimize adverse impacts on the host 64818  
community. 64819

Upon submitting the permit application, the applicant 64820  
shall maintain a publicly accessible web site that includes the 64821  
permit application and supporting documents, the community 64822  
impact analysis, and public involvement information. 64823

(b) On and after the effective date of the rules adopted 64824  
under division (A) of section 3734.02 of the Revised Code and 64825  
division (D) of section 3734.12 of the Revised Code governing 64826  
solid waste transfer facilities, each person proposing to open a 64827  
new solid waste transfer facility or to modify an existing solid 64828  
waste transfer facility shall submit an application for a permit 64829  
with accompanying engineering detail plans, specifications, and 64830  
information regarding the facility and its method of operation 64831  
to the environmental protection agency for required approval 64832  
under those rules at least two hundred seventy days before 64833  
commencing proposed operation of the facility and concurrently 64834  
shall make application for the issuance of a license under 64835  
division (A) (1) of this section with the board of health of the 64836  
health district in which the facility is located or proposed. 64837

(c) Each application for a permit under division (A) (2) (a) 64838  
or (b) of this section shall be accompanied by a nonrefundable 64839  
application fee of four hundred dollars that shall be credited 64840  
to the general revenue fund. Each application for an annual 64841  
license under division (A) (1) or (2) of this section shall be 64842  
accompanied by a nonrefundable application fee of one hundred 64843  
dollars. If the application for an annual license is submitted 64844  
to a board of health on the approved list under section 3734.08 64845  
of the Revised Code, the application fee shall be credited to 64846

the special fund of the health district created in division (B) 64847  
of section 3734.06 of the Revised Code. If the application for 64848  
an annual license is submitted to the director, the application 64849  
fee shall be credited to the general revenue fund. If a permit 64850  
or license is issued, the amount of the application fee paid 64851  
shall be deducted from the amount of the permit fee due under 64852  
division ~~(Q)~~(P) of section 3745.11 of the Revised Code or the 64853  
amount of the license fee due under division (A) (1), (2), (3), 64854  
(4), or (5) of section 3734.06 of the Revised Code. 64855

(d) As used in divisions (A) (2) (d), (e), and (f) of this 64856  
section, "modify" means any of the following: 64857

(i) Any increase of more than ten per cent in the total 64858  
capacity of a solid waste facility; 64859

(ii) Any expansion of the limits of solid waste placement 64860  
at a solid waste facility; 64861

(iii) Any increase in the depth of excavation at a solid 64862  
waste facility; 64863

(iv) Any change in the technique of waste receipt or type 64864  
of waste received at a solid waste facility that may endanger 64865  
human health, as determined by the director by rules adopted in 64866  
accordance with Chapter 119. of the Revised Code. 64867

Not later than forty-five days after submitting an 64868  
application under division (A) (2) (a) or (b) of this section for 64869  
a permit to open a new or modify an existing solid waste 64870  
facility, the applicant, in conjunction with an officer or 64871  
employee of the environmental protection agency, shall hold a 64872  
public meeting on the application within the county in which the 64873  
new or modified solid waste facility is or is proposed to be 64874  
located or within a contiguous county. 64875

Not less than thirty days before holding the public 64876  
meeting on the application, the applicant shall use best efforts 64877  
to notify property owners of record as depicted in the records 64878  
of the county auditor, who are located within three miles of the 64879  
proposed facility boundary, of the date, time, and location of 64880  
the applicant's public meeting. The applicant shall provide such 64881  
notice either by certified mail or by any method capable of 64882  
documenting the intended recipient's receipt of notice. Not- 64883

Not less than thirty days before holding the public 64884  
meeting on the application, the applicant shall publish notice 64885  
of the meeting in each newspaper of general circulation that is 64886  
published in the county in which the facility is or is proposed 64887  
to be located. If no newspaper of general circulation is 64888  
published in the county, the applicant shall publish the notice 64889  
in a newspaper of general circulation in the county. The notice 64890  
shall contain the date, time, and location of the public meeting 64891  
and a general description of the proposed new or modified 64892  
facility. Not- 64893

Not later than five days after publishing the notice, the 64894  
applicant shall send by certified mail a copy of the notice and 64895  
the date the notice was published to the director and the 64896  
legislative authority of each municipal corporation, township, 64897  
and county, and to the chief executive officer of each municipal 64898  
corporation, in which the facility is or is proposed to be 64899  
located. At- 64900

At the public meeting, the applicant shall provide 64901  
information and describe the application and respond to comments 64902  
or questions concerning the application, and the officer or 64903  
employee of the agency shall describe the permit application 64904  
process. At the public meeting, any person may submit written or 64905

oral comments on or objections to the application. ~~Not~~ 64906

Not more than thirty days after the public meeting, the 64907  
applicant shall provide the director with a copy of a transcript 64908  
of the full meeting, copies of any exhibits, displays, or other 64909  
materials presented by the applicant at the meeting, and the 64910  
original copy of any written comments submitted at the meeting. 64911

Within two hundred seventy days after submitting the 64912  
transcript of the applicant's meeting, the applicant shall hold 64913  
a public community involvement session on the application 64914  
regarding the proposed new facility or, if the application 64915  
involves a modification for the expansion of a facility, the 64916  
proposed modified facility. The applicant shall hold the session 64917  
within the county in which the new or modified solid waste 64918  
facility is or is proposed to be located or within a contiguous 64919  
county. 64920

Not less than thirty days before holding the public 64921  
community involvement session, the applicant shall use best 64922  
efforts to notify all property owners of record as depicted in 64923  
the records of the county auditor, that are located within three 64924  
miles of the proposed facility boundary, of the date, time, and 64925  
location of the public community involvement session. The 64926  
applicant shall provide such notice either by certified mail or 64927  
by any method capable of documenting the intended recipient's 64928  
receipt of notice. 64929

Not less than thirty days before holding the public 64930  
community involvement session, the applicant shall publish 64931  
notice of the session in each newspaper of general circulation 64932  
that is published in the county in which the facility is or is 64933  
proposed to be located. The notice shall contain the date, time, 64934  
and location of the community involvement session, a general 64935

description of the proposed new or modified facility, and the 64936  
address to the publicly accessible web site maintained by the 64937  
applicant that includes the permit application and supporting 64938  
documents, community impact analysis, and public involvement 64939  
information. 64940

At the public community involvement session, the applicant 64941  
shall provide information about and describe the application and 64942  
community impact analysis and respond to comments or questions 64943  
concerning the application and community impact analysis. In 64944  
addition, any person may submit written or oral comments on or 64945  
objections to the application or community impact analysis. 64946

Not more than thirty days after the public community 64947  
involvement session, the applicant shall provide the director 64948  
with a copy of a transcript of the full session and copies of 64949  
any exhibits, displays, or other materials presented by the 64950  
applicant at the session. 64951

(e) Except as provided in division (A) (2) (f) of this 64952  
section, prior to taking an action, other than a proposed or 64953  
final denial, upon an application submitted under division (A) 64954  
(2) (a) of this section for a permit to open a new or modify an 64955  
existing solid waste facility, the director shall hold a public 64956  
information session and a public hearing on the application 64957  
within the county in which the new or modified solid waste 64958  
facility is or is proposed to be located or within a contiguous 64959  
county. If the application is for a permit to open a new solid 64960  
waste facility, the director shall hold the hearing not less 64961  
than fourteen days after the information session. If the 64962  
application is for a permit to modify an existing solid waste 64963  
facility, the director may hold both the information session and 64964  
the hearing on the same day unless any individual affected by 64965

the application requests in writing that the information session 64966  
and the hearing not be held on the same day, in which case the 64967  
director shall hold the hearing not less than fourteen days 64968  
after the information session. The director shall publish notice 64969  
of the public information session or public hearing not less 64970  
than thirty days before holding the information session or 64971  
hearing, as applicable. The notice shall be published in each 64972  
newspaper of general circulation that is published in the county 64973  
in which the facility is or is proposed to be located. ~~If no~~ 64974  
~~newspaper of general circulation is published in the county, the~~ 64975  
~~director shall publish the notice in a newspaper of general~~ 64976  
~~circulation in the county~~ or by publication on the environmental 64977  
protection agency's official web site. The notice shall contain 64978  
the date, time, and location of the information session or 64979  
hearing, as applicable, and a general description of the 64980  
proposed new or modified facility. At the public information 64981  
session, an officer or employee of the environmental protection 64982  
agency shall describe the status of the permit application and 64983  
be available to respond to comments or questions concerning the 64984  
application. At the public hearing, any person may submit 64985  
written or oral comments on or objections to the approval of the 64986  
application. The applicant, or a representative of the applicant 64987  
who has knowledge of the location, construction, and operation 64988  
of the facility, shall attend the information session and public 64989  
hearing to respond to comments or questions concerning the 64990  
facility directed to the applicant or representative by the 64991  
officer or employee of the environmental protection agency 64992  
presiding at the information session and hearing. 64993

(f) The solid waste management policy committee of a 64994  
county or joint solid waste management district may adopt a 64995  
resolution requesting expeditious consideration of a specific 64996



application submitted under division (A) (2) (a) of this section 64997  
for a permit to modify an existing solid waste facility within 64998  
the district. The resolution shall make the finding that 64999  
expedited consideration of the application without the public 65000  
information session and public hearing under division (A) (2) (e) 65001  
of this section is in the public interest and will not endanger 65002  
human health, as determined by the director by rules adopted in 65003  
accordance with Chapter 119. of the Revised Code. Upon receiving 65004  
such a resolution, the director, at the director's discretion, 65005  
may issue a final action upon the application without holding a 65006  
public information session or public hearing pursuant to 65007  
division (A) (2) (e) of this section. 65008

(3) The director may issue an order in accordance with 65009  
Chapter 3745. of the Revised Code to the owner or operator of a 65010  
solid waste facility requiring the person to submit to the 65011  
director updated engineering detail plans, specifications, and 65012  
information regarding the facility and its method of operation 65013  
for approval under rules adopted under division (A) of section 65014  
3734.02 of the Revised Code and applicable rules adopted under 65015  
division (D) of section 3734.12 of the Revised Code if, in the 65016  
director's judgment, conditions at the facility constitute a 65017  
substantial threat to public health or safety or are causing or 65018  
contributing to or threatening to cause or contribute to air or 65019  
water pollution or soil contamination. Any person who receives 65020  
such an order shall submit the updated engineering detail plans, 65021  
specifications, and information to the director within one 65022  
hundred eighty days after the effective date of the order. 65023

(4) The director shall act upon any updated engineering 65024  
plans, specifications, and information submitted under division 65025  
(A) (3) of this section within one hundred eighty days after 65026  
receiving them. If the director issues an order disapproving the 65027

plans, specifications, and information submitted under division 65028  
(A) (3) of this section, the order shall include all of the 65029  
following requirements: 65030

(a) That the owner or operator submit a plan for closure 65031  
and post-closure care of the facility to the director for 65032  
approval within six months after issuance of the order; 65033

(b) That the owner or operator cease accepting solid 65034  
wastes for disposal or transfer at the facility; and 65035

(c) The owner or operator commence closure of the facility 65036  
not later than one year after issuance of the order. 65037

If the director determines that closure of the facility 65038  
within that one-year period would result in the unavailability 65039  
of sufficient solid waste management facility capacity within 65040  
the county or joint solid waste management district in which the 65041  
facility is located to dispose of or transfer the solid waste 65042  
generated within the district, the director in the order of 65043  
disapproval may postpone commencement of closure of the facility 65044  
for such period of time as the director finds necessary for the 65045  
board of county commissioners or directors of the district to 65046  
secure access to or for there to be constructed within the 65047  
district sufficient solid waste management facility capacity to 65048  
meet the needs of the district, provided that the director shall 65049  
certify in the director's order that postponing the date for 65050  
commencement of closure will not endanger ground water or any 65051  
property surrounding the facility, allow methane gas migration 65052  
to occur, or cause or contribute to any other type of 65053  
environmental damage. 65054

If an emergency need for disposal capacity that may affect 65055  
public health and safety exists as a result of closure of a 65056

facility under division (A) (4) of this section, the director may 65057  
issue an order designating another solid waste facility to 65058  
accept the wastes that would have been disposed of at the 65059  
facility to be closed. 65060

(5) If the director determines that standards more 65061  
stringent than those applicable in rules adopted under division 65062  
(A) of section 3734.02 of the Revised Code and division (D) of 65063  
section 3734.12 of the Revised Code, or standards pertaining to 65064  
subjects not specifically addressed by those rules, are 65065  
necessary to ensure that a solid waste facility constructed at 65066  
the proposed location will not cause a nuisance, cause or 65067  
contribute to water pollution, or endanger public health or 65068  
safety, the director may issue a permit for the facility with 65069  
such terms and conditions as the director finds necessary to 65070  
protect public health and safety and the environment. If a 65071  
permit is issued, the director shall state in the order issuing 65072  
it the specific findings supporting each such term or condition. 65073

(6) Divisions (A) (1) and (2) (a) of this section do not 65074  
apply to a solid waste compost facility that accepts exclusively 65075  
source separated yard wastes and that is registered under 65076  
division (C) of section 3734.02 of the Revised Code or, unless 65077  
otherwise provided in rules adopted under division (N) (3) of 65078  
section 3734.02 of the Revised Code, to a solid waste compost 65079  
facility if the director has adopted rules establishing an 65080  
alternative system for authorizing the establishment, operation, 65081  
or modification of a solid waste compost facility under that 65082  
division. 65083

(7) Divisions (A) (1) to (5) of this section do not apply 65084  
to scrap tire collection, storage, monocell, monofill, and 65085  
recovery facilities. The approval of plans and specifications, 65086

as applicable, and the issuance of registration certificates, 65087  
permits, and licenses for those facilities are subject to 65088  
sections 3734.75 to 3734.78 of the Revised Code, as applicable, 65089  
and section 3734.81 of the Revised Code. 65090

(B) (1) No person shall operate or maintain an infectious 65091  
waste treatment facility without a license issued by the board 65092  
of health of the health district in which the facility is 65093  
located or by the director when the health district in which the 65094  
facility is located is not on the approved list under section 65095  
3734.08 of the Revised Code. 65096

(2) (a) During the month of December, but before the first 65097  
day of January of the next year, every person proposing to 65098  
continue to operate an existing infectious waste treatment 65099  
facility shall procure a license to operate the facility for 65100  
that year from the board of health of the health district in 65101  
which the facility is located or, if the health district is not 65102  
on the approved list under section 3734.08 of the Revised Code, 65103  
from the director. The application for such a license shall be 65104  
submitted to the board of health or to the director, as 65105  
appropriate, on or before the last day of September of the year 65106  
preceding that for which the license is sought. In addition to 65107  
the application fee prescribed in division (B) (2) (c) of this 65108  
section, a person who submits an application after that date 65109  
shall pay an additional ten per cent of the amount of the 65110  
application fee for each week that the application is late. Late 65111  
payment fees accompanying an application submitted to the board 65112  
of health shall be credited to the special infectious waste fund 65113  
of the health district created in division (C) of section 65114  
3734.06 of the Revised Code, and late payment fees accompanying 65115  
an application submitted to the director shall be credited to 65116  
the general revenue fund. A person who has received a license, 65117

upon sale or disposition of an infectious waste treatment 65118  
facility and upon consent of the board of health and the 65119  
director, may have the license transferred to another person. 65120  
The board of health or the director may include such terms and 65121  
conditions in a license or revision to a license as are 65122  
appropriate to ensure compliance with the infectious waste 65123  
provisions of this chapter and rules adopted under them. 65124

(b) Each person proposing to open a new infectious waste 65125  
treatment facility or to modify an existing infectious waste 65126  
treatment facility shall submit an application for a permit with 65127  
accompanying detail plans and specifications to the 65128  
environmental protection agency for required approval under the 65129  
rules adopted by the director pursuant to section 3734.021 of 65130  
the Revised Code two hundred seventy days before proposed 65131  
operation of the facility and concurrently shall make 65132  
application for a license with the board of health of the health 65133  
district in which the facility is or is proposed to be located. 65134  
Not later than ninety days after receiving a complete 65135  
application under division (B) (2) (b) of this section for a 65136  
permit to open a new infectious waste treatment facility or 65137  
modify an existing infectious waste treatment facility to expand 65138  
its treatment capacity, or receiving a complete application 65139  
under division (A) (2) (a) of this section for a permit to open a 65140  
new solid waste incineration facility, or modify an existing 65141  
solid waste incineration facility to also treat infectious 65142  
wastes or to increase its infectious waste treatment capacity, 65143  
that pertains to a facility for which a notation authorizing 65144  
infectious waste treatment is included or proposed to be 65145  
included in the solid waste incineration facility's license 65146  
pursuant to division (B) (3) of this section, the director shall 65147  
hold a public hearing on the application within the county in 65148

which the new or modified infectious waste or solid waste 65149  
facility is or is proposed to be located or within a contiguous 65150  
county. Not less than thirty days before holding the public 65151  
hearing on the application, the director shall publish notice of 65152  
the hearing in each newspaper that has general circulation and 65153  
that is published in the county in which the facility is or is 65154  
proposed to be located. ~~If there is no newspaper that has~~ 65155  
~~general circulation and that is published in the county, the~~ 65156  
~~director shall publish the notice in a newspaper of general~~ 65157  
~~circulation in the county~~ or by publication on the environmental 65158  
protection agency's official web site. The notice shall contain 65159  
the date, time, and location of the public hearing and a general 65160  
description of the proposed new or modified facility. At the 65161  
public hearing, any person may submit written or oral comments 65162  
on or objections to the approval or disapproval of the 65163  
application. The applicant, or a representative of the applicant 65164  
who has knowledge of the location, construction, and operation 65165  
of the facility, shall attend the public hearing to respond to 65166  
comments or questions concerning the facility directed to the 65167  
applicant or representative by the officer or employee of the 65168  
environmental protection agency presiding at the hearing. 65169

(c) Each application for a permit under division (B) (2) (b) 65170  
of this section shall be accompanied by a nonrefundable 65171  
application fee of four hundred dollars that shall be credited 65172  
to the general revenue fund. Each application for an annual 65173  
license under division (B) (2) (a) of this section shall be 65174  
accompanied by a nonrefundable application fee of one hundred 65175  
dollars. If the application for an annual license is submitted 65176  
to a board of health on the approved list under section 3734.08 65177  
of the Revised Code, the application fee shall be credited to 65178  
the special infectious waste fund of the health district created 65179

in division (C) of section 3734.06 of the Revised Code. If the 65180  
application for an annual license is submitted to the director, 65181  
the application fee shall be credited to the general revenue 65182  
fund. If a permit or license is issued, the amount of the 65183  
application fee paid shall be deducted from the amount of the 65184  
permit fee due under division ~~(Q)~~(P) of section 3745.11 of the 65185  
Revised Code or the amount of the license fee due under division 65186  
(C) of section 3734.06 of the Revised Code. 65187

(d) The director may issue an order in accordance with 65188  
Chapter 3745. of the Revised Code to the owner or operator of an 65189  
infectious waste treatment facility requiring the person to 65190  
submit to the director updated engineering detail plans, 65191  
specifications, and information regarding the facility and its 65192  
method of operation for approval under rules adopted under 65193  
section 3734.021 of the Revised Code if, in the director's 65194  
judgment, conditions at the facility constitute a substantial 65195  
threat to public health or safety or are causing or contributing 65196  
to or threatening to cause or contribute to air or water 65197  
pollution or soil contamination. Any person who receives such an 65198  
order shall submit the updated engineering detail plans, 65199  
specifications, and information to the director within one 65200  
hundred eighty days after the effective date of the order. 65201

(e) The director shall act on any updated engineering 65202  
plans, specifications, and information submitted under division 65203  
(B) (2) (d) of this section within one hundred eighty days after 65204  
receiving them. If the director disapproves any such updated 65205  
engineering plans, specifications, and information, the director 65206  
shall include in the order disapproving the plans the 65207  
requirement that the owner or operator cease accepting 65208  
infectious wastes for treatment at the facility. 65209

(3) Division (B) of this section does not apply to a generator of infectious wastes that meets any of the following conditions:

(a) Treats, by methods, techniques, and practices established by rules adopted under division (B) (2) (a) of section 3734.021 of the Revised Code, any of the following wastes:

(i) Infectious wastes that are generated on any premises that are owned or operated by the generator;

(ii) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code;

(iii) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.

(b) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(ii) Chapter 918. of the Revised Code;

(iii) Chapter 953. of the Revised Code.

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to



obtain a license under division (B) of this section as an 65237  
infectious waste treatment facility. However, the solid waste 65238  
facility license for the facility shall include the notation 65239  
that the facility also treats infectious wastes. 65240

The director shall not issue a permit to open a new solid 65241  
waste incineration facility unless the proposed facility 65242  
complies with the requirements for the location of new 65243  
infectious waste incineration facilities established in rules 65244  
adopted under division (B) (2) (b) of section 3734.021 of the 65245  
Revised Code. 65246

(C) Except for a facility or activity described in 65247  
division (E) (3) of section 3734.02 of the Revised Code, a person 65248  
who proposes to establish or operate a hazardous waste facility 65249  
shall submit a complete application for a hazardous waste 65250  
facility installation and operation permit and accompanying 65251  
detail plans, specifications, and such information as the 65252  
director may require to the environmental protection agency at 65253  
least one hundred eighty days before the proposed beginning of 65254  
operation of the facility. The applicant shall notify by 65255  
certified mail the legislative authority of each municipal 65256  
corporation, township, and county in which the facility is 65257  
proposed to be located of the submission of the application 65258  
within ten days after the submission or at such earlier time as 65259  
the director may establish by rule. If the application is for a 65260  
proposed new hazardous waste disposal or thermal treatment 65261  
facility, the applicant also shall give actual notice of the 65262  
general design and purpose of the facility to the legislative 65263  
authority of each municipal corporation, township, and county in 65264  
which the facility is proposed to be located at least ninety 65265  
days before the permit application is submitted to the 65266  
environmental protection agency. 65267

In accordance with rules adopted under section 3734.12 of the Revised Code, prior to the submission of a complete application for a hazardous waste facility installation and operation permit, the applicant shall hold at least one meeting in the township or municipal corporation in which the facility is proposed to be located, whichever is geographically closer to the proposed location of the facility. The meeting shall be open to the public and shall be held to inform the community of the proposed hazardous waste management activities and to solicit questions from the community concerning the activities.

(D) (1) Except as provided in section 3734.123 of the Revised Code, upon receipt of a complete application for a hazardous waste facility installation and operation permit under division (C) of this section, the director shall consider the application and accompanying information to determine whether the application complies with agency rules and the requirements of division (D) (2) of this section. After making a determination, the director shall issue either a draft permit or a notice of intent to deny the permit. The director, in accordance with rules adopted under section 3734.12 of the Revised Code or with rules adopted to implement Chapter 3745. of the Revised Code, shall provide public notice of the application and the draft permit or the notice of intent to deny the permit, provide an opportunity for public comments, and, if significant interest is shown, schedule a public meeting in the county in which the facility is proposed to be located and give public notice of the date, time, and location of the public meeting in a newspaper of general circulation in that county.

(2) The director shall not approve an application for a hazardous waste facility installation and operation permit or an application for a modification under division (I) (3) of this

section unless the director finds and determines as follows: 65299

(a) The nature and volume of the waste to be treated, 65300  
stored, or disposed of at the facility; 65301

(b) That the facility complies with the director's 65302  
hazardous waste standards adopted pursuant to section 3734.12 of 65303  
the Revised Code; 65304

(c) That the facility represents the minimum adverse 65305  
environmental impact, considering the state of available 65306  
technology and the nature and economics of various alternatives, 65307  
and other pertinent considerations; 65308

(d) That the facility represents the minimum risk of all 65309  
of the following: 65310

(i) Fires or explosions from treatment, storage, or 65311  
disposal methods; 65312

(ii) Release of hazardous waste during transportation of 65313  
hazardous waste to or from the facility; 65314

(iii) Adverse impact on the public health and safety. 65315

(e) That the facility will comply with this chapter and 65316  
Chapters 3704. and 6111. of the Revised Code and all rules and 65317  
standards adopted under them; 65318

(f) That if the owner of the facility, the operator of the 65319  
facility, or any other person in a position with the facility 65320  
from which the person may influence the installation and 65321  
operation of the facility has been involved in any prior 65322  
activity involving transportation, treatment, storage, or 65323  
disposal of hazardous waste, that person has a history of 65324  
compliance with this chapter and Chapters 3704. and 6111. of the 65325  
Revised Code and all rules and standards adopted under them, the 65326

"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 65327  
42 U.S.C.A. 6921, as amended, and all regulations adopted under 65328  
it, and similar laws and rules of other states if any such prior 65329  
operation was located in another state that demonstrates 65330  
sufficient reliability, expertise, and competency to operate a 65331  
hazardous waste facility under the applicable provisions of this 65332  
chapter and Chapters 3704. and 6111. of the Revised Code, the 65333  
applicable rules and standards adopted under them, and terms and 65334  
conditions of a hazardous waste facility installation and 65335  
operation permit, given the potential for harm to the public 65336  
health and safety and the environment that could result from the 65337  
irresponsible operation of the facility. For off-site 65338  
facilities, as defined in section 3734.41 of the Revised Code, 65339  
the director may use the investigative reports of the attorney 65340  
general prepared pursuant to section 3734.42 of the Revised Code 65341  
as a basis for making a finding and determination under division 65342  
(D) (2) (f) of this section. 65343

(g) That the active areas within a new hazardous waste 65344  
facility where acute hazardous waste as listed in 40 C.F.R. 65345  
261.33 (e), as amended, or organic waste that is toxic and is 65346  
listed under 40 C.F.R. 261, as amended, is being stored, 65347  
treated, or disposed of and where the aggregate of the storage 65348  
design capacity and the disposal design capacity of all 65349  
hazardous waste in those areas is greater than two hundred fifty 65350  
thousand gallons, are not located or operated within any of the 65351  
following: 65352

(i) Two thousand feet of any residence, school, hospital, 65353  
jail, or prison; 65354

(ii) Any naturally occurring wetland; 65355

(iii) Any flood hazard area if the applicant cannot show 65356

that the facility will be designed, constructed, operated, and 65357  
maintained to prevent washout by a one-hundred-year flood. 65358

Division (D) (2) (g) of this section does not apply to the 65359  
facility of any applicant who demonstrates to the director that 65360  
the limitations specified in that division are not necessary 65361  
because of the nature or volume of the waste and the manner of 65362  
management applied, the facility will impose no substantial 65363  
danger to the health and safety of persons occupying the 65364  
structures listed in division (D) (2) (g) (i) of this section, and 65365  
the facility is to be located or operated in an area where the 65366  
proposed hazardous waste activities will not be incompatible 65367  
with existing land uses in the area. 65368

(h) That the facility will not be located within the 65369  
boundaries of a state park established or dedicated under 65370  
Chapter 1546. of the Revised Code, a state park purchase area 65371  
established under section 1546.06 of the Revised Code, any unit 65372  
of the national park system, or any property that lies within 65373  
the boundaries of a national park or recreation area, but that 65374  
has not been acquired or is not administered by the secretary of 65375  
the United States department of the interior, located in this 65376  
state, or any candidate area located in this state identified 65377  
for potential inclusion in the national park system in the 65378  
edition of the "national park system plan" submitted under 65379  
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 65380  
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 65381  
filing of the application for the permit, unless the facility 65382  
will be used exclusively for the storage of hazardous waste 65383  
generated within the park or recreation area in conjunction with 65384  
the operation of the park or recreation area. Division (D) (2) (h) 65385  
of this section does not apply to the facility of any applicant 65386  
for modification of a permit unless the modification application 65387

proposes to increase the land area included in the facility or 65388  
to increase the quantity of hazardous waste that will be 65389  
treated, stored, or disposed of at the facility. 65390

(3) Not later than one hundred eighty days after the end 65391  
of the public comment period, the director, without prior 65392  
hearing, shall issue or deny the permit in accordance with 65393  
Chapter 3745. of the Revised Code. If the director approves an 65394  
application for a hazardous waste facility installation and 65395  
operation permit, the director shall issue the permit, upon such 65396  
terms and conditions as the director finds are necessary to 65397  
ensure the construction and operation of the hazardous waste 65398  
facility in accordance with the standards of this section. 65399

(E) No political subdivision of this state shall require 65400  
any additional zoning or other approval, consent, permit, 65401  
certificate, or condition for the construction or operation of a 65402  
hazardous waste facility authorized by a hazardous waste 65403  
facility installation and operation permit issued pursuant to 65404  
this chapter, nor shall any political subdivision adopt or 65405  
enforce any law, ordinance, or rule that in any way alters, 65406  
impairs, or limits the authority granted in the permit. 65407

(F) The director may issue a single hazardous waste 65408  
facility installation and operation permit to a person who 65409  
operates two or more adjoining facilities where hazardous waste 65410  
is stored, treated, or disposed of if the application includes 65411  
detail plans, specifications, and information on all facilities. 65412  
For the purposes of this section, "adjoining" means sharing a 65413  
common boundary, separated only by a public road, or in such 65414  
proximity that the director determines that the issuance of a 65415  
single permit will not create a hazard to the public health or 65416  
safety or the environment. 65417

(G) No person shall falsify or fail to keep or submit any plans, specifications, data, reports, records, manifests, or other information required to be kept or submitted to the director by this chapter or the rules adopted under it.

(H) (1) Each person who holds an installation and operation permit issued under this section and who wishes to obtain a permit renewal shall submit a completed application for an installation and operation permit renewal and any necessary accompanying general plans, detail plans, specifications, and such information as the director may require to the director no later than one hundred eighty days prior to the expiration date of the existing permit or upon a later date prior to the expiration of the existing permit if the permittee can demonstrate good cause for the late submittal. The director shall consider the application and accompanying information, inspection reports of the facility, results of performance tests, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the director under this chapter, and such other information as is relevant to the operation of the facility and shall issue a draft renewal permit or a notice of intent to deny the renewal permit. The director, in accordance with rules adopted under this section or with rules adopted to implement Chapter 3745. of the Revised Code, shall give public notice of the application and draft renewal permit or notice of intent to deny the renewal permit, provide for the opportunity for public comments within a specified time period, schedule a public meeting in the county in which the facility is located if significant interest is shown, and give public notice of the public meeting.

(2) Within sixty days after the public meeting or close of

the public comment period, the director, without prior hearing, 65449  
shall issue or deny the renewal permit in accordance with 65450  
Chapter 3745. of the Revised Code. The director shall not issue 65451  
a renewal permit unless the director determines that the 65452  
facility under the existing permit has a history of compliance 65453  
with this chapter, rules adopted under it, the existing permit, 65454  
or orders entered to enforce such requirements that demonstrates 65455  
sufficient reliability, expertise, and competency to operate the 65456  
facility henceforth under this chapter, rules adopted under it, 65457  
and the renewal permit. If the director approves an application 65458  
for a renewal permit, the director shall issue the permit 65459  
subject to the payment of the annual permit fee required under 65460  
division (E) of section 3734.02 of the Revised Code and upon 65461  
such terms and conditions as the director finds are reasonable 65462  
to ensure that continued operation, maintenance, closure, and 65463  
post-closure care of the hazardous waste facility are in 65464  
accordance with the rules adopted under section 3734.12 of the 65465  
Revised Code. 65466

(3) An installation and operation permit renewal 65467  
application submitted to the director that also contains or 65468  
would constitute an application for a modification shall be 65469  
acted upon by the director in accordance with division (I) of 65470  
this section in the same manner as an application for a 65471  
modification. In approving or disapproving the renewal portion 65472  
of a permit renewal application containing an application for a 65473  
modification, the director shall apply the criteria established 65474  
under division (H) (2) of this section. 65475

(4) An application for renewal or modification of a permit 65476  
that does not contain an application for a modification as 65477  
described in divisions (I) (3) (a) to (d) of this section shall 65478  
not be subject to division (D) (2) of this section. 65479



(I) (1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate. Modifications shall be classified as Class 1, 2, or 3 modifications in accordance with rules adopted under division (K) of this section. Modifications classified as Class 3 modifications, in accordance with rules adopted under that division, shall be further classified by the director as either Class 3 modifications that are to be approved or disapproved by the director under divisions (I) (3) (a) to (d) of this section or as Class 3 modifications that are to be approved or disapproved by the director under division (I) (5) of this section. Not later than thirty days after receiving a request for a modification under division (I) (4) of this section that is not listed in Appendix I to 40 C.F.R. 270.42 or in rules adopted under division (K) of this section, the director shall classify the modification and shall notify the owner or operator of the facility requesting the modification of the classification. Notwithstanding any other law to the contrary, a modification that involves the transfer of a hazardous waste facility installation and operation permit to a new owner or operator for any off-site facility as defined in section 3734.41 of the Revised Code shall be classified as a Class 3 modification. The transfer of a hazardous waste facility installation and operation permit to a new owner or operator for a facility that is not an off-site facility shall be classified as a Class 1 modification requiring prior approval of the director.

(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit may be modified at the request of the director or upon

the written request of the permittee only if any of the 65511  
following applies: 65512

(a) The permittee desires to accomplish alterations, 65513  
additions, or deletions to the permitted facility or to 65514  
undertake alterations, additions, deletions, or activities that 65515  
are inconsistent with or not authorized by the existing permit; 65516

(b) New information or data justify permit conditions in 65517  
addition to or different from those in the existing permit; 65518

(c) The standards, criteria, or rules upon which the 65519  
existing permit is based have been changed by new, amended, or 65520  
rescinded standards, criteria, or rules, or by judicial decision 65521  
after the existing permit was issued, and the change justifies 65522  
permit conditions in addition to or different from those in the 65523  
existing permit; 65524

(d) The permittee proposes to transfer the permit to 65525  
another person. 65526

(3) The director shall approve or disapprove an 65527  
application for a modification in accordance with division (D) 65528  
(2) of this section and rules adopted under division (K) of this 65529  
section for all of the following categories of Class 3 65530  
modifications: 65531

(a) Authority to conduct treatment, storage, or disposal 65532  
at a site, location, or tract of land that has not been 65533  
authorized for the proposed category of treatment, storage, or 65534  
disposal activity by the facility's permit; 65535

(b) Modification or addition of a hazardous waste 65536  
management unit, as defined in rules adopted under section 65537  
3734.12 of the Revised Code, that results in an increase in a 65538  
facility's storage capacity of more than twenty-five per cent 65539

over the capacity authorized by the facility's permit, an 65540  
increase in a facility's treatment rate of more than twenty-five 65541  
per cent over the rate so authorized, or an increase in a 65542  
facility's disposal capacity over the capacity so authorized. 65543  
The authorized disposal capacity for a facility shall be 65544  
calculated from the approved design plans for the disposal units 65545  
at that facility. In no case during a five-year period shall a 65546  
facility's storage capacity or treatment rate be modified to 65547  
increase by more than twenty-five per cent in the aggregate 65548  
without the director's approval in accordance with division (D) 65549  
(2) of this section. Notwithstanding any provision of division 65550  
(I) of this section to the contrary, a request for modification 65551  
of a facility's annual total waste receipt limit shall be 65552  
classified and approved or disapproved by the director under 65553  
division (I) (5) of this section. 65554

(c) Authority to add any of the following categories of 65555  
regulated activities not previously authorized at a facility by 65556  
the facility's permit: storage at a facility not previously 65557  
authorized to store hazardous waste, treatment at a facility not 65558  
previously authorized to treat hazardous waste, or disposal at a 65559  
facility not previously authorized to dispose of hazardous 65560  
waste; or authority to add a category of hazardous waste 65561  
management unit not previously authorized at the facility by the 65562  
facility's permit. Notwithstanding any provision of division (I) 65563  
of this section to the contrary, a request for authority to add 65564  
or to modify an activity or a hazardous waste management unit 65565  
for the purposes of performing a corrective action shall be 65566  
classified and approved or disapproved by the director under 65567  
division (I) (5) of this section. 65568

(d) Authority to treat, store, or dispose of waste types 65569  
listed or characterized as reactive or explosive, in rules 65570

adopted under section 3734.12 of the Revised Code, or any acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not previously authorized to treat, store, or dispose of those types of wastes by the facility's permit unless the requested authority is limited to wastes that no longer exhibit characteristics meeting the criteria for listing or characterization as reactive or explosive wastes, or for listing as acute hazardous waste, but still are required to carry those waste codes as established in rules adopted under section 3734.12 of the Revised Code because of the requirements established in 40 C.F.R. 261(a) and (e), as amended, that is, the "mixture," "derived-from," or "contained-in" regulations.

(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Requests for modifications shall be acted upon by the director in accordance with this section and rules adopted under it.

(5) Class 1 modification applications that require prior approval of the director, as provided in division (I)(1) of this section or as determined in accordance with rules adopted under division (K) of this section, Class 2 modification applications, and Class 3 modification applications that are not described in divisions (I)(3)(a) to (d) of this section shall be approved or disapproved by the director in accordance with rules adopted under division (K) of this section. The board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located shall receive notification of any application for a modification for that facility and shall be considered as interested persons with respect to the director's consideration of the application.

As used in division (I) of this section: 65602

(a) "Owner" means the person who owns a majority or 65603  
controlling interest in a facility. 65604

(b) "Operator" means the person who is responsible for the 65605  
overall operation of a facility. 65606

The director shall approve or disapprove an application 65607  
for a Class 1 modification that requires the director's approval 65608  
within sixty days after receiving the request for modification. 65609  
The director shall approve or disapprove an application for a 65610  
Class 2 modification within three hundred days after receiving 65611  
the request for modification. The director shall approve or 65612  
disapprove an application for a Class 3 modification within 65613  
three hundred sixty-five days after receiving the request for 65614  
modification. 65615

(6) The approval or disapproval by the director of a Class 65616  
1 modification application is not a final action that is 65617  
appealable under Chapter 3745. of the Revised Code. The approval 65618  
or disapproval by the director of a Class 2 modification or a 65619  
Class 3 modification is a final action that is appealable under 65620  
that chapter. In approving or disapproving a request for a 65621  
modification, the director shall consider all comments 65622  
pertaining to the request that are received during the public 65623  
comment period and the public meetings. The administrative 65624  
record for appeal of a final action by the director in approving 65625  
or disapproving a request for a modification shall include all 65626  
comments received during the public comment period relating to 65627  
the request for modification, written materials submitted at the 65628  
public meetings relating to the request, and any other documents 65629  
related to the director's action. 65630

(7) Notwithstanding any other provision of law to the contrary, a change or alteration to a hazardous waste facility described in division (E) (3) (a) or (b) of section 3734.02 of the Revised Code, or its operations, is a modification for the purposes of this section. An application for a modification at such a facility shall be submitted, classified, and approved or disapproved in accordance with divisions (I) (1) to (6) of this section in the same manner as a modification to a hazardous waste facility installation and operation permit.

(J) (1) Except as provided in division (J) (2) of this section, an owner or operator of a hazardous waste facility that is operating in accordance with a permit by rule under rules adopted by the director under division (E) (3) (b) of section 3734.02 of the Revised Code shall submit either a hazardous waste facility installation and operation permit application for the facility or a modification application, whichever is required under division (J) (1) (a) or (b) of this section, within one hundred eighty days after the director has requested the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal.

(a) If the owner or operator does not have a hazardous waste facility installation and operation permit for any hazardous waste treatment, storage, or disposal activities at the facility, the owner or operator shall submit an application for such a permit to the director for the activities authorized by the permit by rule. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the application for the permit in accordance with the procedures governing the approval or disapproval of permit renewals under division (H) of this section.

(b) If the owner or operator has a hazardous waste facility installation and operation permit for hazardous waste treatment, storage, or disposal activities at the facility other than those authorized by the permit by rule, the owner or operator shall submit to the director a request for modification in accordance with division (I) of this section. Notwithstanding any other provision of law to the contrary, the director shall approve or disapprove the modification application in accordance with division (I)(5) of this section.

(2) The owner or operator of a boiler or industrial furnace that is conducting thermal treatment activities in accordance with a permit by rule under rules adopted by the director under division (E)(3)(b) of section 3734.02 of the Revised Code shall submit a hazardous waste facility installation and operation permit application if the owner or operator does not have such a permit for any hazardous waste treatment, storage, or disposal activities at the facility or, if the owner or operator has such a permit for hazardous waste treatment, storage, or disposal activities at the facility other than thermal treatment activities authorized by the permit by rule, a modification application to add those activities authorized by the permit by rule, whichever is applicable, within one hundred eighty days after the director has requested the submission of the application or upon a later date if the owner or operator demonstrates to the director good cause for the late submittal. The application shall be accompanied by information necessary to support the request. The director shall approve or disapprove an application for a hazardous waste facility installation and operation permit in accordance with division (D) of this section and approve or disapprove an application for a modification in accordance with division (I)

(3) of this section, except that the director shall not 65692  
disapprove an application for the thermal treatment activities 65693  
on the basis of the criteria set forth in division (D) (2) (g) or 65694  
(h) of this section. 65695

(3) As used in division (J) of this section: 65696

(a) "Modification application" means a request for a 65697  
modification submitted in accordance with division (I) of this 65698  
section. 65699

(b) "Thermal treatment," "boiler," and "industrial 65700  
furnace" have the same meanings as in rules adopted under 65701  
section 3734.12 of the Revised Code. 65702

(K) The director shall adopt, and may amend, suspend, or 65703  
rescind, rules in accordance with Chapter 119. of the Revised 65704  
Code in order to implement divisions (H) and (I) of this 65705  
section. Except when in actual conflict with this section, rules 65706  
governing the classification of and procedures for the 65707  
modification of hazardous waste facility installation and 65708  
operation permits shall be substantively and procedurally 65709  
identical to the regulations governing hazardous waste facility 65710  
permitting and permit modifications adopted under the "Resource 65711  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 65712  
U.S.C.A. 6921, as amended. 65713

**Sec. 3734.57.** (A) The following fees are hereby levied on 65714  
the transfer or disposal of solid wastes in this state: 65715

(1) Seventy-one cents per ton through June 30, ~~2026~~2028, 65716  
eleven cents of the proceeds of which shall be deposited in the 65717  
state treasury to the credit of the hazardous waste facility 65718  
management fund created in section 3734.18 of the Revised Code 65719  
and sixty cents of the proceeds of which shall be deposited in 65720



the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code; 65721  
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(2) An additional ninety cents per ton through June 30, 2026~~2028~~, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code; 65723  
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(3) An additional two dollars and eighty-one cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code; 65727  
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(4) An additional twenty-five cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code; 65732  
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(5) An additional eight cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code. 65737  
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In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under 65741  
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this division. In the case of solid wastes that are not taken to 65750  
a solid waste transfer facility located in this state prior to 65751  
being transported to a solid waste disposal facility, the fees 65752  
shall be collected by the owner or operator of the solid waste 65753  
disposal facility as a trustee for the state. The amount of fees 65754  
required to be collected under this division at such a disposal 65755  
facility shall equal the total tonnage of solid wastes received 65756  
at the facility that was not previously taken to a solid waste 65757  
transfer facility located in this state multiplied by the fees 65758  
levied under this division. Fees levied under this division do 65759  
not apply to materials separated from a mixed waste stream for 65760  
recycling by a generator or materials removed from the solid 65761  
waste stream through recycling, as "recycling" is defined in 65762  
rules adopted under section 3734.02 of the Revised Code. 65763

The owner or operator of a solid waste transfer facility 65764  
or disposal facility, as applicable, shall prepare and file with 65765  
the director of environmental protection each month a return 65766  
indicating the total tonnage of solid wastes received at the 65767  
facility during that month and the total amount of the fees 65768  
required to be collected under this division during that month. 65769  
In addition, the owner or operator of a solid waste disposal 65770  
facility shall indicate on the return the total tonnage of solid 65771  
wastes received from transfer facilities located in this state 65772  
during that month for which the fees were required to be 65773  
collected by the transfer facilities. The monthly returns shall 65774  
be filed on a form prescribed by the director. Not later than 65775  
thirty days after the last day of the month to which a return 65776  
applies, the owner or operator shall mail to the director the 65777  
return for that month together with the fees required to be 65778  
collected under this division during that month as indicated on 65779  
the return or may submit the return and fees electronically in a 65780

manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A

Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 65812  
under it. Prior to making a request for a refund or credit, an 65813  
owner or operator shall make reasonable efforts to collect the 65814  
applicable fees. A request for a refund or credit shall not 65815  
include any costs resulting from those efforts to collect unpaid 65816  
fees. 65817

A request for a refund or credit of fees shall be made in 65818  
writing, on a form prescribed by the director, and shall be 65819  
supported by evidence that may be required in rules adopted by 65820  
the director under this chapter. After reviewing the request, 65821  
and if the request and evidence submitted with the request 65822  
indicate that a refund or credit is warranted, the director 65823  
shall grant a refund to the owner or operator or shall permit a 65824  
credit to be taken by the owner or operator on a subsequent 65825  
monthly return submitted by the owner or operator. The amount of 65826  
a refund or credit shall not exceed an amount that is equal to 65827  
ninety days' worth of fees owed to an owner or operator by a 65828  
particular debtor of the owner or operator. A refund or credit 65829  
shall not be granted by the director to an owner or operator 65830  
more than once in any twelve-month period for fees owed to the 65831  
owner or operator by a particular debtor. 65832

If, after receiving a refund or credit from the director, 65833  
an owner or operator receives payment of all or part of the 65834  
fees, the owner or operator shall remit the fees with the next 65835  
monthly return submitted to the director together with a written 65836  
explanation of the reason for the submittal. 65837

For purposes of computing the fees levied under this 65838  
division or division (B) of this section, any solid waste 65839  
transfer or disposal facility that does not use scales as a 65840  
means of determining gate receipts shall use a conversion factor 65841

of three cubic yards per ton of solid waste or one cubic yard 65842  
per ton for baled waste, as applicable. 65843

The fees levied under this division and divisions (B) and 65844  
(C) of this section are in addition to all other applicable fees 65845  
and taxes and shall be paid by the customer or a political 65846  
subdivision to the owner or operator of a solid waste transfer 65847  
or disposal facility. In the alternative, the fees shall be paid 65848  
by a customer or political subdivision to a transporter of waste 65849  
who subsequently transfers the fees to the owner or operator of 65850  
such a facility. The fees shall be paid notwithstanding the 65851  
existence of any provision in a contract that the customer or a 65852  
political subdivision may have with the owner or operator or 65853  
with a transporter of waste to the facility that would not 65854  
require or allow such payment regardless of whether the contract 65855  
was entered prior to or after October 16, 2009. For those 65856  
purposes, "customer" means a person who contracts with, or 65857  
utilizes the solid waste services of, the owner or operator of a 65858  
solid waste transfer or disposal facility or a transporter of 65859  
solid waste to such a facility. 65860

(B) For the purposes specified in division (G) of this 65861  
section, the solid waste management policy committee of a county 65862  
or joint solid waste management district may levy fees upon the 65863  
following activities: 65864

(1) The disposal at a solid waste disposal facility 65865  
located in the district of solid wastes generated within the 65866  
district; 65867

(2) The disposal at a solid waste disposal facility within 65868  
the district of solid wastes generated outside the boundaries of 65869  
the district, but inside this state; 65870

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B) (1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B) (1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B) (2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B) (3) of this section shall be not more than the fee levied under division (B) (1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the

time and location where a public hearing on the fees will be 65901  
held. Upon adopting the resolution, the committee shall deliver 65902  
written notice of the adoption of the resolution; of the amount 65903  
of the proposed fees; and of the date, time, and location of the 65904  
public hearing to the director and to the fifty industrial, 65905  
commercial, or institutional generators of solid wastes within 65906  
the district that generate the largest quantities of solid 65907  
wastes, as determined by the committee, and to their local trade 65908  
associations. The committee shall make good faith efforts to 65909  
identify those generators within the district and their local 65910  
trade associations, but the nonprovision of notice under this 65911  
division to a particular generator or local trade association 65912  
does not invalidate the proceedings under this division. The 65913  
publication shall occur at least thirty days before the hearing. 65914  
After the hearing, the committee may make such revisions to the 65915  
proposed fees as it considers appropriate and thereafter, by 65916  
resolution, shall adopt the revised fee schedule. Upon adopting 65917  
the revised fee schedule, the committee shall deliver a copy of 65918  
the resolution doing so to the board of county commissioners of 65919  
each county forming the district and to the legislative 65920  
authority of each municipal corporation and township under the 65921  
jurisdiction of the district. Within sixty days after the 65922  
delivery of a copy of the resolution adopting the proposed 65923  
revised fees by the policy committee, each such board and 65924  
legislative authority, by ordinance or resolution, shall approve 65925  
or disapprove the revised fees and deliver a copy of the 65926  
ordinance or resolution to the committee. If any such board or 65927  
legislative authority fails to adopt and deliver to the policy 65928  
committee an ordinance or resolution approving or disapproving 65929  
the revised fees within sixty days after the policy committee 65930  
delivered its resolution adopting the proposed revised fees, it 65931  
shall be conclusively presumed that the board or legislative 65932

authority has approved the proposed revised fees. The committee 65933  
shall determine if the resolution has been ratified in the same 65934  
manner in which it determines if a draft solid waste management 65935  
plan has been ratified under division (B) of section 3734.55 of 65936  
the Revised Code. 65937

The committee may amend the schedule of fees levied 65938  
pursuant to a resolution adopted and ratified under this 65939  
division by adopting a resolution establishing the proposed 65940  
amount of the amended fees. The committee may repeal the fees 65941  
levied pursuant to such a resolution by adopting a resolution 65942  
proposing to repeal them. Upon adopting such a resolution, the 65943  
committee shall proceed to obtain ratification of the resolution 65944  
in accordance with this division. 65945

Not later than fourteen days after declaring the new fees 65946  
to be ratified or the fees to be repealed under this division, 65947  
the committee shall notify by certified mail the owner or 65948  
operator of each solid waste disposal facility that is required 65949  
to collect the fees of the ratification and the amount of the 65950  
fees or of the repeal of the fees. Collection of any fees shall 65951  
commence or collection of repealed fees shall cease on the first 65952  
day of the second month following the month in which 65953  
notification is sent to the owner or operator. 65954

Fees levied under this division also may be established, 65955  
amended, or repealed by a solid waste management policy 65956  
committee through the adoption of a new district solid waste 65957  
management plan, the adoption of an amended plan, or the 65958  
amendment of the plan or amended plan in accordance with 65959  
sections 3734.55 and 3734.56 of the Revised Code or the adoption 65960  
or amendment of a district plan in connection with a change in 65961  
district composition under section 3734.521 of the Revised Code. 65962



Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid

waste disposal facility that is required to collect the 65994  
district's fees that the change is to take effect on the first 65995  
day of January immediately following the issuance of the notice 65996  
and of the amount of the fees or amended fees levied under 65997  
divisions (B) (1) to (3) of this section pursuant to the 65998  
district's initial or amended plan as so approved or, if 65999  
appropriate, the repeal of the district's fees by that initial 66000  
or amended plan. Collection of any fees set forth in such a plan 66001  
or amended plan shall commence on the first day of January 66002  
immediately following the issuance of the notice. If such an 66003  
initial or amended plan repeals a schedule of fees, collection 66004  
of the fees shall cease on that first day of January. 66005

If, in the case of a change in district composition 66006  
involving the withdrawal of a county from a joint district, the 66007  
director completes the actions required under division (G) (1) or 66008  
(3) of section 3734.521 of the Revised Code, as appropriate, 66009  
less than forty-five days before the beginning of a calendar 66010  
year, the director, on behalf of each of the districts resulting 66011  
from the change that obtained the director's approval of an 66012  
initial or amended plan in connection with the change 66013  
proceedings, shall notify by certified mail the owner or 66014  
operator of each solid waste disposal facility that is required 66015  
to collect the district's fees that the change is to take effect 66016  
on the first day of January immediately following the mailing of 66017  
the notice and of the amount of the fees or amended fees levied 66018  
under divisions (B) (1) to (3) of this section pursuant to the 66019  
district's initial or amended plan as so approved or, if 66020  
appropriate, the repeal of the district's fees by that initial 66021  
or amended plan. Collection of any fees set forth in such a plan 66022  
or amended plan shall commence on the first day of the second 66023  
month following the month in which notification is sent to the 66024

owner or operator. If such an initial or amended plan repeals a  
schedule of fees, collection of the fees shall cease on the  
first day of the second month following the month in which  
notification is sent to the owner or operator.

If the schedule of fees that a solid waste management  
district is levying under divisions (B) (1) to (3) of this  
section is amended or repealed, the fees in effect immediately  
prior to the amendment or repeal shall continue to be collected  
until collection of the amended fees commences or collection of  
the repealed fees ceases, as applicable, as specified in this  
division. In the case of a change in district composition, money  
so received from the collection of the fees of the former  
districts shall be divided among the resulting districts in  
accordance with division (B) of section 343.012 of the Revised  
Code and the agreements entered into under division (B) of  
section 343.01 of the Revised Code to establish the former and  
resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this  
section establishing the times when newly established or amended  
fees levied by a district are required to commence and the  
collection of fees that have been amended or repealed is  
required to cease, "fees" or "schedule of fees" includes, in  
addition to fees levied under divisions (B) (1) to (3) of this  
section, those levied under section 3734.573 or 3734.574 of the  
Revised Code.

(C) For the purposes of defraying the added costs to a  
municipal corporation or township of maintaining roads and other  
public facilities and of providing emergency and other public  
services, and compensating a municipal corporation or township  
for reductions in real property tax revenues due to reductions

in real property valuations resulting from the location and 66055  
operation of a solid waste disposal facility within the 66056  
municipal corporation or township, a municipal corporation or 66057  
township in which such a solid waste disposal facility is 66058  
located may levy a fee of not more than twenty-five cents per 66059  
ton on the disposal of solid wastes at a solid waste disposal 66060  
facility located within the boundaries of the municipal 66061  
corporation or township regardless of where the wastes were 66062  
generated. 66063

The legislative authority of a municipal corporation or 66064  
township may levy fees under this division by enacting an 66065  
ordinance or adopting a resolution establishing the amount of 66066  
the fees. Upon so doing the legislative authority shall mail a 66067  
certified copy of the ordinance or resolution to the board of 66068  
county commissioners or directors of the county or joint solid 66069  
waste management district in which the municipal corporation or 66070  
township is located or, if a regional solid waste management 66071  
authority has been formed under section 343.011 of the Revised 66072  
Code, to the board of trustees of that regional authority, the 66073  
owner or operator of each solid waste disposal facility in the 66074  
municipal corporation or township that is required to collect 66075  
the fee by the ordinance or resolution, and the director of 66076  
environmental protection. Although the fees levied under this 66077  
division are levied on the basis of tons as the unit of 66078  
measurement, the legislative authority, in its ordinance or 66079  
resolution levying the fees under this division, may direct that 66080  
the fees be levied on the basis of cubic yards as the unit of 66081  
measurement based upon a conversion factor of three cubic yards 66082  
per ton generally or one cubic yard per ton for baled wastes. 66083

Not later than five days after enacting an ordinance or 66084  
adopting a resolution under this division, the legislative 66085

authority shall so notify by certified mail the owner or 66086  
operator of each solid waste disposal facility that is required 66087  
to collect the fee. Collection of any fee levied on or after 66088  
March 24, 1992, shall commence on the first day of the second 66089  
month following the month in which notification is sent to the 66090  
owner or operator. 66091

(D) (1) The fees levied under divisions (A), (B), and (C) 66092  
of this section do not apply to the disposal of solid wastes 66093  
that: 66094

(a) Are disposed of at a facility owned by the generator 66095  
of the wastes when the solid waste facility exclusively disposes 66096  
of solid wastes generated at one or more premises owned by the 66097  
generator regardless of whether the facility is located on a 66098  
premises where the wastes are generated; 66099

(b) Are generated from the combustion of coal, or from the 66100  
combustion of primarily coal, regardless of whether the disposal 66101  
facility is located on the premises where the wastes are 66102  
generated; 66103

(c) Are asbestos or asbestos-containing materials or 66104  
products disposed of at a construction and demolition debris 66105  
facility that is licensed under Chapter 3714. of the Revised 66106  
Code or at a solid waste facility that is licensed under this 66107  
chapter. 66108

(2) Except as provided in section 3734.571 of the Revised 66109  
Code, any fees levied under division (B) (1) of this section 66110  
apply to solid wastes originating outside the boundaries of a 66111  
county or joint district that are covered by an agreement for 66112  
the joint use of solid waste facilities entered into under 66113  
section 343.02 of the Revised Code by the board of county 66114

commissioners or board of directors of the county or joint 66115  
district where the wastes are generated and disposed of. 66116

(3) When solid wastes, other than solid wastes that 66117  
consist of scrap tires, are burned in a disposal facility that 66118  
is an incinerator or energy recovery facility, the fees levied 66119  
under divisions (A), (B), and (C) of this section shall be 66120  
levied upon the disposal of the fly ash and bottom ash remaining 66121  
after burning of the solid wastes and shall be collected by the 66122  
owner or operator of the sanitary landfill where the ash is 66123  
disposed of. 66124

(4) When solid wastes are delivered to a solid waste 66125  
transfer facility, the fees levied under divisions (B) and (C) 66126  
of this section shall be levied upon the disposal of solid 66127  
wastes transported off the premises of the transfer facility for 66128  
disposal and shall be collected by the owner or operator of the 66129  
solid waste disposal facility where the wastes are disposed of. 66130

(5) The fees levied under divisions (A), (B), and (C) of 66131  
this section do not apply to sewage sludge that is generated by 66132  
a waste water treatment facility holding a national pollutant 66133  
discharge elimination system permit and that is disposed of 66134  
through incineration, land application, or composting or at 66135  
another resource recovery or disposal facility that is not a 66136  
landfill. 66137

(6) The fees levied under divisions (A), (B), and (C) of 66138  
this section do not apply to solid wastes delivered to a solid 66139  
waste composting facility for processing. When any unprocessed 66140  
solid waste or compost product is transported off the premises 66141  
of a composting facility and disposed of at a landfill, the fees 66142  
levied under divisions (A), (B), and (C) of this section shall 66143  
be collected by the owner or operator of the landfill where the 66144

unprocessed waste or compost product is disposed of. 66145

(7) When solid wastes that consist of scrap tires are 66146  
processed at a scrap tire recovery facility, the fees levied 66147  
under divisions (A), (B), and (C) of this section shall be 66148  
levied upon the disposal of the fly ash and bottom ash or other 66149  
solid wastes remaining after the processing of the scrap tires 66150  
and shall be collected by the owner or operator of the solid 66151  
waste disposal facility where the ash or other solid wastes are 66152  
disposed of. 66153

(8) The director of environmental protection may issue an 66154  
order exempting from the fees levied under this section solid 66155  
wastes, including, but not limited to, scrap tires, that are 66156  
generated, transferred, or disposed of as a result of a contract 66157  
providing for the expenditure of public funds entered into by 66158  
the administrator or regional administrator of the United States 66159  
environmental protection agency, the director of environmental 66160  
protection, or the director of administrative services on behalf 66161  
of the director of environmental protection for the purpose of 66162  
remediating conditions at a hazardous waste facility, solid 66163  
waste facility, or other location at which the administrator or 66164  
regional administrator or the director of environmental 66165  
protection has reason to believe that there is a substantial 66166  
threat to public health or safety or the environment or that the 66167  
conditions are causing or contributing to air or water pollution 66168  
or soil contamination. An order issued by the director of 66169  
environmental protection under division (D) (8) of this section 66170  
shall include a determination that the amount of the fees not 66171  
received by a solid waste management district as a result of the 66172  
order will not adversely impact the implementation and financing 66173  
of the district's approved solid waste management plan and any 66174  
approved amendments to the plan. Such an order is a final action 66175

of the director of environmental protection. 66176

(E) The fees levied under divisions (B) and (C) of this 66177  
section shall be collected by the owner or operator of the solid 66178  
waste disposal facility where the wastes are disposed of as a 66179  
trustee for the county or joint district and municipal 66180  
corporation or township where the wastes are disposed of. Moneys 66181  
from the fees levied under division (B) of this section shall be 66182  
forwarded to the board of county commissioners or board of 66183  
directors of the district in accordance with rules adopted under 66184  
division (H) of this section. Moneys from the fees levied under 66185  
division (C) of this section shall be forwarded to the treasurer 66186  
or such other officer of the municipal corporation as, by virtue 66187  
of the charter, has the duties of the treasurer or to the fiscal 66188  
officer of the township, as appropriate, in accordance with 66189  
those rules. 66190

(F) Moneys received by the treasurer or other officer of 66191  
the municipal corporation under division (E) of this section 66192  
shall be paid into the general fund of the municipal 66193  
corporation. Moneys received by the fiscal officer of the 66194  
township under that division shall be paid into the general fund 66195  
of the township. The treasurer or other officer of the municipal 66196  
corporation or the township fiscal officer, as appropriate, 66197  
shall maintain separate records of the moneys received from the 66198  
fees levied under division (C) of this section. 66199

(G) Moneys received by the board of county commissioners 66200  
or board of directors under division (E) of this section or 66201  
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 66202  
Code shall be paid to the county treasurer, or other official 66203  
acting in a similar capacity under a county charter, in a county 66204  
district or to the county treasurer or other official designated 66205



by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders

and terms and conditions of permits issued under those 66236  
provisions; 66237

(4) Providing financial assistance to each county within 66238  
the district to defray the added costs of maintaining roads and 66239  
other public facilities and of providing emergency and other 66240  
public services resulting from the location and operation of a 66241  
solid waste facility within the county under the district's 66242  
approved solid waste management plan or amended plan; 66243

(5) Pursuant to contracts entered into with boards of 66244  
health within the district, if solid waste facilities contained 66245  
in the district's approved plan or amended plan are located 66246  
within the district, for paying the costs incurred by those 66247  
boards of health for collecting and analyzing samples from 66248  
public or private water wells on lands adjacent to those 66249  
facilities; 66250

(6) Developing and implementing a program for the 66251  
inspection of solid wastes generated outside the boundaries of 66252  
this state that are disposed of at solid waste facilities 66253  
included in the district's approved solid waste management plan 66254  
or amended plan; 66255

(7) Providing financial assistance to boards of health 66256  
within the district for the enforcement of section 3734.03 of 66257  
the Revised Code or to local law enforcement agencies having 66258  
jurisdiction within the district for enforcing anti-littering 66259  
laws and ordinances; 66260

(8) Providing financial assistance to boards of health of 66261  
health districts within the district that are on the approved 66262  
list under section 3734.08 of the Revised Code to defray the 66263  
costs to the health districts for the participation of their 66264

employees responsible for enforcement of the solid waste 66265  
provisions of this chapter and rules adopted and orders and 66266  
terms and conditions of permits, licenses, and variances issued 66267  
under those provisions in the training and certification program 66268  
as required by rules adopted under division (L) of section 66269  
3734.02 of the Revised Code; 66270

(9) Providing financial assistance to individual municipal 66271  
corporations and townships within the district to defray their 66272  
added costs of maintaining roads and other public facilities and 66273  
of providing emergency and other public services resulting from 66274  
the location and operation within their boundaries of a 66275  
composting, energy or resource recovery, incineration, or 66276  
recycling facility that either is owned by the district or is 66277  
furnishing solid waste management facility or recycling services 66278  
to the district pursuant to a contract or agreement with the 66279  
board of county commissioners or directors of the district; 66280

(10) Payment of any expenses that are agreed to, awarded, 66281  
or ordered to be paid under section 3734.35 of the Revised Code 66282  
and of any administrative costs incurred pursuant to that 66283  
section. In the case of a joint solid waste management district, 66284  
if the board of county commissioners of one of the counties in 66285  
the district is negotiating on behalf of affected communities, 66286  
as defined in that section, in that county, the board shall 66287  
obtain the approval of the board of directors of the district in 66288  
order to expend moneys for administrative costs incurred. 66289

Prior to the approval of the district's solid waste 66290  
management plan under section 3734.55 of the Revised Code, 66291  
moneys in the special fund of the district arising from the fees 66292  
shall be expended for those purposes in the manner prescribed by 66293  
the solid waste management policy committee by resolution. 66294

Notwithstanding division (G) (6) of this section as it 66295  
existed prior to October 29, 1993, or any provision in a 66296  
district's solid waste management plan prepared in accordance 66297  
with division (B) (2) (e) of section 3734.53 of the Revised Code 66298  
as it existed prior to that date, any moneys arising from the 66299  
fees levied under division (B) (3) of this section prior to 66300  
January 1, 1994, may be expended for any of the purposes 66301  
authorized in divisions (G) (1) to (10) of this section. 66302

(H) The director shall adopt rules in accordance with 66303  
Chapter 119. of the Revised Code prescribing procedures for 66304  
collecting and forwarding the fees levied under divisions (B) 66305  
and (C) of this section to the boards of county commissioners or 66306  
directors of county or joint solid waste management districts 66307  
and to the treasurers or other officers of municipal 66308  
corporations and the fiscal officers of townships. The rules 66309  
also shall prescribe the dates for forwarding the fees to the 66310  
boards and officials and may prescribe any other requirements 66311  
the director considers necessary or appropriate to implement and 66312  
administer divisions (A), (B), and (C) of this section. 66313

**Sec. 3734.79.** (A) Except as provided in division (B) of 66314  
this section, each application for a permit submitted under 66315  
sections 3734.76 to 3734.78 of the Revised Code shall be 66316  
accompanied by a nonrefundable application fee of four hundred 66317  
dollars that shall be credited to the scrap tire management fund 66318  
created in section 3734.82 of the Revised Code. If a permit is 66319  
issued, the amount of the application fee paid shall be deducted 66320  
from the amount of the applicable permit fee due under division 66321  
~~(R)~~(Q) of section 3745.11 of the Revised Code. 66322

(B) Division (A) of this section does not apply to an 66323  
application for a permit for a scrap tire storage facility 66324

submitted under section 3734.76 of the Revised Code if the owner 66325  
or operator of the facility or proposed facility is a motor 66326  
vehicle salvage dealer licensed under Chapter 4738. of the 66327  
Revised Code. 66328

**Sec. 3734.901.** (A) (1) For the purpose of providing revenue 66329  
to defray the cost of administering and enforcing the scrap tire 66330  
provisions of this chapter, rules adopted under those 66331  
provisions, and terms and conditions of orders, variances, and 66332  
licenses issued under those provisions; to abate accumulations 66333  
of scrap tires; to make grants supporting market development 66334  
activities for scrap tires and synthetic rubber from tire 66335  
manufacturing processes and tire recycling processes and to 66336  
support scrap tire amnesty and cleanup events; to make loans to 66337  
promote the recycling or recovery of energy from scrap tires; 66338  
and to defray the costs of administering and enforcing sections 66339  
3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents 66340  
per tire is hereby levied on the sale of tires. The proceeds of 66341  
the fee shall be deposited in the state treasury to the credit 66342  
of the scrap tire management fund created in section 3734.82 of 66343  
the Revised Code. The fee is levied from the first day of the 66344  
calendar month that begins next after thirty days from October 66345  
29, 1993, through June 30, ~~2026~~2028. 66346

(2) Beginning on July 1, 2011, and ending on June 30, 66347  
2026, there is hereby levied an additional fee of fifty cents 66348  
per tire on the sale of tires the proceeds of which shall be 66349  
deposited in the state treasury to the credit of the soil and 66350  
water conservation district assistance fund created in section 66351  
940.15 of the Revised Code. 66352

(B) Only one sale of the same article shall be used in 66353  
computing the amount of the fee due. 66354

**Sec. 3734.904.** (A) By the twentieth day of each month, 66355  
each person required to pay the fee imposed by section 3734.901 66356  
of the Revised Code shall file with the tax commissioner a 66357  
return as prescribed by the tax commissioner and shall make 66358  
payment of the full amount of the fee due for the preceding 66359  
~~month after deduction of any discount provided for under~~ 66360  
~~division (E) of this section.~~ The return shall be signed by the 66361  
person required to file it, or an authorized employee, officer, 66362  
or agent. The return shall be deemed filed when received by the 66363  
tax commissioner. 66364

(B) Any person required by this section to file a return 66365  
who fails to file such a return within the period prescribed may 66366  
be required to pay an additional charge of fifty dollars or ten 66367  
per cent of the fee required to be paid for the reporting 66368  
period, whichever is greater. The commissioner may collect the 66369  
additional charge by assessment pursuant to section 3734.907 of 66370  
the Revised Code. ~~The commissioner may remit all or a portion of~~ 66371  
~~the additional charge and may adopt rules relating thereto.~~ 66372

(C) If any fee due is not paid timely in accordance with 66373  
this section, the person liable for the fee shall pay interest, 66374  
calculated at the rate per annum as prescribed by section 66375  
5703.47 of the Revised Code, from the date the fee payment was 66376  
due to the date of payment or to the date an assessment is 66377  
issued, whichever occurs first. Interest shall be paid in the 66378  
same manner as the fee, and the commissioner may collect the 66379  
interest by assessment pursuant to section 3734.907 of the 66380  
Revised Code. 66381

(D) If, in the estimation of the tax commissioner, the 66382  
average liability of the person liable for the fee is such as 66383  
not to merit monthly filing, the commissioner may authorize the 66384

person to file and pay at less frequent intervals. Returns are 66385  
due by the twentieth day of the month following the close of the 66386  
applicable reporting period authorized under this division. 66387

~~(E) If a return is filed and the amount of the fee shown 66388  
to be due on the return is paid on or before the date that the 66389  
return is required to be filed under division (A) of this 66390  
section or pursuant to division (D) of this section, whichever 66391  
is applicable, the person liable for the fee is entitled to a 66392  
discount of four per cent of the amount shown to be due on the 66393  
return. 66394~~

~~(F) All money collected by the tax commissioner under this 66395  
section shall be paid to the treasurer of state as revenue 66396  
arising from the fee imposed by section 3734.901 of the Revised 66397  
Code. 66398~~

**Sec. 3734.907.** (A) Any person required to pay the fee 66399  
imposed by section 3734.901 of the Revised Code is personally 66400  
liable for the fee. The tax commissioner may make an assessment, 66401  
based upon any information in the commissioner's possession, 66402  
against any person who fails to file a return or pay any fee, 66403  
interest, or additional charge as required by sections 3734.90 66404  
to 3734.9014 of the Revised Code. The commissioner shall give 66405  
the person assessed written notice of the assessment in the 66406  
manner provided in section 5703.37 of the Revised Code. With the 66407  
notice, the commissioner shall provide instructions on how to 66408  
petition for reassessment and request a hearing on the petition. 66409

(B) When the information in the possession of the tax 66410  
commissioner indicates that a person liable for the fee imposed 66411  
by section 3734.901 of the Revised Code has not paid the full 66412  
amount of fee due, the commissioner may audit a representative 66413  
sample of the person's business and may issue an assessment 66414

based on the audit. 66415

(C) A penalty of up to fifteen per cent may be added to 66416  
all amounts assessed under this section. ~~The commissioner may~~ 66417  
~~adopt rules providing for the imposition and remission of the~~ 66418  
~~penalties.~~ 66419

(D) Unless the person assessed files with the tax 66420  
commissioner within sixty days after service of the notice of 66421  
assessment, ~~either personally or by certified mail,~~ a written 66422  
petition for reassessment signed by the person assessed or that 66423  
person's authorized agent having knowledge of the facts, the 66424  
assessment becomes final and the amount of the assessment is due 66425  
and payable from the person assessed to the treasurer of state. 66426  
The petition shall indicate the objections of the person 66427  
assessed, but additional objections may be raised in writing if 66428  
received by the commissioner prior to the date shown on the 66429  
final determination. If the petition has been properly filed, 66430  
the commissioner shall proceed under section 5703.60 of the 66431  
Revised Code. 66432

(E) After an assessment becomes final, if any portion of 66433  
the assessment, including accrued interest, remains unpaid, a 66434  
certified copy of the tax commissioner's entry making the 66435  
assessment final may be filed in the office of the clerk of the 66436  
court of common pleas in the county in which the person assessed 66437  
resides or in which the person's business is conducted. If the 66438  
person assessed maintains no place of business in this state and 66439  
is not a resident of this state, the certified copy of the entry 66440  
may be filed in the office of the clerk of the court of common 66441  
pleas of Franklin county. 66442

Immediately upon the filing of the entry, the clerk shall 66443  
enter a judgment for the state against the person assessed in 66444



the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state tire fee," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of the fee due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the fee and may be collected by the issuance of an assessment under this section.

(F) If the tax commissioner believes that collection of the fee will be jeopardized unless proceedings to collect or secure collection of the fee are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the fee. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's legal representative, as provided in section 5703.37 of

the Revised Code, within five days of the filing of the entry 66476  
with the clerk. The total amount assessed is immediately due and 66477  
payable, unless the person assessed files a petition for 66478  
reassessment in accordance with division (D) of this section and 66479  
provides security in a form satisfactory to the commissioner and 66480  
in an amount sufficient to satisfy the unpaid balance of the 66481  
assessment. Full or partial payment of the assessment does not 66482  
prejudice the commissioner's consideration of the petition for 66483  
reassessment. 66484

(G) All money collected by the tax commissioner under this 66485  
section shall be paid to the treasurer of state as revenue 66486  
arising from the fee imposed by section 3734.901 of the Revised 66487  
Code. 66488

**Sec. 3735.67.** (A) The owner of real property located in a 66489  
community reinvestment area and eligible for exemption from 66490  
taxation under a resolution adopted pursuant to section 3735.66 66491  
of the Revised Code may file an application for an exemption 66492  
from real property taxation of a percentage of the assessed 66493  
valuation of a new structure, or of the increased assessed 66494  
valuation of an existing structure after remodeling began, if 66495  
the new structure or remodeling is completed after the effective 66496  
date of the resolution adopted pursuant to section 3735.66 of 66497  
the Revised Code. The application shall be filed with the 66498  
housing officer designated for the community reinvestment area 66499  
in which the property is located. If any part of the new 66500  
structure or remodeled structure that would be exempted is of 66501  
real property to be used for commercial or industrial purposes, 66502  
the legislative authority and the owner of the property shall 66503  
enter into a written agreement pursuant to section 3735.671 of 66504  
the Revised Code prior to commencement of construction or 66505  
remodeling; if such an agreement is subject to approval by the 66506

board of education of the school district within the territory 66507  
of which the property is or will be located, the agreement shall 66508  
not be formally approved by the legislative authority until the 66509  
board of education approves the agreement in the manner 66510  
prescribed by that section. If a structure is already subject to 66511  
a written agreement pursuant to section 3735.671 of the Revised 66512  
Code, is on the site of a proposed megaproject, and is expected 66513  
to be owned or occupied by a megaproject operator as defined in 66514  
division (A) (12) of section 122.17 of the Revised Code, or is 66515  
not situated on the site of a proposed megaproject but is 66516  
expected to be owned or occupied by a megaproject supplier that 66517  
meets the requirements described in division (A) (13) (b) of 66518  
section 122.17 of the Revised Code, the legislative authority 66519  
may amend the agreement to cause the exemption for the structure 66520  
to continue for a maximum amended term not exceeding thirty 66521  
years by following the process for approving an agreement 66522  
described in section 3735.671 of the Revised Code. 66523

(B) The housing officer shall verify the construction of 66524  
the new structure or the cost of the remodeling of the existing 66525  
structure and the facts asserted in the application. The housing 66526  
officer shall determine whether the construction or remodeling 66527  
meets the requirements for an exemption under this section. In 66528  
cases involving a structure of historical or architectural 66529  
significance, the housing officer shall not determine whether 66530  
the remodeling meets the requirements for a tax exemption unless 66531  
the appropriateness of the remodeling has been certified, in 66532  
writing, by the society, association, agency, or legislative 66533  
authority that has designated the structure or by any 66534  
organization or person authorized, in writing, by such society, 66535  
association, agency, or legislative authority to certify the 66536  
appropriateness of the remodeling. 66537

(C) If the construction or remodeling meets the requirements for exemption, the housing officer shall forward the application to the county auditor with a certification as to the division of this section under which the exemption is granted, and the period and percentage of the exemption as determined by the legislative authority pursuant to that division. If the construction or remodeling is of commercial or industrial property and the legislative authority is not required to certify a copy of a resolution under section 3735.671 of the Revised Code, the housing officer shall comply with the notice requirements prescribed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(D) Except as provided in division (F) of this section, the tax exemption shall first apply in the year the construction or remodeling would first be taxable but for this section. In the case of remodeling that qualifies for exemption, a percentage, not to exceed one hundred per cent, of the increased assessed valuation of an existing structure after remodeling began shall be exempted from real property taxation. In the case of construction of a structure that qualifies for exemption, a percentage, not to exceed one hundred per cent, of the assessed value of the structure shall be exempted from real property taxation. In either case, the percentage shall be the percentage set forth in the agreement if the structure or remodeling is to be used for commercial or industrial purposes, or the percentage set forth in the resolution describing the community reinvestment area if the structure or remodeling is to be used for residential purposes.

The construction of new structures and the remodeling of existing structures are hereby declared to be a public purpose

for which exemptions from real property taxation may be granted 66569  
for the following periods: 66570

(1) For every dwelling and commercial or industrial 66571  
properties, located within the same community reinvestment area, 66572  
upon which the cost of remodeling is at least two thousand five 66573  
hundred dollars in the case of a dwelling containing not more 66574  
than two family units or at least five thousand dollars in the 66575  
case of all other property, a period to be determined by the 66576  
legislative authority adopting the resolution, but not exceeding 66577  
fifteen years. The period of exemption for a dwelling described 66578  
in division (D) (1) of this section may be extended by a 66579  
legislative authority for up to an additional ten years if the 66580  
dwelling is a structure of historical or architectural 66581  
significance, is a certified historic structure that has been 66582  
subject to federal tax treatment under 26 U.S.C. 47 and 170 (h), 66583  
and units within the structure have been leased to individual 66584  
tenants for five consecutive years; 66585

(2) Except as provided in division (F) of this section, 66586  
for construction of every dwelling, and commercial or industrial 66587  
structure located within the same community reinvestment area, a 66588  
period to be determined by the legislative authority adopting 66589  
the resolution, but not exceeding one of the following: 66590

(a) Thirty years, if the commercial or industrial 66591  
structure is situated on the site of a megaproject and is owned 66592  
~~and or~~ occupied by a megaproject operator as defined in division 66593  
(A) (12) of section 122.17 of the Revised Code, or is not 66594  
situated on the site of a megaproject but is owned ~~and or~~ 66595  
occupied by a megaproject supplier that meets the requirements 66596  
described in division (A) (13) (b) of section 122.17 of the 66597  
Revised Code; 66598

(b) Fifteen years, for any other dwelling or commercial or industrial structure. 66599  
66600

(E) Any person, board, or officer authorized by section 66601  
5715.19 of the Revised Code to file complaints with the county 66602  
board of revision may file a complaint with the housing officer 66603  
challenging the continued exemption of any property granted an 66604  
exemption under this section. A complaint against exemption 66605  
shall be filed prior to the thirty-first day of December of the 66606  
tax year for which taxation of the property is requested. The 66607  
housing officer shall determine whether the property continues 66608  
to meet the requirements for exemption and shall certify the 66609  
housing officer's findings to the complainant. If the housing 66610  
officer determines that the property does not meet the 66611  
requirements for exemption, the housing officer shall notify the 66612  
county auditor, who shall correct the tax list and duplicate 66613  
accordingly. 66614

(F) The owner of a dwelling constructed in a community 66615  
reinvestment area may file an application for an exemption after 66616  
the year the construction first became subject to taxation. The 66617  
application shall be processed in accordance with the procedures 66618  
prescribed under this section and shall be granted if the 66619  
construction that is the subject of the application otherwise 66620  
meets the requirements for an exemption under this section. If 66621  
approved, the exemption sought in the application first applies 66622  
in the year the application is filed. An exemption approved 66623  
pursuant to this division continues only for those years 66624  
remaining in the period described in division (D)(2) of this 66625  
section. No exemption may be claimed for any year in that period 66626  
that precedes the year in which the application is filed. 66627

**Sec. 3735.671.** (A) If construction or remodeling of 66628

commercial or industrial property is to be exempted from 66629  
taxation pursuant to section 3735.67 of the Revised Code, the 66630  
legislative authority and the owner of the property, prior to 66631  
the commencement of construction or remodeling, shall enter into 66632  
a written agreement, binding on both parties for a period of 66633  
time that does not end prior to the end of the period of the 66634  
exemption, that includes all of the information and statements 66635  
described in divisions (B) (1) to (8) of this section. Agreements 66636  
may include terms not described in those divisions or otherwise 66637  
prescribed by the model agreement adopted by the director of 66638  
development under division (B) of this section, but such terms 66639  
shall in no way derogate from the information and statements 66640  
described in divisions (B) (1) to (8) of this section. 66641

(1) Except as otherwise provided in division (A) (2) or (3) 66642  
of this section, an agreement entered into under this section 66643  
shall not be approved by the legislative authority unless the 66644  
board of education of the city, local, or exempted village 66645  
school district within the territory of which the property is or 66646  
will be located approves the agreement. For the purpose of 66647  
obtaining such approval, the legislative authority shall certify 66648  
a copy of the agreement to the board of education not later than 66649  
forty-five days prior to approving the agreement, excluding 66650  
Saturday, Sunday, and a legal holiday as defined in section 1.14 66651  
of the Revised Code. The board of education, by resolution 66652  
adopted by a majority of the board, shall approve or disapprove 66653  
the agreement and certify a copy of the resolution to the 66654  
legislative authority not later than fourteen days prior to the 66655  
date stipulated by the legislative authority as the date upon 66656  
which approval of the agreement is to be formally considered by 66657  
the legislative authority. The board of education may include in 66658  
the resolution conditions under which the board would approve 66659

the agreement. The legislative authority may approve an 66660  
agreement at any time after the board of education certifies its 66661  
resolution approving the agreement to the legislative authority, 66662  
or, if the board approves the agreement conditionally, at any 66663  
time after the conditions are agreed to by the board and the 66664  
legislative authority. 66665

(2) Approval of an agreement by the board of education is 66666  
not required under division (A)(1) of this section if, for each 66667  
tax year the real property is exempted from taxation, the sum of 66668  
the following quantities, as estimated at or prior to the time 66669  
the agreement is formally approved by the legislative authority, 66670  
equals or exceeds twenty-five per cent of the amount of taxes, 66671  
as estimated at or prior to that time, that would have been 66672  
charged and payable that year upon the real property had that 66673  
property not been exempted from taxation: 66674

(a) The amount of taxes charged and payable on any portion 66675  
of the assessed valuation of the new structure or of the 66676  
increased assessed valuation of an existing structure after 66677  
remodeling began that will not be exempted from taxation under 66678  
the agreement; 66679

(b) The amount of taxes charged and payable on tangible 66680  
personal property located on the premises of the new structure 66681  
or of the structure to be remodeled under the agreement, whether 66682  
payable by the owner of the structure or by a related member, as 66683  
defined in section 5733.042 of the Revised Code without regard 66684  
to division (B) of that section. 66685

(c) The amount of any cash payment by the owner of the new 66686  
structure or structure to be remodeled to the school district, 66687  
the dollar value, as mutually agreed to by the owner and the 66688  
board of education, of any property or services provided by the 66689



owner of the property to the school district, whether by gift, 66690  
loan, or otherwise, and any payment by the legislative authority 66691  
to the school district pursuant to section 5709.82 of the 66692  
Revised Code. 66693

The estimates of quantities used for purposes of division 66694  
(A) (2) of this section shall be estimated by the legislative 66695  
authority. The legislative authority shall certify to the board 66696  
of education that the estimates have been made in good faith. 66697  
Departures of the actual quantities from the estimates 66698  
subsequent to approval of the agreement by the board of 66699  
education do not invalidate the agreement. 66700

(3) If a board of education has adopted a resolution 66701  
waiving its right to approve agreements and the resolution 66702  
remains in effect, approval of an agreement by the board is not 66703  
required under division (A) (1) of this section. If a board of 66704  
education has adopted a resolution allowing a legislative 66705  
authority to deliver the notice required under this division 66706  
fewer than forty-five business days prior to the legislative 66707  
authority's execution of the agreement, the legislative 66708  
authority shall deliver the notice to the board not later than 66709  
the number of days prior to such execution as prescribed by the 66710  
board in its resolution. If a board of education adopts a 66711  
resolution waiving its right to approve agreements or shortening 66712  
the notification period, the board shall certify a copy of the 66713  
resolution to the legislative authority. If the board of 66714  
education rescinds such a resolution, it shall certify notice of 66715  
the rescission to the legislative authority. 66716

(4) If the owner of the property or the legislative 66717  
authority agree to make any payment to the school district as 66718  
described in division (A) (2) (c) of this section, the owner or 66719

legislative authority shall agree to make payments to the joint 66720  
vocational school district within which the property is located 66721  
at the same rate or amount and under the same terms received by 66722  
the city, local, or exempted village school district. 66723

(B) The director of development shall adopt rules in 66724  
accordance with Chapter 119. of the Revised Code prescribing the 66725  
form of a model agreement that a legislative authority may, in 66726  
its discretion, use as the basis for an agreement to be executed 66727  
under this section. The model agreement may include any term 66728  
necessary for the administration and enforcement of such 66729  
agreements by the director and legislative authority, but must 66730  
include all of the following: 66731

(1) A space to include the description of real property to 66732  
be exempted from taxation under the agreement and to identify 66733  
the property's owners; 66734

(2) A space to denote the percentage of the assessed 66735  
valuation of real property exempted from taxation and the period 66736  
for which the exemption is granted; 66737

(3) A statement requiring the owner to pay real property 66738  
taxes not exempted under the agreement, as required by law, and 66739  
requiring rescission of the agreement if the owner fails to pay 66740  
those taxes beginning in and after the year any such taxes are 66741  
charged; 66742

(4) A statement that the owner certifies, at the time the 66743  
agreement is executed, that the owner does not owe any 66744  
delinquent property taxes or taxes for which the owner is liable 66745  
under Chapter 5735., 5739., 5741., 5743., 5747., or 5753. of the 66746  
Revised Code, or, if such delinquent taxes are owed, that the 66747  
owner is paying the delinquent taxes pursuant to an undertaking 66748

enforceable by the state or an agent or instrumentality thereof, 66749  
has filed a petition in bankruptcy, or has had a bankruptcy 66750  
petition filed against the owner; 66751

(5) A statement requiring the owner to provide to the 66752  
property tax incentive review council any information reasonably 66753  
required by the council to evaluate the applicant's compliance 66754  
with the agreement; 66755

(6) A statement that the agreement is not transferable or 66756  
assignable without the approval of the legislative authority; 66757

(7) A statement describing the circumstances under which 66758  
the legislative authority may revoke an agreement for 66759  
noncompliance; 66760

(8) A statement requiring the owner to provide an estimate 66761  
of the following for each agreement: 66762

(a) The number of employment opportunities created due to 66763  
the remodeling or construction, as well as the payroll 66764  
attributable to those opportunities; 66765

(b) The number of employment opportunities retained due to 66766  
the remodeling or construction, as well as the payroll 66767  
attributable to those opportunities. 66768

The model agreement shall also provide that a legislative 66769  
authority may, but is not required to, include a statement 66770  
describing the manner by which the legislative authority may 66771  
recover already-received benefits, which may include an action 66772  
brought in law or equity, a lien on the exempted property in the 66773  
amount to be recovered, or other means. In the case of a lien on 66774  
the exempted property, the lien shall attach, and may be 66775  
perfected, collected, and enforced, in the same manner as a 66776  
mortgage lien on real property, and otherwise has the same force 66777

and effect as a mortgage lien on real property. 66778

Once the director adopts rules prescribing a model 66779  
agreement under this division, the model agreement may not be 66780  
changed unless the director adopts, amends, or rescinds those 66781  
rules in accordance with Chapter 119. of the Revised Code. 66782

(C) If any person that is party to an agreement granting 66783  
an exemption from taxation discontinues operations at the 66784  
structure to which that exemption applies prior to the 66785  
expiration of the term of the agreement, that person, any 66786  
successor to that person, and any related member shall not enter 66787  
into an agreement under this section or section 5709.62, 66788  
5709.63, or 5709.632 of the Revised Code, and no legislative 66789  
authority shall enter into such an agreement with such a person, 66790  
successor, or related member prior to the expiration of three 66791  
years after the person's discontinuation of operations. As used 66792  
in this division, "successor" means a person to which the assets 66793  
or equity of another person has been transferred, which transfer 66794  
resulted in the full or partial nonrecognition of gain or loss, 66795  
or resulted in a carryover basis, both as determined by rule 66796  
adopted by the tax commissioner. "Related member" has the same 66797  
meaning as defined in section 5733.042 of the Revised Code 66798  
without regard to division (B) of that section. 66799

The director of development shall review all agreements 66800  
submitted to the director under section 3735.672 of the Revised 66801  
Code for the purpose of enforcing this division. If the director 66802  
determines there has been a violation of this division, the 66803  
director shall notify the legislative authority of such 66804  
violation, and the legislative authority immediately shall 66805  
revoke the exemption granted under the agreement. 66806

(D) A political subdivision other than the legislative 66807

authority is not required to be a party to an agreement 66808  
authorized under this section unless the political subdivision 66809  
is a fee simple owner of real property subject to an exemption 66810  
pursuant to section 3735.67 of the Revised Code that would 66811  
otherwise be obligated to pay real property taxes for such real 66812  
property. 66813

**Sec. 3737.83.** The state fire marshal shall, as part of the 66814  
state fire code, adopt rules to: 66815

(A) Establish minimum standards of performance for fire 66816  
protection equipment and fire fighting equipment; 66817

(B) Establish minimum standards of training, fix minimum 66818  
qualifications, and require certificates for all persons who 66819  
engage in the business for profit of installing, testing, 66820  
repairing, or maintaining fire protection equipment; 66821

(C) Provide for the issuance of certificates required 66822  
under division (B) of this section and establish the fees to be 66823  
charged for such certificates. A certificate shall be granted, 66824  
renewed, or revoked according to rules the state fire marshal 66825  
shall adopt, except that the state fire marshal shall grant a 66826  
certificate in accordance with Chapter 4796. of the Revised Code 66827  
to an applicant if either of the following applies: 66828

(1) The applicant holds a license or certificate in 66829  
another state. 66830

(2) The applicant has satisfactory work experience, a 66831  
government certification, or a private certification as 66832  
described in that chapter as a person engaged in the business of 66833  
installing, testing, repairing, or maintaining fire protection 66834  
equipment in a state that does not issue that certificate. 66835

(D) Establish minimum standards of flammability for 66836

consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the state fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child care centers and in type A family child care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G) For purposes of determining whether the state fire

code requires an automatic sprinkler system or other fire 66866  
suppression system in an agricultural structure, as defined 66867  
under section 901.53 of the Revised Code, the state fire marshal 66868  
shall not include accessory spaces that have accessible means of 66869  
egress in compliance with the "Americans with Disabilities Act 66870  
of 1990," 42 U.S.C. 12102 et seq., in the calculations for 66871  
square footage or occupant load of the structure's fire area. 66872  
"Accessory spaces" specifically includes covered or uncovered 66873  
decks and patios that are not fully enclosed by surrounding 66874  
walls. 66875

**Sec. 3742.32.** (A) The director of health shall appoint an 66876  
advisory council to assist in the ongoing development and 66877  
implementation of the child lead poisoning prevention program 66878  
created under section 3742.31 of the Revised Code. The advisory 66879  
council shall consist of the following members: 66880

(1) A representative of the department of medicaid; 66881

~~(2) A representative of the bureau of child care in the~~ 66882  
~~department of job and family services;~~ 66883

~~(3) A representative of the department of environmental~~ 66884  
~~protection;~~ 66885

~~(4)~~(3) A representative of the department of education and 66886  
workforce; 66887

~~(5)~~(4) A representative of the department of development; 66888

~~(6)~~(5) A representative of the department of children and 66889  
youth; 66890

~~(7)~~(6) A representative of the Ohio apartment owner's 66891  
association; 66892

~~(8)~~(7) A representative of the Ohio healthy homes network; 66893

~~(9)~~(8) A representative of the Ohio environmental health association; 66894  
66895

~~(10)~~(9) An Ohio representative of the American coatings association; 66896  
66897

~~(11)~~(10) A representative from Ohio realtors; 66898

~~(12)~~(11) A representative of the Ohio housing finance agency; 66899  
66900

~~(13)~~(12) A physician knowledgeable in the field of lead poisoning prevention; 66901  
66902

~~(14)~~(13) A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner knowledgeable in the field of lead poisoning prevention; 66903  
66904  
66905

~~(15)~~(14) A representative of the public. 66906

(B) The advisory council shall do both of the following: 66907

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation; 66908  
66909  
66910  
66911

(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year. 66912  
66913  
66914

(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code. 66915  
66916

**Sec. 3742.50.** (A) As used in this section: 66917

(1) "Lead abatement costs" means costs incurred by a taxpayer for either of the following: 66918  
66919



(a) A lead abatement specialist to conduct a lead risk assessment, a lead abatement project, or a clearance examination, provided the specialist is authorized under this chapter to conduct the respective task;

(b) Relocation costs incurred in the relocation of occupants of an eligible dwelling to achieve occupant protection, as described in 24 C.F.R. 35.1345(a).

"Lead abatement costs" do not include such costs for which the taxpayer is reimbursed or such costs the taxpayer deducts or excludes in computing the taxpayer's federal adjusted gross income for federal income tax purposes or Ohio adjusted gross income as determined under section 5747.01 of the Revised Code.

(2) "Eligible dwelling" means a residential unit constructed in this state before 1978.

(3) "Lead abatement specialist" means an individual who holds a valid license issued under section 3742.05 of the Revised Code.

(4) "Taxable year" and "taxpayer" have the same meanings as in section 5747.01 of the Revised Code.

(B) A taxpayer who incurs lead abatement costs on an eligible dwelling during a taxable year may apply to the director of health for a lead abatement tax credit certificate. The applicant shall list on the application the amount of lead abatement costs the applicant incurred for the eligible dwelling during the taxable year. The director, in consultation with the tax commissioner, shall prescribe the form of a lead abatement tax credit certificate, the manner by which an applicant shall apply for the certificate, and requirements for the submission of any record or other information an applicant must furnish

with the application to verify the lead abatement costs. 66949

(C) (1) Upon receipt of an application under division (B) 66950  
of this section, the director of health shall verify all of the 66951  
following: 66952

(a) The residential unit that is the subject of the 66953  
application is an eligible dwelling. 66954

(b) The taxpayer incurred lead abatement costs during the 66955  
taxable year related to the eligible dwelling. 66956

(c) The eligible dwelling has passed a clearance 66957  
examination in accordance with standards prescribed in rules 66958  
adopted by the director under section 3742.03 or 3742.45 of the 66959  
Revised Code. 66960

(2) After verifying the conditions described in division 66961  
(C) (1) of this section, the director shall issue a lead 66962  
abatement tax credit certificate to the applicant equal to the 66963  
lesser of (a) the lead abatement costs incurred by the taxpayer 66964  
on the eligible dwelling during the taxable year, (b) the amount 66965  
of lead abatement costs listed on the application, or (c) ~~ten-~~ 66966  
fifty thousand dollars, subject to the limitation in division 66967  
(C) (3) of this section. 66968

(3) The director may not issue more than five million 66969  
dollars in lead abatement tax credit certificates in any fiscal 66970  
year. 66971

(D) The director of health, in consultation with the tax 66972  
commissioner, may adopt rules in accordance with Chapter 119. of 66973  
the Revised Code as necessary for the administration of this 66974  
section. 66975

**Sec. 3745.11.** (A) Applicants for and holders of permits, 66976

licenses, variances, plan approvals, and certifications issued 66977  
by the director of environmental protection pursuant to Chapters 66978  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a 66979  
fee to the environmental protection agency for each such 66980  
issuance and each application for an issuance as provided by 66981  
this section. No fee shall be charged for any issuance for which 66982  
no application has been submitted to the director. 66983

(B) Except as otherwise provided in division (C) (2) of 66984  
this section, beginning July 1, 1994, each person who owns or 66985  
operates an air contaminant source and who is required to apply 66986  
for and obtain a Title V permit under section 3704.036 of the 66987  
Revised Code shall pay an annual fee of five thousand dollars in 66988  
addition to the fees set forth in this division. For the 66989  
purposes of this division, total emissions of air contaminants 66990  
may be calculated using engineering calculations, emissions 66991  
factors, material balance calculations, or performance testing 66992  
procedures, as authorized by the director. 66993

The following fees shall be assessed on the total actual 66994  
emissions from a source in tons per year of the regulated 66995  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 66996  
organic compounds, and lead: 66997

(1) Fifteen dollars per ton on the total actual emissions 66998  
of each such regulated pollutant during the period July through 66999  
December 1993, to be collected no sooner than July 1, 1994; 67000

(2) Twenty dollars per ton on the total actual emissions 67001  
of each such regulated pollutant during calendar year 1994, to 67002  
be collected no sooner than April 15, 1995; 67003

(3) Twenty-five dollars per ton on the total actual 67004  
emissions of each such regulated pollutant in calendar year 67005

1995, and each subsequent calendar year, to be collected no 67006  
sooner than the fifteenth day of April of the year next 67007  
succeeding the calendar year in which the emissions occurred. 67008

The fees levied under this division do not apply to that 67009  
portion of the emissions of a regulated pollutant at a facility 67010  
that exceed four thousand tons during a calendar year. 67011

(C) (1) The fees assessed under division (B) of this 67012  
section are for the purpose of providing funding for the Title V 67013  
permit program. 67014

(2) The fees assessed under division (B) of this section 67015  
do not apply to emissions from any electric generating unit 67016  
designated as a Phase I unit under Title IV of the federal Clean 67017  
Air Act prior to calendar year 2000. Those fees shall be 67018  
assessed on the emissions from such a generating unit commencing 67019  
in calendar year 2001 based upon the total actual emissions from 67020  
the generating unit during calendar year 2000 and shall continue 67021  
to be assessed each subsequent calendar year based on the total 67022  
actual emissions from the generating unit during the preceding 67023  
calendar year. 67024

(3) The director shall issue invoices to owners or 67025  
operators of air contaminant sources who are required to pay a 67026  
fee assessed under division (B) or (D) of this section. Any such 67027  
invoice shall be issued no sooner than the applicable date when 67028  
the fee first may be collected in a year under the applicable 67029  
division, shall identify the nature and amount of the fee 67030  
assessed, and shall indicate that the fee is required to be paid 67031  
within thirty days after the issuance of the invoice. 67032

(D) (1) Except as provided in division (D) (2) of this 67033  
section, beginning January 1, 2004, each person who owns or 67034

operates an air contaminant source; who is required to apply for 67035  
a permit to operate pursuant to rules adopted under division 67036  
(G), or a variance pursuant to division (H), of section 3704.03 67037  
of the Revised Code; and who is not required to apply for and 67038  
obtain a Title V permit under section 3704.03 of the Revised 67039  
Code shall pay a single fee based upon the sum of the actual 67040  
annual emissions from the facility of the regulated pollutants 67041  
particulate matter, sulfur dioxide, nitrogen oxides, organic 67042  
compounds, and lead in accordance with the following schedule: 67043  
67044

	1	2	
A	Total tons per year	Annual fee	
	of regulated pollutants	per facility	
	emitted		
B	More than 0, but less than 10		\$100
C	10 or more, but less than 50	200	
D	50 or more, but less than 100	300	
E	100 or more	700	

(2) (a) As used in division (D) of this section, "synthetic 67045  
minor facility" means a facility for which one or more permits 67046  
to install or permits to operate have been issued for the air 67047  
contaminant sources at the facility that include terms and 67048  
conditions that lower the facility's potential to emit air 67049  
contaminants below the major source thresholds established in 67050  
rules adopted under section 3704.036 of the Revised Code. 67051

(b) Beginning January 1, 2000, through June 30, ~~2026~~2028, 67052

each person who owns or operates a synthetic minor facility 67053  
shall pay an annual fee of five thousand dollars in addition to 67054  
a fee based on the sum of the actual annual emissions from the 67055  
facility of particulate matter, sulfur dioxide, nitrogen 67056  
dioxide, organic compounds, and lead in accordance with the 67057  
following schedule: 67058  
67059

	1	2
A	Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
B	Less than 10	<del>\$170</del> <u>\$255</u>
C	10 or more, but less than 20	<del>340</del> <u>510</u>
D	20 or more, but less than 30	<del>670</del> <u>1,005</u>
E	30 or more, but less than 40	<del>1,010</del> <u>1,515</u>
F	40 or more, but less than 50	<del>1,340</del> <u>2,010</u>
G	50 or more, but less than 60	<del>1,680</del> <u>2,520</u>
H	60 or more, but less than 70	<del>2,010</del> <u>3,015</u>
I	70 or more, but less than 80	<del>2,350</del> <u>3,525</u>
J	80 or more, but less than 90	<del>2,680</del> <u>4,020</u>
K	90 or more, but less than 100	<del>3,020</del> <u>4,530</u>

L 100 or more

3,3505,025

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees assessed on emissions prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average 67088  
of the consumer price index for all urban consumers published by 67089  
the United States department of labor as of the close of the 67090  
twelve-month period ending on the thirty-first day of August of 67091  
that year. 67092

(b) If the 1989 consumer price index is revised, the 67093  
director shall use the revision of the consumer price index that 67094  
is most consistent with that for calendar year 1989. 67095

(F) Each person who is issued a permit to install pursuant 67096  
to rules adopted under division (F) of section 3704.03 of the 67097  
Revised Code on or after July 1, 2003, shall pay the fees 67098  
specified in the following schedules: 67099

(1) Fuel-burning equipment (boilers, furnaces, or process 67100  
heaters used in the process of burning fuel for the primary 67101  
purpose of producing heat or power by indirect heat transfer) 67102  
67103

1

2

A	Input capacity (maximum) (million British thermal units per hour)	Permit to install
B	Greater than 0, but less than 10	<del>\$200</del> <u>\$300</u>
C	10 or more, but less than 100	<del>400</del> <u>600</u>
D	100 or more, but less than 300	<del>1000</del> <u>1,500</u>
E	300 or more, but less than 500	<del>2250</del> <u>3,375</u>
F	500 or more, but less than 1000	<del>3750</del> <u>5,625</u>



G	1000 or more, but less than 5000	<del>6000</del> <u>9,000</u>
H	5000 or more	<del>9000</del> <u>13,500</u>

Units burning exclusively natural gas, number two fuel	67104
oil, or both shall be assessed a fee that is one-half the	67105
applicable amount shown in division (F) (1) of this section.	67106

(2) Combustion turbines and stationary internal combustion	67107
engines designed to generate electricity	67108
	67109

	1	2
A	Generating capacity (mega watts)	Permit to install
B	0 or more, but less than 10	<del>\$25</del> <u>\$37.50</u>
C	10 or more, but less than 25	<del>150</del> <u>225</u>
D	25 or more, but less than 50	<del>300</del> <u>450</u>
E	50 or more, but less than 100	<del>500</del> <u>750</u>
F	100 or more, but less than 250	<del>1000</del> <u>1,500</u>
G	250 or more	<del>2000</del> <u>3,000</u>

(3) Incinerators	67110
	67111

	1	2
A	Input capacity (pounds per hour)	Permit to install

B	0 to 100	<del>\$100</del>
		<u>\$150</u>
C	101 to 500	<del>500</del> <u>750</u>
D	501 to 2000	<del>1000</del> <u>1,500</u>
E	2001 to 20,000	<del>1500</del> <u>2,250</u>
F	more than 20,000	<del>3750</del> <u>5,625</u>

(4) (a) Process 67112  
67113

1

2

A	Process weight rate (pounds per hour)	Permit to install
B	0 to 1000	<del>\$200</del>
		<u>\$300</u>
C	1001 to 5000	<del>500</del> <u>750</u>
D	5001 to 10,000	<del>750</del> <u>1,125</u>
E	10,001 to 50,000	<del>1000</del> <u>1,500</u>
F	more than 50,000	<del>1250</del> <u>1,875</u>

In any process where process weight rate cannot be 67114  
ascertained, the minimum fee shall be assessed. A boiler, 67115  
furnace, combustion turbine, stationary internal combustion 67116  
engine, or process heater designed to provide direct heat or 67117  
power to a process not designed to generate electricity shall be 67118  
assessed a fee established in division (F) (4) (a) of this 67119

section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining;
  - Major group 12, coal mining;
  - Major group 14, mining and quarrying of nonmetallic minerals;
  - Industry group 204, grain mill products;
  - 2873 Nitrogen fertilizers;
  - 2874 Phosphatic fertilizers;
  - 3281 Cut stone and stone products;
  - 3295 Minerals and earth, ground or otherwise treated;
  - 4221 Grain elevators (storage only);
  - 5159 Farm related raw materials;
  - 5261 Retail nurseries and lawn and garden supply stores.
- (c) The fees set forth in the following schedule apply to

the issuance of a permit to install pursuant to rules adopted	67146
under division (F) of section 3704.03 of the Revised Code for a	67147
process identified in division (F) (4) (b) of this section:	67148
	67149

	1	2
A	Process weight rate (pounds per hour)	Permit to install
B	0 to 10,000	<del>\$200</del>
		<u>\$300</u>
C	10,001 to 50,000	<del>400</del> <u>600</u>
D	50,001 to 100,000	<del>500</del> <u>750</u>
E	100,001 to 200,000	<del>600</del> <u>900</u>
F	200,001 to 400,000	<del>750</del> <u>1,125</u>
G	400,001 or more	<del>900</del> <u>1,350</u>
	(5) Storage tanks	67150
		67151

	1	2
A	Gallons (maximum useful capacity)	Permit to install
B	0 to 20,000	<del>\$100</del>
		<u>\$150</u>
C	20,001 to 40,000	<del>150</del> <u>225</u>
D	40,001 to 100,000	<del>250</del> <u>375</u>

E	100,001 to 500,000			400 <u>600</u>	
F	500,001 or greater			<del>750</del> <u>1,125</u>	
	(6) Gasoline/fuel dispensing facilities				67152 67153
		1		2	
A	For each gasoline/fuel dispensing facility (includes all units at the facility)		Permit to install	<del>\$100</del> <u>\$150</u>	
	(7) Dry cleaning facilities				67154 67155
		1		2	
A	For each dry cleaning facility (includes all units at the facility)		Permit to install	<del>\$100</del> <u>\$150</u>	
	(8) Registration status				67156 67157
		1		2	
A	For each source covered by registration status		Permit to install	<del>\$75</del> <u>\$112.50</u>	
	(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:				67158 67159 67160 67161 67162 67163

	1	2
A	Action	Fee
B	Each notification	\$75
C	Asbestos removal	\$3/unit
D	Asbestos cleanup	\$4/cubic yard

For purposes of this division, "unit" means any 67164  
combination of linear feet or square feet equal to fifty. 67165

(H) A person who is issued an extension of time for a 67166  
permit to install an air contaminant source pursuant to rules 67167  
adopted under division (F) of section 3704.03 of the Revised 67168  
Code shall pay a fee equal to one-half the fee originally 67169  
assessed for the permit to install under this section, except 67170  
that the fee for such an extension shall not exceed two hundred 67171  
dollars. 67172

(I) A person who is issued a modification to a permit to 67173  
install an air contaminant source pursuant to rules adopted 67174  
under section 3704.03 of the Revised Code shall pay a fee equal 67175  
to one-half of the fee that would be assessed under this section 67176  
to obtain a permit to install the source. The fee assessed by 67177  
this division only applies to modifications that are initiated 67178  
by the owner or operator of the source and shall not exceed two 67179  
thousand dollars. 67180

(J) Notwithstanding division (F) of this section, a person 67181  
who applies for or obtains a permit to install pursuant to rules 67182  
adopted under division (F) of section 3704.03 of the Revised 67183  
Code after the date actual construction of the source began 67184  
shall pay a fee for the permit to install that is equal to twice 67185

the fee that otherwise would be assessed under the applicable 67186  
division unless the applicant received authorization to begin 67187  
construction under division (W) of section 3704.03 of the 67188  
Revised Code. This division only applies to sources for which 67189  
actual construction of the source begins on or after July 1, 67190  
1993. The imposition or payment of the fee established in this 67191  
division does not preclude the director from taking any 67192  
administrative or judicial enforcement action under this 67193  
chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised 67194  
Code, or a rule adopted under any of them, in connection with a 67195  
violation of rules adopted under division (F) of section 3704.03 67196  
of the Revised Code. 67197

As used in this division, "actual construction of the 67198  
source" means the initiation of physical on-site construction 67199  
activities in connection with improvements to the source that 67200  
are permanent in nature, including, without limitation, the 67201  
installation of building supports and foundations and the laying 67202  
of underground pipework. 67203

(K) (1) Money received under division (B) of this section 67204  
shall be deposited in the state treasury to the credit of the 67205  
Title V clean air fund created in section 3704.035 of the 67206  
Revised Code. Annually, not more than fifty cents per ton of 67207  
each fee assessed under division (B) of this section on actual 67208  
emissions from a source and received by the environmental 67209  
protection agency pursuant to that division may be transferred 67210  
by the director using an interstate transfer voucher to the 67211  
state treasury to the credit of the small business assistance 67212  
fund created in section 3706.19 of the Revised Code. In 67213  
addition, annually, the amount of money necessary for the 67214  
operation of the office of ombudsperson as determined under 67215  
division (B) of that section shall be transferred to the state 67216

treasury to the credit of the small business ombudsperson fund 67217  
created by that section. 67218

(2) Money received by the agency pursuant to divisions 67219  
(D), (F), (G), (H), (I), and (J) of this section shall be 67220  
deposited in the state treasury to the credit of the non-Title V 67221  
clean air fund created in section 3704.035 of the Revised Code. 67222

(L) (1) A person applying for a plan approval for a 67223  
wastewater treatment works pursuant to section 6111.44, 6111.45, 67224  
or 6111.46 of the Revised Code shall pay a nonrefundable fee of 67225  
one hundred dollars plus sixty-five one-hundredths of one per 67226  
cent of the estimated project cost through June 30, ~~2026~~2028, 67227  
and a nonrefundable application fee of one hundred dollars plus 67228  
two-tenths of one per cent of the estimated project cost on and 67229  
after July 1, ~~2026~~2028, except that the total fee shall not 67230  
exceed fifteen thousand dollars through June 30, ~~2026~~2028, and 67231  
five thousand dollars on and after July 1, ~~2026~~2028. The fee 67232  
shall be paid at the time the application is submitted. 67233

(2) A person who has entered into an agreement with the 67234  
director under section 6111.14 of the Revised Code shall pay an 67235  
administrative service fee for each plan submitted under that 67236  
section for approval that shall not exceed the minimum amount 67237  
necessary to pay administrative costs directly attributable to 67238  
processing plan approvals. The director annually shall calculate 67239  
the fee and shall notify all persons who have entered into 67240  
agreements under that section, or who have applied for 67241  
agreements, of the amount of the fee. 67242

(3) (a) (i) Not later than January 30, ~~2024~~2026, and January 67243  
30, ~~2025~~2027, a person holding an NPDES discharge permit issued 67244  
pursuant to Chapter 6111. of the Revised Code with an average 67245  
daily discharge flow of five thousand gallons or more shall pay 67246



a nonrefundable annual discharge fee. Any person who fails to 67247  
pay the fee at that time shall pay an additional amount that 67248  
equals ten per cent of the required annual discharge fee. 67249

(ii) The billing year for the annual discharge fee 67250  
established in division (L)(3)(a)(i) of this section shall 67251  
consist of a twelve-month period beginning on the first day of 67252  
January of the year preceding the date when the annual discharge 67253  
fee is due. In the case of an existing source that permanently 67254  
ceases to discharge during a billing year, the director shall 67255  
reduce the annual discharge fee, including the surcharge 67256  
applicable to certain industrial facilities pursuant to division 67257  
(L)(3)(c) of this section, by one-twelfth for each full month 67258  
during the billing year that the source was not discharging, but 67259  
only if the person holding the NPDES discharge permit for the 67260  
source notifies the director in writing, not later than the 67261  
first day of October of the billing year, of the circumstances 67262  
causing the cessation of discharge. 67263

(iii) The annual discharge fee established in division (L) 67264  
(3)(a)(i) of this section, except for the surcharge applicable 67265  
to certain industrial facilities pursuant to division (L)(3)(c) 67266  
of this section, shall be based upon the average daily discharge 67267  
flow in gallons per day calculated using first day of May 67268  
through thirty-first day of October flow data for the period two 67269  
years prior to the date on which the fee is due. In the case of 67270  
NPDES discharge permits for new sources, the fee shall be 67271  
calculated using the average daily design flow of the facility 67272  
until actual average daily discharge flow values are available 67273  
for the time period specified in division (L)(3)(a)(iii) of this 67274  
section. The annual discharge fee may be prorated for a new 67275  
source as described in division (L)(3)(a)(ii) of this section. 67276

(b) (i) An NPDES permit holder that is a public discharger 67277  
shall pay the fee specified in the following schedule: 67278  
67279

	1	2
A	Average daily discharge flow	Fee due by January 30, <del>2024</del> <u>2026</u> , and January 30, <del>2025</del> <u>2027</u>
B	5,000 to 49,999	\$200
C	50,000 to 100,000	500
D	100,001 to 250,000	1,050
E	250,001 to 1,000,000	2,600
F	1,000,001 to 5,000,000	5,200
G	5,000,001 to 10,000,000	10,350
H	10,000,001 to 20,000,000	15,550
I	20,000,001 to 50,000,000	25,900
J	50,000,001 to 100,000,000	41,400
K	100,000,001 or more	62,100

(ii) Public dischargers owning or operating two or more 67280  
publicly owned treatment works serving the same political 67281  
subdivision, as "treatment works" is defined in section 6111.01 67282  
of the Revised Code, and that serve exclusively political 67283  
subdivisions having a population of fewer than one hundred 67284  
thousand persons shall pay an annual discharge fee under 67285

division (L) (3) (b) (i) of this section that is based on the 67286  
combined average daily discharge flow of the treatment works. 67287

(c) (i) An NPDES permit holder that is an industrial 67288  
discharger, other than a coal mining operator identified by P in 67289  
the third character of the permittee's NPDES permit number, 67290  
shall pay the fee specified in the following schedule: 67291  
67292

	1	2	
A	Average daily discharge flow	Fee due by January 30, <del>2024</del> <u>2026</u> , and January 30, <del>2025</del> <u>2027</u>	
B	5,000 to 49,999		\$250
C	50,000 to 250,000	1,200	
D	250,001 to 1,000,000	2,950	
E	1,000,001 to 5,000,000	5,850	
F	5,000,001 to 10,000,000	8,800	
G	10,000,001 to 20,000,000	11,700	
H	20,000,001 to 100,000,000	14,050	
I	100,000,001 to 250,000,000	16,400	
J	250,000,001 or more	18,700	

(ii) In addition to the fee specified in the above 67293  
schedule, an NPDES permit holder that is an industrial 67294  
discharger classified as a major discharger during all or part 67295

of the annual discharge fee billing year specified in division 67296  
(L) (3) (a) (ii) of this section shall pay a nonrefundable annual 67297  
surcharge of seven thousand five hundred dollars not later than 67298  
January 30, ~~2024~~2026, and not later than January 30, ~~2025~~2027. 67299  
Any person who fails to pay the surcharge at that time shall pay 67300  
an additional amount that equals ten per cent of the amount of 67301  
the surcharge. 67302

(d) Notwithstanding divisions (L) (3) (b) and (c) of this 67303  
section, a public discharger, that is not a separate municipal 67304  
storm sewer system, identified by I in the third character of 67305  
the permittee's NPDES permit number and an industrial discharger 67306  
identified by I, J, L, V, W, X, Y, or Z in the third character 67307  
of the permittee's NPDES permit number shall pay a nonrefundable 67308  
annual discharge fee of one hundred eighty dollars not later 67309  
than January 30, ~~2024~~2026, and not later than January 30, 67310  
~~2025~~2027. Any person who fails to pay the fee at that time shall 67311  
pay an additional amount that equals ten per cent of the 67312  
required fee. 67313

(4) Each person obtaining an NPDES permit for municipal 67314  
storm water discharge shall pay a nonrefundable storm water 67315  
annual discharge fee of ten dollars per one-tenth of a square 67316  
mile of area permitted. The fee shall not exceed ten thousand 67317  
dollars and shall be payable on or before January 30, 2004, and 67318  
the thirtieth day of January of each year thereafter. Any person 67319  
who fails to pay the fee on the date specified in division (L) 67320  
(4) of this section shall pay an additional amount per year 67321  
equal to ten per cent of the annual fee that is unpaid. 67322

(5) The director shall transmit all moneys collected under 67323  
division (L) of this section to the treasurer of state for 67324  
deposit into the state treasury to the credit of the surface 67325

water protection fund created in section 6111.038 of the Revised Code. 67326  
67327

(6) As used in this section: 67328

(a) "NPDES" means the federally approved national 67329  
pollutant discharge elimination system individual and general 67330  
program for issuing, modifying, revoking, reissuing, 67331  
terminating, monitoring, and enforcing permits and imposing and 67332  
enforcing pretreatment requirements under Chapter 6111. of the 67333  
Revised Code and rules adopted under it. 67334

(b) "Public discharger" means any holder of an NPDES 67335  
permit identified by P in the second character of the NPDES 67336  
permit number assigned by the director. 67337

(c) "Industrial discharger" means any holder of an NPDES 67338  
permit identified by I in the second character of the NPDES 67339  
permit number assigned by the director. 67340

(d) "Major discharger" means any holder of an NPDES permit 67341  
classified as major by the regional administrator of the United 67342  
States environmental protection agency in conjunction with the 67343  
director. 67344

(M) Through June 30, ~~2026~~2028, a person applying for a 67345  
license or license renewal to operate a public water system 67346  
under section 6109.21 of the Revised Code shall pay the 67347  
appropriate fee established under this division at the time of 67348  
application to the director. Any person who fails to pay the fee 67349  
at that time shall pay an additional amount that equals ten per 67350  
cent of the required fee. The director shall transmit all moneys 67351  
collected under this division to the treasurer of state for 67352  
deposit into the drinking water protection fund created in 67353  
section 6109.30 of the Revised Code. 67354

Except as provided in divisions (M) (4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2026~~2028, the fee is:

	1	2
A	Number of service connections	Fee amount
B	Not more than 49	\$112
C	50 to 99	176
D	Number of service connections	Average cost per connection
E	100 to 2,499	\$1.92
F	2,500 to 4,999	1.48
G	5,000 to 7,499	1.42
H	7,500 to 9,999	1.34
I	10,000 to 14,999	1.16
J	15,000 to 24,999	1.10
K	25,000 to 49,999	1.04

L	50,000 to 99,999	.92
M	100,000 to 149,999	.86
N	150,000 to 199,999	.80
O	200,000 or more	.76

A public water system may determine how it will pay the total amount of the fee calculated under division (M) (1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M) (1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2026~~2028, the fee is:

	1	2
A	Population served	Fee amount
B	Fewer than 150	\$112
C	150 to 299	176
D	300 to 749	384

E	750 to 1,499	628
F	1,500 to 2,999	1,268
G	3,000 to 7,499	2,816
H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430
K	30,000 or more	16,820

As used in division (M) (2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2026~~2028, the fee is:

	1	2	
A	Number of wells or sources, other than surface water, supplying system	Fee amount	
B	1		\$112



C	2	112
D	3	176
E	4	278
F	5	568
G	System designated as using a surface water source	792

As used in division (M) (3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M) (1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N) (1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2026~~2028, and fifteen thousand dollars on and after July 1, ~~2026~~2028. The fee shall be paid at the time the application is submitted.

~~(2)~~(2) (a) A person who has entered into an agreement with the director under division (A) (2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(b) The director may adopt rules in accordance with Chapter 119. of the Revised Code to establish conditions to allow the administrative service fee established under division (N) (2) (a) of this section to be paid in lieu of the fee requirements described in division (N) (1) of this section for other plan approvals for extensions of distribution facilities or to increase the number of service connections.

(3) Through June 30, ~~2026~~2028, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

	1	2	
A	microbiological		
B	MMO-MUG		\$2,000
C	MF	2,100	

D	MMO-MUG and MF	2,550
E	organic chemical	5,400
F	trace metals	5,400
G	standard chemistry	2,800
H	limited chemistry	1,550

On and after July 1, ~~2026~~2028, the following fee, on a per survey basis, shall be charged any such person:

	1	2	
A	microbiological		\$1,650
B	organic chemicals	3,500	
C	trace metals	3,500	
D	standard chemistry	1,800	
E	limited chemistry	1,000	

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2026~~2028, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay five hundred dollars for each additional survey requested.

As used in division (N) (3) of this section:

- (a) "MF" means membrane filtration. 67444
- (b) "MMO" means minimal medium ONPG. 67445
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 67446
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 67447

The director shall transmit all moneys collected under 67448  
this division to the treasurer of state for deposit into the 67449  
drinking water protection fund created in section 6109.30 of the 67450  
Revised Code. 67451

(O) Any person applying to the director to take an 67452  
examination for certification as an operator of a water supply 67453  
system or wastewater system under Chapter 6109. or 6111. of the 67454  
Revised Code that is administered by the director, at the time 67455  
the application is submitted, shall pay a fee in accordance with 67456  
the following schedule through November 30, ~~2026~~2028: 67457  
67458

	1	2	
A	Class A operator		\$80
B	Class I operator	105	
C	Class II operator	120	
D	Class III operator	130	
E	Class IV operator	145	

On and after December 1, ~~2026~~2028, the applicant shall pay 67459  
a fee in accordance with the following schedule: 67460  
67461

A	Class A operator		\$50
B	Class I operator	70	
C	Class II operator	80	
D	Class III operator	90	
E	Class IV operator	100	

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

	1	2	
A	Class A operator		\$25
B	Class I operator	35	
C	Class II operator	45	
D	Class III operator	55	
E	Class IV operator	65	

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a

certification renewal fee in accordance with the following 67474  
schedule: 67475  
67476

	1	2	
A	Class A operator		\$45
B	Class I operator	55	
C	Class II operator	65	
D	Class III operator	75	
E	Class IV operator	85	

A person who requests a replacement certificate shall pay 67477  
a fee of twenty-five dollars at the time the request is made. 67478

Any person applying to be a water supply system or 67479  
wastewater treatment system examination provider shall pay an 67480  
application fee of five hundred dollars. Any person approved by 67481  
the director as a water supply system or wastewater treatment 67482  
system examination provider shall pay an annual fee that is 67483  
equal to ten per cent of the fees that the provider assesses and 67484  
collects for administering water supply system or wastewater 67485  
treatment system certification examinations in this state for 67486  
the calendar year. The fee shall be paid not later than forty- 67487  
five days after the end of a calendar year. 67488

The director shall transmit all moneys collected under 67489  
this division to the treasurer of state for deposit into the 67490  
drinking water protection fund created in section 6109.30 of the 67491  
Revised Code. 67492

~~(P) Any person submitting an application for an industrial 67493~~

~~water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.~~

~~(Q)~~ Except as otherwise provided in division ~~(R)~~ (Q) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that

chapter shall pay a fee of two thousand five hundred dollars. A 67525  
person issued a permit to install a new or to modify an existing 67526  
solid waste incineration or composting facility, or an existing 67527  
infectious waste treatment facility using incineration as its 67528  
principal method of treatment, under that chapter shall pay a 67529  
fee of one thousand dollars. The increases in the permit fees 67530  
under this division resulting from the amendments made by 67531  
Amended Substitute House Bill 592 of the 117th general assembly 67532  
do not apply to any person who submitted an application for a 67533  
permit to install a new, or modify an existing, solid waste 67534  
disposal facility under that chapter prior to September 1, 1987; 67535  
any such person shall pay the permit fee established in this 67536  
division as it existed prior to June 24, 1988. In addition to 67537  
the applicable permit fee under this division, a person issued a 67538  
permit to install or modify a solid waste facility or an 67539  
infectious waste treatment facility under that chapter who fails 67540  
to pay the permit fee to the director in compliance with 67541  
division ~~(V)~~(U) of this section shall pay an additional ten per 67542  
cent of the amount of the fee for each week that the permit fee 67543  
is late. 67544

Permit and late payment fees paid to the director under 67545  
this division shall be credited to the general revenue fund. 67546

~~(R)~~(1)(Q) (1) A person issued a registration certificate 67547  
for a scrap tire collection facility under section 3734.75 of 67548  
the Revised Code shall pay a fee of two hundred dollars, except 67549  
that if the facility is owned or operated by a motor vehicle 67550  
salvage dealer licensed under Chapter 4738. of the Revised Code, 67551  
the person shall pay a fee of twenty-five dollars. 67552

(2) A person issued a registration certificate for a new 67553  
scrap tire storage facility under section 3734.76 of the Revised 67554



Code shall pay a fee of three hundred dollars, except that if  
the facility is owned or operated by a motor vehicle salvage  
dealer licensed under Chapter 4738. of the Revised Code, the  
person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage  
facility under section 3734.76 of the Revised Code shall pay a  
fee of one thousand dollars, except that if the facility is  
owned or operated by a motor vehicle salvage dealer licensed  
under Chapter 4738. of the Revised Code, the person shall pay a  
fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or  
monofill facility under section 3734.77 of the Revised Code  
shall pay a fee of ten dollars per thousand cubic yards of  
disposal capacity or one thousand dollars, whichever is greater,  
except that the total fee for any such permit shall not exceed  
eighty thousand dollars.

(5) A person issued a registration certificate for a scrap  
tire recovery facility under section 3734.78 of the Revised Code  
shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery  
facility under section 3734.78 of the Revised Code shall pay a  
fee of one thousand dollars.

(7) In addition to the applicable registration certificate  
or permit fee under divisions ~~(R)~~ ~~(1)~~ (Q) (1) to (6) of this  
section, a person issued a registration certificate or permit  
for any such scrap tire facility who fails to pay the  
registration certificate or permit fee to the director in  
compliance with division ~~(V)~~ (U) of this section shall pay an  
additional ten per cent of the amount of the fee for each week

that the fee is late. 67584

(8) The registration certificate, permit, and late payment 67585  
fees paid to the director under divisions ~~(R) (1)~~ (Q) (1) to (7) of 67586  
this section shall be credited to the scrap tire management fund 67587  
created in section 3734.82 of the Revised Code. 67588

~~(S) (1) (a)~~ (R) (1) (a) Except as otherwise provided, any 67589  
person applying for a permit, variance, or plan approval under 67590  
Chapter 6109. or 6111. of the Revised Code shall pay a 67591  
nonrefundable application fee of one hundred dollars at the time 67592  
the application is submitted through June 30, ~~2026~~2028, and a 67593  
nonrefundable application fee of fifteen dollars at the time the 67594  
application is submitted on and after July 1, ~~2026~~2028. 67595

(b) (i) Except as otherwise provided in divisions ~~(S) (1) (b)~~ 67596  
~~(iii)~~ (R) (1) (b) (iii) and (iv) of this section, through June 30, 67597  
~~2026~~2028, any person applying for an NPDES permit under Chapter 67598  
6111. of the Revised Code shall pay a nonrefundable application 67599  
fee of two hundred dollars at the time of application for the 67600  
permit. On and after July 1, ~~2026~~2028, such a person shall pay a 67601  
nonrefundable application fee of fifteen dollars at the time of 67602  
application. 67603

(ii) In addition to the nonrefundable application fee, any 67604  
person applying for an NPDES permit under Chapter 6111. of the 67605  
Revised Code shall pay a design flow discharge fee based on each 67606  
point source to which the issuance is applicable in accordance 67607  
with the following schedule: 67608

67609

1

2

A Design flow discharge (gallons per day)

Fee

B	0 to 1,000	\$0
C	1,001 to 5,000	100
D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(c) In addition to the application fee established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for

each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this section, any person applying for an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

(d) The director shall transmit all moneys collected under division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(e) The director shall transmit all moneys collected under division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6111. of the Revised Code and under division ~~(S) (2)~~ (R) (2) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(f) If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division ~~(S) (1)~~ (R) (1) of this section, the person shall pay all applicable fees as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division ~~(S) (1)~~ (R) (1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid.

(2) A person applying for coverage under an NPDES general

discharge permit for household sewage treatment systems shall 67660  
pay a nonrefundable fee of two hundred dollars at the time of 67661  
application for initial permit coverage. No fee is required for 67662  
an application for permit coverage renewal. 67663

~~(T)~~(S) The director may adopt, amend, and rescind rules in 67664  
accordance with Chapter 119. of the Revised Code that do all of 67665  
the following: 67666

(1) Prescribe fees to be paid by applicants for and 67667  
holders of any license, permit, variance, plan approval, or 67668  
certification required or authorized by Chapter 3704., 3734., 67669  
6109., or 6111. of the Revised Code that are not specifically 67670  
established in this section. The fees shall be designed to 67671  
defray the cost of processing, issuing, revoking, modifying, 67672  
denying, and enforcing the licenses, permits, variances, plan 67673  
approvals, and certifications. 67674

The director shall transmit all moneys collected under 67675  
rules adopted under division ~~(T)~~~~(1)~~(S) (1) of this section 67676  
pursuant to Chapter 6109. of the Revised Code to the treasurer 67677  
of state for deposit into the drinking water protection fund 67678  
created in section 6109.30 of the Revised Code. 67679

The director shall transmit all moneys collected under 67680  
rules adopted under division ~~(T)~~~~(1)~~(S) (1) of this section 67681  
pursuant to Chapter 6111. of the Revised Code to the treasurer 67682  
of state for deposit into the surface water protection fund 67683  
created in section 6111.038 of the Revised Code. 67684

(2) Exempt the state and political subdivisions thereof, 67685  
including education facilities or medical facilities owned by 67686  
the state or a political subdivision, or any person exempted 67687  
from taxation by section 5709.07 or 5709.12 of the Revised Code, 67688

from any fee required by this section; 67689

(3) Provide for the waiver of any fee, or any part 67690  
thereof, otherwise required by this section whenever the 67691  
director determines that the imposition of the fee would 67692  
constitute an unreasonable cost of doing business for any 67693  
applicant, class of applicants, or other person subject to the 67694  
fee; 67695

(4) Prescribe measures that the director considers 67696  
necessary to carry out this section. 67697

~~(U)~~(T) When the director reasonably demonstrates that the 67698  
direct cost to the state associated with the issuance of a 67699  
permit, license, variance, plan approval, or certification 67700  
exceeds the fee for the issuance or review specified by this 67701  
section, the director may condition the issuance or review on 67702  
the payment by the person receiving the issuance or review of, 67703  
in addition to the fee specified by this section, the amount, or 67704  
any portion thereof, in excess of the fee specified under this 67705  
section. The director shall not so condition issuances for which 67706  
a fee is prescribed in division ~~(S) (1) (b) (iii)~~(R) (1) (b) (iii) of 67707  
this section. 67708

~~(V)~~(U) Except as provided in divisions (L), (M), ~~(P)~~, and 67709  
~~(S)~~(R) of this section or unless otherwise prescribed by a rule 67710  
of the director adopted pursuant to Chapter 119. of the Revised 67711  
Code, all fees required by this section are payable within 67712  
thirty days after the issuance of an invoice for the fee by the 67713  
director or the effective date of the issuance of the license, 67714  
permit, variance, plan approval, or certification. If payment is 67715  
late, the person responsible for payment of the fee shall pay an 67716  
additional ten per cent of the amount due for each month that it 67717  
is late. 67718

~~(W)~~(V) As used in this section, "fuel-burning equipment," 67719  
"fuel-burning equipment input capacity," "incinerator," 67720  
"incinerator input capacity," "process," "process weight rate," 67721  
"storage tank," "gasoline dispensing facility," "dry cleaning 67722  
facility," "design flow discharge," and "new source treatment 67723  
works" have the meanings ascribed to those terms by applicable 67724  
rules or standards adopted by the director under Chapter 3704. 67725  
or 6111. of the Revised Code. 67726

~~(X)~~(W) As used in divisions (B), (D), (E), (F), (H), (I), 67727  
and (J) of this section, and in any other provision of this 67728  
section pertaining to fees paid pursuant to Chapter 3704. of the 67729  
Revised Code: 67730

(1) "Facility," "federal Clean Air Act," "person," and 67731  
"Title V permit" have the same meanings as in section 3704.01 of 67732  
the Revised Code. 67733

(2) "Title V permit program" means the following 67734  
activities as necessary to meet the requirements of Title V of 67735  
the federal Clean Air Act and 40 C.F.R. part 70, including at 67736  
least: 67737

(a) Preparing and adopting, if applicable, generally 67738  
applicable rules or guidance regarding the permit program or its 67739  
implementation or enforcement; 67740

(b) Reviewing and acting on any application for a Title V 67741  
permit, permit revision, or permit renewal, including the 67742  
development of an applicable requirement as part of the 67743  
processing of a permit, permit revision, or permit renewal; 67744

(c) Administering the permit program, including the 67745  
supporting and tracking of permit applications, compliance 67746  
certification, and related data entry; 67747

(d) Determining which sources are subject to the program 67748  
and implementing and enforcing the terms of any Title V permit, 67749  
not including any court actions or other formal enforcement 67750  
actions; 67751

(e) Emission and ambient monitoring; 67752

(f) Modeling, analyses, or demonstrations; 67753

(g) Preparing inventories and tracking emissions; 67754

(h) Providing direct and indirect support to small 67755  
business stationary sources to determine and meet their 67756  
obligations under the federal Clean Air Act pursuant to the 67757  
small business stationary source technical and environmental 67758  
compliance assistance program required by section 507 of that 67759  
act and established in sections 3704.18, 3704.19, and 3706.19 of 67760  
the Revised Code. 67761

(3) "Organic compound" means any chemical compound of 67762  
carbon, excluding carbon monoxide, carbon dioxide, carbonic 67763  
acid, metallic carbides or carbonates, and ammonium carbonate. 67764

~~(Y) (1)~~ (X) (1) Except as provided in divisions ~~(Y) (2)~~ (X) (2), 67765  
(3), and (4) of this section, each sewage sludge facility shall 67766  
pay a nonrefundable annual sludge fee equal to three dollars and 67767  
fifty cents per dry ton of sewage sludge, including the dry tons 67768  
of sewage sludge in materials derived from sewage sludge, that 67769  
the sewage sludge facility treats or disposes of in this state. 67770  
The annual volume of sewage sludge treated or disposed of by a 67771  
sewage sludge facility shall be calculated using the first day 67772  
of January through the thirty-first day of December of the 67773  
calendar year preceding the date on which payment of the fee is 67774  
due. 67775

(2) (a) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) 67776



of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars. 67777  
67778

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division ~~(Y) (1)~~ (X) (1) of this section, subject to the following exceptions: 67779  
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(i) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars. 67785  
67786  
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(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. 67789  
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A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division ~~(Y) (3)~~ (X) (3) of this section. 67795  
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(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under 67798  
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67803  
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67805

division ~~(Y)(2)(a)~~ (X)(2)(a) of this section. 67806

In the case of a sewage sludge facility that treats sewage 67807  
sludge in this state and transfers it out of this state to 67808  
another entity for disposal, the sewage sludge facility in this 67809  
state shall be required to pay the annual sludge fee for the 67810  
tons of sewage sludge that have been transferred. 67811

(d) A sewage sludge facility that generates sewage sludge 67812  
resulting from an average daily discharge flow of less than five 67813  
thousand gallons per day is not subject to the fees assessed 67814  
under division ~~(Y)~~ (X) of this section. 67815

(3) No sewage sludge facility required to pay the annual 67816  
sludge fee shall be required to pay more than the maximum annual 67817  
fee for each disposal method that the sewage sludge facility 67818  
uses. The maximum annual fee does not include the additional 67819  
amount that may be charged under division ~~(Y)(5)~~ (X)(5) of this 67820  
section for late payment of the annual sludge fee. The maximum 67821  
annual fee for the following methods of disposal of sewage 67822  
sludge is as follows: 67823

(a) Incineration: five thousand dollars; 67824

(b) Preexisting land reclamation project or disposal in a 67825  
landfill: five thousand dollars; 67826

(c) Land application, land reclamation, surface disposal, 67827  
or any other disposal method not specified in division ~~(Y)(3)(a)~~ 67828  
(X)(3)(a) or (b) of this section: twenty thousand dollars. 67829

(4) (a) In the case of an entity that generates sewage 67830  
sludge or a sewage sludge facility that treats sewage sludge and 67831  
transfers the sewage sludge to an incineration facility for 67832  
disposal, the incineration facility, and not the entity 67833  
generating the sewage sludge or the sewage sludge facility 67834

treating the sewage sludge, shall pay the annual sludge fee for 67835  
the tons of sewage sludge that are transferred. However, the 67836  
entity or facility generating or treating the sewage sludge 67837  
shall pay the one-hundred-dollar minimum fee required under 67838  
division ~~(Y)(2)(a)~~ (X)(2)(a) of this section. 67839

(b) In the case of an entity that generates sewage sludge 67840  
and transfers the sewage sludge to a landfill for disposal or to 67841  
a sewage sludge facility for land reclamation or surface 67842  
disposal, the entity generating the sewage sludge, and not the 67843  
landfill or sewage sludge facility, shall pay the annual sludge 67844  
fee for the tons of sewage sludge that are transferred. 67845

(5) Not later than the first day of April of the calendar 67846  
year following March 17, 2000, and each first day of April 67847  
thereafter, the director shall issue invoices to persons who are 67848  
required to pay the annual sludge fee. The invoice shall 67849  
identify the nature and amount of the annual sludge fee assessed 67850  
and state the first day of May as the deadline for receipt by 67851  
the director of objections regarding the amount of the fee and 67852  
the first day of July as the deadline for payment of the fee. 67853

Not later than the first day of May following receipt of 67854  
an invoice, a person required to pay the annual sludge fee may 67855  
submit objections to the director concerning the accuracy of 67856  
information regarding the number of dry tons of sewage sludge 67857  
used to calculate the amount of the annual sludge fee or 67858  
regarding whether the sewage sludge qualifies for the 67859  
exceptional quality sludge discount established in division ~~(Y)~~ 67860  
~~(2)(b)~~ (X)(2)(b) of this section. The director may consider the 67861  
objections and adjust the amount of the fee to ensure that it is 67862  
accurate. 67863

If the director does not adjust the amount of the annual 67864

sludge fee in response to a person's objections, the person may 67865  
appeal the director's determination in accordance with Chapter 67866  
119. of the Revised Code. 67867

Not later than the first day of June, the director shall 67868  
notify the objecting person regarding whether the director has 67869  
found the objections to be valid and the reasons for the 67870  
finding. If the director finds the objections to be valid and 67871  
adjusts the amount of the annual sludge fee accordingly, the 67872  
director shall issue with the notification a new invoice to the 67873  
person identifying the amount of the annual sludge fee assessed 67874  
and stating the first day of July as the deadline for payment. 67875

Not later than the first day of July, any person who is 67876  
required to do so shall pay the annual sludge fee. Any person 67877  
who is required to pay the fee, but who fails to do so on or 67878  
before that date shall pay an additional amount that equals ten 67879  
per cent of the required annual sludge fee. 67880

(6) The director shall transmit all moneys collected under 67881  
division ~~(Y)~~(X) of this section to the treasurer of state for 67882  
deposit into the surface water protection fund created in 67883  
section 6111.038 of the Revised Code. The moneys shall be used 67884  
to defray the costs of administering and enforcing provisions in 67885  
Chapter 6111. of the Revised Code and rules adopted under it 67886  
that govern the use, storage, treatment, or disposal of sewage 67887  
sludge. 67888

(7) Beginning in fiscal year 2001, and every two years 67889  
thereafter, the director shall review the total amount of moneys 67890  
generated by the annual sludge fees to determine if that amount 67891  
exceeded six hundred thousand dollars in either of the two 67892  
preceding fiscal years. If the total amount of moneys in the 67893  
fund exceeded six hundred thousand dollars in either fiscal 67894

year, the director, after review of the fee structure and 67895  
consultation with affected persons, shall issue an order 67896  
reducing the amount of the fees levied under division ~~(Y)~~(X) of 67897  
this section so that the estimated amount of moneys resulting 67898  
from the fees will not exceed six hundred thousand dollars in 67899  
any fiscal year. 67900

If, upon review of the fees under division ~~(Y)~~~~(7)~~(X) (7) of 67901  
this section and after the fees have been reduced, the director 67902  
determines that the total amount of moneys collected and 67903  
accumulated is less than six hundred thousand dollars, the 67904  
director, after review of the fee structure and consultation 67905  
with affected persons, may issue an order increasing the amount 67906  
of the fees levied under division ~~(Y)~~(X) of this section so that 67907  
the estimated amount of moneys resulting from the fees will be 67908  
approximately six hundred thousand dollars. Fees shall never be 67909  
increased to an amount exceeding the amount specified in 67910  
division ~~(Y)~~~~(7)~~(X) (7) of this section. 67911

Notwithstanding section 119.06 of the Revised Code, the 67912  
director may issue an order under division ~~(Y)~~~~(7)~~(X) (7) of this 67913  
section without the necessity to hold an adjudicatory hearing in 67914  
connection with the order. The issuance of an order under this 67915  
division is not an act or action for purposes of section 3745.04 67916  
of the Revised Code. 67917

(8) As used in division ~~(Y)~~(X) of this section: 67918

(a) "Sewage sludge facility" means an entity that performs 67919  
treatment on or is responsible for the disposal of sewage 67920  
sludge. 67921

(b) "Sewage sludge" means a solid, semi-solid, or liquid 67922  
residue generated during the treatment of domestic sewage in a 67923

treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b) (1) to (b) (8);

(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.

(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.

(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage

sludge below the land surface, or the incorporation of sewage  
sludge into the soil for the purposes of conditioning the soil  
or fertilizing crops or vegetation grown in the soil.

(g) "Land reclamation" means the returning of disturbed  
land to productive use.

(h) "Surface disposal" means the placement of sludge on an  
area of land for disposal, including, but not limited to,  
monofills, surface impoundments, lagoons, waste piles, or  
dedicated disposal sites.

(i) "Incinerator" means an entity that disposes of sewage  
sludge through the combustion of organic matter and inorganic  
matter in sewage sludge by high temperatures in an enclosed  
device.

(j) "Incineration facility" includes all incinerators  
owned or operated by the same entity and located on a contiguous  
tract of land. Areas of land are considered to be contiguous  
even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under  
division ~~(Y)~~ ~~(1)~~ (X) (1) of this section.

(l) "Landfill" means a sanitary landfill facility, as  
defined in rules adopted under section 3734.02 of the Revised  
Code, that is licensed under section 3734.05 of the Revised  
Code.

(m) "Preexisting land reclamation project" means a  
property-specific land reclamation project that has been in  
continuous operation for not less than five years pursuant to  
approval of the activity by the director and includes the  
implementation of a community outreach program concerning the  
activity.

**Sec. 3748.13.** (A) The director of health shall inspect 67981  
sources of radiation for which licensure or registration by the 67982  
handler is required, and the sources' shielding and 67983  
surroundings, according to the schedule established in rules 67984  
adopted under division (D) of section 3748.04 of the Revised 67985  
Code. In accordance with rules adopted under section 3748.04 of 67986  
the Revised Code, the director shall inspect all records and 67987  
operating procedures of handlers that install or service sources 67988  
of radiation and all sources of radiation for which licensure of 67989  
radioactive material or registration of radiation-generating 67990  
equipment by the handler is required. The director may make 67991  
other inspections upon receiving complaints or other evidence of 67992  
a violation of this chapter or rules adopted under it. 67993

The director shall require any hospital registered under 67994  
division (A) of section 3701.07 of the Revised Code to develop 67995  
and maintain a quality assurance program for all sources of 67996  
radiation-generating equipment. A certified radiation expert 67997  
shall conduct oversight and maintenance of the program and shall 67998  
file a report of audits of the program with the director on 67999  
forms prescribed by the director. The audit reports shall become 68000  
part of the inspection record. 68001

(B) (1) Except as provided in division (B) (2) of this 68002  
section, a facility shall pay inspection fees for radioactive 68003  
material and radiation-generating equipment according to the 68004  
schedule and categories established in rules adopted under 68005  
division (A) (9) of section 3748.04 of the Revised Code. 68006

(2) A facility that is, or is operated by, a medical 68007  
practitioner or medical-practitioner group shall pay inspection 68008  
fees for radiation-generating equipment according to the 68009  
following schedule and categories: 68010



68011

	1	2
A	First dental x-ray tube	\$155.00 <u>\$310.00</u>
B	Each additional dental x-ray tube at the same location	<del>\$77.00</del> <u>\$154.00</u>
C	First medical x-ray tube	<del>\$307.00</del> <u>\$614.00</u>
D	Each additional medical x-ray tube at the same location	<del>\$163.00</del> <u>\$326.00</u>
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	<del>\$610.00</del> <u>\$1,220.00</u>
F	First nonionizing radiation-generating equipment of any kind	<del>\$307.00</del> <u>\$614.00</u>
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	<del>\$163.00</del> <u>\$326.00</u>

(C) (1) Except as provided in division (C) (2) of this	68012
section, the fee for the inspection of a facility that proposes	68013
to handle radioactive material or radiation-generating equipment	68014
and is not licensed or registered, and for which no license or	68015
registration application is pending at the time of inspection,	68016
is four hundred seventy-four dollars plus the applicable fee	68017

specified in rules adopted under division (A) (9) of section 68018  
3748.04 of the Revised Code. 68019

(2) For a facility that is, or is operated by, a medical 68020  
practitioner or medical-practitioner group and proposes to 68021  
handle radiation-generating equipment, the fee for an inspection 68022  
if the facility is not licensed or registered, and no license or 68023  
registration is pending at the time of inspection, is four 68024  
hundred seventy-four dollars plus the fee applicable under the 68025  
schedule in division (B) (2) of this section. 68026

(D) (1) Except as provided in division (D) (2) of this 68027  
section, for a facility that handles radioactive material or 68028  
radiation-generating equipment, the fee for an inspection to 68029  
determine whether violations cited in a previous inspection have 68030  
been corrected is the amount specified in rules adopted under 68031  
division (A) (9) of section 3748.04 of the Revised Code. 68032

(2) For a facility that is, or is operated by, a medical 68033  
practitioner or medical-practitioner group and handles 68034  
radiation-generating equipment, the fee for an inspection to 68035  
determine whether violations cited in a previous inspection have 68036  
been corrected is fifty per cent of the applicable fee under the 68037  
schedule in division (B) (2) of this section. 68038

(E) The director may conduct a review of shielding plans 68039  
or the adequacy of shielding on the request of a licensee or 68040  
registrant or an applicant for licensure or registration or 68041  
during an inspection when the director considers a review to be 68042  
necessary. 68043

(1) Except as provided in division (E) (2) of this section, 68044  
the fee for the review is the applicable amount specified in 68045  
rules adopted under division (A) (9) of section 3748.04 of the 68046

Revised Code. 68047

(2) For a facility that is, or is operated by, a medical 68048  
practitioner or medical-practitioner group and handles or 68049  
proposes to handle radiation-generating equipment, the fee for 68050  
the review is seven hundred sixty-two dollars for each room 68051  
where a source of radiation is used and is in addition to any 68052  
other fee applicable under the schedule in division (B) (2) of 68053  
this section. 68054

(F) All fees shall be paid to the department of health no 68055  
later than thirty days after the invoice for the fee is mailed. 68056  
Fees shall be deposited in the general operations fund created 68057  
in section 3701.83 of the Revised Code. The fees shall be used 68058  
solely to administer and enforce this chapter and rules adopted 68059  
under it. 68060

(G) Any fee required under this section that remains 68061  
unpaid on the ninety-first day after the original invoice date 68062  
shall be assessed an additional amount equal to ten per cent of 68063  
the original fee. 68064

(H) If the director determines that a board of health of a 68065  
city or general health district is qualified to conduct 68066  
inspections of radiation-generating equipment, the director may 68067  
delegate to the board, by contract, the authority to conduct 68068  
such inspections. In making a determination of the 68069  
qualifications of a board of health to conduct those 68070  
inspections, the director shall evaluate the credentials of the 68071  
individuals who are to conduct the inspections of radiation- 68072  
generating equipment and the radiation detection and measuring 68073  
equipment available to them for that purpose. If a contract is 68074  
entered into, the board shall have the same authority to make 68075  
inspections of radiation-generating equipment as the director 68076

has under this chapter and rules adopted under it. The contract 68077  
shall stipulate that only individuals approved by the director 68078  
as qualified shall be permitted to inspect radiation-generating 68079  
equipment under the contract's provisions. The contract shall 68080  
provide for such compensation for services as is agreed to by 68081  
the director and the board of health of the contracting health 68082  
district. The director may reevaluate the credentials of the 68083  
inspection personnel and their radiation detecting and measuring 68084  
equipment as often as the director considers necessary and may 68085  
terminate any contract with the board of health of any health 68086  
district that, in the director's opinion, is not satisfactorily 68087  
performing the terms of the contract. 68088

(I) The director may enter at all reasonable times upon 68089  
any public or private property to determine compliance with this 68090  
chapter and rules adopted under it. 68091

**Sec. 3750.02.** (A) There is hereby created the emergency 68092  
response commission consisting of the directors of environmental 68093  
protection ~~and~~, health, and administrative services, the 68094  
chairperson of the public utilities commission, the fire 68095  
marshal, the director of public safety, the director of 68096  
transportation, the director of natural resources, the 68097  
superintendent of the highway patrol, and the attorney general 68098  
as members ex officio, or their designees; notwithstanding 68099  
section 101.26 of the Revised Code, the chairpersons of the 68100  
respective standing committees of the senate and house of 68101  
representatives that are primarily responsible for considering 68102  
environmental issues who may participate fully in all the 68103  
commission's deliberations and activities, except that they 68104  
shall serve as nonvoting members; and ten members to be 68105  
appointed by the governor with the advice and consent of the 68106  
senate. The appointed members, to the extent practicable, shall 68107

have technical expertise in the field of emergency response. Of 68108  
the appointed members, two shall represent environmental 68109  
advocacy organizations, one shall represent the interests of 68110  
petroleum refiners or marketers or chemical manufacturers, one 68111  
shall represent the interests of another industry subject to 68112  
this chapter, one shall represent the interests of municipal 68113  
corporations, one shall represent the interests of counties, one 68114  
shall represent the interests of chiefs of fire departments, one 68115  
shall represent the interests of professional firefighters, one 68116  
shall represent the interests of volunteer firefighters, and one 68117  
shall represent the interests of local emergency management 68118  
agencies. 68119

An appointed member of the commission also may serve as a 68120  
member of the local emergency planning committee of an emergency 68121  
planning district. An appointed member of the commission who is 68122  
also a member of a local emergency planning committee shall not 68123  
participate as a member of the commission in the appointment of 68124  
members of the local emergency planning committee of which the 68125  
member is a member, in the review of the chemical emergency 68126  
response and preparedness plan submitted by the local emergency 68127  
planning committee of which the member is a member, in any vote 68128  
to approve a grant to the member's district, or in any vote of 68129  
the commission on any motion or resolution pertaining 68130  
specifically to the member's district or the local emergency 68131  
planning committee on which the member serves. A commission 68132  
member who is also a member of a local emergency planning 68133  
committee shall not lobby or otherwise act as an advocate for 68134  
the member's district to other members of the commission to 68135  
obtain from the commission anything of value for the member's 68136  
district or the local emergency planning committee of which the 68137  
member is a member. A member of the commission who is also a 68138

member of a local emergency planning committee may vote on 68139  
resolutions of the commission that apply uniformly to all local 68140  
emergency planning committees and districts in the state and do 68141  
not provide a grant or other pecuniary benefit to the member's 68142  
district or the committee of which the member is a member. 68143

The governor shall make the initial appointments to the 68144  
commission within thirty days after December 14, 1988. Of the 68145  
initial appointments to the commission, five shall be for a term 68146  
of two years and five shall be for a term of one year. 68147  
Thereafter, terms of office of the appointed members of the 68148  
commission shall be for two years, with each term ending on the 68149  
same day of the same month as did the term that it succeeds. 68150  
Each member shall hold office from the date of appointment until 68151  
the end of the term for which the member was appointed. Members 68152  
may be reappointed. Vacancies shall be filled in the manner 68153  
provided for original appointments. Any member appointed to fill 68154  
a vacancy occurring prior to the expiration of the term for 68155  
which the member's predecessor was appointed shall hold office 68156  
for the remainder of that term. A member shall continue in 68157  
office subsequent to the expiration date of the member's term 68158  
until the member's successor takes office or until a period of 68159  
sixty days has elapsed, whichever occurs first. The commission 68160  
may at any time by a vote of two-thirds of all the members 68161  
remove any appointed member of the commission for misfeasance, 68162  
nonfeasance, or malfeasance. Members of the commission shall 68163  
serve without compensation, but shall be reimbursed for the 68164  
reasonable expenses incurred by them in the discharge of their 68165  
duties as members of the commission. 68166

The commission shall meet at least annually and shall hold 68167  
such additional meetings as are necessary to implement and 68168  
administer this chapter. Additional meetings may be held at the 68169

behest of either a co-chairperson or a majority of the members. 68170  
The commission shall, by adoption of internal management rules 68171  
under division (B) (9) of this section, establish an executive 68172  
committee and delegate to it the performance of such of the 68173  
commission's duties and powers under this chapter as are 68174  
required or authorized to be so delegated by that division. The 68175  
commission may organize itself into such additional committees 68176  
as it considers necessary or convenient to implement and 68177  
administer this chapter. The director of environmental 68178  
protection and the director of public safety or their designees 68179  
shall serve as co-chairpersons of the commission and the 68180  
executive committee. Except as otherwise provided in this 68181  
chapter, a majority of the voting members of the commission 68182  
constitutes a quorum and the affirmative vote of a majority of 68183  
the voting members of the commission is necessary for any action 68184  
taken by the commission. Meetings of the executive committee 68185  
conducted for the purpose of determining whether to issue an 68186  
enforcement order or request that a civil action, civil penalty 68187  
action, or criminal action be brought to enforce this chapter or 68188  
rules adopted or orders issued under it are not subject to 68189  
section 121.22 of the Revised Code pursuant to division (D) of 68190  
that section. 68191

Except for the purposes of Chapters 102. and 2921. and 68192  
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 68193  
as an appointed member of the commission does not constitute 68194  
holding a public office or position of employment under the laws 68195  
of this state and does not constitute grounds for removal of 68196  
public officers or employees from their offices or positions of 68197  
employment. 68198

(B) The commission shall: 68199

(1) Adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with and equivalent in scope, content, and coverage to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and applicable regulations adopted under it:

(a) Identifying or listing extremely hazardous substances and establishing a threshold planning quantity for each such substance. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold planning quantities based upon classes of those substances or categories of facilities at which such substances are present.

(b) Listing hazardous chemicals, establishing threshold quantities for those chemicals, establishing categories of health and physical hazards of those chemicals, establishing criteria or procedures for identifying those chemicals and the appropriate hazard categories of those chemicals, and establishing ranges of quantities for those chemicals to be used in preparing emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold quantities based upon classes of those chemicals or categories of facilities where those chemicals are present.

To the extent consistent with that act, the threshold quantities for purposes of the submission of lists of hazardous chemicals under section 3750.07 and the submission of emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code may differ.

(c) Identifying or listing hazardous substances and establishing reportable quantities of each of those substances



and each extremely hazardous substance. In addition to being 68230  
consistent with and equivalent in scope, content, and coverage 68231  
to that act and applicable regulations adopted under it, the 68232  
rules shall be consistent with and equivalent in scope, content, 68233  
and coverage to regulations identifying or listing hazardous 68234  
substances and reportable quantities of those substances adopted 68235  
under the "Comprehensive Environmental Response, Compensation, 68236  
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 68237  
amended. 68238

(d) Prescribing the information to be included in the 68239  
lists of hazardous chemicals required to be submitted under 68240  
section 3750.07 of the Revised Code; 68241

(e) Prescribing the information to be included in the 68242  
emergency and hazardous chemical inventory forms required to be 68243  
submitted under section 3750.08 of the Revised Code. If the 68244  
commission establishes its own emergency and hazardous chemical 68245  
inventory form, the rules shall authorize owners and operators 68246  
of facilities who also have one or more facilities located 68247  
outside the state for which they are required to submit 68248  
inventory forms under the federal act and regulations adopted 68249  
under it to submit their annual inventories on forms prescribed 68250  
by the administrator of the United States environmental 68251  
protection agency under that act instead of on forms prescribed 68252  
by the commission and shall require those owners or operators to 68253  
submit any additional information required by the commission's 68254  
inventory form on an attachment to the federal form. 68255

(f) Establishing procedures for giving verbal notice of 68256  
releases under section 3750.06 of the Revised Code and 68257  
prescribing the information to be provided in such a notice and 68258  
in the follow-up written notice required by that section; 68259

(g) Establishing standards for determining valid needs for the release of tier II information under division (B) (4) of section 3750.10 of the Revised Code; 68260  
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(h) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information; 68263  
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(i) Establishing criteria and procedures to protect trade secret and confidential business information from unauthorized disclosure; 68266  
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(j) Establishing other requirements or authorizations that the commission considers necessary or appropriate to implement, administer, and enforce this chapter. 68269  
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(2) Adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter that may be more stringent than the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. Rules adopted under division (B) (2) of this section shall not be inconsistent with that act or the regulations adopted under it. The rules shall: 68272  
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(a) Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by local emergency planning committees under section 3750.04 of the Revised Code; 68279  
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(b) Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of local emergency planning committees required by section 3750.04 of the Revised Code and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans. The criteria shall include, 68283  
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without limitation, the requirement that each exercise of a 68289  
committee's plan involve, in addition to local emergency 68290  
response and medical personnel, either a facility that is 68291  
subject to the plan or a transporter of materials that are 68292  
identified or listed as hazardous materials by regulations 68293  
adopted under the "Hazardous Materials Transportation Act," 88 68294  
Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 68295

(c) Establish policies and procedures for maintaining 68296  
information submitted to the commission and local emergency 68297  
planning committees under this chapter, and for receiving and 68298  
fulfilling requests from the public for access to review and to 68299  
obtain copies of that information. The criteria and procedures 68300  
shall include the following requirements and authorizations 68301  
regarding that information and access to it: 68302

(i) Information that is protected as trade secret 68303  
information or confidential business information under this 68304  
chapter and rules adopted under it shall be kept in files that 68305  
are separate from those containing information that is not so 68306  
protected. 68307

(ii) The original copies of information submitted to the 68308  
commission or committee shall not be removed from the custody 68309  
and control of the commission or committee. 68310

(iii) A person who, either in person or by mail, requests 68311  
to obtain a copy of a material safety data sheet submitted under 68312  
this chapter by a facility owner or operator shall submit a 68313  
separate application for each facility for which a material 68314  
safety data sheet is being requested. 68315

(iv) A person who requests to receive by mail a copy of 68316  
information submitted under this chapter by a facility owner or 68317

operator shall submit a separate application for each facility 68318  
for which information is being requested and shall specify both 68319  
the facility for which information is being requested and the 68320  
particular types of documents requested. 68321

(v) Only employees of the commission or committee shall 68322  
copy information in the files of the commission or committee. 68323

(vi) The commission or committee may require any person 68324  
who requests to review or obtain a copy of information in its 68325  
files to schedule an appointment for that purpose with the 68326  
information coordinator of the commission or committee at least 68327  
twenty-four hours before arriving at the office of the 68328  
commission or committee for the review or copy. 68329

(vii) Any person who seeks access to information in the 68330  
files of the commission or a local emergency planning committee 68331  
shall submit a written application, either in person or by mail, 68332  
to the information coordinator on a form provided by the 68333  
commission or committee. The person also shall provide the 68334  
person's name and current mailing address on the application and 68335  
may be requested by the commission or committee to provide basic 68336  
demographic information on the form to assist in the evaluation 68337  
of the information access provisions of this chapter and rules 68338  
adopted under it. Application forms may be obtained by mail or 68339  
in person or by request by telephone at the office of the 68340  
commission or committee during regular business hours. Upon 68341  
receipt of a request for an application by telephone or mail, 68342  
the information coordinator shall promptly mail an application 68343  
to the person who requested it. 68344

(viii) The application form shall provide the applicant 68345  
with a means of indicating that the applicant's name and address 68346  
are to be kept confidential. If the applicant so indicates, that 68347

information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility under division (B)(2)(c)(xii) of this section and shall be withheld from any log of information requests kept by the commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning committee shall charge any fee for access to review information in its files when no copies or computer searches of that information are requested.

(x) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established under section 3750.13 of the Revised Code. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant.

(xi) The commission or committee may require a person requesting copies of information on file with it to take delivery of them in the office of the commission or committee whenever it considers the volume of the information to be large enough to make mailing or delivery by a parcel or package delivery service impractical.

(xii) When the commission or committee receives a request 68378  
for access to review or obtain copies of information in its 68379  
files, it shall not routinely notify the owner or operator of 68380  
the facility involved, but instead shall either keep a log or 68381  
file of requests for the information or shall place a copy of 68382  
each completed application form in the file for the facility to 68383  
which the application pertains. Such a log or file shall be 68384  
available for review by the public and by the owners and 68385  
operators of facilities required to submit information to the 68386  
commission or committee under this chapter and rules adopted 68387  
under it. 68388

(d) Require that claims for the protection, as a trade 68389  
secret, of information obtained under this chapter regarding 68390  
extremely hazardous substances identified or listed in rules 68391  
adopted under division (B) (1) (a) of this section and hazardous 68392  
chemicals identified or listed in rules adopted under division 68393  
(B) (1) (b) of this section be submitted to the administrator of 68394  
the United States environmental protection agency for 68395  
determination under section 322 of the the "Emergency Planning 68396  
and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 68397  
U.S.C.A. 11042, and regulations adopted under that section; 68398

(e) Establish criteria and procedures for the issuance of 68399  
variances under divisions (B) and (C) of section 3750.11 of the 68400  
Revised Code. The rules shall require that, before approval of 68401  
an application for a variance, the commission or committee find 68402  
by a preponderance of the scientific evidence based upon 68403  
generally accepted scientific principles or laboratory tests 68404  
that the extremely hazardous substances, hazardous chemicals, or 68405  
hazardous substances that would be subject to the reporting 68406  
requirement pose a substantial risk of catastrophic injury to 68407  
public health or safety or to the environment, or pose an 68408

extraordinary risk of injury to emergency management personnel 68409  
responding to a release of the chemicals or substances, when the 68410  
substances or chemicals are present at a facility in an amount 68411  
equal to or exceeding the quantity for which reporting would be 68412  
required under the reporting requirement for which the variance 68413  
is sought. The rules shall also require that before approval of 68414  
an application for a variance, the commission or committee find 68415  
by a preponderance of the evidence that the development and 68416  
implementation of a local emergency response plan for releases 68417  
of the substances or chemicals covered by the reporting 68418  
requirement will reduce the risk of catastrophic injury to 68419  
public health or safety or to the environment, or will reduce 68420  
the extraordinary risk of injury to responding emergency 68421  
management personnel, in the event of a release of the 68422  
substances or chemicals and find by a preponderance of the 68423  
evidence that the reporting requirement is necessary for the 68424  
development of such a local emergency response plan. The rules 68425  
shall require that when determining whether the substances or 68426  
chemicals that would be subject to the reporting requirement 68427  
pose a substantial risk of catastrophic injury to public health 68428  
or safety or to the environment, or pose an extraordinary risk 68429  
of injury to emergency management personnel responding to a 68430  
release of the substance or chemical, the commission or 68431  
committee consider all of the following factors: 68432

(i) The specific characteristics and degree and nature of 68433  
the hazards posed by a release of the extremely hazardous 68434  
substances, hazardous chemicals, or hazardous substances; 68435

(ii) The proximity of the facilities that would be subject 68436  
to the reporting requirement to residential areas, to areas 68437  
where significantly large numbers of people are employed or 68438  
otherwise congregate, and to environmental resources that are 68439

subject to injury; 68440

(iii) The quantities of the extremely hazardous 68441  
substances, hazardous chemicals, or hazardous substances that 68442  
are routinely present at facilities that would be subject to the 68443  
reporting requirement; 68444

(iv) The frequency with which the extremely hazardous 68445  
substances, hazardous chemicals, or hazardous substances are 68446  
present at the facilities that would be subject to the reporting 68447  
requirement in quantities for which reporting would be required 68448  
thereunder. 68449

(f) Establish criteria and procedures for the issuance of 68450  
orders under division (D) of section 3750.11 of the Revised Code 68451  
requiring the placement of emergency response lock box units. 68452  
The rules shall require that before approval of an application 68453  
for issuance of such an order, the commission or committee find 68454  
by a preponderance of the scientific evidence based upon 68455  
generally accepted scientific principles or laboratory tests 68456  
that the presence of the extremely hazardous substances, 68457  
hazardous chemicals, or hazardous substances in the quantities 68458  
in which they are routinely or intermittently present at the 68459  
facility for which the order is sought pose a substantial risk 68460  
of catastrophic injury to public health or safety or to the 68461  
environment, or pose an extraordinary risk of injury to 68462  
responding emergency management personnel, in the event of a 68463  
release of any of those substances or chemicals from the 68464  
facility. The rules shall require that before approval of an 68465  
application for issuance of such an order, the commission or 68466  
committee also find by a preponderance of the evidence that the 68467  
placement of an emergency response lock box unit at the facility 68468  
is necessary to protect against the substantial risk of 68469



catastrophic injury to public health or safety or the 68470  
environment, or to protect against an extraordinary risk of 68471  
injury to responding emergency management personnel, in the 68472  
event of a release of any of the extremely hazardous substances, 68473  
hazardous chemicals, or hazardous substances routinely or 68474  
intermittently present at the facility. The rules shall require 68475  
that when determining whether the extremely hazardous 68476  
substances, hazardous chemicals, or hazardous substances present 68477  
at the facility pose a substantial risk of catastrophic injury 68478  
to public health or safety or to the environment, or pose an 68479  
extraordinary risk of injury to responding emergency management 68480  
personnel, in the event of a release of any of those substances 68481  
or chemicals from the facility, the commission or committee 68482  
consider all of the following factors: 68483

(i) The specific characteristics and the degree and nature 68484  
of the hazards posed by a release of the extremely hazardous 68485  
substances, hazardous chemicals, or hazardous substances present 68486  
at the facility; 68487

(ii) The proximity of the facility to residential areas, 68488  
to areas where significantly large numbers of people are 68489  
employed or otherwise congregate, and to environmental resources 68490  
that are subject to injury; 68491

(iii) The quantities of the extremely hazardous 68492  
substances, hazardous chemicals, or hazardous substances that 68493  
are routinely present at the facility; 68494

(iv) The frequency with which the extremely hazardous 68495  
substances, hazardous chemicals, or hazardous substances are 68496  
present at the facility. 68497

(g) Establish procedures to be followed by the commission 68498

and the executive committee of the commission for the issuance 68499  
of orders under this chapter. 68500

(3) In accordance with Chapter 119. of the Revised Code 68501  
adopt rules establishing reportable quantities for releases of 68502  
oil that are consistent with and equivalent in scope, content, 68503  
and coverage to section 311 of the "Federal Water Pollution 68504  
Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, 68505  
as amended, and applicable regulations adopted under it; 68506

(4) Adopt rules in accordance with Chapter 119. of the 68507  
Revised Code establishing criteria and procedures for 68508  
identifying or listing extremely hazardous substances in 68509  
addition to those identified or listed in rules adopted under 68510  
division (B)(1)(a) of this section and for establishing 68511  
threshold planning quantities and reportable quantities for the 68512  
added extremely hazardous substances; for identifying or listing 68513  
hazardous chemicals in addition to those identified or listed in 68514  
rules adopted under division (B)(1)(b) of this section and for 68515  
establishing threshold quantities and categories of health and 68516  
physical hazards for the added hazardous chemicals; and for 68517  
identifying or listing hazardous substances in addition to those 68518  
identified or listed in rules adopted under division (B)(1)(c) 68519  
of this section and for establishing reportable quantities for 68520  
the added hazardous substances. The criteria for identifying or 68521  
listing additional extremely hazardous substances and 68522  
establishing threshold planning quantities and reportable 68523  
quantities therefor and for identifying or listing additional 68524  
hazardous chemicals and establishing threshold quantities and 68525  
categories of health and physical hazards for the added 68526  
hazardous chemicals shall be consistent with and equivalent to 68527  
applicable criteria therefor under the "Emergency Planning and 68528  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 68529

U.S.C.A. 11001, and regulations adopted under it. The criteria 68530  
for identifying additional hazardous substances and for 68531  
establishing reportable quantities of the added hazardous 68532  
substances shall be consistent with and equivalent to the 68533  
applicable criteria for identifying or listing hazardous 68534  
substances and establishing reportable quantities therefor under 68535  
the "Comprehensive Environmental Response, Compensation, and 68536  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 68537  
amended, and regulations adopted under it. 68538

The rules shall require that, before identifying or 68539  
listing any such additional extremely hazardous substance, 68540  
hazardous chemical, or hazardous substance and establishing a 68541  
threshold planning quantity, threshold quantity, or reportable 68542  
quantity therefor, the commission find by a preponderance of the 68543  
scientific evidence based on generally accepted scientific 68544  
principles or laboratory tests that the substance or chemical 68545  
poses a substantial risk of catastrophic injury to public health 68546  
or safety or to the environment, or poses an extraordinary risk 68547  
of injury to emergency management personnel responding to a 68548  
release of the chemical or substance, when the chemical or 68549  
substance is present at a facility in an amount equal to the 68550  
proposed threshold planning quantity or threshold quantity or, 68551  
in the instance of a proposed additional extremely hazardous 68552  
substance or hazardous substance, poses a substantial risk of 68553  
catastrophic injury to public health or safety or to the 68554  
environment if a release of the proposed reportable quantity of 68555  
the substance occurs. The rules shall further require that, 68556  
before so identifying or listing a substance or chemical, the 68557  
commission find by a preponderance of the evidence that the 68558  
development and implementation of state or local emergency 68559  
response plans for releases of the substance or chemical will 68560

reduce the risk of a catastrophic injury to public health or 68561  
safety or to the environment, or will reduce the extraordinary 68562  
risk of injury to responding emergency response personnel, in 68563  
the event of a release of the substance or chemical and find by 68564  
a preponderance of the evidence that the identification or 68565  
listing of the substance or chemical is necessary for the 68566  
development of state or local emergency response plans for 68567  
releases of the substance or chemical. The rules shall require 68568  
that the commission consider the toxicity of the substance or 68569  
chemical in terms of both the short-term and long-term health 68570  
effects resulting from exposure to it and its reactivity, 68571  
volatility, dispersibility, combustibility, and flammability 68572  
when determining the risks posed by a release of the substance 68573  
or chemical and, as appropriate, when establishing a threshold 68574  
planning quantity, threshold quantity, reportable quantity, or 68575  
category of health or physical hazard for it. 68576

(5) Adopt rules in accordance with Chapter 119. of the 68577  
Revised Code establishing criteria and procedures for receiving 68578  
and deciding claims for protection of information as a trade 68579  
secret that are applicable only to extremely hazardous 68580  
substances and hazardous chemicals identified or listed in rules 68581  
adopted under division (C) (5) of this section. The rules shall 68582  
be equivalent in scope, content, and coverage to section 322 of 68583  
the "Emergency Planning and Community Right-To-Know Act of 68584  
1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations 68585  
adopted under it. 68586

(6) (a) After consultation with the fire marshal, adopt 68587  
rules in accordance with Chapter 119. of the Revised Code 68588  
establishing standards for the construction, placement, and use 68589  
of emergency response lock box units at facilities that are 68590  
subject to this chapter. The rules shall establish all of the 68591

following: 68592

(i) Specific standards of construction for lock box units; 68593

(ii) The specific types of information that shall be 68594  
placed in the lock box units required to be placed at a facility 68595  
by an order issued under division (D) of section 3750.11 of the 68596  
Revised Code, which shall include the location of on-site 68597  
emergency fire-fighting and spill cleanup equipment; a diagram 68598  
of the public and private water supply and sewage systems 68599  
serving the facility that are known to the owner or operator of 68600  
the facility; a copy of the emergency and hazardous chemical 68601  
inventory form for the facility most recently required to be 68602  
submitted under section 3750.08 of the Revised Code from which 68603  
the owner or operator may withhold information claimed or 68604  
determined to be trade secret information pursuant to rules 68605  
adopted under division (B) (2) (d) of this section, or pursuant to 68606  
division (B) (14) of this section and rules adopted under 68607  
division (B) (5) of this section, and confidential business 68608  
information identified in rules adopted under division (B) (1) (h) 68609  
of this section; a copy of the local fire department's and 68610  
facility's emergency management plans for the facility, if any; 68611  
a current list of the names, positions, addresses, and telephone 68612  
numbers of all key facility personnel knowledgeable in facility 68613  
safety procedures and the locations at the facility where 68614  
extremely hazardous substances, hazardous chemicals, and 68615  
hazardous substances are produced, used, or stored. The rules 68616  
shall stipulate that, in the instance of lock box units placed 68617  
voluntarily at facilities by the owners or operators of the 68618  
facilities, such information shall be maintained in them as is 68619  
prescribed by agreement by the owner or operator and the fire 68620  
department having jurisdiction over the facility. 68621

(iii) The conditions that shall be met in order to provide 68622  
safe and expedient access to a lock box unit during a release or 68623  
threatened release of an extremely hazardous substance, 68624  
hazardous chemical, or hazardous substance. 68625

(b) Unless the owner or operator of a facility is issued 68626  
an order under division (D) of section 3750.11 of the Revised 68627  
Code requiring the owner or operator to place a lock box unit at 68628  
the facility, the owner or operator may place a lock box unit at 68629  
the facility at the owner's or operator's discretion. If the 68630  
owner or operator chooses to place a lock box unit at the 68631  
facility, the responsibility to deposit information in the lock 68632  
box unit is in addition to any other obligations established in 68633  
this chapter. 68634

(c) Any costs associated with the purchase, construction, 68635  
or placement of a lock box unit shall be paid by the owner or 68636  
operator of the facility. 68637

(7) In accordance with Chapter 119. of the Revised Code, 68638  
adopt rules governing the application for and awarding of grants 68639  
under division (C) of section 3750.14 and division (B) of 68640  
section 3750.15 of the Revised Code; 68641

(8) Adopt rules in accordance with Chapter 119. of the 68642  
Revised Code establishing reasonable maximum fees that may be 68643  
charged by the commission and local emergency planning 68644  
committees for copying information in the commission's or 68645  
committee's files to fulfill requests from the public for that 68646  
information; 68647

(9) Adopt internal management rules governing the 68648  
operations of the commission. The internal management rules 68649  
shall establish an executive committee of the commission 68650

consisting of the director of environmental protection or the 68651  
director's designee, the director of public safety or the 68652  
director's designee, the attorney general or the attorney 68653  
general's designee, one of the appointed members of the 68654  
commission representing industries subject to this chapter to be 68655  
appointed by the commission, one of the appointed members of the 68656  
commission representing the interests of environmental advocacy 68657  
organizations to be appointed by the commission, and one other 68658  
appointed member or member ex officio of the commission to be 68659  
appointed by the commission. The executive committee has 68660  
exclusive authority to issue enforcement orders under section 68661  
3750.18 of the Revised Code and to request the attorney general 68662  
to bring a civil action, civil penalty action, or criminal 68663  
action under section 3750.20 of the Revised Code in the name of 68664  
the commission regarding violations of this chapter, rules 68665  
adopted under it, or orders issued under it. The internal 68666  
management rules may set forth the other specific powers and 68667  
duties of the commission that the executive committee may 68668  
exercise and carry out and the conditions under which the 68669  
executive committee may do so. The internal management rules 68670  
shall not authorize the executive committee to issue variances 68671  
under division (B) or (C) of section 3750.11 of the Revised Code 68672  
or orders under division (D) of that section. 68673

(10) Oversee and coordinate the implementation and 68674  
enforcement of this chapter and make such recommendations to the 68675  
director of environmental protection and the director of public 68676  
safety as it considers necessary or appropriate to improve the 68677  
implementation and enforcement of this chapter; 68678

(11) Make allocations of moneys under division (B) of 68679  
section 3750.14 of the Revised Code and make grants under 68680  
division (C) of section 3750.14 and division (B) of section 68681

3750.15 of the Revised Code; 68682

(12) Designate an officer of the environmental protection 68683  
agency to serve as the commission's information coordinator 68684  
under this chapter; 68685

(13) Not later than December 14, 1989, develop and 68686  
distribute a state emergency response plan that defines the 68687  
emergency response roles and responsibilities of the state 68688  
agencies that are represented on the commission and that 68689  
provides appropriate coordination with the national contingency 68690  
plan and the regional contingency plan required by section 105 68691  
of the "Comprehensive Environmental Response, Compensation, and 68692  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 68693  
amended. The plan shall ensure a well-coordinated response by 68694  
state agencies that may be involved in assisting local emergency 68695  
responders during a major release of oil or a major sudden and 68696  
accidental release of a hazardous substance or extremely 68697  
hazardous substance. The plan may incorporate existing state 68698  
emergency response plans by reference. At least annually, the 68699  
commission and the state agencies that are represented on it 68700  
shall jointly exercise the state plan in conjunction with the 68701  
exercise of a local emergency response plan by a local emergency 68702  
planning committee under section 3750.04 of the Revised Code. 68703  
After any such exercise, the commission shall review the state 68704  
plan and make such revisions in it as the commission considers 68705  
necessary or appropriate. 68706

(14) Receive and decide claims for the protection of 68707  
information as a trade secret that pertain only to extremely 68708  
hazardous substances and hazardous chemicals identified or 68709  
listed by rules adopted under division (C)(5) of this section. 68710  
If the commission determines that the claim meets the criteria 68711



established in rules adopted under division (B) (5) of this 68712  
section, it shall issue an order to that effect in accordance 68713  
with section 3750.18 of the Revised Code. If the commission 68714  
determines that the claim does not meet the criteria established 68715  
in those rules, it shall issue an order to that effect in 68716  
accordance with section 3750.18 of the Revised Code. 68717

(15) Annually compile, make available to the public, and 68718  
submit to the president of the senate and the speaker of the 68719  
house of representatives a summary report on the number of 68720  
facilities estimated to be subject to regulation under sections 68721  
3750.05, 3750.07, and 3750.08 of the Revised Code, the number of 68722  
facilities reporting to the commission, an estimate of the 68723  
percentage of facilities in compliance with those sections, and 68724  
recommendations regarding the types of activities the commission 68725  
considers necessary to improve such compliance. The commission 68726  
shall base its estimate of the number of facilities that are 68727  
subject to regulation under those sections on the current 68728  
estimates provided by the local emergency planning committees 68729  
under division (D) (6) of section 3750.03 of the Revised Code. 68730

(C) The commission may: 68731

(1) Procure by contract the temporary or intermittent 68732  
services of experts or consultants when those services are to be 68733  
performed on a part-time or fee-for-service basis and do not 68734  
involve the performance of administrative duties; 68735

(2) Enter into contracts or agreements with political 68736  
subdivisions or emergency planning districts for the purposes of 68737  
this chapter; 68738

(3) Accept on behalf of the state any gift, grant, or 68739  
contribution from any governmental or private source for the 68740

purposes of this chapter; 68741

(4) Enter into contracts, agreements, or memoranda of 68742  
understanding with any state department, agency, board, 68743  
commission, or institution to obtain the services of personnel 68744  
thereof or utilize resources thereof for the purposes of this 68745  
chapter. Employees of a state department, agency, board, 68746  
commission, or institution providing services to the commission 68747  
under any such contract, agreement, or memorandum shall perform 68748  
only those functions and provide only the services provided for 68749  
in the contract, agreement, or memorandum. 68750

(5) Identify or list extremely hazardous substances in 68751  
addition to those identified or listed in rules adopted under 68752  
division (B)(1)(a) of this section and establish threshold 68753  
planning quantities and reportable quantities for the additional 68754  
extremely hazardous substances, identify or list hazardous 68755  
chemicals in addition to those identified or listed in rules 68756  
adopted under division (B)(1)(b) of this section and establish 68757  
threshold quantities and categories or health and physical 68758  
hazards for the added chemicals, and identify or list hazardous 68759  
substances in addition to those identified or listed in rules 68760  
adopted under division (B)(1)(c) of this section and establish 68761  
reportable quantities for the added hazardous substances. The 68762  
commission may establish threshold planning quantities for the 68763  
additional extremely hazardous substances based upon classes of 68764  
those substances or categories of facilities at which they are 68765  
present and may establish threshold quantities for the 68766  
additional hazardous chemicals based upon classes of those 68767  
chemicals or categories of facilities where they are present. 68768  
The commission shall identify or list such additional substances 68769  
or chemicals and establish threshold planning quantities, 68770  
threshold quantities, reportable quantities, and hazard 68771

categories therefor in accordance with the criteria and 68772  
procedures established in rules adopted under division (B) (4) of 68773  
this section and, after compliance with those criteria and 68774  
procedures, by the adoption of rules in accordance with Chapter 68775  
119. of the Revised Code. The commission shall not adopt rules 68776  
under division (C) (5) of this section modifying any threshold 68777  
planning quantity established in rules adopted under division 68778  
(B) (1) (a) of this section, any threshold quantity established in 68779  
rules adopted under division (B) (1) (b) of this section, or any 68780  
reportable quantity established in rules adopted under division 68781  
(B) (1) (c) of this section. 68782

If, after the commission has adopted rules under division 68783  
(C) (5) of this section identifying or listing an extremely 68784  
hazardous substance, hazardous chemical, or hazardous substance, 68785  
the administrator of the United States environmental protection 68786  
agency identifies or lists the substance or chemical as an 68787  
extremely hazardous substance or hazardous chemical under the 68788  
"Emergency Planning and Community Right-To-Know Act of 1986," 68789  
100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a 68790  
substance as a hazardous substance under the "Comprehensive 68791  
Environmental Response, Compensation, and Liability Act of 68792  
1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the 68793  
commission shall rescind its rules adopted under division (C) (5) 68794  
of this section pertaining to the substance or chemical and 68795  
adopt the appropriate rules under division (B) (1) (a), (b), or 68796  
(c) of this section. 68797

(6) From time to time, request the director of 68798  
environmental protection and the executive director of the 68799  
emergency management agency to review implementation, 68800  
administration, and enforcement of the chemical emergency 68801  
response planning and reporting programs created by this chapter 68802

and rules adopted under it regarding their effectiveness in 68803  
preparing for response to releases of extremely hazardous 68804  
substances, hazardous chemicals, and hazardous substances. After 68805  
completion of any such review, the director of environmental 68806  
protection and the director of public safety shall report their 68807  
findings to the commission. Upon receipt of their findings, the 68808  
commission may make such recommendations for legislative and 68809  
administrative action as the commission finds necessary or 68810  
appropriate to promote achievement of the purposes of this 68811  
chapter. 68812

(D) Except as provided in section 3750.06 of the Revised 68813  
Code, nothing in this chapter applies to the transportation, 68814  
including the storage incident to transportation, of any 68815  
substance or chemical subject to the requirements of this 68816  
chapter, including the transportation and distribution of 68817  
natural gas. 68818

(E) This chapter authorizes the state, through the 68819  
emergency response commission, the department of public safety, 68820  
and the environmental protection agency, to establish and 68821  
maintain chemical emergency response planning and preparedness, 68822  
community right-to-know, and hazardous substance and extremely 68823  
hazardous substance release reporting programs that are 68824  
consistent with and equivalent in scope, coverage, and content 68825  
to the "Emergency Planning and Community Right-To-Know Act of 68826  
1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations 68827  
adopted under it, except as otherwise specifically required or 68828  
authorized in this chapter. The commission, department, and 68829  
agencies may do all things necessary, incidental, or appropriate 68830  
to implement, administer, and enforce this chapter and to 68831  
perform the duties and exercise the powers of the state 68832  
emergency response commission under that act and regulations 68833

adopted under it and under this chapter. 68834

**Sec. 3769.088.** (A) (1) If any permit holder required by 68835  
this chapter to pay the taxes levied by sections 3769.08, 68836  
3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay 68837  
the taxes as required, the tax commissioner may make an 68838  
assessment against the permit holder based upon any information 68839  
in the commissioner's possession. 68840

(2) If a permit holder required to remit taxes or file a 68841  
report electronically in the manner prescribed under section 68842  
3769.103 of the Revised Code fails to do so, the tax 68843  
commissioner may impose an additional penalty of fifty dollars 68844  
or ten per cent of the tax due as shown on the report, whichever 68845  
is greater. 68846

(3) A penalty of up to fifteen per cent may be added to 68847  
the amount of every assessment made under this section. 68848

~~(4) The commissioner may adopt rules providing for the 68849  
imposition and remission of penalties added to assessments made 68850  
under this section. 68851~~

~~(5) The commissioner shall give the party assessed written 68852  
notice of the assessment in the manner provided in section 68853  
5703.37 of the Revised Code. With the notice, the commissioner 68854  
shall provide instructions on how to petition for reassessment 68855  
and request a hearing on the petition. 68856~~

(B) Unless the party assessed files with the tax 68857  
commissioner within sixty days after service of the notice of 68858  
assessment, ~~either personally or by certified mail,~~ a written 68859  
petition for reassessment signed by the party assessed or that 68860  
party's authorized agent having knowledge of the facts, the 68861  
assessment becomes final and the amount of the assessment is due 68862

and payable from the party assessed to the commissioner. The 68863  
petition shall indicate the objections of the party assessed, 68864  
but additional objections may be raised in writing if received 68865  
by the commissioner prior to the date shown on the final 68866  
determination. If the petition has been properly filed, the 68867  
commissioner shall proceed under section 5703.60 of the Revised 68868  
Code. 68869

(C) After an assessment becomes final, if any portion of 68870  
the assessment remains unpaid, including accrued interest, a 68871  
certified copy of the tax commissioner's entry making the 68872  
assessment final may be filed in the office of the clerk of the 68873  
court of common pleas in the county in which the place, track, 68874  
or enclosure for which the permit was issued is located or the 68875  
county in which the party assessed resides or has its principal 68876  
place of business. If the party assessed maintains no place of 68877  
business in this state and is not a resident of this state, the 68878  
certified copy of the entry may be filed in the office of the 68879  
clerk of the court of common pleas of Franklin county. 68880

Immediately upon the filing of the entry, the clerk shall 68881  
enter a judgment for the state against the party assessed in the 68882  
amount shown on the entry. The judgment may be filed by the 68883  
clerk in a loose-leaf book entitled "special judgments for state 68884  
horse racing tax," and shall have the same effect as other 68885  
judgments. Execution shall issue upon the judgment upon the 68886  
request of the tax commissioner, and all laws applicable to 68887  
sales on execution shall apply to sales made under the judgment. 68888

If the assessment is not paid in its entirety within sixty 68889  
days after the day the assessment was issued, the portion of the 68890  
assessment consisting of tax due shall bear interest at the rate 68891  
per annum prescribed by section 5703.47 of the Revised Code from 68892

the day the tax commissioner issues the assessment until the day 68893  
the assessment is paid or until it is certified to the attorney 68894  
general for collection under section 131.02 of the Revised Code, 68895  
whichever comes first. If the unpaid portion of the assessment 68896  
is certified to the attorney general for collection, the entire 68897  
unpaid portion of the assessment shall bear interest at the rate 68898  
per annum prescribed by section 5703.47 of the Revised Code from 68899  
the date of certification until the date it is paid in its 68900  
entirety. Interest shall be paid in the same manner as the tax 68901  
and may be collected by the issuance of an assessment under this 68902  
section. 68903

(D) All money collected by the tax commissioner under this 68904  
section shall be treated as revenue arising from the taxes 68905  
imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of 68906  
the Revised Code. 68907

**Sec. 3770.071.** (A) As used in this section, "lottery prize 68908  
award" does not include a prize award from a video lottery 68909  
terminal and does not include winnings from lottery sports 68910  
gaming, except that "lottery prize award" includes winnings from 68911  
lottery sports gaming wagers placed through a terminal described 68912  
in division (B) (3) of section 3770.24 of the Revised Code. 68913

(B) If the amount of the prize money or the cost of goods 68914  
or services awarded as a lottery prize award meets or exceeds 68915  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 68916  
subsequent analogous section of the Internal Revenue Code, the 68917  
director of the state lottery commission or the director's 68918  
designee shall consult the data match program established under 68919  
section 3123.89 of the Revised Code to determine whether the 68920  
person is subject to a final and enforceable determination of 68921  
default made under sections 3123.01 to 3123.07 of the Revised 68922

Code. If so, the director or the director's designee shall 68923  
withhold an amount from the prize award in accordance with 68924  
section 3123.89 of the Revised Code. 68925

**Sec. 3770.072.** (A) As used in this section, "prize 68926  
winner," and "transferee," and ~~"transferor"~~ have the same 68927  
meanings as in section 3770.10 of the Revised Code. 68928

(B) The state lottery commission shall deduct amounts from 68929  
lottery prize awards and file returns in accordance with 68930  
~~sections~~ section 5747.062 and 5747.064 of the Revised Code and 68931  
any rules adopted by the tax commissioner pursuant to ~~those~~ 68932  
~~sections~~ that section. This division also applies to lottery 68933  
prize award payments the commission remits to transferees. 68934

~~(C) (1) (a)~~ (C) (1) Each transferee shall deduct and withhold 68935  
from each gross amount payable to each prize winner four per 68936  
cent of the gross amount payable prior to making any other 68937  
reduction required by this chapter. 68938

~~(b)~~ Subject to division (C) (1) (c) of this section, each 68939  
transferee, including any transferee that is a related member, 68940  
as defined in section 5733.042 of the Revised Code, to the 68941  
transferor, shall deduct and withhold from each amount payable 68942  
to a transferor that is not a prize winner four per cent of the 68943  
portion of the payment representing gain or income the 68944  
transferor will recognize in connection with the payment. 68945

~~(c)~~ For purposes of division (C) (1) (b) of this section, 68946  
the portion of any payment representing gain or income 68947  
recognized by the transferor shall be computed in accordance 68948  
with the Internal Revenue Code. The transferor shall prepare a 68949  
written statement setting forth that amount and sign the 68950  
statement under penalty of perjury. Within five days before the 68951



~~date on which the payment is to be made, the transferor shall 68952  
deliver the written statement to the transferee and deliver a 68953  
copy of the written statement to the tax commissioner. If the 68954  
transferee does not receive the written statement by the time 68955  
the payment is made, the transferee shall withhold four per cent 68956  
of the entire amount of the payment. If the tax commissioner 68957  
notifies the transferee that the transferor has erroneously 68958  
computed the amount of gain or income recognized, the transferee 68959  
shall withhold four per cent of the entire amount of each 68960  
payment to be made after the transferee receives the notice. 68961~~

~~(d) The tax commissioner may impose a penalty of up to one 68962  
thousand dollars for any person failing to timely deliver to the 68963  
tax commissioner the copy of the written statement as required 68964  
by division (C) (1) (c) of this section. Proceeds from the 68965  
imposition of the penalty shall be considered as revenue arising 68966  
from the tax imposed under section 5733.06 or 5747.02 of the 68967  
Revised Code, as applicable. 68968~~

(2) With respect to amounts deducted and withheld pursuant 68969  
to division (C) (1) of this section, each transferee shall comply 68970  
with divisions (A) (2) to (4) of section 5747.062 of the Revised 68971  
Code. 68972

(3) An employee of a corporation, limited liability 68973  
company, or business trust having control or supervision of or 68974  
charged with the responsibility of filing the report and making 68975  
the payment required by division (C) of this section and section 68976  
5747.062 of the Revised Code, or an officer, member, manager, or 68977  
trustee of a corporation, limited liability company, or business 68978  
trust who is responsible for the execution of the corporation's, 68979  
limited liability company's, or business trust's fiscal 68980  
responsibilities, shall be personally liable for failure to file 68981

the report or pay the amount due as required by division (C) of 68982  
this section and section 5747.062 of the Revised Code. The 68983  
dissolution, termination, or bankruptcy of a corporation, 68984  
limited liability company, or business trust does not discharge 68985  
a responsible officer's, member's, manager's, employee's, or 68986  
trustee's liability for a failure of the corporation, limited 68987  
liability company, or business trust to file returns or pay the 68988  
amount due. 68989

(4) (a) The tax commissioner may make an assessment against 68990  
any person listed in division (C) (1) or (3) of this section for 68991  
any deficiency for any period. Section 5747.13 of the Revised 68992  
Code shall apply with respect to issuing assessments, filing 68993  
petitions for reassessments, conducting hearings, issuing final 68994  
determinations, making the assessment final, and filing the 68995  
entry that makes the assessment final. Section 5717.02 of the 68996  
Revised Code shall apply to appeals of the commissioner's final 68997  
decision in connection with assessments issued pursuant to 68998  
division (C) (4) of this section. 68999

(b) An assessment issued against any person listed in 69000  
division (C) (1) or (3) of this section shall not be considered 69001  
an election of remedies or a bar to an assessment against any 69002  
other person for the failure to comply with division (C) (1) of 69003  
this section. No assessment shall be issued against any person 69004  
who is so listed if the amount required to be withheld has been 69005  
paid by another. 69006

(c) The assessment shall include interest at the rate per 69007  
annum prescribed by section 5703.47 of the Revised Code on 69008  
liability from the time the payment is due until the date of 69009  
assessment. Interest shall continue to accrue from the date of 69010  
assessment until the date the assessment is paid in full. Any 69011

interest accruing subsequent to the date of the issuance of the 69012  
assessment shall be considered to be an additional deficiency 69013  
for which the tax commissioner may issue subsequent assessments. 69014  
The initial assessment and any subsequent assessments may 69015  
include a penalty in an amount not to exceed twice the 69016  
applicable interest charged under this division. 69017

**Sec. 3770.073.** (A) As used in this section, "lottery prize 69018  
award" does not include a prize award from a video lottery 69019  
terminal and does not include winnings from lottery sports 69020  
gaming, except that "lottery prize award" includes winnings from 69021  
lottery sports gaming wagers placed through a terminal described 69022  
in division (B) (3) of section 3770.24 of the Revised Code. 69023

(B) The attorney general shall provide the state lottery 69024  
commission or its designee with access to the real time data 69025  
match program described in sections 3772.37 and 3775.16 of the 69026  
Revised Code for the purpose of identifying prize winners who 69027  
owe amounts to the state or a political subdivision. 69028

(C) If a person is entitled to a lottery prize award and 69029  
is indebted to the state for the payment of any tax, workers' 69030  
compensation premium, unemployment contribution, payment in lieu 69031  
of unemployment contribution, or certified claim under section 69032  
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 69033  
political subdivision that has a certified claim under section 69034  
131.02 of the Revised Code, owes lottery sales receipts held in 69035  
trust on behalf of the state lottery commission as described in 69036  
division (H) (4) of section 3770.05 of the Revised Code, or owes 69037  
any charge, penalty, or interest arising from ~~these~~ any of those 69038  
debts and if the amount of the prize money or the cost of goods 69039  
or services awarded as a lottery prize award meets or exceeds 69040  
the reportable winnings amount set by 26 U.S.C. 6041, the 69041

director of the state lottery commission, or the director's 69042  
designee, shall do either of the following: 69043

(1) If the prize award will be paid in a lump sum, deduct 69044  
from the prize award and pay to the attorney general an amount 69045  
in satisfaction of the debt and pay any remainder to that 69046  
person. If the amount of the prize award is less than the amount 69047  
of the debt, the entire amount of the prize award shall be 69048  
deducted and paid in partial satisfaction of the debt. 69049

(2) If the prize award will be paid in annual 69050  
installments, on the date the initial installment payment is 69051  
due, deduct from that installment and pay to the attorney 69052  
general an amount in satisfaction of the debt and, if necessary 69053  
to collect the full amount of the debt, do the same for any 69054  
subsequent annual installments, at the time the installments 69055  
become due and owing to the person, until the debt is fully 69056  
satisfied. 69057

~~(B)~~ (D) If a person entitled to a lottery prize award owes 69058  
more than one debt, any debt owed to the state shall be 69059  
satisfied first, subject to both section 5739.33 and division 69060  
(G) of section 5747.07 of the Revised Code having first 69061  
priority, and subject to division ~~(C)~~ (E) of this section. 69062

~~(C)~~ (E) Any debt owed under section 3770.071 of the 69063  
Revised Code shall be satisfied with first priority over debts 69064  
owed under this section. 69065

~~(D)~~ (F) Except as provided in section 131.021 of the 69066  
Revised Code, this section applies only to debts that have 69067  
become final. 69068

**Sec. 3770.074.** If the amount of a prize award from a video 69069  
lottery terminal meets or exceeds the reportable winnings amount 69070

set by 26 U.S.C. 6041, the video lottery sales agent shall 69071  
consult the data match program established under section 3123.89 69072  
of the Revised Code to determine whether the person is subject 69073  
to a final and enforceable determination of default made under 69074  
sections 3123.01 to 3123.07 of the Revised Code. If so, the 69075  
video lottery sales agent shall withhold an amount from the 69076  
prize award in accordance with section 3123.89 of the Revised 69077  
Code. 69078

**Sec. 3770.075.** (A) The attorney general shall provide each 69079  
video lottery sales agent with access to the real time data 69080  
match program described in sections 3772.37 and 3775.16 of the 69081  
Revised Code for the purpose of identifying prize winners who 69082  
owe amounts to the state or a political subdivision. 69083

(B) If a person is entitled to a prize award from a video 69084  
lottery terminal that meets or exceeds the reportable winnings 69085  
amount set by 26 U.S.C. 6041 and the person is indebted to the 69086  
state for the payment of any tax, workers' compensation premium, 69087  
unemployment contribution, payment in lieu of unemployment 69088  
contribution, or certified claim under section 131.02 or 131.021 69089  
of the Revised Code, is indebted to a political subdivision that 69090  
has a certified claim under section 131.02 of the Revised Code, 69091  
owes lottery sales receipts held in trust on behalf of the state 69092  
lottery commission as described in division (H) (4) of section 69093  
3770.05 of the Revised Code, or owes any charge, penalty, or 69094  
interest arising from any of those debts, the video lottery 69095  
sales agent shall deduct from the prize award and pay to the 69096  
attorney general an amount in satisfaction of the debt and pay 69097  
any remainder to that person. If the amount of the prize award 69098  
is less than the amount of the debt, the entire amount of the 69099  
prize award shall be deducted and paid in partial satisfaction 69100  
of the debt. 69101

(C) If a person entitled to a prize award from a video lottery terminal owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (C) of this section. 69102  
69103  
69104  
69105  
69106

(D) Any debt owed under section 3770.074 of the Revised Code shall be satisfied with first priority over debts owed under this section. 69107  
69108  
69109

(E) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final. 69110  
69111

**Sec. 3770.10.** As used in sections 3770.07 to ~~3770.073~~ 3770.075 and 3770.10 to 3770.14 of the Revised Code: 69112  
69113

(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner ~~or transferor~~ resides, or, if the prize winner ~~or transferor~~ is not a resident of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award. 69114  
69115  
69116  
69117  
69118  
69119  
69120

(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding. 69121  
69122  
69123  
69124  
69125  
69126

(C) "Independent professional advice" means the advice of ~~an attorney, a certified public accountant, an actuary, or any other~~ a licensed professional adviser if all of the following apply: 69127  
69128  
69129  
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(1) The prize winner has engaged the services of the licensed professional adviser to render advice concerning the legal, financial, and other implications of a transfer of the lottery prize award.

(2) The licensed professional adviser is not affiliated in any manner with or compensated in any manner by the transferee of the lottery prize award.

(3) The compensation of the licensed professional adviser is not affected by whether or not a transfer of a lottery prize award occurs.

(D) "Prize winner" means any person that holds the right to receive all or any part of a lottery prize award as a result of being any of the following:

(1) A person who is a claimant under division (A) of section 3770.07 of the Revised Code;

(2) A person who is entitled to a prize award and who is under a legal disability as described in division (B) of section 3770.07 of the Revised Code;

(3) A person who was awarded a prize award to which another has claimed title by a federal bankruptcy court order or other court order referred to in division (D) of section 3770.07 of the Revised Code;

(4) A person who is receiving payments upon the death of a prize winner as provided in division (D) of section 3770.07 of the Revised Code.

(E) "Transfer" means any form of sale, assignment, or redirection of payment of ~~all or any part~~ the remainder of a lottery prize award for consideration.

(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of ~~all or any part~~ the remainder of a lottery prize award from a ~~transferor prize winner~~ to a transferee. A transfer agreement is incomplete and invalid unless the agreement contains both of the following:

(1) A statement, signed by the ~~transferor prize winner~~ under penalties of perjury, that the ~~transferor prize winner~~ irrevocably agrees that the ~~transferor prize winner~~ is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the ~~transferor prize winner~~ will recognize in connection with the transfer. ~~If the transferor is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement that the investor irrevocably agrees that the investor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor and the investor will recognize in connection with the transfer.~~

(2) A statement, signed by the transferee, that the transferee irrevocably agrees that the transferee is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and that the transferee is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee will recognize in connection with a lottery prize awards award to be received as a result of the transfer. If the transferee is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement setting forth that the investor irrevocably agrees that the investor is



subject to the withholding requirements imposed by division (C) 69190  
of section 3770.072 of the Revised Code and is subject to the 69191  
tax imposed by Chapter 5733. or 5747. of the Revised Code with 69192  
respect to gain or income which the transferee and the investor 69193  
will recognize in connection with a lottery prize awards-award 69194  
to be received as a result of the transfer. 69195

(G) "Transferee" means a party acquiring or proposing to 69196  
acquire ~~all or any part~~ the remainder of a lottery prize award 69197  
from a prize winner through a transfer. 69198

(H) ~~"Transferor" means either a prize winner or a~~ 69199  
~~transferee in an earlier transfer whose interest is acquired by-~~ 69200  
~~or is sought to be acquired by a transferee or a new transferee-~~ 69201  
~~through a transfer.~~ "Licensed professional adviser" means any of 69202  
the following: 69203

(1) An attorney; 69204

(2) A certified public accountant; 69205

(3) An actuary; 69206

(4) A financial planner who is accredited by a nationally 69207  
recognized accreditation agency. 69208

(I) "Lottery prize award" includes winnings from lottery 69209  
sports gaming, except as otherwise specified in the applicable 69210  
section of the Revised Code. 69211

(J) "Video lottery terminal" has the same meaning as in 69212  
section 3770.21 of the Revised Code. 69213

(K) "Video lottery sales agent" means an agent of the 69214  
state lottery authorized to operate video lottery terminals 69215  
under section 3770.21 of the Revised Code. 69216

**Sec. 3770.12.** A court of competent jurisdiction shall 69217  
approve a transfer of a lottery prize award only in a final 69218  
order that is based on express findings of the court. The court 69219  
shall approve the transfer if each of the following conditions 69220  
that applies is met and is included in the court's express 69221  
findings: 69222

(A) ~~If the transferor is a prize winner, the~~ The 69223  
transferee has provided to the prize winner a disclosure 69224  
statement that complies with section 3770.11 of the Revised 69225  
Code, and the prize winner has confirmed the prize winner's 69226  
receipt of the disclosure statement, as evidenced by the prize 69227  
winner's notarized signature on a copy of the disclosure 69228  
statement. 69229

(B) ~~If the transferor is a~~ The prize winner, the prize 69230  
~~winner~~ has received independent professional advice regarding 69231  
the legal, financial, and other implications of the transfer, as 69232  
evidenced by a statement signed under penalty of perjury by the 69233  
prize winner and the licensed professional adviser. 69234

(C) The transferee has given written notice of the 69235  
transferee's name, address, and taxpayer identification number 69236  
to the state lottery commission and has filed a copy of that 69237  
notice with the court in which the application for approval of 69238  
the transfer was filed. 69239

(D) The transferee is a trust, limited partnership, 69240  
general partnership, corporation, professional association, 69241  
limited liability company, or other entity that is qualified to 69242  
do business in this state and meets the registration 69243  
requirements for that type of entity under Title XVII of the 69244  
Revised Code. 69245

(E) The transfer complies with all applicable requirements 69246  
of the Revised Code and does not contravene any applicable 69247  
statute or court order. 69248

(F) The transfer does not include or cover the amounts of 69249  
the lottery prize award that are required to be withheld or 69250  
deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 69251  
3123.06, 3770.071, or 3770.072 of the Revised Code. 69252

(G) Any amounts described in division (F) of this section 69253  
that are required to be withheld or deducted, as of the date of 69254  
the court order, will be offset by the commission first against 69255  
remaining payments due the ~~transferor~~prize winner and then 69256  
against payments due the transferee. 69257

(H) Except as provided in divisions (F) and (G) of this 69258  
section, that the ~~transferor's~~prize winner's interest in each 69259  
and all of the future payments from a particular lottery prize 69260  
award is to be paid to a single transferee, ~~or, if the payments~~ 69261  
~~from the lottery prize award are to be directed from the state~~ 69262  
~~lottery commission to multiple transferees, the commission has~~ 69263  
~~promulgated rules under section 3770.03 of the Revised Code~~ 69264  
~~permitting transfers to multiple transferees, and the transfer~~ 69265  
~~is consistent with those rules.~~ 69266

~~(I) If the lottery prize award has been transferred within 69267  
twelve months immediately preceding the effective date of the 69268  
proposed transfer, the state lottery commission has not objected 69269  
to the proposed transfer. The court shall presume that the 69270  
requirements of this division are met unless the commission 69271  
notifies the court in writing before the hearing on the 69272  
application for transfer, or through counsel at that hearing, 69273  
that a transfer of the same lottery prize award has been made 69274  
within that twelve-month period and that the commission objects 69275~~

~~to a subsequent transfer within that twelve-month period. The court shall find that the requirements of this division are not met if the commission provides notice of a prior transfer of the same lottery prize award within that twelve-month period and its objection to the proposed transfer, unless the transferor or transferee shows by clear and convincing evidence that no previous transfer of the same lottery prize award occurred within that twelve-month period. For purposes of this division, any of a series of transfers of a lottery prize award that occur simultaneously as part of a single transaction shall not be considered to be a prior transfer of the lottery prize award within the twelve-month period immediately preceding the effective date of the proposed transfer, provided that the condition set forth in division (C) of this section is met.~~

If the court determines that all of the conditions in divisions (A) to ~~(I)~~(H) of this section that apply are met, the transfer of the lottery prize award shall be presumed to be fair and reasonable and in the best interests of the prize winner.

**Sec. 3770.121.** Any state lottery commission rules allowing lottery prize awards to be paid in installments also shall allow a prize winner who is being paid a prize award in that manner to transfer ~~all or a portion of~~ the remainder of the prize award, subject to each of the following conditions:

(A) ~~If each transfer is for less than one hundred per cent of the remainder of the prize award, the remainder of the prize award for each transfer must be five hundred thousand dollars or greater at the time of the transfer. If the lottery prize award is a lifetime prize, for each transfer the remainder of the minimum guaranteed prize to which the prize winner is entitled must be five hundred thousand dollars or greater at the time of~~

~~the transfer.~~ 69306

~~(B)~~ Payments of the prize award transferred shall be 69307  
subject to the withholding or deduction of any amounts that are 69308  
required to be withheld or deducted under section 3119.80, 69309  
3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the 69310  
Revised Code. 69311

~~(C) The maximum number of transfers~~ (B) Only one transfer 69312  
is permitted under this section with respect to any single prize 69313  
award ~~shall not exceed three~~ unless a greater number of 69314  
permitted transfers has been specified by the commission in the 69315  
rules. 69316

**Sec. 3770.13.** (A) A transferee shall file an application 69317  
under sections 3770.10 to 3770.14 of the Revised Code for the 69318  
approval in advance of a transfer of a lottery prize award in a 69319  
court of competent jurisdiction. 69320

(B) The following procedures shall apply to an application 69321  
for the approval in advance by a court of a transfer of a 69322  
lottery prize award under division (A) of this section: 69323

(1) Upon the filing of the application, the court shall 69324  
set a date, time, and place for a hearing on the application and 69325  
shall notify the transferee and ~~transferor~~ the prize winner of 69326  
the date, time, and place of the hearing. 69327

(2) Not less than thirty days prior to the date set by the 69328  
court for the hearing on an application filed pursuant to this 69329  
section, the transferee shall file with the court and shall 69330  
serve on the state lottery commission, in the manner prescribed 69331  
in the Rules of Civil Procedure for the service of process, a 69332  
notice of the proposed transfer and the application for its 69333  
approval in advance. The notice shall include all of the 69334

following: 69335

(a) A copy of the application; 69336

(b) A copy of the transfer agreement ~~or, if the transferor~~ 69337  
~~is not a prize winner, a redacted copy of the transfer agreement~~ 69338  
~~that discloses sufficient information to allow the commission~~ 69339  
~~and the court to determine the validity of the transfer~~ 69340  
~~agreement;~~ 69341

(c) ~~If the transferor is a prize winner, a~~ A copy of the 69342  
disclosure statement provided by the transferee pursuant to 69343  
section 3770.11 of the Revised Code and signed by the prize 69344  
winner pursuant to division (A) of section 3770.12 of the 69345  
Revised Code; 69346

(d) A statement, signed under penalty of perjury by the 69347  
prize winner and a licensed professional adviser, that the prize 69348  
winner has received independent professional advice regarding 69349  
the legal, financial, and other implications of the transfer; 69350

(e) The amounts and due dates of the lottery prize award 69351  
payments that will be transferred under the transfer agreement; 69352

~~(e)~~ (f) Notification of the date, time, and place of the 69353  
hearing on the application; 69354

~~(f)~~ (g) The complete name, address, and taxpayer 69355  
identification number of the transferee. 69356

(3) The commission shall not be required to appear in or 69357  
be named as a party to a hearing on the application, but may 69358  
intervene as of right in the proceeding. 69359

(4) At the conclusion of the hearing on an application 69360  
under this section, the court may grant or deny the approval of 69361  
the transfer. The court shall enter its order accordingly. If 69362

the court grants the approval of the transfer, it shall include 69363  
in its order all of the express findings specified in section 69364  
3770.12 of the Revised Code. If the court denies the approval of 69365  
the transfer, it shall include in its order the reasons for the 69366  
denial. 69367

(5) An order of the court made under division (B)(4) of 69368  
this section is a final and appealable order. 69369

**Sec. 3770.25.** (A) The state lottery commission shall offer 69370  
lottery sports gaming only at type C sports gaming hosts' 69371  
facilities on self-service or clerk-operated terminals, and only 69372  
to individuals who are at least twenty-one years of age and who 69373  
are physically present on the premises of the facility. 69374

(B) All of the following apply concerning lottery sports 69375  
gaming: 69376

(1) If a type C sports gaming proprietor intends to 69377  
install more than two terminals in any type C sports gaming 69378  
host's facility, the type C sports gaming proprietor shall 69379  
notify the Ohio casino control commission of that fact not later 69380  
than seven days before installing the additional terminals. The 69381  
commission may disallow the installation of more than two 69382  
terminals in the facility, in accordance with the commission's 69383  
rules. 69384

(2) The self-service terminal or the clerk, as applicable, 69385  
shall verify that the lottery sports gaming participant is at 69386  
least twenty-one years of age. 69387

(3) A type C sports gaming proprietor may offer only the 69388  
following types of wagers on sporting events, as approved by the 69389  
Ohio casino control commission: 69390

(a) Spread wagers; 69391

(b) Over-under wagers;	69392
(c) Moneyline wagers;	69393
(d) Parlay wagers that are based on not more than four component wagers.	69394 69395
(4) A self-service terminal or clerk shall accept wagers only by cash, credit card, debit card, or electronic payment account. As used in this section, "electronic payment account" means an account maintained with a third party for purposes of making electronic payments, such as paypal, google pay, or apple pay, that is intended for general use and not only for sports gaming purposes.	69396 69397 69398 69399 69400 69401 69402
(5) A self-service terminal or clerk shall not accept wagers aggregating more than seven hundred dollars in a calendar week from any one participant.	69403 69404 69405
(6) The rules of the Ohio casino control commission and the state lottery commission concerning lottery sports gaming shall apply identically in all applicable respects to lottery sports gaming offered on a self-service terminal and to lottery sports gaming offered on a clerk-operated terminal.	69406 69407 69408 69409 69410
(C) (1) A participant whose winnings from lottery sports gaming are of an amount that <del>is not subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code</del> <u>does not meet or exceed the reportable winnings amount set by 26 U.S.C. 6041</u> may receive the participant's winnings by any of the following methods:	69411 69412 69413 69414 69415 69416
(a) As a credit to the participant's credit card, debit card, or electronic payment account-;	69417 69418
(b) In cash from any type C sports gaming host;	69419



(c) By any additional method permitted by the state 69420  
lottery commission by rule. 69421

(2) A participant whose winnings from lottery sports 69422  
gaming are of an amount that ~~is subject to withholding under~~ 69423  
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 69424  
~~Code meets or exceeds the reportable winnings amount set by 26~~ 69425  
U.S.C. 6041 may receive the participant's winnings in the ~~same~~ 69426  
~~manner as any other determined by the state lottery prize award~~ 69427  
~~of an amount that is subject to~~ commission, subject to 69428  
withholding by the sports gaming proprietor under these sections 69429  
718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or 69430  
subject to withholding by the state lottery commission under 69431  
sections 718.031, 3770.071, 3770.073, and 5747.062 of the 69432  
Revised Code, as applicable. 69433

**Sec. 3775.16.** (A) Pursuant to section 131.02 of the 69434  
Revised Code, the attorney general shall develop and implement a 69435  
real time data match program and make it available to each 69436  
sports gaming proprietor to identify patrons who owe amounts to 69437  
the state or a political subdivision. 69438

(B) (1) ~~Before~~ Subject to division (E) of this section, 69439  
before disbursing any sports gaming winnings to a patron in an 69440  
amount for which reporting to the internal revenue service of 69441  
the amount is required by section 6041 of the Internal Revenue 69442  
Code, as amended, a sports gaming proprietor shall consult the 69443  
data match program to determine whether the patron owes any 69444  
amounts to the state or a political subdivision. If the data 69445  
match program indicates that the patron owes any amounts to the 69446  
state or a political subdivision, the sports gaming proprietor 69447  
shall withhold from the patron's winnings an amount sufficient 69448  
to satisfy those amounts, up to the amount of the winnings. 69449

(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default under a support order, the sports gaming proprietor shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section.

(C) (1) Not later than fourteen days after withholding an amount under division (B) of this section, the sports gaming proprietor shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and family services under section 3123.90 of the Revised Code as payment on the amount owed.

(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority.

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that have become final.

(E) A sports gaming proprietor that offers lottery sports gaming through a terminal described in division (B) (3) of section 3770.24 of the Revised Code shall not withhold amounts under this section from winnings from wagers placed through that terminal. The state lottery commission shall withhold amounts from those winnings under section 3770.073 of the Revised Code.

(F) The attorney general, in consultation with the 69479  
commission, may adopt rules under Chapter 119. of the Revised 69480  
Code as necessary to implement this section. 69481

**Sec. 3776.01.** As used in this chapter: 69482

(A) "Environmental health science" means the aspect of 69483  
public health science that includes, but is not limited to, the 69484  
following bodies of knowledge: air quality, food quality and 69485  
protection, hazardous and toxic substances, consumer product 69486  
safety, housing, institutional health and safety, community 69487  
noise control, radiation protection, recreational facilities, 69488  
solid and liquid waste management, vector control, drinking 69489  
water quality, milk sanitation, and rabies control. 69490

(B) "Environmental health specialist" means a person who 69491  
performs for compensation educational, investigational, 69492  
technical, or administrative duties requiring specialized 69493  
knowledge and skills in the field of environmental health 69494  
science. 69495

(C) "Registered environmental health specialist" means a 69496  
person who is registered as an environmental health specialist 69497  
in accordance with this chapter. 69498

(D) "Environmental health specialist in training" means a 69499  
person who is registered as an environmental health specialist 69500  
in training in accordance with this chapter. 69501

(E) "Practice of environmental health" means consultation, 69502  
instruction, investigation, inspection, or evaluation by an 69503  
employee of a city health district, a general health district, 69504  
the environmental protection agency, the department of health, 69505  
or the department of agriculture requiring specialized 69506  
knowledge, training, and experience in the field of 69507

environmental health science, with the primary purpose of 69508  
improving or conducting administration or enforcement under any 69509  
of the following: 69510

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 69511  
3730., or 3733. of the Revised Code; 69512

(2) Chapter 3734. of the Revised Code as it pertains to 69513  
solid ~~and hazardous~~ waste; 69514

(3) Section 955.26, 955.261, 3701.344, 3707.01, 3707.03, 69515  
3707.26, or 3715.021 of the Revised Code; 69516

(4) Rules adopted under Chapter 3749. of the Revised Code 69517  
pertaining to swimming pools. 69518

"Practice of environmental health" does not include 69519  
sampling, testing, controlling of vectors, reporting of 69520  
observations, or other duties that do not require application of 69521  
specialized knowledge and skills in environmental health science 69522  
performed under the supervision of a registered environmental 69523  
health specialist. 69524

The director of health may further define environmental 69525  
health science in relation to specific functions in the practice 69526  
of environmental health through rules adopted by the director 69527  
under Chapter 119. of the Revised Code. 69528

**Sec. 3780.02. Authorization and purpose.** 69529

(A) Controlled and regulated sales and use of adult use cannabis 69530  
shall be permitted under this chapter for the following public 69531  
purposes: 69532

(1) Reducing illegal marijuana sales and providing for a safer 69533  
and regulated cannabis product; 69534

(2) Limiting the transportation of out-of-state cannabis into the state; 69535  
69536

(3) Providing key funding to ~~support social equity, job creation, host communities that have adult use dispensaries, cannabis research, and proper oversight and regulation of the adult cannabis industry; and~~ 69537  
69538  
69539  
69540

~~(4) Improving social equity issues to address the state's compelling interest to redress past and present effects of discrimination and economic disadvantage for individuals in the state~~ fund the needs of the state, including law enforcement training and operations, public health and safety, access to justice initiatives, and administration of adult use marijuana laws. 69541  
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69545  
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(B) Adult use cannabis shall only be sold to, or used by, an adult use consumer pursuant to this chapter unless otherwise authorized pursuant to the Revised Code. 69548  
69549  
69550

(C) Nothing in this chapter shall limit any sale, use, possession, or any other activity authorized by Chapter 3796. of the Revised Code. 69551  
69552  
69553

**Sec. 3780.03. Establishment and authority of division of cannabis control; adoption of rules.** 69554  
69555

(A) There is hereby established a division of cannabis control within the department of commerce. 69556  
69557

(B) To ensure the proper oversight and control of the adult use cannabis industry, the division of cannabis control shall have the authority to license, regulate, investigate, and penalize adult use cannabis operators, adult use testing laboratories, and individuals required to be licensed under this chapter. 69558  
69559  
69560  
69561  
69562

(C) The division of cannabis control shall adopt, and as 69563  
advisable and necessary shall amend or repeal, rules on the 69564  
following: 69565

(1) Prevention of practices detrimental to the public interest 69566  
consistent with this chapter, and also ways to educate the 69567  
public about this chapter; 69568

(2) Establishing application, licensure, and renewal standards 69569  
and procedures for license applicants or license holders related 69570  
to adult use cannabis operators, adult use testing laboratories, 69571  
and individuals required to be licensed, including any 69572  
additional background check requirements, the disqualifying 69573  
offenses under section 3780.01 of the Revised Code that prohibit 69574  
licensure, and any exemption criteria from licensing 69575  
requirements for institutional or private investors who do not 69576  
have significant control or influence over a license applicant 69577  
or license holder, and whose ownership in a license is for 69578  
investment purposes only; 69579

(3) Establishing reasonable application, licensure, and renewal 69580  
fees amounts to ensure license applicants and license holders 69581  
under this chapter pay for the actual costs for administration 69582  
and licensure for the division of cannabis control; 69583

(4) Establishing standards for provisional licenses for an 69584  
individual who is required to be licensed and who has exigent 69585  
circumstances. Such standards for provisional licenses must 69586  
include submission of a complete application and compliance with 69587  
a required background check. A provisional license shall be 69588  
valid not longer than three months. A provisional license may be 69589  
renewed, at the division of cannabis control's discretion, for 69590  
an additional three months. In establishing standards with 69591  
regard to instant background checks the division of cannabis 69592

control may use all available resources~~+~~.\_\_ 69593

(5) Specifying the process and reasons for which a license 69594  
holder may be fined, suspended either with or without a prior 69595  
hearing, revoked, or not renewed or issued; 69596

(6) The process and requirements for division of cannabis 69597  
control approval of any requested change in ownership or 69598  
transfer of control of an adult use cannabis operator or adult 69599  
use testing laboratory; 69600

(7) Establishing ~~process~~processes and standards for expanding 69601  
the size of the cultivation area for a cultivation facility; 69602

(8) Establishing standards and procedures for the testing of 69603  
adult use cannabis by an adult use testing laboratory licensed 69604  
under this chapter. When establishing standards and procedures 69605  
for the testing of cannabis, the division of cannabis control 69606  
shall do all of the following: 69607

(a) Specify when testing must be conducted; 69608

(b) Determine the minimum amount of adult use cannabis that must 69609  
be tested; 69610

(c) Specify the manner in which testing is to be conducted in an 69611  
effort to ensure uniformity of cannabis products processed ~~for~~ 69612  
and dispensed; and 69613

(d) Specify the manner in which test results are provided. 69614

(9) The minimum amount of insurance or surety bond that must be 69615  
maintained by an adult use cannabis operator and adult use 69616  
testing laboratory; 69617

(10) Requiring the division of cannabis control to adopt 69618  
reasonable standards for any adult use cannabis samples, and 69619

advertising as prescribed in section 3780.21 of the Revised Code; 69620  
69621

(11) Requiring that the records, including financial statements, 69622  
of an adult use cannabis operator or adult use testing 69623  
laboratory be maintained in the manner up to two years as 69624  
prescribed by the division of cannabis control and which shall 69625  
be made available for inspection upon demand by the division of 69626  
cannabis control, but shall be subject to section 3780.31 of the 69627  
Revised Code; 69628

(12) Prescribing technical standards and requirements consistent 69629  
with industry standards that must be met for security and 69630  
surveillance equipment necessary for the provision of security 69631  
and surveillance of adult use cannabis operators and adult use 69632  
testing laboratories; 69633

(13) Prescribing requirements for a license holder's provision 69634  
of security services for an adult use cannabis operator and 69635  
adult use testing laboratories which shall include the license 69636  
holder's option to use armed or unarmed services including 69637  
through agents of the license holder; 69638

(14) Prescribing standards according to which license holders 69639  
shall keep accounts and standards according to which adult use 69640  
cannabis operators and adult use testing laboratories accounts 69641  
shall be audited, and establish guidance for assisting the 69642  
department of taxation in levying and collecting the adult use 69643  
tax levied under section 3780.22 of the Revised Code; 69644

(15) Determining penalties for violation of division of cannabis 69645  
control rules or this chapter, and a process for imposing such 69646  
penalties; 69647

(16) Training requirements for employees and agents of adult use 69648



cannabis operators and adult use laboratories; 69649

(17) Prescribing standards and procedures to allow for adult use 69650  
cannabis delivery to adult use consumers, and online and mobile 69651  
ordering procedures, which may only be conducted by an adult use 69652  
dispensary or their agent; 69653

(18) Prescribing cannabis inventory requirements to be 69654  
maintained in an electronic database consistent with section 69655  
3780.05 of the Revised Code; 69656

(19) Prescribing standards and procedures for product packaging 69657  
and labeling of adult use cannabis products; 69658

~~(20) Prescribing standards and procedures in coordination with 69659  
the department of development to administer and enforce the 69660  
cannabis social equity and jobs program as prescribed under 69661  
3780.19 of the Revised Code; 69662~~

~~(21)~~ Establishing a tetrahydrocannabinol content limit for adult 69663  
use cannabis, which for plant material the content limit shall 69664  
be ~~no~~ not less than thirty-five per cent and for extracts the 69665  
content limit shall be ~~no~~ not less than ninety per cent, but 69666  
that such content limits may be increased or eliminated by the 69667  
division of cannabis control; and 69668

~~(22)~~ (21) Prescribing duty to update requirements for license 69669  
holders. 69670

(D) All rules adopted under this section and chapter shall be 69671  
adopted in accordance with Chapter 119. of the Revised Code. 69672

(E) In addition to the rules described in division (C) of this 69673  
section, the division of cannabis control may adopt any other 69674  
rules it considers necessary for the administration, 69675  
implementation, and enforcement of this chapter consistent with 69676

this chapter. 69677

(F) When adopting rules under this section, the division of 69678  
cannabis control shall consider standards and procedures that 69679  
have been found to be best practices relative to the use and 69680  
regulation of adult use cannabis and shall harmonize any rules 69681  
with the rules adopted pursuant to sections 3796.03 and 3796.04 69682  
of the Revised Code to minimize duplication of operational 69683  
requirements and fees as much as possible. If there is a 69684  
conflict with Chapter 3796. of the Revised Code and related 69685  
rules, and ~~chapter~~ Chapter 3780. of the Revised Code and related 69686  
rules, then ~~chapter~~ Chapter 3780. of the Revised Code and 69687  
related rules shall govern. 69688

**Sec. 3780.06. Information provided by the department of 69689  
taxation. 69690**

(A) (1) Notwithstanding section 149.43 of the Revised Code or any 69691  
other public records law to the contrary or any law relating to 69692  
the confidentiality of tax return information, upon the request 69693  
of the division of cannabis control, the department of taxation 69694  
shall provide to the division of cannabis control all of the 69695  
following information: 69696

(a) Whether an applicant for license or licensee under this 69697  
chapter follows the applicable tax laws of this state; 69698

(b) Any past or pending violation by the applicant or licensee 69699  
of those tax laws, and any penalty imposed on the applicant or 69700  
licensee for such a violation. 69701

(2) The division of cannabis control shall request the 69702  
information only as it pertains to an application for license 69703  
that the division of cannabis control is reviewing or a licensee 69704  
operating under this chapter. 69705

(3) The department of taxation may charge the division of 69706  
cannabis control a reasonable fee to cover the administrative 69707  
cost of providing the information. 69708

(B) Information received under this section is confidential. 69709  
Except as otherwise permitted by other state law or federal law, 69710  
the division of cannabis control shall not make the information 69711  
available to any person other than the applicant for licensure\_ 69712  
or the licensee to whom the information applies. 69713

**Sec. 3780.10. Adult use cannabis operator and adult use 69714  
testing laboratory licenses. 69715**

(A) No person shall operate as an adult use cannabis operator or 69716  
adult use testing laboratory without a license issued pursuant 69717  
to this chapter. 69718

(B) The following licenses shall be issued by the division of 69719  
cannabis control within nine months of ~~the effective date of~~ 69720  
~~this section~~ December 7, 2023, if the license applicant is in 69721  
compliance with section 3780.11 of the Revised Code and this 69722  
chapter, and the license applicant has, or the same owners of 69723  
the license applicant, have, a certificate of operation or 69724  
medical provisional license issued as of ~~the effective date of~~ 69725  
~~this section~~ December 7, 2023: 69726

(1) A dispensary issued a certificate of operation or medical 69727  
provisional license shall be issued an adult use dispensary 69728  
license under this chapter for the current location of the 69729  
dispensary; 69730

(2) A level I cultivator issued a certificate of operation or 69731  
medical provisional license shall be issued under this chapter 69732  
three adult use dispensary licenses at locations designated in a 69733  
license application, and one level I adult use cultivator 69734

license for the current location of the level I cultivation facility; 69735  
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(3) A level II cultivator issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use dispensary license at a location designated in the license application, and one level II adult use cultivator license for the current location of the level II cultivation facility; 69737  
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(4) A dispensary issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use dispensary license at a different location as designated in the license application if the dispensary does not have any common ownership or control with any level I adult use cultivator, level II adult use cultivator, or adult use processor license applicant or licensee; 69743  
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(5) A processor issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use processor license for the current location of the processor; and 69750  
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(6) A testing laboratory issued a certificate of operation shall be issued under this chapter one adult use testing laboratory license for the current location of the testing laboratory. 69754  
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Notwithstanding anything in this section, a license shall not be issued pursuant to division (B) of this section to a license applicant holding only a related medical provisional license unless the medical provisional license holder is issued a certificate of operation within two years of ~~the effective date of this section~~ December 7, 2023. 69757  
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(C) The division of cannabis control shall issue up to forty 69763

level III adult use cultivator licenses consistent with this 69764  
chapter ~~with preference provided to applicants who have been~~ 69765  
~~certified as cannabis social equity and jobs program~~ 69766  
~~participants under the cannabis social equity and jobs program~~ 69767  
~~pursuant to 3780.19 of this chapter.~~ No person may have any 69768  
ownership or control in more than one level III adult use 69769  
cultivator license under this chapter. No adult use cultivator 69770  
or adult use processor may have any ownership or control in a 69771  
level III adult use cultivator license. 69772

(D) The division of cannabis control shall issue up to fifty 69773  
additional adult use dispensary licenses in conformity with this 69774  
chapter ~~with preference provided to applicants who have been~~ 69775  
~~certified as cannabis social equity and jobs program~~ 69776  
~~participants under the cannabis social equity and jobs program.~~ 69777

(E) Following twenty-four months from the first date of issuance 69778  
of an adult use operator license, the division of cannabis 69779  
control shall review the number of adult use cannabis operator 69780  
licenses on a biannual basis and may authorize additional 69781  
licenses after considering: 69782

(1) The current and anticipated market growth and consumer 69783  
demand, including the number of adult use consumers seeking 69784  
adult use cannabis; 69785

(2) The current and projected supply of adult use cannabis 69786  
produced by licensed adult use cultivators, level III adult use 69787  
cultivators, and adult use processors; and 69788

(3) The geographic distribution of adult use dispensary sites in 69789  
an effort to ensure adult use customer access to adult use 69790  
cannabis. 69791

(F) (1) The division of cannabis control shall provide a report 69792

and recommendation within ninety days of the conclusion of the requirements in division (E) of this section to the director for consideration.

(2) The division of cannabis control may adopt rules as necessary to implement this division.

(3) The division of cannabis control shall adopt a rule regarding the number of licenses a license holder may hold for each type of license consistent with this chapter. ~~As of the effective date of this section~~ December 7, 2023, and notwithstanding any other provision of this chapter, no person shall be issued more than eight adult use dispensary licenses, ~~and~~ not more than one adult use cultivator license, and not more than one adult use processor license at any time, unless authorized by the division of cannabis control after an analysis supporting the licensing pursuant to rule.

(G) The division of cannabis control may authorize additional adult use testing laboratory licenses at any time.

Sec. 3780.22. (A) Terms used in this section have the same meanings as in section 5739.01 of the Revised Code. As used in this section, "adult use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, an adult use consumer, in accordance with this chapter.

(B) For the purpose of funding the needs of the state and providing funding for certain dispensary host communities, an excise tax is levied on the retail sale of adult use marijuana. The rate of the tax shall equal ten per cent of the price of adult use marijuana and is in addition to other taxes levied under Chapters 5739. and 5741. of the Revised Code.

(C) The tax shall be paid by the consumer to the vendor at

the time of the sale, and the vendor shall report and remit the 69822  
tax to the state in the same manner and at the same time the 69823  
vendor reports and remits the tax levied under section 5739.02 69824  
of the Revised Code. The return required under this division 69825  
shall be filed on a form prescribed by the tax commissioner, 69826  
which shall be separate from the return required to be filed 69827  
under section 5739.12 of the Revised Code. A vendor with no 69828  
sales of adult use marijuana for a reporting period is not 69829  
required to file this separate return. For all purposes of the 69830  
Revised Code, the tax levied under this section shall be 69831  
considered a tax levied under section 5739.02 of the Revised 69832  
Code. 69833

(D) For the same purpose as the tax levied under division 69834  
(B) of this section, a tax is levied on a vendor that sells any 69835  
marijuana other than adult use marijuana or medical marijuana to 69836  
a consumer. That tax equals ten per cent of the price of such 69837  
marijuana, and the consumer and vendor are liable for any 69838  
amounts, including tax, interest, and penalties, imposed under 69839  
this section and chapter in the same manner as a vendor subject 69840  
to the tax imposed under division (B) of this section. 69841

(E) For the purpose of receiving and distributing, and 69842  
accounting for, revenue received from the tax levied by this 69843  
section, and any civil penalty paid under division (B) (4) of 69844  
section 3780.26 of the Revised Code, the adult use tax fund and 69845  
host community cannabis fund are created in the state treasury. 69846  
All moneys collected from that tax and civil penalty shall be 69847  
deposited into the adult use tax fund, which is created in the 69848  
state treasury, to be distributed as follows: 69849

(1) Beginning in fiscal year 2026, and for the following 69850  
four fiscal years, the director of budget and management shall 69851

transfer twenty per cent of funds from the adult use tax fund to 69852  
the host community cannabis fund, which is created in the state 69853  
treasury, for the benefit of municipal corporations or townships 69854  
that have, as of June 30, 2025, and at all times since, at least 69855  
one adult use dispensary or location for which a provisional 69856  
dispensary license has been issued under this chapter, and the 69857  
municipal corporations or townships may use such funds for any 69858  
approved purpose. Distributions to municipal corporations or 69859  
townships shall be based on the percentage of adult use tax 69860  
attributable to each municipal corporation or township. 69861

(2) All other revenue shall be credited to the general 69862  
revenue fund. 69863

**Sec. 3780.24. Tax administration and enforcement.** 69864

The tax commissioner shall administer and enforce ~~sections~~ 69865  
section 3780.22 through 3780.23 of this chapter the Revised 69866  
Code. In addition to any other powers conferred upon the tax 69867  
commissioner by law, the tax commissioner may: 69868

(A) Prescribe all forms that are required to be filed under 69869  
~~sections~~ section 3780.22 through 3780.23 of this chapter the 69870  
Revised Code; 69871

(B) Adopt rules that are necessary and proper to carry out 69872  
section 3780.22 through 3780.23 of this chapter the Revised 69873  
Code; and 69874

(C) Appoint professional, technical, and clerical employees as 69875  
are necessary to carry out the tax commissioner's duties under 69876  
~~sections~~ section 3780.22 through 3780.23 of this chapter the 69877  
Revised Code. 69878

**Sec. 3780.25. Local authority regarding adult use cannabis** 69879  
**operators.** 69880



(A) ~~The~~ Except as provided in divisions (B) and (C) of this 69881  
section, the legislative authority of a municipal corporation 69882  
may adopt an ordinance, or a board of township trustees may 69883  
adopt a resolution, by majority vote to prohibit, or limit the 69884  
number of, adult use cannabis operators permitted under this 69885  
~~chapter~~ cultivators, adult use processors, or adult use 69886  
dispensaries licensed under this chapter within the municipal 69887  
corporation or within the unincorporated territory of the 69888  
township, respectively. 69889

(B) ~~Notwithstanding division (A) above:~~ 69890

~~(1) Existing cultivators, processors, or dispensaries who have a~~ 69891  
~~certificate of operation may not be prohibited or limited by a~~ 69892  
~~municipal corporation or township from operating under Chapter~~ 69893  
~~3796 of the Revised Code and Chapter 3796 of the Administrative~~ 69894  
~~Code by a municipal corporation or township unless there is a~~ 69895  
~~revocation of the certificate of operation;~~ 69896

~~(2) Adult use cultivators, adult use processors, and adult use~~ 69897  
~~dispensaries that are co-located on the same parcel or~~ 69898  
~~contiguous parcels with an adult use cultivator and an adult use~~ 69899  
~~processor, who are applicants or license holders under this~~ 69900  
~~chapter, and whose owners also have a certificate of operation~~ 69901  
~~at the same location as the effective date of this section, may~~ 69902  
~~not be prohibited or limited by any municipal corporation or~~ 69903  
~~township from operating as an adult use cultivator, adult use~~ 69904  
~~processor, or an adult use dispensary co-located with an adult~~ 69905  
~~use cultivator and an adult use processor under this chapter~~ 69906  
~~because of the significant capital investment in the facilities;~~ 69907  
~~and~~ 69908

~~(3) Dispensaries, or the owners of dispensaries, who have a~~ 69909  
~~certificate of operation, and who are not co-located on the same~~ 69910

~~parcel or contiguous parcels with a cultivator or processor that 69911  
has a certificate of operation, as of the effective date of this 69912  
section, shall also be authorized to operate as an adult use 69913  
dispensary without any municipal or township prohibitions upon 69914  
receiving a license from the division of cannabis control, 69915  
unless a majority of the members of the legislative authority of 69916  
a municipal corporation affirmatively pass an ordinance, or a 69917  
majority of township trustees in a township affirmatively pass a 69918  
resolution, after the license is issued and within one hundred 69919  
and twenty days from license issuance, prohibiting the operation 69920  
of the adult use dispensary within the municipal corporation or 69921  
within the unincorporated territory of the township, 69922  
respectively. 69923~~

~~(C) If a majority of the members of the legislative authority of 69924  
a municipal corporation pass an ordinance, or a majority of 69925  
township trustees in a township pass a resolution, prohibiting 69926  
the adult use dispensary pursuant to division (B) (3) of this 69927  
section, then the adult use dispensary license holder shall 69928  
cease operations within sixty days, unless the adult use 69929  
dispensary license holder files with the board of elections 69930  
within the sixty day timeframe a petition prescribed by the 69931  
secretary of state, and signed by the lessor of one hundred 69932  
qualified electors or five per cent of the qualified electors of 69933  
the municipal corporation or township, requesting that the 69934  
issue, of whether the adult use dispensary shall remain open as 69935  
long as the adult use dispensary is licensed pursuant to chapter 69936  
3780 of the Revised Code by the division of cannabis control and 69937  
the municipal corporation or township is eligible to receive 69938  
host community cannabis funding, be placed on the next general 69939  
election ballot which election shall not occur less than ninety 69940  
days from petition filing. If the required signatures and form 69941~~

~~of petition is verified by the board of election, the issue shall be placed on the next general election which is ninety days or greater away from the petition filing, and notwithstanding any provision of this chapter, the adult use dispensary license holder may continue to operate until the issue is decided at the next authorized general election. A board of elections may discontinue verifying signatures when the number of verified signatures on a petition equals the minimum number of qualified signatures. The secretary of state shall adopt rules in accordance with 119of the Revised Code for the proper administration and implementation of divisions (C) and (D) of this section.~~ 69942  
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~~(D) The form of the ballot to be used at the election provided for in division (C) of this section shall be as follows:~~ 69954  
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~~"Shall the following adult use dispensary, \_\_\_\_\_ (here insert name of adult use dispensary), whose owners also have had a licensed medical marijuana dispensary at \_\_\_\_\_ (here insert address) since \_\_\_\_\_ (here insert the date of opening), remain open as long as the adult use dispensary is licensed pursuant to Chapter 3780of the Revised Code by the Division of Cannabis Control under the Department of Commerce, and the \_\_\_\_\_ (here insert name of municipal corporation or township) is eligible to receive host community cannabis funding?"~~ 69956  
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~~Yes for the Issue~~ 69966

~~No for the Issue~~ 69967

~~"~~ 69968

~~(E) If a majority of the voters at the general election vote yes for the issue, then the adult use dispensary may operate within~~ 69969  
69970

~~the municipal corporation or township and the municipal  
corporation or township shall receive related host community  
cannabis funding as authorized under section 3780.23 of the  
Revised Code.~~ 69971  
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~~(F) If a majority of the voters at the general election vote no-  
for the issue, then:~~ 69975  
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~~(1) The dispensary with a certificate of operation at that  
location may continue to operate at its current address, or the  
dispensary may request to relocate the dispensary within ninety-  
days of election certification consistent with the requirements-  
of Chapter 3796of the Revised Code, and related rules, which  
relocation request shall be approved regardless of the  
dispensary districts established by the board of pharmacy as-  
long as the relocation request meets all other applicable  
requirements of Chapter 3796of the Revised Code and related-  
rules; and~~ 69977  
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~~(2) The adult use dispensary must close within ninety days of-  
election certification unless the adult use dispensary applies-  
to the division of cannabis control for a request to relocate-  
within ninety days of the election certification, and then the  
adult use dispensary may continue to operate until the request-  
to relocate is approved by the division of cannabis control. The  
division of cannabis control shall review and approve a request-  
to relocate timely once the request to relocate application is-  
in compliance with this chapter and related rules.~~ 69987  
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~~(G) A legislative authority of a municipal corporation or a  
board of township trustees is prohibited from:~~ 69996  
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~~(1) Adopting an ordinance or resolution limiting research-  
related to marijuana conducted at a state university, academic~~ 69998  
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~~medical center, or private research and development organization  
as part of a research protocol approved by an institutional  
review board or equivalent entity;~~ 70000  
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~~(2) Levying any tax, fee, or charge on adult use cannabis  
operators, their owners or their property which is not generally  
charged on other businesses in the municipal corporation or  
township;~~ 70003  
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~~(3) Prohibiting or limiting home grow otherwise authorized under  
this chapter; and~~ 70007  
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~~(4) Prohibiting or restricting an activity that is authorized by  
this chapter.~~ The legislative authority of a municipal 70009  
corporation shall not adopt an ordinance, and a board of 70010  
township trustees shall not adopt a resolution, that prohibits 70011  
or limits the operations of an adult use cultivator, adult use 70012  
processor, or adult use dispensary licensed under this chapter 70013  
on or after the effective date of this amendment. This division 70014  
does not prohibit the enforcement of a municipal ordinance or 70015  
township resolution adopted before the effective date of this 70016  
amendment. 70017  
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(C) This section does not authorize the legislative authority of 70019  
a municipal corporation or a board of township trustees to adopt 70020  
an ordinance or resolution limiting research related to 70021  
marijuana conducted at a state university, academic medical 70022  
center, or private research and development organization as part 70023  
of a research protocol approved by an institutional review board 70024  
or equivalent entity. 70025

**Sec. 3780.26. Enforcement authority of the division of** 70026  
**cannabis control.** 70027

(A) The division of cannabis control shall enforce, or cause to 70028

be enforced, all sections of this chapter and the rules adopted 70029  
thereunder. If the division of cannabis control has information 70030  
that any provision of this chapter or that any rule adopted 70031  
thereunder has been violated, it may investigate the matter and 70032  
take any reasonable action as it considers appropriate. 70033

(B) The division of cannabis control may do any of the following 70034  
for any reason specified in rules adopted under section 3780.03 70035  
of the Revised Code: 70036

(1) Suspend, suspend without prior hearing upon finding clear 70037  
and convincing evidence that continued distribution of adult use 70038  
cannabis presents a danger of immediate and serious harm to 70039  
others, revoke, restrict, or refuse to renew a license it issued 70040  
under this chapter; 70041

(2) Refuse to issue a license unless a license is required in 70042  
accordance with this chapter; 70043

(3) Inspect the premises of an adult use cannabis operator or an 70044  
adult use testing laboratory without prior notice; or 70045

(4) Impose on a provisional license holder or license holder a 70046  
civil penalty in an amount to be determined by the division of 70047  
cannabis control through rule to be paid into the ~~division of~~ 70048  
~~cannabis control and tax commissioner fund~~ adult use tax fund 70049  
created under section 3780.22 of the Revised Code. 70050

(C) If the division of cannabis control suspends, revokes, or 70051  
refuses to renew any license issued under this chapter or 70052  
determines that there is clear and convincing evidence of a 70053  
danger of immediate and serious harm to any individual, the 70054  
division of cannabis control may place under seal all adult use 70055  
cannabis owned by or in the possession, custody, or control of 70056  
the affected license holder. Except as provided in this section, 70057

the division of cannabis control shall not dispose of the adult 70058  
use cannabis sealed under this section until the license holder 70059  
exhausts all of the license holder's appeal rights under Chapter 70060  
119. of the Revised Code. The court involved in such an appeal 70061  
may order the division of cannabis control, during the pendency 70062  
of the appeal, to sell cannabis that is perishable. The division 70063  
of cannabis control shall deposit the proceeds of the sale with 70064  
the court. 70065

(D) The division of cannabis control's enforcement actions under 70066  
this section shall be taken in accordance with Chapter 119. of 70067  
the Revised Code. 70068

(E) Nothing in this chapter shall be construed to require the 70069  
division of cannabis control to enforce minor violations of this 70070  
chapter if the division of cannabis control determines that the 70071  
public interest is adequately served by a notice or warning to 70072  
the alleged offender. 70073

**Sec. 3780.30. Cannabis addiction services; toll-free 70074**  
**telephone numbers. 70075**

(A) The division of cannabis control shall enter into an 70076  
agreement with the department of mental health and addiction 70077  
services under which the department shall provide a program for 70078  
cannabis addiction services to be implemented on behalf of the 70079  
division of cannabis control, which includes best practices for 70080  
education and treatment for individuals with addiction issues 70081  
related to cannabis or other controlled substances, including 70082  
opioids. 70083

(B) The department of mental health and addiction services shall 70084  
establish, operate, and publicize an in-state, toll-free 70085  
telephone number Ohio residents may call to obtain basic 70086

information about addiction services available to ~~consumer\_~~ 70087  
consumers, and options for an addicted consumer to obtain help. 70088  
The telephone number shall be staffed twenty-four hours per day, 70089  
seven days a week in order to respond to inquiries and provide 70090  
that information. ~~The costs of establishing, operating, and~~ 70091  
~~publicizing the telephone number shall be paid for with money in~~ 70092  
~~the substance abuse and addiction fund.~~ 70093

~~(C) The director of mental health and addiction services shall~~ 70094  
~~administer the substance abuse and addiction fund.~~ The director 70095  
shall ~~use the money in the fund to~~ support addiction services or 70096  
other services that relate to addiction and substance abuse, and 70097  
research that relates to addiction and substance abuse. 70098  
Treatment and prevention services supported ~~by money in the fund~~ 70099  
~~under this section~~ shall be services that are certified by the 70100  
department of mental health and addiction services. 70101

~~(D) The director mental health and addiction services shall~~ 70102  
~~prepare an annual report describing the use of the fund for~~ 70103  
~~these purposes. The director shall submit the report to the~~ 70104  
~~director of the department of commerce, the speaker and minority~~ 70105  
~~leader of the house of representatives, the president and~~ 70106  
~~minority leader of the senate, and the governor.~~ 70107

~~(E)~~ License holders shall provide informational resources for 70108  
patrons related to cannabis addiction issues and services. 70109

~~(F)~~ (E) License holders shall provide training for their 70110  
employees regarding the cannabis addiction services resources 70111  
for patrons related to this section. 70112

Sec. 3781.062. The director of commerce, in collaboration 70113  
with the state fire marshal, the board of building standards, 70114  
and representatives of local building departments, shall develop 70115



guidelines for the enforcement of the Ohio building code and 70116  
state fire code in a coordinated manner, including the 70117  
interaction of exemptions from one code with the requirements of 70118  
the other code. 70119

**Sec. 3781.10.** (A) (1) The board of building standards shall 70120  
formulate and adopt rules governing the erection, construction, 70121  
repair, alteration, and maintenance of all buildings or classes 70122  
of buildings specified in section 3781.06 of the Revised Code, 70123  
including land area incidental to those buildings, the 70124  
construction of industrialized units, the installation of 70125  
equipment, and the standards or requirements for materials used 70126  
in connection with those buildings. The board shall incorporate 70127  
those rules into separate residential and nonresidential 70128  
building codes. The standards shall relate to the conservation 70129  
of energy and the safety and sanitation of those buildings. 70130

~~(2)~~(2) (a) The rules governing nonresidential buildings are 70131  
the lawful minimum requirements specified for those buildings 70132  
and industrialized units, except that no rule other than as 70133  
provided in division (C) of section 3781.108 of the Revised Code 70134  
that specifies a higher requirement than is imposed by any 70135  
section of the Revised Code is enforceable. 70136

(b) The rules governing residential buildings are uniform 70137  
requirements ~~for residential buildings~~ in any area with a 70138  
building department certified to enforce the state residential 70139  
building code in accordance with division (E) of this section, 70140  
for both of the following: 70141

(i) The erection and construction of new residential 70142  
buildings; 70143

(ii) The repair and alteration of existing residential 70144

buildings. 70145

(c) In no case shall any local code or regulation differ 70146  
from the state residential building code for either the erection 70147  
and construction of new residential buildings or for the repair 70148  
and alteration of existing residential buildings unless that 70149  
code or regulation addresses subject matter not addressed by the 70150  
state residential building code or is adopted pursuant to 70151  
section 3781.01 of the Revised Code. 70152

(3) The rules adopted pursuant to this section are 70153  
complete, lawful alternatives to any requirements specified for 70154  
buildings or industrialized units in any section of the Revised 70155  
Code. Except as otherwise provided in division (I) of this 70156  
section, the board shall, on its own motion or on application 70157  
made under sections 3781.12 and 3781.13 of the Revised Code, 70158  
formulate, propose, adopt, modify, amend, or repeal the rules to 70159  
the extent necessary or desirable to effectuate the purposes of 70160  
sections 3781.06 to 3781.18 of the Revised Code. 70161

(B) The board shall report to the general assembly 70162  
proposals for amendments to existing statutes relating to the 70163  
purposes declared in section 3781.06 of the Revised Code that 70164  
public health and safety and the development of the arts require 70165  
and shall recommend any additional legislation to assist in 70166  
carrying out fully, in statutory form, the purposes declared in 70167  
that section. The board shall prepare and submit to the general 70168  
assembly a summary report of the number, nature, and disposition 70169  
of the petitions filed under sections 3781.13 and 3781.14 of the 70170  
Revised Code. 70171

(C) On its own motion or on application made under 70172  
sections 3781.12 and 3781.13 of the Revised Code, and after 70173  
thorough testing and evaluation, the board shall determine by 70174

rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall

recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E) (1) The board shall certify municipal, township, and county building departments, the personnel of those building departments, persons described in division (E) (7) of this section, and employees of individuals, firms, the state, or corporations described in division (E) (7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code for the erection and construction of new residential buildings, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. A department certified to enforce the state residential building code for the erection and construction of new residential buildings may also enforce the state residential building code for the repair and alteration of existing residential buildings upon obtaining the appropriate certification from the board, in accordance with this section, for the department and its personnel. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for

residential and nonresidential building code enforcement, which 70236  
shall be consistent with this division. The requirements for 70237  
residential and nonresidential certification may differ. Except 70238  
as otherwise provided in this division, the requirements shall 70239  
include, but are not limited to, the satisfactory completion of 70240  
an initial examination and, to remain certified, the completion 70241  
of a specified number of hours of continuing building code 70242  
education within each three-year period following the date of 70243  
certification which shall be not less than thirty hours. The 70244  
rules shall provide that continuing education credits and 70245  
certification issued by the council of American building 70246  
officials, national model code organizations, and agencies or 70247  
entities the board recognizes are acceptable for purposes of 70248  
this division. The rules shall specify requirements that are 70249  
consistent with the provisions of section 5903.12 of the Revised 70250  
Code relating to active duty military service and are 70251  
compatible, to the extent possible, with requirements the 70252  
council of American building officials and national model code 70253  
organizations establish. 70254

(4) The board shall establish and collect a certification 70255  
and renewal fee for building department personnel, and persons 70256  
and employees of persons, firms, or corporations as described in 70257  
this section, who are certified pursuant to this division. 70258

(5) Any individual certified pursuant to this division 70259  
shall complete the number of hours of continuing building code 70260  
education that the board requires or, for failure to do so, 70261  
forfeit certification. 70262

(6) This division does not require or authorize the board 70263  
to certify personnel of municipal, township, and county building 70264  
departments, and persons and employees of persons, firms, or 70265

corporations as described in this section, whose 70266  
responsibilities do not include the exercise of enforcement 70267  
authority, the approval of plans and specifications, or making 70268  
inspections under the state residential and nonresidential 70269  
building codes. 70270

(7) Enforcement authority for approval of plans and 70271  
specifications and enforcement authority for inspections may be 70272  
exercised, and plans and specifications may be approved and 70273  
inspections may be made on behalf of a municipal corporation, 70274  
township, or county, by any of the following who the board of 70275  
building standards certifies: 70276

(a) Officers or employees of the municipal corporation, 70277  
township, or county; 70278

(b) Persons, or employees of persons, firms, or 70279  
corporations, pursuant to a contract to furnish architectural, 70280  
engineering, or other services to the municipal corporation, 70281  
township, or county; 70282

(c) Officers or employees of, and persons under contract 70283  
with, a municipal corporation, township, county, health 70284  
district, or other political subdivision, pursuant to a contract 70285  
to furnish architectural, engineering, or other services; 70286

(d) Officers or employees of the division of industrial 70287  
compliance in the department of commerce pursuant to a contract 70288  
authorized by division (B) of section 121.083 of the Revised 70289  
Code. 70290

(8) Municipal, township, and county building departments 70291  
have jurisdiction within the meaning of sections 3781.03, 70292  
3791.04, and 4104.43 of the Revised Code, only with respect to 70293  
the types of buildings and subject matters for which they are 70294

certified under this section. 70295

(9) A certified municipal, township, or county building 70296  
department may exercise enforcement authority, accept and 70297  
approve plans and specifications, and make inspections pursuant 70298  
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 70299  
for a park district created pursuant to Chapter 1545. of the 70300  
Revised Code upon the approval, by resolution, of the board of 70301  
park commissioners of the park district requesting the 70302  
department to exercise that authority and conduct those 70303  
activities, as applicable. 70304

(10) Certification shall be granted upon application by 70305  
the municipal corporation, the board of township trustees, or 70306  
the board of county commissioners and approval of that 70307  
application by the board of building standards. The application 70308  
shall set forth: 70309

(a) Whether the certification is requested for residential 70310  
or nonresidential buildings, or both; 70311

(b) If the certification is requested for residential 70312  
buildings, whether the requested certification is for only the 70313  
erection and construction of new residential buildings or also 70314  
the repair and alteration of existing residential buildings; 70315

(c) The number and qualifications of the staff composing 70316  
the building department; 70317

~~(e)~~(d) The names, addresses, and qualifications of 70318  
persons, firms, or corporations contracting to furnish work or 70319  
services pursuant to division (E) (7) (b) of this section; 70320

~~(d)~~(e) The names of any other municipal corporation, 70321  
township, county, health district, or political subdivision 70322  
under contract to furnish work or services pursuant to division 70323

(E) (7) of this section; 70324

~~(e)~~(f) The proposed budget for the operation of the 70325  
building department; 70326

(g) Whether the building department intends to accept 70327  
plans examination and inspection reports from a third-party 70328  
examiner or inspector in accordance with rules adopted by the 70329  
board of building standards pursuant to division (E) (15) of this 70330  
section. 70331

(11) The board of building standards shall adopt rules 70332  
governing all of the following: 70333

(a) The certification of building department personnel and 70334  
persons and employees of persons, firms, or corporations 70335  
exercising authority pursuant to division (E) (7) of this 70336  
section. The rules shall disqualify any employee of the 70337  
department or person who contracts for services with the 70338  
department from performing services for the department when that 70339  
employee or person would have to pass upon, inspect, or 70340  
otherwise exercise authority over any labor, material, or 70341  
equipment the employee or person furnishes for the construction, 70342  
alteration, or maintenance of a building or the preparation of 70343  
working drawings or specifications for work within the 70344  
jurisdictional area of the department. The department shall 70345  
provide other similarly qualified personnel to enforce the 70346  
residential and nonresidential building codes as they pertain to 70347  
that work. 70348

(b) The minimum services to be provided by a certified 70349  
building department. 70350

(12) The board of building standards may revoke or suspend 70351  
certification to enforce the residential and nonresidential 70352



building codes, on petition to the board by any person affected 70353  
by that enforcement or approval of plans, or by the board on its 70354  
own motion. Hearings shall be held and appeals permitted on any 70355  
proceedings for certification or revocation or suspension of 70356  
certification in the same manner as provided in section 3781.101 70357  
of the Revised Code for other proceedings of the board of 70358  
building standards. 70359

(13) Upon certification, and until that authority is 70360  
revoked, any county or township building department shall 70361  
enforce the residential and nonresidential building codes for 70362  
which it is certified without regard to limitation upon the 70363  
authority of boards of county commissioners under Chapter 307. 70364  
of the Revised Code or boards of township trustees under Chapter 70365  
505. of the Revised Code. 70366

(14) The board shall certify a person to exercise 70367  
enforcement authority, to accept and approve plans and 70368  
specifications, or to make inspections in this state in 70369  
accordance with Chapter 4796. of the Revised Code if either of 70370  
the following applies: 70371

(a) The person holds a license or certificate in another 70372  
state. 70373

(b) The person has satisfactory work experience, a 70374  
government certification, or a private certification as 70375  
described in that chapter in the same profession, occupation, or 70376  
occupational activity as the profession, occupation, or 70377  
occupational activity for which the certificate is required in 70378  
this state in a state that does not issue that license or 70379  
certificate. 70380

(15) (a) In addition to the personnel and persons certified 70381

by the board of building standards pursuant to this section, the 70382  
board may adopt rules authorizing certified municipal, township, 70383  
and county building departments to accept plans examination and 70384  
inspection reports from a third-party examiner or inspector, but 70385  
only with respect to the state building codes, or portions 70386  
thereof, the building department is certified to enforce. 70387

(b) The rules may require the third-party examiner or 70388  
inspector be certified pursuant to sections 3781.10 and 3783.03 70389  
of the Revised Code and authorized to conduct such a plans 70390  
examination or inspection elsewhere in this state or to 70391  
demonstrate equivalent competency as specified and determined by 70392  
the board of building standards. 70393

(c) Fees charged by a third-party examiner or inspector 70394  
are in addition to any fees prescribed by the political 70395  
subdivision pursuant to section 3781.102 of the Revised Code and 70396  
are the responsibility of the building owner. 70397

(d) The issuance of certificates of plan approval under 70398  
section 3791.04 of the Revised Code and certificates of 70399  
occupancy or completion remains the exclusive authority of the 70400  
certified personnel employed by or under contract with a 70401  
certified municipal, township, and county building department 70402  
and shall not be issued by a third-party examiner or inspector. 70403

(F) In addition to hearings sections 3781.06 to 3781.18 70404  
and 3791.04 of the Revised Code require, the board of building 70405  
standards shall make investigations and tests, and require from 70406  
other state departments, officers, boards, and commissions 70407  
information the board considers necessary or desirable to assist 70408  
it in the discharge of any duty or the exercise of any power 70409  
mentioned in this section or in sections 3781.06 to 3781.18, 70410  
3791.04, and 4104.43 of the Revised Code. 70411

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D) (1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I) (1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I) (1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I) (1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of children and youth when the director promulgates rules pursuant

to section 5104.05 of the Revised Code regarding safety and 70442  
sanitation in type A family child care homes. 70443

(K) The board shall adopt rules to implement the 70444  
requirements of section 3781.108 of the Revised Code. 70445

(L) The board may establish a grant program to assist 70446  
municipal, township, and county building departments certified 70447  
by the board pursuant to division (E) of this section in the 70448  
recruitment, training, and retention of qualified personnel. 70449

**Sec. 3781.102.** (A) Any county or municipal building 70450  
department certified pursuant to division (E) of section 3781.10 70451  
of the Revised Code as of September 14, 1970, and that, as of 70452  
that date, was inspecting single-family, two-family, and three- 70453  
family residences, and any township building department 70454  
certified pursuant to division (E) of section 3781.10 of the 70455  
Revised Code, is hereby declared to be certified to inspect 70456  
single-family, two-family, and three-family residences 70457  
containing industrialized units, and shall inspect the buildings 70458  
or classes of buildings subject to division (E) of section 70459  
3781.10 of the Revised Code. 70460

(B) Each board of county commissioners may adopt, by 70461  
resolution, rules establishing standards and providing for the 70462  
licensing of electrical and heating, ventilating, and air 70463  
conditioning contractors who are not required to hold a valid 70464  
and unexpired license pursuant to Chapter 4740. of the Revised 70465  
Code. 70466

Rules adopted by a board of county commissioners pursuant 70467  
to this division may be enforced within the unincorporated areas 70468  
of the county and within any municipal corporation where the 70469  
legislative authority of the municipal corporation has 70470

contracted with the board for the enforcement of the county 70471  
rules within the municipal corporation pursuant to section 70472  
307.15 of the Revised Code. The rules shall not conflict with 70473  
rules adopted by the board of building standards pursuant to 70474  
section 3781.10 of the Revised Code or by the department of 70475  
commerce pursuant to Chapter 3703. of the Revised Code. This 70476  
division does not impair or restrict the power of municipal 70477  
corporations under Section 3 of Article XVIII, Ohio 70478  
Constitution, to adopt rules concerning the erection, 70479  
construction, repair, alteration, and maintenance of buildings 70480  
and structures or of establishing standards and providing for 70481  
the licensing of specialty contractors pursuant to section 70482  
715.27 of the Revised Code. 70483

A board of county commissioners, pursuant to this 70484  
division, may require all electrical contractors and heating, 70485  
ventilating, and air conditioning contractors, other than those 70486  
who hold a valid and unexpired license issued pursuant to 70487  
Chapter 4740. of the Revised Code, to successfully complete an 70488  
examination, test, or demonstration of technical skills, and may 70489  
impose a fee and additional requirements for a license to engage 70490  
in their respective occupations within the jurisdiction of the 70491  
board's rules under this division. 70492

(C) No board of county commissioners shall require any 70493  
specialty contractor who holds a valid and unexpired license 70494  
issued pursuant to Chapter 4740. of the Revised Code to 70495  
successfully complete an examination, test, or demonstration of 70496  
technical skills in order to engage in the type of contracting 70497  
for which the license is held, within the unincorporated areas 70498  
of the county and within any municipal corporation whose 70499  
legislative authority has contracted with the board for the 70500  
enforcement of county regulations within the municipal 70501

corporation, pursuant to section 307.15 of the Revised Code. 70502

(D) A board may impose a fee for registration of a 70503  
specialty contractor who holds a valid and unexpired license 70504  
issued pursuant to Chapter 4740. of the Revised Code before that 70505  
specialty contractor may engage in the type of contracting for 70506  
which the license is held within the unincorporated areas of the 70507  
county and within any municipal corporation whose legislative 70508  
authority has contracted with the board for the enforcement of 70509  
county regulations within the municipal corporation, pursuant to 70510  
section 307.15 of the Revised Code, provided that the fee is the 70511  
same for all specialty contractors who wish to engage in that 70512  
type of contracting. If a board imposes such a fee, the board 70513  
immediately shall permit a specialty contractor who presents 70514  
proof of holding a valid and unexpired license and pays the 70515  
required fee to engage in the type of contracting for which the 70516  
license is held within the unincorporated areas of the county 70517  
and within any municipal corporation whose legislative authority 70518  
has contracted with the board for the enforcement of county 70519  
regulations within the municipal corporation, pursuant to 70520  
section 307.15 of the Revised Code. 70521

(E) The political subdivision associated with each 70522  
municipal, township, and county building department the board of 70523  
building standards certifies pursuant to division (E) of section 70524  
3781.10 of the Revised Code may prescribe fees to be paid by 70525  
persons, political subdivisions, or any department, agency, 70526  
board, commission, or institution of the state, for the 70527  
acceptance and approval of plans and specifications, and for the 70528  
making of inspections, pursuant to sections 3781.03 and 3791.04 70529  
of the Revised Code. 70530

(F) Each political subdivision that prescribes fees 70531

pursuant to division (E) of this section shall collect, on 70532  
behalf of the board of building standards, fees equal to the 70533  
following: 70534

(1) Three per cent of the fees the political subdivision 70535  
collects in connection with nonresidential buildings; 70536

(2) One per cent of the fees the political subdivision 70537  
collects in connection with the erection of and construction of 70538  
new residential buildings and, if the political subdivision 70539  
elects under division (E) of section 3781.10 of the Revised Code 70540  
to enforce the state residential building code for the repair 70541  
and alteration of existing residential buildings, one per cent 70542  
of the fees the political subdivision collects in connection 70543  
with the repair and alteration of existing residential 70544  
buildings. 70545

(G) (1) The board shall adopt rules, in accordance with 70546  
Chapter 119. of the Revised Code, specifying the manner in which 70547  
the fee assessed pursuant to division (F) of this section shall 70548  
be collected and remitted monthly to the board. The board shall 70549  
pay the fees into the state treasury to the credit of the 70550  
industrial compliance operating fund created in section 121.084 70551  
of the Revised Code. 70552

(2) All money credited to the industrial compliance 70553  
operating fund under this division shall be used exclusively for 70554  
the following: 70555

(a) Operating costs of the board; 70556

(b) Providing services, including educational programs, 70557  
for the building departments that are certified by the board 70558  
pursuant to division (E) of section 3781.10 of the Revised Code; 70559

(c) Paying the expenses of the residential construction 70560

advisory committee, including the expenses of committee members 70561  
as provided in section 4740.14 of the Revised Code; 70562

(d) Administering a grant program established under 70563  
division (L) of section 3781.10 of the Revised Code and awarding 70564  
grants to municipal, township, and county building departments 70565  
under that program. 70566

(H) A board of county commissioners that adopts rules 70567  
providing for the licensing of electrical and heating, 70568  
ventilating, and air conditioning contractors, pursuant to 70569  
division (B) of this section, may accept, for purposes of 70570  
satisfying the requirements of rules adopted under that 70571  
division, a valid and unexpired license issued pursuant to 70572  
Chapter 4740. of the Revised Code that is held by an electrical 70573  
or heating, ventilating, and air conditioning contractor, for 70574  
the construction, replacement, maintenance, or repair of one- 70575  
family, two-family, or three-family dwelling houses or accessory 70576  
structures incidental to those dwelling houses. 70577

(I) A board of county commissioners shall not register a 70578  
specialty contractor who is required to hold a license under 70579  
Chapter 4740. of the Revised Code but does not hold a valid 70580  
license issued under that chapter. 70581

(J) If a board of county commissioners regulates a 70582  
profession, occupation, or occupational activity under this 70583  
section, the board shall comply with Chapter 4796. of the 70584  
Revised Code. 70585

(K) As used in this section, "specialty contractor" means 70586  
a heating, ventilating, and air conditioning contractor, 70587  
refrigeration contractor, electrical contractor, plumbing 70588  
contractor, or hydronics contractor, as those contractors are 70589



described in Chapter 4740. of the Revised Code. 70590

**Sec. 3781.1011.** (A) As used in this section: 70591

(1) "Alarm system" means a device or system that transmits 70592  
a signal intended to summon law enforcement to a county, 70593  
township, or municipal corporation in response to an alleged 70594  
violation of an offense under Chapter 2911. of the Revised Code 70595  
occurring in a nonresidential zone of the applicable county, 70596  
township, or municipal corporation. The term includes an alarm 70597  
that emits an audible signal on the exterior of a structure. The 70598  
term does not include an alarm installed on a vehicle or an 70599  
alarm designed to alert only the inhabitants within the 70600  
premises. The term includes an alarm system for which a permit 70601  
may be issued under any applicable section of the Revised Code 70602  
or Ohio Constitution. 70603

(2) "Battery-charged fence" means a ~~fence connected to~~ 70604  
system, including integrated components or equipment, that 70605  
satisfies all of the following: 70606

(a) Functions with a battery-operated energizer that is 70607  
intended to periodically ~~to~~ deliver voltage impulses to the 70608  
~~fence,~~ system with an impulse repetition rate that does not 70609  
exceed one hertz and an impulse duration that does not exceed 70610  
ten milliseconds; 70611

(b) Exclusively uses a battery charging device ~~used~~ 70612  
~~exclusively to charge the battery, and any other ancillary~~ 70613  
~~components or equipment attached to such a system;~~ 70614

(c) Interfaces with a monitored alarm system; 70615

(d) Has a battery-operated energizer that is powered by a 70616  
commercial storage battery that is not more than twelve volts of 70617  
direct current; 70618

(e) Is four to twelve inches behind a non-battery-charged perimeter fence, wall, or structure that is not less than five feet in height; 70619  
70620  
70621

(f) Is ten feet in height, or two feet higher than the height of the non-battery-charged perimeter fence, wall, or structure, whichever is higher; 70622  
70623  
70624

(g) Is marked with conspicuous warning signs that are located on the battery-charged fence at not more than thirty-foot intervals and that read: "WARNING-SHOCK HAZARD" or a similar warning message. 70625  
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70627  
70628

(3) "Permit" means a certificate, license, permit, or other form of permission that authorizes a person to engage in an action. 70629  
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(B) ~~A-Subject to division (D) of this section, a person may install, operate, and use a battery-charged fence installed on private, nonresidential property within a county, township, or municipal corporation shall satisfy all of the following:~~ 70632  
70633  
70634  
70635

~~(1) Interface with a monitored alarm system;~~ 70636

~~(2) Have a battery-operated energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current, and that meets the standards set forth by the international electrotechnical commission 60335-02-76 current edition;~~ 70637  
70638  
70639  
70640  
70641

~~(3) Be completely surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;~~ 70642  
70643

~~(4) Be not more than the higher of ten feet in height, or two feet higher than the height of the nonelectric perimeter fence or wall; and~~ 70644  
70645  
70646

~~(5) Be marked with conspicuous warning signs that are~~ 70647  
~~located on the battery-charged fence at not more than forty-foot~~ 70648  
~~intervals and that read: "WARNING--ELECTRIC FENCE."~~ 70649

(C) Division (B) of this section does not apply to any of 70650  
the following fences, regardless of whether such fences are 70651  
battery-charged fences under division (A) (2) of this section: 70652

(1) Fences that are required to be constructed by persons 70653  
or corporations owning, controlling, or managing a railroad 70654  
pursuant to Chapter 4959. of the Revised Code; 70655

(2) Partition fences constructed in accordance with 70656  
Chapter 971. of the Revised Code; 70657

(3) Fences constructed or installed by the state or a 70658  
political subdivision, or by the federal government; 70659

(4) Fences installed at a facility that is an accredited 70660  
member of the association of zoos and aquariums or the 70661  
zoological association of America and that is licensed by the 70662  
United States department of agriculture under the federal animal 70663  
welfare act; 70664

(5) Fences installed at a wildlife sanctuary; 70665

(6) Fences constructed and used for agricultural purposes, 70666  
as agriculture is defined in either section 303.01 or 519.01 of 70667  
the Revised Code. 70668

(D) ~~Notwithstanding any other section of the Revised Code,~~ 70669  
~~a~~ A county, township, or municipal corporation may adopt and 70670  
enforce an ordinance, order, resolution, or regulation that does 70671  
any of the following: 70672

(1) Imposes installation ~~or~~, operational, or use 70673  
requirements for battery-charged fences in nonresidential 70674

properties that ~~are do not in conflict with the requirements and~~ 70675  
~~standards set forth in expressly, implicitly, or functionally~~ 70676  
prohibit the installation, operation, or use of such fences, as 70677  
authorized under division (B) of this section; 70678

(2) Requires a permit or fee for the installation, 70679  
operation, or use of a battery-charged fence to which this 70680  
section applies in accordance with a permit or fee for an alarm 70681  
system issued or charged by the county, township, or municipal 70682  
corporation; 70683

(3) ~~Prohibits~~ Completely prohibits or imposes generally 70684  
applicable requirements on the installation, operation, or use 70685  
of a battery-charged fence non-battery-charged perimeter fence, 70686  
wall, or structure or any system that does not constitute a 70687  
battery-charged fence under division (A) (2) of this section in a 70688  
nonresidential zone ~~that does not meet the requirements and~~ 70689  
~~standards set forth in division (B) of this section.~~ 70690

**Sec. 3901.3815.** (A) As used in this section: 70691

(1) "Health plan issuer" has the same meaning as in 70692  
section 3922.01 of the Revised Code, except that the term also 70693  
includes any vendor contracted by a health plan issuer, as 70694  
defined in that section. 70695

(2) "Health care provider" has the same meaning as in 70696  
section 3701.74 of the Revised Code. 70697

(3) "Credit card" means a single-use or virtual payment 70698  
card provided in an electronic, digital, facsimile, physical, or 70699  
paper format. 70700

(4) "Business day" has the same meaning as in section 70701  
3901.81 of the Revised Code. 70702

(B) A health plan issuer shall offer all reasonably available methods of payment to a health care provider, which shall include payment by check and electronic funds transfer. 70703  
70704  
70705

(C) A health plan issuer shall not mandate payment by credit card. 70706  
70707

(D) If one of the available payment methods has an associated fee, the health plan issuer shall, prior to initiating the first payment to a health care provider or upon changing the payment methods available to a health care provider, do both of the following: 70708  
70709  
70710  
70711  
70712

(1) Notify the provider that there may be fees associated with a particular payment method and disclose the amount of such fees; 70713  
70714  
70715

(2) Provide the health care provider with clear instructions as to how to select each payment method either on the health plan issuer's web site or through a means other than the contract offered to the health care provider. 70716  
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70718  
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(E) A health plan issuer shall offer at least one method of payment that does not require the health care provider to pay any associated fee. 70720  
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70722

(F) (1) If a health care provider requests a change in the available payment method, the health plan issuer shall implement the change to the payment method selected by the health care provider within thirty business days. 70723  
70724  
70725  
70726

(2) The payment method selected by the health care provider shall remain in effect until the healthcare provider requests a different payment method. 70727  
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70729

(3) The health plan issuer shall not charge a fee for a 70730

change in payment method. 70731

**Sec. 3905.72.** (A) (1) No person shall act as a managing 70732  
general agent representing an insurer licensed in this state 70733  
with respect to risks located in this state unless the person is 70734  
licensed as a managing general agent pursuant to division (C) or 70735  
(D) of this section. 70736

(2) No person shall act as a managing general agent 70737  
representing an insurer organized under the laws of this state 70738  
with respect to risks located outside this state unless the 70739  
person is licensed as a managing general agent pursuant to 70740  
division (C) of this section. 70741

(B) Every person that seeks to act as a managing general 70742  
agent as described in division (A) of this section shall apply 70743  
to the superintendent of insurance for a license. Except as 70744  
otherwise provided in division (D) of this section, the 70745  
application shall be in writing on a form provided by the 70746  
superintendent ~~and shall be sworn or affirmed before a notary-~~ 70747  
~~public or other person empowered to administer oaths.~~ The 70748  
application shall be kept on file by the superintendent and 70749  
shall include all of the following: 70750

(1) The name and principal business address of the 70751  
applicant; 70752

(2) If the applicant is an individual, the applicant's 70753  
current occupation; 70754

(3) If the applicant is an individual, the applicant's 70755  
occupation or occupations during the five-year period prior to 70756  
applying for the license to act as a managing general agent; 70757

(4) A copy of the contract between the applicant and the 70758  
insurer as required by, and in compliance with, section 3905.73 70759

of the Revised Code; 70760

(5) A copy of a certified resolution of the board of 70761  
directors of the insurer on whose behalf the applicant will act, 70762  
appointing the applicant as a managing general agent and agent 70763  
of the insurer, specifying the duties the applicant is expected 70764  
to perform on behalf of the insurer and the lines of insurance 70765  
the applicant will manage, and authorizing the insurer to enter 70766  
into a contract with the applicant as required by section 70767  
3905.73 of the Revised Code; 70768

(6) A statement that the applicant submits to the 70769  
jurisdiction of the superintendent and the courts of this state; 70770

(7) Any other information required by the superintendent. 70771

(C) The superintendent shall issue to a resident of this 70772  
state or a business entity organized under the laws of this 70773  
state a license to act as a managing general agent representing 70774  
an insurer licensed to do business in this state with respect to 70775  
risks located in this state or a license to act as a managing 70776  
general agent representing an insurer organized under the laws 70777  
of this state with respect to risks located outside this state, 70778  
and shall renew such a license, if the superintendent is 70779  
satisfied that all of the following conditions are met: 70780

(1) The applicant is a suitable person and intends to hold 70781  
self out in good faith as a managing general agent. 70782

(2) The applicant understands the duties and obligations 70783  
of a managing general agent. 70784

(3) The applicant has filed a completed application that 70785  
complies with division (B) of this section. 70786

(4) The applicant has paid a fee in the amount of twenty 70787

dollars. 70788

(5) The applicant maintains a bond in the amount of not 70789  
less than fifty thousand dollars for the protection of the 70790  
insurer. 70791

(6) The applicant maintains an errors and omissions policy 70792  
of insurance. 70793

(7) The applicant is not, and has never been, under an 70794  
order of suspension or revocation under section 3905.77 of the 70795  
Revised Code or under any other law of this state, or any other 70796  
state, relating to insurance, and is otherwise in compliance 70797  
with sections 3905.71 to 3905.79 of the Revised Code and all 70798  
other laws of this state relating to insurance. 70799

(D) If the applicant is a resident of another state or a 70800  
business entity organized under the laws of another state, the 70801  
applicant shall submit a request for licensure, along with a fee 70802  
of twenty dollars, to the superintendent. The superintendent 70803  
shall issue a license to act as a managing general agent if the 70804  
request for licensure includes proof that the applicant is 70805  
licensed and in good standing as a managing general agent in the 70806  
applicant's home state and either a copy of the application for 70807  
licensure the applicant submitted to the applicant's home state 70808  
or the application described in division (B) of this section. 70809

If the applicant's home state does not license managing 70810  
general agents under provisions similar to those in sections 70811  
3905.71 to 3905.79 of the Revised Code, or if the applicant's 70812  
home state does not grant licenses to residents of this state on 70813  
the same reciprocal basis, the applicant shall comply with 70814  
divisions (B) and (C) of this section. 70815

(E) Unless suspended or revoked by an order of the 70816



superintendent pursuant to section 3905.77 of the Revised Code 70817  
and except as provided in division (F) of this section, any 70818  
license issued or renewed pursuant to division (C) or (D) of 70819  
this section shall expire on the last day of February next after 70820  
its issuance or renewal. 70821

(F) If the appointment of a managing general agent is 70822  
terminated by the insurer, the license of the managing general 70823  
agent shall expire on the date of the termination. 70824

(G) A license shall be renewed in accordance with the 70825  
standard renewal procedure specified in Chapter 4745. of the 70826  
Revised Code. 70827

(H) All license fees collected pursuant to this section 70828  
shall be paid into the state treasury to the credit of the 70829  
department of insurance operating fund. 70830

**Sec. 3923.443.** (A) (1) No agent shall sell, solicit, or 70831  
negotiate long-term care insurance ~~on or after September 1,~~ 70832  
~~2008,~~ without first completing an initial eight-hour partnership 70833  
program training course as described in division (B) of this 70834  
section. 70835

(2) (a) Any agent that sells, solicits, or negotiates any 70836  
long-term care insurance shall complete at least four hours of 70837  
continuing education in every ~~twenty-four-month period~~ 70838  
~~commencing on the first day of January of the year immediately~~ 70839  
~~following the year of the issuance of the agent's license~~ license 70840  
renewal period beginning with the first license renewal period 70841  
following the agent's completion of the partnership training 70842  
course described in division (A) (1) of this section. 70843

(b) ~~No~~ An agent ~~shall fail who fails~~ to complete the 70844  
continuing education requirements in division (A) (2) (a) of this 70845

~~section in the twenty-four-month period described in that~~ 70846  
~~division~~ before the end of a license renewal period shall not 70847  
sell, solicit, or negotiate long-term care insurance until such 70848  
requirements have been met. 70849

(B) The initial training course and continuing education 70850  
required under division (A) of this section may be approved by 70851  
the superintendent of insurance as continuing education courses 70852  
under sections 3905.481 to 3905.486 of the Revised Code and 70853  
shall consist of combined topics related to long-term care 70854  
insurance, long-term care services, and state long-term care 70855  
insurance partnership programs, including all of the following: 70856

(1) State and federal regulations and requirements and the 70857  
relationship between state long-term care insurance partnership 70858  
programs and other public and private coverage of long-term care 70859  
services, including medicaid; 70860

(2) Available long-term care services and providers; 70861

(3) Changes or improvements in long-term care services or 70862  
providers; 70863

(4) Alternatives to the purchase of private long-term care 70864  
insurance; 70865

(5) The effect of inflation on benefits and the importance 70866  
of inflation protection; 70867

(6) Consumer suitability standards and guidelines; 70868

(7) Any other topics required by the superintendent. 70869

(C) The initial training and continuing education required 70870  
by division (A) of this section shall not include training that 70871  
is specific to a particular insurer or company product or that 70872  
includes any sales or marketing information, materials, or 70873

training other than those required by state or federal law. 70874

(D) A resident agent shall satisfy the initial training 70875  
and continuing education required by division (A) of this 70876  
section by completing long-term care courses that are approved 70877  
by the superintendent. A nonresident agent may satisfy the 70878  
training and continuing education required by division (A) of 70879  
this section by completing the training requirements in any 70880  
other state, provided that the course is approved for credit by 70881  
the insurance department of that state prior to the agent taking 70882  
the course. 70883

(E) Each insurer shall obtain records of the initial 70884  
training and continuing education completed by agents of that 70885  
insurer pursuant to division (A) of this section as well as the 70886  
training completed by the insurer's agents concerning the 70887  
distribution of the insurer's partnership program policies and 70888  
shall make those records available to the superintendent upon 70889  
request. 70890

(F) Each insurer shall maintain records with respect to 70891  
the training of its agents concerning the distribution of the 70892  
insurer's partnership program policies. Each insurer shall 70893  
provide documentation to the superintendent that will allow the 70894  
superintendent to provide assurance to the medicaid director 70895  
that agents have received the training required by this section 70896  
and that agents have demonstrated an understanding of the 70897  
partnership program policies and their relationship to public 70898  
and private coverage of long-term care in this state, including 70899  
medicaid. The superintendent may audit each insurer's records 70900  
annually to verify that the insurer is maintaining the records 70901  
required by this division. The superintendent shall make the 70902  
records provided to the superintendent pursuant to division (E) 70903

of this section available to the director. 70904

**Sec. 3951.03.** (A) Before any certificate of authority 70905  
shall be issued by the superintendent of insurance there shall 70906  
be filed in the superintendent's office a written application 70907  
therefor. Such application shall be in the form or forms and 70908  
supplements thereto prescribed by the superintendent and shall 70909  
set forth: 70910

(1) The name and address of the applicant, and if the 70911  
applicant be a firm, association, or partnership, the name and 70912  
address of each member thereof, and if the applicant be a 70913  
corporation, the name and address of each of its officers and 70914  
directors; 70915

(2) Whether any license or certificate of authority as 70916  
agent, broker, or public insurance adjuster has been issued 70917  
previously by the superintendent of this state or by the 70918  
insurance department of any state to the individual applicant, 70919  
and, if the applicant be an individual, whether any such 70920  
certificate has been issued previously to any firm, association, 70921  
or partnership of which the individual was or is an officer or 70922  
director, and, if the applicant be a firm, association, or 70923  
partnership, whether any such certificate has been issued 70924  
previously to any member thereof, and, if the applicant be a 70925  
corporation, whether any such certificate has been issued 70926  
previously to any officer or director of such corporation; 70927

(3) The business or employment in which the applicant has 70928  
been engaged for the five years next preceding the date of the 70929  
application, and the name and address of such business and the 70930  
name or names and addresses of his employer or employers; 70931

(4) Such information as the superintendent may require of 70932

applicants in order to determine their trustworthiness and 70933  
competency to transact the business of public insurance 70934  
adjusters, in such manner as to safeguard the interest of the 70935  
public; 70936

(B) Except as provided in division (C) of this section, 70937  
the superintendent shall issue a public insurance adjuster agent 70938  
certificate to a person, who is a bona fide employee of a public 70939  
insurance adjuster without examination, provided said 70940  
application is made by a person, partnership, association, or 70941  
corporation engaged in the public insurance adjusting business. 70942  
The fee to be paid by the applicant for such a license at the 70943  
time the application is made, and annually thereafter for the 70944  
renewal thereof according to the standard renewal procedure of 70945  
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 70946  
shall be fifty dollars, and such applicant shall be bonded in 70947  
the amount of one thousand dollars as provided for in division 70948  
(D) of section 3951.06 of the Revised Code. 70949

(C) The superintendent shall issue a public insurance 70950  
adjuster agent certificate in accordance with Chapter 4796. of 70951  
the Revised Code to an applicant if either of the following 70952  
applies: 70953

(1) The applicant holds a license or certificate in 70954  
another state. 70955

(2) The applicant has satisfactory work experience, a 70956  
government certification, or a private certification as 70957  
described in that chapter as a public insurance adjuster agent 70958  
in a state that does not issue that license or certificate. 70959

(D) An application for any certificate of authority shall 70960  
be signed ~~and verified under oath~~ by the applicant and, if made 70961

by a firm, association, partnership, or corporation, by each 70962  
member or officer and director thereof to be authorized thereby 70963  
to act as a public insurance adjuster. 70964

Sec. 4113.31. (A) As used in this section: 70965

(1) "Employer," "mass layoff," and "plant closing" have 70966  
the same meanings as in the WARN Act and 20 C.F.R. 639.3. 70967

(2) "WARN Act" means the "Worker Adjustment and Retraining 70968  
Notification (WARN) Act," 29 U.S.C. 2101, et seq. 70969

(B) An employer in this state shall comply with all 70970  
requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The 70971  
requirements specified in this section do not establish a 70972  
different standard than that established by federal statutes and 70973  
regulations. 70974

(C) In accordance with 29 U.S.C 2101(a) (1) (B), an employer 70975  
must provide the notice required by 29 U.S.C. 2102(a) if both of 70976  
the following apply: 70977

(1) The employer employs one hundred or more employees who 70978  
in the aggregate work at least four thousand hours a week. 70979

(2) The employer lays off fifty or more employees at a 70980  
single site of employment during any thirty-day period. 70981

(D) An employer is not required to provide the notice 70982  
described in 29 U.S.C. 2102(a) when a plant closing or mass 70983  
layoff constitutes a strike or constitutes a lockout as 70984  
described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d). 70985

(E) In accordance with 29 U.S.C 2102(a) (1), not less than 70986  
sixty days before the date a plant closing or mass layoff 70987  
begins, an employer shall provide written notice of the closing 70988  
or layoff to affected employees' authorized representatives or, 70989

if there are no such representatives at the time, to each 70990  
affected employee. 70991

(1) The employer shall include all of the following in a 70992  
notice provided to affected employees' authorized 70993  
representatives: 70994

(a) The location of the facility affected by the plant 70995  
closing or mass layoff; 70996

(b) A detailed statement explaining the reason for the 70997  
plant closing or mass layoff and whether it will be permanent or 70998  
temporary; 70999

(c) The expected date when the plant closing or mass 71000  
layoff will commence and the anticipated date on which the 71001  
employees' employment will cease; 71002

(d) The total number of employees affected by the plant 71003  
closing or mass layoff, including the employees' job titles or 71004  
positions and any department or division impacted. 71005

(2) The employer shall include all of the following in a 71006  
notice provided to affected employees' who do not have an 71007  
authorized representative at the time the notice is sent: 71008

(a) A detailed statement explaining the reason for the 71009  
plant closing or mass layoff and whether it will be permanent or 71010  
temporary; 71011

(b) The expected date when the plant closing or mass 71012  
layoff will commence and the anticipated date on which the 71013  
employees' employment will cease; 71014

(c) An indication as to whether an affected employee has 71015  
bumping rights or other reemployment rights under a collective 71016  
bargaining agreement or a company policy, including any 71017

procedures for exercising those rights; 71018

(d) Information on how affected employees can access 71019  
unemployment insurance benefits and other assistance programs; 71020

(e) The name, title, and contact information of an 71021  
employer representative who can answer questions about the plant 71022  
closing or mass layoff; 71023

(f) Information about any available services for an 71024  
affected employee, including job placement assistance, 71025  
retraining programs, or counseling services. 71026

(F) In accordance with 29 U.S.C 2102(a) (2), an employer 71027  
shall provide written notice of a plant closing or mass layoff 71028  
to the director of job and family services and to the chief 71029  
elected official of the municipal corporation and the county 71030  
where the plant closing or mass layoff is to occur. The written 71031  
notice shall include the same information required under 71032  
division (E) of this section and all of the following: 71033

(1) A description of any action taken or planned to 71034  
mitigate the impact of the plant closing or mass layoff, 71035  
including any efforts to secure alternative employment or 71036  
training for affected employees; 71037

(2) The name of each employee organization representing 71038  
affected employees, and the name and address of the chief 71039  
elected officer of each organization; 71040

(3) A copy of the notice provided to affected employees or 71041  
their representatives, as applicable. 71042

(G) The period within which an employer shall provide 71043  
notice may be reduced or waived under the circumstances 71044  
described in 29 U.S.C. 2102(b). 71045



(H) The director of job and family services may issue 71046  
guidance and procedures for the submission and review of notices 71047  
by employers. 71048

(I) When an employer fails to comply with the WARN Act, an 71049  
affected employee may seek the remedies specified in 29 U.S.C. 71050  
2104. 71051

**Sec. 4115.36.** Sections 4115.31 to 4115.35 of the Revised 71052  
Code have no effect after the director of administrative 71053  
services abolishes the state committee for the purchase of 71054  
products and services provided by persons with severe 71055  
disabilities. Upon abolishment of the committee, ~~sections 125.60~~ 71056  
~~to 125.6012~~ section 125.601 of the Revised Code shall govern the 71057  
procurement of products and services provided by persons with 71058  
work-limiting disabilities from qualified nonprofit agencies. 71059

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, 71060  
or terms and other conditions of employment and the 71061  
continuation, modification, or deletion of an existing provision 71062  
of a collective bargaining agreement are subject to collective 71063  
bargaining between the public employer and the exclusive 71064  
representative, except as otherwise specified in this section 71065  
and division (E) of section 4117.03 of the Revised Code. 71066

(B) Neither of the following are appropriate subjects for 71067  
collective bargaining: 71068

(1) The conduct and grading of civil service examinations, 71069  
the rating of candidates, the establishment of eligible lists 71070  
from the examinations, and the original appointments from the 71071  
eligible lists ~~are not appropriate subjects for collective~~ 71072  
 ~~bargaining;~~ 71073

(2) For collective bargaining agreements that are entered 71074

into on or after the effective date of this amendment, the 71075  
ability of state employees to perform their duties at a location 71076  
designated as a worksite under division (B) (2) of section 71077  
124.184 of the Revised Code or other location designated under 71078  
division (D) of section 124.184 of the Revised Code. 71079

(C) Unless a public employer agrees otherwise in a 71080  
collective bargaining agreement, nothing in Chapter 4117. of the 71081  
Revised Code impairs the right and responsibility of each public 71082  
employer to: 71083

(1) Determine matters of inherent managerial policy which 71084  
include, but are not limited to, areas of discretion or policy 71085  
such as the functions and programs of the public employer, 71086  
standards of services, its overall budget, utilization of 71087  
technology, and organizational structure; 71088

(2) Direct, supervise, evaluate, or hire employees; 71089

(3) Maintain and improve the efficiency and effectiveness 71090  
of governmental operations; 71091

(4) Determine the overall methods, process, means, or 71092  
personnel by which governmental operations are to be conducted; 71093

(5) Suspend, discipline, demote, or discharge for just 71094  
cause, or lay off, transfer, assign, schedule, promote, or 71095  
retain employees; 71096

(6) Determine the adequacy of the work force; 71097

(7) Determine the overall mission of the employer as a 71098  
unit of government; 71099

(8) Effectively manage the work force; 71100

(9) Take actions to carry out the mission of the public 71101

employer as a governmental unit. 71102

The employer is not required to bargain on subjects 71103  
reserved to the management and direction of the governmental 71104  
unit except as affect wages, hours, terms and conditions of 71105  
employment, and the continuation, modification, or deletion of 71106  
an existing provision of a collective bargaining agreement. A 71107  
public employee or exclusive representative may raise a 71108  
legitimate complaint or file a grievance based on the collective 71109  
bargaining agreement. 71110

**Sec. 4117.10.** (A) An agreement between a public employer 71111  
and an exclusive representative entered into pursuant to this 71112  
chapter governs the wages, hours, and terms and conditions of 71113  
public employment covered by the agreement. If the agreement 71114  
provides for a final and binding arbitration of grievances, 71115  
public employers, employees, and employee organizations are 71116  
subject solely to that grievance procedure and the state 71117  
personnel board of review or civil service commissions have no 71118  
jurisdiction to receive and determine any appeals relating to 71119  
matters that were the subject of a final and binding grievance 71120  
procedure. Where no agreement exists or where an agreement makes 71121  
no specification about a matter, the public employer and public 71122  
employees are subject to all applicable state or local laws or 71123  
ordinances pertaining to the wages, hours, and terms and 71124  
conditions of employment for public employees. All of the 71125  
following prevail over conflicting provisions of agreements 71126  
between employee organizations and public employers: 71127

(1) Laws pertaining to any of the following subjects: 71128

(a) Civil rights; 71129

(b) Affirmative action; 71130

(c) Unemployment compensation;	71131
(d) Workers' compensation;	71132
(e) The retirement of public employees;	71133
(f) Residency requirements;	71134
(g) The minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code;	71135 71136 71137 71138
(h) The provisions of division (A) of section 124.34 of the Revised Code governing the disciplining of officers and employees who have been convicted of a felony;	71139 71140 71141
(i) The minimum standards promulgated by the director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code.	71142 71143 71144
(2) The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;	71145 71146 71147 71148 71149 71150 71151 71152 71153 71154
(3) The law pertaining to the leave established under section 5906.02 of the Revised Code, if the terms of the agreement contain benefits that are less than those contained in section 5906.02 of the Revised Code;	71155 71156 71157 71158

(4) The law pertaining to excess benefits prohibited under section 3345.311 of the Revised Code with respect to an agreement between an employee organization and a public employer entered into on or after September 29, 2015;

(5) The law pertaining to state employee work location policies under section 124.184 of the Revised Code with respect to an agreement between an employee organization and a public employer entered into on or after the effective date of this amendment.

Except for sections 306.08, 306.12, 306.35, and 4981.22 of the Revised Code and arrangements entered into thereunder, and section 4981.21 of the Revised Code as necessary to comply with section 13(c) of the "Urban Mass Transportation Act of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements entered into thereunder, this chapter prevails over any and all other conflicting laws, resolutions, provisions, present or future, except as otherwise specified in this chapter or as otherwise specified by the general assembly. Nothing in this section prohibits or shall be construed to invalidate the provisions of an agreement establishing supplemental workers' compensation or unemployment compensation benefits or exceeding minimum requirements contained in the Revised Code pertaining to public education or the minimum standards promulgated by the director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code.

(B) The public employer shall submit a request for funds necessary to implement an agreement and for approval of any other matter requiring the approval of the appropriate legislative body to the legislative body within fourteen days of the date on which the parties finalize the agreement, unless

otherwise specified, but if the appropriate legislative body is 71189  
not in session at the time, then within fourteen days after it 71190  
convenes. The legislative body must approve or reject the 71191  
submission as a whole, and the submission is deemed approved if 71192  
the legislative body fails to act within thirty days after the 71193  
public employer submits the agreement. The parties may specify 71194  
that those provisions of the agreement not requiring action by a 71195  
legislative body are effective and operative in accordance with 71196  
the terms of the agreement, provided there has been compliance 71197  
with division (C) of this section. If the legislative body 71198  
rejects the submission of the public employer, either party may 71199  
reopen all or part of the entire agreement. 71200

As used in this section, "legislative body" includes the 71201  
governing board of a municipal corporation, school district, 71202  
college or university, village, township, or board of county 71203  
commissioners or any other body that has authority to approve 71204  
the budget of their public jurisdiction and, with regard to the 71205  
state, "legislative body" means the controlling board. 71206

(C) The chief executive officer, or the chief executive 71207  
officer's representative, of each municipal corporation, the 71208  
designated representative of the board of education of each 71209  
school district, college or university, or any other body that 71210  
has authority to approve the budget of their public 71211  
jurisdiction, the designated representative of the board of 71212  
county commissioners and of each elected officeholder of the 71213  
county whose employees are covered by the collective 71214  
negotiations, and the designated representative of the village 71215  
or the board of township trustees of each township is 71216  
responsible for negotiations in the collective bargaining 71217  
process; except that the legislative body may accept or reject a 71218  
proposed collective bargaining agreement. When the matters about 71219

which there is agreement are reduced to writing and approved by 71220  
the employee organization and the legislative body, the 71221  
agreement is binding upon the legislative body, the employer, 71222  
and the employee organization and employees covered by the 71223  
agreement. 71224

(D) There is hereby established an office of collective 71225  
bargaining in the department of administrative services for the 71226  
purpose of negotiating with and entering into written agreements 71227  
between state agencies, departments, boards, and commissions and 71228  
the exclusive representative on matters of wages, hours, terms 71229  
and other conditions of employment and the continuation, 71230  
modification, or deletion of an existing provision of a 71231  
collective bargaining agreement. Nothing in any provision of law 71232  
to the contrary shall be interpreted as excluding the bureau of 71233  
workers' compensation and the industrial commission from the 71234  
preceding sentence. This office shall not negotiate on behalf of 71235  
other statewide elected officials or boards of trustees of state 71236  
institutions of higher education who shall be considered as 71237  
separate public employers for the purposes of this chapter; 71238  
however, the office may negotiate on behalf of these officials 71239  
or trustees where authorized by the officials or trustees. The 71240  
staff of the office of collective bargaining are in the 71241  
unclassified service. The director of administrative services 71242  
shall fix the compensation of the staff. 71243

The office of collective bargaining shall: 71244

(1) Assist the director in formulating management's 71245  
philosophy for public collective bargaining as well as planning 71246  
bargaining strategies; 71247

(2) Conduct negotiations with the exclusive 71248  
representatives of each employee organization; 71249

(3) Coordinate the state's resources in all mediation, 71250  
fact-finding, and arbitration cases as well as in all labor 71251  
disputes; 71252

(4) Conduct systematic reviews of collective bargaining 71253  
agreements for the purpose of contract negotiations; 71254

(5) Coordinate the systematic compilation of data by all 71255  
agencies that is required for negotiating purposes; 71256

(6) Prepare and submit an annual report and other reports 71257  
as requested to the governor and the general assembly on the 71258  
implementation of this chapter and its impact upon state 71259  
government. 71260

**Sec. 4141.01.** As used in this chapter, unless the context 71261  
otherwise requires: 71262

(A) (1) "Employer" means the any of the following, provided 71263  
the individual or entity is subject to this chapter under 71264  
section 4141.011 of the Revised Code: any state, its 71265  
instrumentalities, its political subdivisions and their 71266  
instrumentalities, Indian tribes, and any individual or type of 71267  
organization including any partnership, limited liability 71268  
company, association, trust, estate, joint-stock company, 71269  
insurance company, or corporation, whether domestic or foreign, 71270  
or the receiver, trustee in bankruptcy, trustee, or the 71271  
successor thereof, or the legal representative of a deceased 71272  
person ~~who subsequent to December 31, 1971, or in the case of~~ 71273  
~~political subdivisions or their instrumentalities, subsequent to~~ 71274  
~~December 31, 1973:~~ 71275

~~(a) Had in employment at least one individual, or in the~~ 71276  
~~case of a nonprofit organization, subsequent to December 31,~~ 71277  
~~1973, had not less than four individuals in employment for some~~ 71278



~~portion of a day in each of twenty different calendar weeks, in 71279  
either the current or the preceding calendar year whether or not 71280  
the same individual was in employment in each such day; or 71281~~

~~(b) Except for a nonprofit organization, had paid for 71282  
service in employment wages of fifteen hundred dollars or more 71283  
in any calendar quarter in either the current or preceding 71284  
calendar year; or 71285~~

~~(c) Had paid, subsequent to December 31, 1977, for 71286  
employment in domestic service in a local college club, or local 71287  
chapter of a college fraternity or sorority, cash remuneration 71288  
of one thousand dollars or more in any calendar quarter in the 71289  
current calendar year or the preceding calendar year, or had 71290  
paid subsequent to December 31, 1977, for employment in domestic 71291  
service in a private home cash remuneration of one thousand 71292  
dollars in any calendar quarter in the current calendar year or 71293  
the preceding calendar year: 71294~~

~~(i) For the purposes of divisions (A)(1)(a) and (b) of 71295  
this section, there shall not be taken into account any wages 71296  
paid to, or employment of, an individual performing domestic 71297  
service as described in this division. 71298~~

~~(ii) An employer under this division shall not be an 71299  
employer with respect to wages paid for any services other than 71300  
domestic service unless the employer is also found to be an 71301  
employer under division (A)(1)(a), (b), or (d) of this section. 71302~~

~~(d) As a farm operator or a crew leader subsequent to 71303  
December 31, 1977, had in employment individuals in agricultural 71304  
labor; and 71305~~

~~(i) During any calendar quarter in the current calendar 71306  
year or the preceding calendar year, paid cash remuneration of 71307~~

~~twenty thousand dollars or more for the agricultural labor; or~~ 71308

~~(ii) Had at least ten individuals in employment in~~ 71309  
~~agricultural labor, not including agricultural workers who are~~ 71310  
~~aliens admitted to the United States to perform agricultural~~ 71311  
~~labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the~~ 71312  
~~"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A.~~ 71313  
~~1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in~~ 71314  
~~each of the twenty different calendar weeks, in either the~~ 71315  
~~current or preceding calendar year whether or not the same~~ 71316  
~~individual was in employment in each day; or~~ 71317

~~(e) Is not otherwise an employer as defined under division~~ 71318  
~~(A) (1) (a) or (b) of this section; and~~ 71319

~~(i) For which, within either the current or preceding~~ 71320  
~~calendar year, service, except for domestic service in a private~~ 71321  
~~home not covered under division (A) (1) (c) of this section, is or~~ 71322  
~~was performed with respect to which such employer is liable for~~ 71323  
~~any federal tax against which credit may be taken for~~ 71324  
~~contributions required to be paid into a state unemployment~~ 71325  
~~fund;~~ 71326

~~(ii) Which, as a condition for approval of this chapter~~ 71327  
~~for full tax credit against the tax imposed by the "Federal~~ 71328  
~~Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311,~~ 71329  
~~is required, pursuant to such act to be an employer under this~~ 71330  
~~chapter; or~~ 71331

~~(iii) Who became an employer by election under division~~ 71332  
~~(A) (4) or (5) of this section and for the duration of such~~ 71333  
~~election; or~~ 71334

~~(f) In the case of the state, its instrumentalities, its~~ 71335  
~~political subdivisions, and their instrumentalities, and Indian~~ 71336

~~tribes, had in employment, as defined in divisions (B) (2) (a) and (B) (2) (1) of this section, at least one individual;~~ 71337  
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~~(g) For the purposes of division (A) (1) (a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days beginning the first day of January another week.~~ 71339  
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(2) Each individual employed to perform or to assist in performing the work of any agent or employee of an employer is employed by such employer for all the purposes of this chapter, whether such individual was hired or paid directly by such employer or by such agent or employee, provided the employer had actual or constructive knowledge of the work. All individuals performing services for an employer of any person in this state who maintains two or more establishments within this state are employed by a single employer for the purposes of this chapter. 71345  
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~~(3) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year.~~ 71354  
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~~(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed~~ 71357  
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~~with the director a written notice to that effect.~~ 71367

~~(5) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.~~ 71368  
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~~(6) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.~~ 71382  
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(B) (1) "Employment" means service performed by an individual for remuneration under any contract of hire, written or oral, express or implied, including service performed in interstate commerce and service performed by an officer of a corporation, without regard to whether such service is 71392  
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executive, managerial, or manual in nature, and without regard 71397  
to whether such officer is a stockholder or a member of the 71398  
board of directors of the corporation, unless it is shown to the 71399  
satisfaction of the director that such individual has been and 71400  
will continue to be free from direction or control over the 71401  
performance of such service, both under a contract of service 71402  
and in fact. The director of job and family services shall adopt 71403  
rules to define "direction or control." 71404

(2) "Employment" includes: 71405

(a) Service performed after December 31, 1977, by an 71406  
individual in the employ of the state or any of its 71407  
instrumentalities, or any political subdivision thereof or any 71408  
of its instrumentalities or any instrumentality of more than one 71409  
of the foregoing or any instrumentality of any of the foregoing 71410  
and one or more other states or political subdivisions and 71411  
without regard to ~~divisions~~ division (A) (1) (a) and (b) of ~~this~~ 71412  
section 4141.011 of the Revised Code, provided that such service 71413  
is excluded from employment as defined in the "Federal 71414  
Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) 71415  
(7) and is not excluded under division (B) (3) of this section; 71416  
or the services of employees covered by voluntary election, as 71417  
provided under divisions ~~(A) (4) (H)~~ and ~~(5) (I)~~ of ~~this~~ section 71418  
4141.011 of the Revised Code; 71419

(b) Service performed after December 31, 1971, by an 71420  
individual in the employ of a religious, charitable, 71421  
educational, or other organization which is excluded from the 71422  
term "employment" as defined in the "Federal Unemployment Tax 71423  
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 71424  
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 71425  
excluded under division (B) (3) of this section; 71426

(c) Domestic service performed after December 31, 1977, 71427  
for an employer, as provided in division ~~(A) (1) (c)~~ (C) of ~~this~~ 71428  
section 4141.011 of the Revised Code; 71429

(d) Agricultural labor performed after December 31, 1977, 71430  
for a farm operator or a crew leader, as provided in division 71431  
~~(A) (1) (d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code; 71432

(e) Subject to division (B) (2) (m) of this section, service 71433  
not covered under division (B) (1) of this section which is 71434  
performed after December 31, 1971: 71435

(i) As an agent-driver or commission-driver engaged in 71436  
distributing meat products, vegetable products, fruit products, 71437  
bakery products, beverages other than milk, laundry, or dry- 71438  
cleaning services, for the individual's employer or principal; 71439

(ii) As a traveling or city salesperson, other than as an 71440  
agent-driver or commission-driver, engaged on a full-time basis 71441  
in the solicitation on behalf of and in the transmission to the 71442  
salesperson's employer or principal except for sideline sales 71443  
activities on behalf of some other person of orders from 71444  
wholesalers, retailers, contractors, or operators of hotels, 71445  
restaurants, or other similar establishments for merchandise for 71446  
resale, or supplies for use in their business operations, 71447  
provided that for the purposes of division (B) (2) (e) (ii) of this 71448  
section, the services shall be deemed employment if the contract 71449  
of service contemplates that substantially all of the services 71450  
are to be performed personally by the individual and that the 71451  
individual does not have a substantial investment in facilities 71452  
used in connection with the performance of the services other 71453  
than in facilities for transportation, and the services are not 71454  
in the nature of a single transaction that is not a part of a 71455  
continuing relationship with the person for whom the services 71456

are performed. 71457

(f) An individual's entire service performed within or 71458  
both within and without the state if: 71459

(i) The service is localized in this state. 71460

(ii) The service is not localized in any state, but some 71461  
of the service is performed in this state and either the base of 71462  
operations, or if there is no base of operations then the place 71463  
from which such service is directed or controlled, is in this 71464  
state or the base of operations or place from which such service 71465  
is directed or controlled is not in any state in which some part 71466  
of the service is performed but the individual's residence is in 71467  
this state. 71468

(g) Service not covered under division (B) (2) (f) (ii) of 71469  
this section and performed entirely without this state, with 71470  
respect to no part of which contributions are required and paid 71471  
under an unemployment compensation law of any other state, the 71472  
Virgin Islands, Canada, or of the United States, if the 71473  
individual performing such service is a resident of this state 71474  
and the director approves the election of the employer for whom 71475  
such services are performed; or, if the individual is not a 71476  
resident of this state but the place from which the service is 71477  
directed or controlled is in this state, the entire services of 71478  
such individual shall be deemed to be employment subject to this 71479  
chapter, provided service is deemed to be localized within this 71480  
state if the service is performed entirely within this state or 71481  
if the service is performed both within and without this state 71482  
but the service performed without this state is incidental to 71483  
the individual's service within the state, for example, is 71484  
temporary or transitory in nature or consists of isolated 71485  
transactions; 71486

(h) Service of an individual who is a citizen of the United States, performed outside the United States except in Canada after December 31, 1971, or the Virgin Islands, after December 31, 1971, and before the first day of January of the year following that in which the United States secretary of labor approves the Virgin Islands law for the first time, in the employ of an American employer, other than service which is "employment" under divisions (B) (2) (f) and (g) of this section or similar provisions of another state's law, if:

(i) The employer's principal place of business in the United States is located in this state;

(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) None of the criteria of divisions (B) (2) (f) (i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter.

(i) For the purposes of division (B) (2) (h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term



"United States" includes the states, the District of Columbia, 71517  
the Commonwealth of Puerto Rico, and the Virgin Islands. 71518

(j) Notwithstanding any other provisions of divisions (B) 71519  
(1) and (2) of this section, service, except for domestic 71520  
service in a private home not covered under division ~~(A)(1)(e)~~  
(C) of this section 4141.011 of the Revised Code, with respect 71521  
to which a tax is required to be paid under any federal law 71522  
imposing a tax against which credit may be taken for 71523  
contributions required to be paid into a state unemployment 71524  
fund, or service, except for domestic service in a private home 71525  
not covered under division ~~(A)(1)(e)~~(C) of this section 4141.011  
of the Revised Code, which, as a condition for full tax credit 71526  
against the tax imposed by the "Federal Unemployment Tax Act," 71527  
84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be 71528  
covered under this chapter. 71529  
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(k) Construction services performed by any individual 71532  
under a construction contract, as defined in section 4141.39 of 71533  
the Revised Code, if the director determines that the employer 71534  
for whom services are performed has the right to direct or 71535  
control the performance of the services and that the individuals 71536  
who perform the services receive remuneration for the services 71537  
performed. The director shall presume that the employer for whom 71538  
services are performed has the right to direct or control the 71539  
performance of the services if ten or more of the following 71540  
criteria apply: 71541

(i) The employer directs or controls the manner or method 71542  
by which instructions are given to the individual performing 71543  
services; 71544

(ii) The employer requires particular training for the 71545  
individual performing services; 71546

- (iii) Services performed by the individual are integrated into the regular functioning of the employer; 71547  
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- (iv) The employer requires that services be provided by a particular individual; 71549  
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- (v) The employer hires, supervises, or pays the wages of the individual performing services; 71551  
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- (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; 71553  
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- (vii) The employer requires the individual to perform services during established hours; 71556  
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- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 71558  
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- (ix) The employer requires the individual to perform services on the employer's premises; 71561  
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- (x) The employer requires the individual performing services to follow the order of work established by the employer; 71563  
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- (xi) The employer requires the individual performing services to make oral or written reports of progress; 71566  
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- (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly; 71568  
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- (xiii) The employer pays expenses for the individual performing services; 71570  
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- (xiv) The employer furnishes the tools and materials for use by the individual to perform services; 71572  
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(xv) The individual performing services has not invested 71574  
in the facilities used to perform services; 71575

(xvi) The individual performing services does not realize 71576  
a profit or suffer a loss as a result of the performance of the 71577  
services; 71578

(xvii) The individual performing services is not 71579  
performing services for more than two employers simultaneously; 71580

(xviii) The individual performing services does not make 71581  
the services available to the general public; 71582

(xix) The employer has a right to discharge the individual 71583  
performing services; 71584

(xx) The individual performing services has the right to 71585  
end the individual's relationship with the employer without 71586  
incurring liability pursuant to an employment contract or 71587  
agreement. 71588

(l) Service performed by an individual in the employ of an 71589  
Indian tribe as defined by section 4(e) of the "Indian Self- 71590  
Determination and Education Assistance Act," 88 Stat. 2204 71591  
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 71592  
subsidiary, or business enterprise wholly owned by an Indian 71593  
tribe provided that the service is excluded from employment as 71594  
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 71595  
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 71596  
under division (B)(3) of this section. 71597

(m) Service performed by an individual for or on behalf of 71598  
a motor carrier transporting property as an operator of a 71599  
vehicle or vessel, unless all of the following factors apply to 71600  
the individual and the motor carrier has not elected to consider 71601  
the individual's service as employment: 71602

(i) The individual owns the vehicle or vessel that is used 71603  
in performing the services for or on behalf of the carrier, or 71604  
the individual leases the vehicle or vessel under a bona fide 71605  
lease agreement that is not a temporary replacement lease 71606  
agreement. For purposes of this division, a bona fide lease 71607  
agreement does not include an agreement between the individual 71608  
and the motor carrier transporting property for which, or on 71609  
whose behalf, the individual provides services. 71610

(ii) The individual is responsible for supplying the 71611  
necessary personal services to operate the vehicle or vessel 71612  
used to provide the service. 71613

(iii) The compensation paid to the individual is based on 71614  
factors related to work performed, including on a mileage-based 71615  
rate or a percentage of any schedule of rates, and not solely on 71616  
the basis of the hours or time expended. 71617

(iv) The individual substantially controls the means and 71618  
manner of performing the services, in conformance with 71619  
regulatory requirements and specifications of the shipper. 71620

(v) The individual enters into a written contract with the 71621  
carrier for whom the individual is performing the services that 71622  
describes the relationship between the individual and the 71623  
carrier to be that of an independent contractor and not that of 71624  
an employee. 71625

(vi) The individual is responsible for substantially all 71626  
of the principal operating costs of the vehicle or vessel and 71627  
equipment used to provide the services, including maintenance, 71628  
fuel, repairs, supplies, vehicle or vessel insurance, and 71629  
personal expenses, except that the individual may be paid by the 71630  
carrier the carrier's fuel surcharge and incidental costs, 71631

including tolls, permits, and lumper fees. 71632

(vii) The individual is responsible for any economic loss 71633  
or economic gain from the arrangement with the carrier. 71634

(viii) The individual is not performing services described 71635  
in 26 U.S.C. 3306(c) (7) or (8). 71636

(3) "Employment" does not include the following services 71637  
if they are found not subject to the "Federal Unemployment Tax 71638  
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 71639  
services are not required to be included under division (B) (2) 71640  
(j) of this section: 71641

(a) Service performed after December 31, 1977, in 71642  
agricultural labor, except as provided in division ~~(A) (1) (d)~~ (D) 71643  
of ~~this~~ section 4141.011 of the Revised Code; 71644

(b) Domestic service performed after December 31, 1977, in 71645  
a private home, local college club, or local chapter of a 71646  
college fraternity or sorority except as provided in division 71647  
~~(A) (1) (e)~~ (C) of ~~this~~ section 4141.011 of the Revised Code; 71648

(c) Service performed after December 31, 1977, for this 71649  
state or a political subdivision as described in division (B) (2) 71650  
(a) of this section when performed: 71651

(i) As a publicly elected official; 71652

(ii) As a member of a legislative body, or a member of the 71653  
judiciary; 71654

(iii) As a military member of the Ohio national guard; 71655

(iv) As an employee, not in the classified service as 71656  
defined in section 124.11 of the Revised Code, serving on a 71657  
temporary basis in case of fire, storm, snow, earthquake, flood, 71658

or similar emergency; 71659

(v) In a position which, under or pursuant to law, is 71660  
designated as a major nontenured policymaking or advisory 71661  
position, not in the classified service of the state, or a 71662  
policymaking or advisory position the performance of the duties 71663  
of which ordinarily does not require more than eight hours per 71664  
week. 71665

(d) In the employ of any governmental unit or 71666  
instrumentality of the United States; 71667

(e) Service performed after December 31, 1971: 71668

(i) Service in the employ of an educational institution or 71669  
institution of higher education, including those operated by the 71670  
state or a political subdivision, if such service is performed 71671  
by a student who is enrolled and is regularly attending classes 71672  
at the educational institution or institution of higher 71673  
education; or 71674

(ii) By an individual who is enrolled at a nonprofit or 71675  
public educational institution which normally maintains a 71676  
regular faculty and curriculum and normally has a regularly 71677  
organized body of students in attendance at the place where its 71678  
educational activities are carried on as a student in a full- 71679  
time program, taken for credit at the institution, which 71680  
combines academic instruction with work experience, if the 71681  
service is an integral part of the program, and the institution 71682  
has so certified to the employer, provided that this subdivision 71683  
shall not apply to service performed in a program established 71684  
for or on behalf of an employer or group of employers. 71685

(f) Service performed by an individual in the employ of 71686  
the individual's son, daughter, or spouse and service performed 71687

by a child under the age of eighteen in the employ of the 71688  
child's father or mother; 71689

(g) Service performed for one or more principals by an 71690  
individual who is compensated on a commission basis, who in the 71691  
performance of the work is master of the individual's own time 71692  
and efforts, and whose remuneration is wholly dependent on the 71693  
amount of effort the individual chooses to expend, and which 71694  
service is not subject to the "Federal Unemployment Tax Act," 53 71695  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 71696  
after December 31, 1971: 71697

(i) By an individual for an employer as an insurance agent 71698  
or as an insurance solicitor, if all this service is performed 71699  
for remuneration solely by way of commission; 71700

(ii) As a home worker performing work, according to 71701  
specifications furnished by the employer for whom the services 71702  
are performed, on materials or goods furnished by such employer 71703  
which are required to be returned to the employer or to a person 71704  
designated for that purpose. 71705

(h) Service performed after December 31, 1971: 71706

(i) In the employ of a church or convention or association 71707  
of churches, or in an organization which is operated primarily 71708  
for religious purposes and which is operated, supervised, 71709  
controlled, or principally supported by a church or convention 71710  
or association of churches; 71711

(ii) By a duly ordained, commissioned, or licensed 71712  
minister of a church in the exercise of the individual's 71713  
ministry or by a member of a religious order in the exercise of 71714  
duties required by such order; or 71715

(iii) In a facility conducted for the purpose of carrying 71716

out a program of rehabilitation for individuals whose earning 71717  
capacity is impaired by age or physical or mental disability or 71718  
injury, or providing remunerative work for individuals who 71719  
because of their impaired physical or mental capacity cannot be 71720  
readily absorbed in the competitive labor market, by an 71721  
individual receiving such rehabilitation or remunerative work. 71722

(i) Service performed after June 30, 1939, with respect to 71723  
which unemployment compensation is payable under the "Railroad 71724  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 71725  
351; 71726

(j) Service performed by an individual in the employ of 71727  
any organization exempt from income tax under section 501 of the 71728  
"Internal Revenue Code of 1954," if the remuneration for such 71729  
service does not exceed fifty dollars in any calendar quarter, 71730  
or if such service is in connection with the collection of dues 71731  
or premiums for a fraternal beneficial society, order, or 71732  
association and is performed away from the home office or is 71733  
ritualistic service in connection with any such society, order, 71734  
or association; 71735

(k) Casual labor not in the course of an employer's trade 71736  
or business; incidental service performed by an officer, 71737  
appraiser, or member of a finance committee of a bank, building 71738  
and loan association, savings and loan association, or savings 71739  
association when the remuneration for such incidental service 71740  
exclusive of the amount paid or allotted for directors' fees 71741  
does not exceed sixty dollars per calendar quarter is casual 71742  
labor; 71743

(l) Service performed in the employ of a voluntary 71744  
employees' beneficial association providing for the payment of 71745  
life, sickness, accident, or other benefits to the members of 71746



such association or their dependents or their designated 71747  
beneficiaries, if admission to a membership in such association 71748  
is limited to individuals who are officers or employees of a 71749  
municipal or public corporation, of a political subdivision of 71750  
the state, or of the United States and no part of the net 71751  
earnings of such association inures, other than through such 71752  
payments, to the benefit of any private shareholder or 71753  
individual; 71754

(m) Service performed by an individual in the employ of a 71755  
foreign government, including service as a consular or other 71756  
officer or employee or of a nondiplomatic representative; 71757

(n) Service performed in the employ of an instrumentality 71758  
wholly owned by a foreign government if the service is of a 71759  
character similar to that performed in foreign countries by 71760  
employees of the United States or of an instrumentality thereof 71761  
and if the director finds that the secretary of state of the 71762  
United States has certified to the secretary of the treasury of 71763  
the United States that the foreign government, with respect to 71764  
whose instrumentality exemption is claimed, grants an equivalent 71765  
exemption with respect to similar service performed in the 71766  
foreign country by employees of the United States and of 71767  
instrumentalities thereof; 71768

(o) Service with respect to which unemployment 71769  
compensation is payable under an unemployment compensation 71770  
system established by an act of congress; 71771

(p) Service performed as a student nurse in the employ of 71772  
a hospital or a nurses' training school by an individual who is 71773  
enrolled and is regularly attending classes in a nurses' 71774  
training school chartered or approved pursuant to state law, and 71775  
service performed as an intern in the employ of a hospital by an 71776

individual who has completed a four years' course in a medical school chartered or approved pursuant to state law; 71777  
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(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; 71779  
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(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the director from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected; 71783  
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(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 71801  
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(t) Service performed in the employ of a day camp whose camping season does not exceed twelve weeks in any calendar year, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section;

(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;

(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.

(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(v) Notwithstanding any other provisions of division (B) (3) of this section, services that are excluded under divisions (B) (3) (g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;

(w) Service that is performed by an individual working as

an election official or election worker if the amount of 71836  
remuneration received by the individual during the calendar year 71837  
for services as an election official or election worker is less 71838  
than one thousand dollars; 71839

(x) Service performed for an elementary or secondary 71840  
school that is operated primarily for religious purposes, that 71841  
is described in subsection 501(c)(3) and exempt from federal 71842  
income taxation under subsection 501(a) of the Internal Revenue 71843  
Code, 26 U.S.C.A. 501; 71844

(y) Service performed by a person committed to a penal 71845  
institution. 71846

(z) Service performed for an Indian tribe as described in 71847  
division (B)(2)(1) of this section when performed in any of the 71848  
following manners: 71849

(i) As a publicly elected official; 71850

(ii) As a member of an Indian tribal council; 71851

(iii) As a member of a legislative or judiciary body; 71852

(iv) In a position which, pursuant to Indian tribal law, 71853  
is designated as a major nontenured policymaking or advisory 71854  
position, or a policymaking or advisory position where the 71855  
performance of the duties ordinarily does not require more than 71856  
eight hours of time per week; 71857

(v) As an employee serving on a temporary basis in the 71858  
case of a fire, storm, snow, earthquake, flood, or similar 71859  
emergency. 71860

(aa) Service performed after December 31, 1971, for a 71861  
nonprofit organization, this state or its instrumentalities, a 71862  
political subdivision or its instrumentalities, or an Indian 71863

tribe as part of an unemployment work-relief or work-training 71864  
program assisted or financed in whole or in part by any federal 71865  
agency or an agency of a state or political subdivision, 71866  
thereof, by an individual receiving the work-relief or work- 71867  
training. 71868

(bb) Participation in a learn to earn program as defined 71869  
in section 4141.293 of the Revised Code. 71870

(4) If the services performed during one half or more of 71871  
any pay period by an employee for the person employing that 71872  
employee constitute employment, all the services of such 71873  
employee for such period shall be deemed to be employment; but 71874  
if the services performed during more than one half of any such 71875  
pay period by an employee for the person employing that employee 71876  
do not constitute employment, then none of the services of such 71877  
employee for such period shall be deemed to be employment. As 71878  
used in division (B) (4) of this section, "pay period" means a 71879  
period, of not more than thirty-one consecutive days, for which 71880  
payment of remuneration is ordinarily made to the employee by 71881  
the person employing that employee. Division (B) (4) of this 71882  
section does not apply to services performed in a pay period by 71883  
an employee for the person employing that employee, if any of 71884  
such service is excepted by division (B) (3) (o) of this section. 71885

(C) "Benefits" means money payments payable to an 71886  
individual who has established benefit rights, as provided in 71887  
this chapter, for loss of remuneration due to the individual's 71888  
unemployment. 71889

(D) "Benefit rights" means the weekly benefit amount and 71890  
the maximum benefit amount that may become payable to an 71891  
individual within the individual's benefit year as determined by 71892  
the director. 71893

(E) "Claim for benefits" means a claim for waiting period 71894  
or benefits for a designated week. 71895

(F) "Additional claim" means the first claim for benefits 71896  
filed following any separation from employment during a benefit 71897  
year; "continued claim" means any claim other than the first 71898  
claim for benefits and other than an additional claim. 71899

(G) "Wages" means remuneration paid to an employee by each 71900  
of the employee's employers with respect to employment; except 71901  
that wages shall not include that part of remuneration paid 71902  
during any calendar year to an individual by an employer or such 71903  
employer's predecessor in interest in the same business or 71904  
enterprise, which in any calendar year is in excess of nine 71905  
thousand dollars on and after January 1, 1995; nine thousand 71906  
five hundred dollars on and after January 1, 2018; and nine 71907  
thousand dollars on and after January 1, 2020. Remuneration in 71908  
excess of such amounts shall be deemed wages subject to 71909  
contribution to the same extent that such remuneration is 71910  
defined as wages under the "Federal Unemployment Tax Act," 84 71911  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 71912  
remuneration paid an employee by an employer with respect to 71913  
employment in another state, upon which contributions were 71914  
required and paid by such employer under the unemployment 71915  
compensation act of such other state, shall be included as a 71916  
part of remuneration in computing the amount specified in this 71917  
division. 71918

(H) (1) "Remuneration" means all compensation for personal 71919  
services, including commissions and bonuses and the cash value 71920  
of all compensation in any medium other than cash, except that 71921  
in the case of agricultural or domestic service, "remuneration" 71922  
includes only cash remuneration. Gratuities customarily received 71923

by an individual in the course of the individual's employment 71924  
from persons other than the individual's employer and which are 71925  
accounted for by such individual to the individual's employer 71926  
are taxable wages. 71927

The reasonable cash value of compensation paid in any 71928  
medium other than cash shall be estimated and determined in 71929  
accordance with rules prescribed by the director, provided that 71930  
"remuneration" does not include: 71931

(a) Payments as provided in divisions (b) (2) to (b) (20) of 71932  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 71933  
713, 26 U.S.C.A. 3301 to 3311, as amended; 71934

(b) The payment by an employer, without deduction from the 71935  
remuneration of the individual in the employer's employ, of the 71936  
tax imposed upon an individual in the employer's employ under 71937  
section 3101 of the "Internal Revenue Code of 1954," with 71938  
respect to services performed after October 1, 1941. 71939

(2) "Cash remuneration" means all remuneration paid in 71940  
cash, including commissions and bonuses, but not including the 71941  
cash value of all compensation in any medium other than cash. 71942

(I) "Interested party" means the director and any party to 71943  
whom notice of a determination of an application for benefit 71944  
rights or a claim for benefits is required to be given under 71945  
section 4141.28 of the Revised Code. 71946

(J) "Annual payroll" means the total amount of wages 71947  
subject to contributions during a twelve-month period ending 71948  
with the last day of the second calendar quarter of any calendar 71949  
year. 71950

(K) "Average annual payroll" means the average of the last 71951  
three annual payrolls of an employer, provided that if, as of 71952

any computation date, the employer has had less than three 71953  
annual payrolls in such three-year period, such average shall be 71954  
based on the annual payrolls which the employer has had as of 71955  
such date. 71956

(L) (1) "Contributions" means the money payments to the 71957  
state unemployment compensation fund required of employers by 71958  
section 4141.25 of the Revised Code and of the state and any of 71959  
its political subdivisions electing to pay contributions under 71960  
section 4141.242 of the Revised Code. Employers paying 71961  
contributions shall be described as "contributory employers." 71962

(2) "Payments in lieu of contributions" means the money 71963  
payments to the state unemployment compensation fund required of 71964  
reimbursing employers under sections 4141.241 and 4141.242 of 71965  
the Revised Code. 71966

(M) An individual is "totally unemployed" in any week 71967  
during which the individual performs no services and with 71968  
respect to such week no remuneration is payable to the 71969  
individual. 71970

(N) An individual is "partially unemployed" in any week 71971  
if, due to involuntary loss of work, the total remuneration 71972  
payable to the individual for such week is less than the 71973  
individual's weekly benefit amount. 71974

(O) "Week" means the calendar week ending at midnight 71975  
Saturday unless an equivalent week of seven consecutive calendar 71976  
days is prescribed by the director. 71977

(1) "Qualifying week" means any calendar week in an 71978  
individual's base period with respect to which the individual 71979  
earns or is paid remuneration in employment subject to this 71980  
chapter. A calendar week with respect to which an individual 71981



earns remuneration but for which payment was not made within the 71982  
base period, when necessary to qualify for benefit rights, may 71983  
be considered to be a qualifying week. The number of qualifying 71984  
weeks which may be established in a calendar quarter shall not 71985  
exceed the number of calendar weeks in the quarter. 71986

(2) "Average weekly wage" means the amount obtained by 71987  
dividing an individual's total remuneration for all qualifying 71988  
weeks during the base period by the number of such qualifying 71989  
weeks, provided that if the computation results in an amount 71990  
that is not a multiple of one dollar, such amount shall be 71991  
rounded to the next lower multiple of one dollar. 71992

(P) "Weekly benefit amount" means the amount of benefits 71993  
an individual would be entitled to receive for one week of total 71994  
unemployment. 71995

(Q) (1) "Base period" means the first four of the last five 71996  
completed calendar quarters immediately preceding the first day 71997  
of an individual's benefit year, except as provided in division 71998  
(Q) (2) of this section. 71999

(2) If an individual does not have sufficient qualifying 72000  
weeks and wages in the base period to qualify for benefit 72001  
rights, the individual's base period shall be the four most 72002  
recently completed calendar quarters preceding the first day of 72003  
the individual's benefit year. Such base period shall be known 72004  
as the "alternate base period." If information as to weeks and 72005  
wages for the most recent quarter of the alternate base period 72006  
is not available to the director from the regular quarterly 72007  
reports of wage information, which are systematically 72008  
accessible, the director may, consistent with the provisions of 72009  
section 4141.28 of the Revised Code, base the determination of 72010  
eligibility for benefits on the affidavit of the claimant with 72011

respect to weeks and wages for that calendar quarter. The 72012  
claimant shall furnish payroll documentation, where available, 72013  
in support of the affidavit. The determination based upon the 72014  
alternate base period as it relates to the claimant's benefit 72015  
rights, shall be amended when the quarterly report of wage 72016  
information from the employer is timely received and that 72017  
information causes a change in the determination. As provided in 72018  
division (B) of section 4141.28 of the Revised Code, any 72019  
benefits paid and charged to an employer's account, based upon a 72020  
claimant's affidavit, shall be adjusted effective as of the 72021  
beginning of the claimant's benefit year. No calendar quarter in 72022  
a base period or alternate base period shall be used to 72023  
establish a subsequent benefit year. 72024

(3) The "base period" of a combined wage claim, as 72025  
described in division (H) of section 4141.43 of the Revised 72026  
Code, shall be the base period prescribed by the law of the 72027  
state in which the claim is allowed. 72028

(4) For purposes of determining the weeks that comprise a 72029  
completed calendar quarter under this division, only those weeks 72030  
ending at midnight Saturday within the calendar quarter shall be 72031  
utilized. 72032

(R) (1) "Benefit year" with respect to an individual means 72033  
the fifty-two week period beginning with the first day of that 72034  
week with respect to which the individual first files a valid 72035  
application for determination of benefit rights, and thereafter 72036  
the fifty-two week period beginning with the first day of that 72037  
week with respect to which the individual next files a valid 72038  
application for determination of benefit rights after the 72039  
termination of the individual's last preceding benefit year, 72040  
except that the application shall not be considered valid unless 72041

the individual has had employment in six weeks that is subject 72042  
to this chapter or the unemployment compensation act of another 72043  
state, or the United States, and has, since the beginning of the 72044  
individual's previous benefit year, in the employment earned 72045  
three times the average weekly wage determined for the previous 72046  
benefit year. The "benefit year" of a combined wage claim, as 72047  
described in division (H) of section 4141.43 of the Revised 72048  
Code, shall be the benefit year prescribed by the law of the 72049  
state in which the claim is allowed. Any application for 72050  
determination of benefit rights made in accordance with section 72051  
4141.28 of the Revised Code is valid if the individual filing 72052  
such application is unemployed, has been employed by an employer 72053  
or employers subject to this chapter in at least twenty 72054  
qualifying weeks within the individual's base period, and has 72055  
earned or been paid remuneration at an average weekly wage of 72056  
not less than twenty-seven and one-half per cent of the 72057  
statewide average weekly wage for such weeks. For purposes of 72058  
determining whether an individual has had sufficient employment 72059  
since the beginning of the individual's previous benefit year to 72060  
file a valid application, "employment" means the performance of 72061  
services for which remuneration is payable. 72062

(2) Effective for benefit years beginning on and after 72063  
December 26, 2004, but before July 1, 2022, any application for 72064  
determination of benefit rights made in accordance with section 72065  
4141.28 of the Revised Code is valid if the individual satisfies 72066  
the criteria described in division (R)(1) of this section, and 72067  
if the reason for the individual's separation from employment is 72068  
not disqualifying pursuant to division (D)(2) of section 4141.29 72069  
or section 4141.291 of the Revised Code. A disqualification 72070  
imposed pursuant to division (D)(2) of section 4141.29 or 72071  
section 4141.291 of the Revised Code must be removed as provided 72072

in those sections as a requirement of establishing a valid 72073  
application for benefit years beginning on and after December 72074  
26, 2004, but before July 1, 2022. Effective for benefit years 72075  
beginning on and after July 1, 2022, any application for 72076  
determination of benefit rights made in accordance with section 72077  
4141.28 of the Revised Code is valid if the individual satisfies 72078  
the criteria described in division (R)(1) of this section. A 72079  
disqualification imposed pursuant to division (D)(2) of section 72080  
4141.29 or section 4141.291 of the Revised Code does not affect 72081  
the validity of an application. 72082

(3) The statewide average weekly wage shall be calculated 72083  
by the director once a year based on the twelve-month period 72084  
ending the thirtieth day of June, as set forth in division (B) 72085  
(3) of section 4141.30 of the Revised Code, rounded down to the 72086  
nearest dollar. Increases or decreases in the amount of 72087  
remuneration required to have been earned or paid in order for 72088  
individuals to have filed valid applications shall become 72089  
effective on Sunday of the calendar week in which the first day 72090  
of January occurs that follows the twelve-month period ending 72091  
the thirtieth day of June upon which the calculation of the 72092  
statewide average weekly wage was based. 72093

(4) As used in this division, an individual is 72094  
"unemployed" if, with respect to the calendar week in which such 72095  
application is filed, the individual is "partially unemployed" 72096  
or "totally unemployed" as defined in this section or if, prior 72097  
to filing the application, the individual was separated from the 72098  
individual's most recent work for any reason which terminated 72099  
the individual's employee-employer relationship, or was laid off 72100  
indefinitely or for a definite period of seven or more days. 72101

(S) "Calendar quarter" means the period of three 72102

consecutive calendar months ending on the thirty-first day of 72103  
March, the thirtieth day of June, the thirtieth day of 72104  
September, and the thirty-first day of December, or the 72105  
equivalent thereof as the director prescribes by rule. 72106

(T) "Computation date" means the first day of the third 72107  
calendar quarter of any calendar year. 72108

(U) "Contribution period" means the calendar year 72109  
beginning on the first day of January of any year. 72110

(V) "Agricultural labor," for the purpose of this 72111  
division, means any service performed prior to January 1, 1972, 72112  
which was agricultural labor as defined in this division prior 72113  
to that date, and service performed after December 31, 1971: 72114

(1) On a farm, in the employ of any person, in connection 72115  
with cultivating the soil, or in connection with raising or 72116  
harvesting any agricultural or horticultural commodity, 72117  
including the raising, shearing, feeding, caring for, training, 72118  
and management of livestock, bees, poultry, and fur-bearing 72119  
animals and wildlife; 72120

(2) In the employ of the owner or tenant or other operator 72121  
of a farm in connection with the operation, management, 72122  
conservation, improvement, or maintenance of such farm and its 72123  
tools and equipment, or in salvaging timber or clearing land of 72124  
brush and other debris left by hurricane, if the major part of 72125  
such service is performed on a farm; 72126

(3) In connection with the production or harvesting of any 72127  
commodity defined as an agricultural commodity in section 15 (g) 72128  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 72129  
U.S.C. 1141j, as amended, or in connection with the ginning of 72130  
cotton, or in connection with the operation or maintenance of 72131

ditches, canals, reservoirs, or waterways, not owned or operated 72132  
for profit, used exclusively for supplying and storing water for 72133  
farming purposes; 72134

(4) In the employ of the operator of a farm in handling, 72135  
planting, drying, packing, packaging, processing, freezing, 72136  
grading, storing, or delivering to storage or to market or to a 72137  
carrier for transportation to market, in its unmanufactured 72138  
state, any agricultural or horticultural commodity, but only if 72139  
the operator produced more than one half of the commodity with 72140  
respect to which such service is performed; 72141

(5) In the employ of a group of operators of farms, or a 72142  
cooperative organization of which the operators are members, in 72143  
the performance of service described in division (V) (4) of this 72144  
section, but only if the operators produced more than one-half 72145  
of the commodity with respect to which the service is performed; 72146

(6) Divisions (V) (4) and (5) of this section shall not be 72147  
deemed to be applicable with respect to service performed: 72148

(a) In connection with commercial canning or commercial 72149  
freezing or in connection with any agricultural or horticultural 72150  
commodity after its delivery to a terminal market for 72151  
distribution for consumption; or 72152

(b) On a farm operated for profit if the service is not in 72153  
the course of the employer's trade or business. 72154

As used in division (V) of this section, "farm" includes 72155  
stock, dairy, poultry, fruit, fur-bearing animal, and truck 72156  
farms, plantations, ranches, nurseries, ranges, greenhouses, or 72157  
other similar structures used primarily for the raising of 72158  
agricultural or horticultural commodities and orchards. 72159

(W) "Hospital" means an institution which has been 72160

registered or licensed by the Ohio department of health as a hospital. 72161  
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(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code. 72163  
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(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which: 72167  
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(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent; 72170  
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(2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and 72173  
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(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation. 72175  
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For the purposes of this division, all colleges and universities in this state are institutions of higher education. 72181  
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(Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. 72183  
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(AA) "Alien" means, for the purposes of division ~~(A)(1)(d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code, an individual who is an alien admitted to the United States to perform service 72186  
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in agricultural labor pursuant to sections 214 (c) and 101 (a) 72189  
(15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 72190  
8 U.S.C.A. 1101. 72191

(BB) (1) "Crew leader" means an individual who furnishes 72192  
individuals to perform agricultural labor for any other employer 72193  
or farm operator, and: 72194

(a) Pays, either on the individual's own behalf or on 72195  
behalf of the other employer or farm operator, the individuals 72196  
so furnished by the individual for the service in agricultural 72197  
labor performed by them; 72198

(b) Has not entered into a written agreement with the 72199  
other employer or farm operator under which the agricultural 72200  
worker is designated as in the employ of the other employer or 72201  
farm operator. 72202

(2) For the purposes of this chapter, any individual who 72203  
is a member of a crew furnished by a crew leader to perform 72204  
service in agricultural labor for any other employer or farm 72205  
operator shall be treated as an employee of the crew leader if: 72206

(a) The crew leader holds a valid certificate of 72207  
registration under the "Farm Labor Contractor Registration Act 72208  
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 72209

(b) Substantially all the members of the crew operate or 72210  
maintain tractors, mechanized harvesting or crop-dusting 72211  
equipment, or any other mechanized equipment, which is provided 72212  
by the crew leader; and 72213

(c) If the individual is not in the employment of the 72214  
other employer or farm operator within the meaning of division 72215  
(B) (1) of this section. 72216



(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not treated as in the employment of the crew leader under division (BB) (2) of this section shall be treated as the employee of the other employer or farm operator and not of the crew leader. The other employer or farm operator shall be treated as having paid cash remuneration to the individual in an amount equal to the amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator.

(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by an Indian tribe, which:

(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and

(2) Is approved, chartered, or issued a permit to operate as a school by the director of education and workforce, other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school.

For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a

recognized occupation. 72247

(DD) "Cost savings day" means any unpaid day off from work 72248  
in which employees continue to accrue employee benefits which 72249  
have a determinable value including, but not limited to, 72250  
vacation, pension contribution, sick time, and life and health 72251  
insurance. 72252

(EE) "Motor carrier" has the same meaning as in section 72253  
4923.01 of the Revised Code. 72254

Sec. 4141.011. (A) (1) Except as provided in this section, 72255  
an employer is subject to this chapter if either of the 72256  
following apply: 72257

(a) The employer had at least one individual in employment 72258  
for some portion of a day in each of twenty different calendar 72259  
weeks, in either the current or the preceding calendar year, 72260  
whether or not the same individual was in employment in each 72261  
such day; 72262

(b) The employer paid for service in employment wages of 72263  
fifteen hundred dollars or more in any calendar quarter in 72264  
either the current or preceding calendar year. 72265

(2) For purposes of division (A) (1) (a) of this section, if 72266  
any week includes both the thirty-first day of December and the 72267  
first day of January, the days of that week before the first day 72268  
of January shall be considered one calendar week and the days to 72269  
beginning the first day of January another week. 72270

(B) If an employer is a nonprofit organization, the 72271  
employer is subject to this chapter if the employer had at least 72272  
four individuals in employment for some portion of a day in each 72273  
of twenty different calendar weeks, in either the current or the 72274  
preceding calendar year, whether or not the same individual was 72275

in employment in each such day. 72276

(C) (1) An employer is subject to this chapter with respect 72277  
to employment in domestic service in a local college club, local 72278  
chapter of a college fraternity or sorority, or a private home 72279  
if the employer paid cash remuneration for such employment of at 72280  
least one thousand dollars in any calendar quarter in the 72281  
current calendar year or the preceding calendar year. 72282

(2) Wages paid to, or employment of, an individual 72283  
performing domestic service as described in division (C) (1) of 72284  
this section do not apply to employment or wages for purposes of 72285  
divisions (A) and (B) of this section. 72286

(3) An employer subject to this chapter under division (C) 72287  
(1) of this section is not subject to this chapter with respect 72288  
to wages paid for any services other than domestic service 72289  
unless the employer is also found to be subject to this chapter 72290  
under division (A), (B), or (D) of this section. 72291

(D) If an employer is a farm operator or a crew leader, 72292  
the employer is subject to this chapter if the employer had 72293  
individuals in employment in agricultural labor and either of 72294  
the following apply: 72295

(1) The employer paid cash remuneration of twenty thousand 72296  
dollars or more for the agricultural labor during any calendar 72297  
quarter in the current calendar year or the preceding calendar 72298  
year; 72299

(2) The employer had at least ten individuals in 72300  
employment in agricultural labor, not including agricultural 72301  
workers who are aliens admitted to the United States to perform 72302  
agricultural labor pursuant to sections 1184(c) and 1101(a) (15) 72303  
(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a) 72304

(15) (H) (ii) (a), 1184(c), for some portion of a day in each of 72305  
the twenty different calendar weeks, in either the current or 72306  
preceding calendar year whether or not the same individual was 72307  
in employment in each day. 72308

(E) An employer who is not subject to this chapter under 72309  
division (A) of this section is subject to this chapter if any 72310  
of the following apply: 72311

(1) Service, except for domestic service in a private home 72312  
not covered under division (C) of this section, is or was 72313  
performed within either the current or preceding calendar year, 72314  
and with respect to which such employer is liable for any 72315  
federal tax against which credit may be taken for contributions 72316  
required to be paid into a state unemployment fund; 72317

(2) As a condition for approval of this chapter for full 72318  
tax credit against the tax imposed by the "Federal Unemployment 72319  
Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such 72320  
act to be an employer subject to this chapter; 72321

(3) The employer became subject to this chapter by 72322  
election under division (H) or (I) of this section and for the 72323  
duration of such election. 72324

(F) If an employer is any state, its instrumentalities, 72325  
its political subdivisions, their instrumentalities, or an 72326  
Indian tribe, the employer is subject to this chapter if the 72327  
employer had at least one individual in employment, as defined 72328  
in divisions (B) (2) (a) and (B) (2) (1) of section 4141.01 of the 72329  
Revised Code. 72330

(G) An employer subject to this chapter within any 72331  
calendar year is subject to this chapter during the whole of 72332  
such year and during the next succeeding calendar year. 72333

(H) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect.

(I) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.

(J) An employer who is a franchisor is not subject to this chapter with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's

employees that is not customarily exercised by a franchisor for 72365  
the purpose of protecting the franchisor's trademark, brand, or 72366  
both. For purposes of this division, "franchisor" and 72367  
"franchisee" have the same meanings as in 16 C.F.R. 436.1. 72368

**Sec. 4141.02.** A nonprofit organization ~~that does not meet~~ 72369  
~~the definition of employer for purposes of~~ that is not subject 72370  
to this chapter pursuant to division (A)(1)(a)(B) of section 72371  
4141.01-4141.011 of the Revised Code, and that does not elect to 72372  
become an employer subject to this chapter pursuant to division 72373  
~~(A)(4)(H) of section 4141.01-4141.011 of the Revised Code, shall~~ 72374  
notify the organization's employees upon hiring that the 72375  
organization, and the employee's employment with the 72376  
organization, are exempt from this chapter. 72377

**Sec. 4141.162.** (A) The director of job and family services 72378  
shall establish an income and eligibility verification system 72379  
that complies with section 1137 of the "Social Security Act." 72380  
The programs included in the system are all of the following: 72381

(1) Unemployment compensation pursuant to section 3304 of 72382  
the "Internal Revenue Code of 1954"; 72383

(2) The state programs funded in part under part A of 72384  
Title IV of the "Social Security Act" and administered under 72385  
Chapters 5107. and 5108. of the Revised Code; 72386

(3) The medicaid program; 72387

(4) The supplemental nutrition assistance program pursuant 72388  
to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); 72389

(5) Any Ohio program under a plan approved under Title I, 72390  
X, XIV, or XVI of the "Social Security Act." 72391

(B) Wage information provided by employers to the director 72392

shall be furnished to the income and eligibility verification 72393  
system. Such information shall be used by the director to 72394  
determine eligibility of individuals for unemployment 72395  
compensation benefits and the amount of those benefits and used 72396  
by the agencies that administer the programs identified in 72397  
divisions (A) (2) to (5) of this section to determine or verify 72398  
eligibility for or the amount of benefits under those programs. 72399

(C) The director shall, on request, disclose wage and 72400  
claim information to any state or local agency administering a 72401  
program identified in division (A) of this section that has 72402  
entered into a written data sharing agreement with the director 72403  
that meets the standards specified in federal law, including the 72404  
requirements in 20 C.F.R. 603.10. 72405

~~The director shall fully implement the use of wage 72406  
information to determine eligibility for and the amount of 72407  
unemployment compensation benefits by September 30, 1988. 72408~~

(D) Information furnished under the system shall also be 72409  
made available to the appropriate state or local child support 72410  
enforcement agency for the purposes of an approved plan under 72411  
Title IV-D of the "Social Security Act" and to the appropriate 72412  
federal agency for the purposes of Titles II and XVI of the 72413  
"Social Security Act." 72414

~~(B) The director shall adopt rules as necessary under 72415  
which the department of job and family services and other state 72416  
agencies that the director determines must participate in order 72417  
to ensure compliance with section 1137 of the "Social Security 72418  
Act" exchange information with each other or authorized federal 72419  
agencies about individuals who are applicants for or recipients 72420  
of benefits under any of the programs enumerated in division (A) 72421  
of this section. The rules shall extend to all of the following: 72422~~

~~(1) A requirement for standardized formats and procedures for a participating agency to request and receive information about an individual, which information shall include the individual's social security number;~~ 72423  
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~~(2) A requirement that all applicants for and recipients of benefits under any program enumerated in division (A) of this section be notified at the time of application, and periodically thereafter, that information available through the system may be shared with agencies that administer other benefit programs and utilized in establishing or verifying eligibility or benefit amounts under the other programs enumerated in division (A) of this section;~~ 72427  
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~~(3) A requirement that information is made available only to the extent necessary to assist in the valid administrative needs of the program receiving the information and is targeted for use in ways which are most likely to be productive in identifying and preventing ineligibility and incorrect payments;~~ 72435  
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~~(4) A requirement that information is adequately protected against unauthorized disclosures for purposes other than to establish or verify eligibility or benefit amounts under the programs enumerated in division (A) of this section;~~ 72440  
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~~(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the director be reimbursed by the participating programs for any actual costs incurred in operating the system;~~ 72444  
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~~(6) Requirements for any other matters necessary to ensure the effective, efficient, and timely exchange of necessary information or that the director determines must be addressed in~~ 72449  
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~~order to ensure compliance with the requirements of section 1137 of the "Social Security Act."~~ 72452  
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~~(C) Each participating agency shall furnish to the income and eligibility verification system established in division (A) of this section that information, which the director, by rule, determines is necessary in order to comply with section 1137 of the "Social Security Act."~~ 72454  
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~~(D) Notwithstanding the information disclosure requirements of this section and section 4141.21 and division (A) of section 4141.284 of the Revised Code, the director shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act."~~ 72459  
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~~(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section.~~ 72464  
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~~(F) The director of job and family services shall consult with the medicaid director and the director of administrative services regarding the implementation of this section.~~ 72470  
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**Sec. 4141.23.** (A) Contributions shall accrue and become payable by each employer for each calendar year or other period as prescribed by this chapter. Such contributions become due and shall be paid by each employer to the director of job and family services for the unemployment compensation fund in accordance with such regulations as the director prescribes, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employer's employ. 72473  
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In the payment of any contributions, a fractional part of a dollar may be disregarded unless it amounts to fifty cents or more, in which case it may be increased to the next higher dollar.

~~(B) (1) Any contribution or payment in lieu of contribution, due from an employer on or before December 31, 1992, shall, if not paid when due, bear interest at the rate of ten per cent per annum. In such computation any fraction of a month shall be considered as a full month.~~

~~(2) Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or after January 1, 1993 before December 31, 2025, shall, if not paid when due, bear interest at the annual rate of fourteen per cent compounded monthly on the aggregate receivable balance due. In such computation any fraction of a month shall be considered as a full month.~~

(2) Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or after January 1, 2026, shall, if not paid when due, bear interest at the interest rate established by the state tax commissioner pursuant to section 5703.47 of the Revised Code, not exceeding fifteen per cent. In such computation any fraction of a month shall be considered as a full month.

(C) The director may waive the interest assessed under division ~~(B) (2)~~ (B) of this section if the employer meets all of the following conditions within thirty days after the date the director mails or delivers the notice of assessment of interest:

(1) Provides to the director a written request for a waiver of interest clearly demonstrating that the employer's

failure to timely pay contributions, payments in lieu of 72510  
contributions, interest, forfeiture, and fines was a result of 72511  
circumstances beyond the control of the employer or the 72512  
employer's agent, except that negligence on the part of the 72513  
employer or the employer's agent shall not be considered beyond 72514  
the control of the employer or the employer's agent; 72515

(2) Furnishes to the director all quarterly reports 72516  
required under section 4141.20 of the Revised Code; 72517

(3) Pays in full all contributions, payments in lieu of 72518  
contributions, interest, forfeiture, and fines for each quarter 72519  
for which such payments are due. 72520

The director shall deny an employer's request for a waiver 72521  
of interest after finding that the employer's failure to timely 72522  
furnish reports or make payments as required under this chapter 72523  
was due to an attempt to evade payment. 72524

(D) Any contribution, interest, forfeiture, or fine 72525  
required to be paid under this chapter by any employer shall, if 72526  
not paid when due, become a lien upon the real and personal 72527  
property of such employer. Upon failure of such employer to pay 72528  
the contributions, interest, forfeiture, or fine required to be 72529  
paid under this chapter, the director shall file notice of such 72530  
lien, for which there shall be no charge, in the office of the 72531  
county recorder of the county in which it is ascertained that 72532  
such employer owns real estate or personal property. The 72533  
director shall notify the employer by mail of the lien. The 72534  
absence of proof that the notice was sent does not affect the 72535  
validity of the lien. Such lien shall not be valid as against 72536  
the claim of any mortgagee, pledgee, purchaser, judgment 72537  
creditor, or other lienholder of record at the time such notice 72538  
is filed. 72539

If the employer acquires real or personal property after notice of lien is filed, such lien shall not be valid as against the claim of any mortgagee, pledgee, subsequent bona fide purchaser for value, judgment creditor, or other lienholder of record to such after-acquired property, unless the notice of lien is refiled after such property was acquired by the employer and before the competing lien attached to such after-acquired property or before the conveyance to such subsequent bona fide purchaser for value.

Such a notice shall be recorded in the county recorder's official records and indexed in the direct and reverse indexes under the name of the employer. When such unpaid contributions, interest, forfeiture, or fines have been paid, the employer may record with the county recorder of the county in which such notice of lien has been filed and recorded, notice of such payment, and the notice of payment shall be recorded in the county recorder's official records and indexed in the direct and reverse indexes. For recording the notice of payment, the county recorder shall charge and receive from the employer a base fee of two dollars for services and a housing trust fund fee of two dollars pursuant to section 317.36 of the Revised Code.

(E) Notwithstanding other provisions in this section, the director may reduce, in whole or in part, the amount of interest, forfeiture, or fines required to be paid under this chapter if the director determines that the reduction is in the best interest of the unemployment compensation fund.

(F) Assessment of contributions shall not be made after four years from the date on which such contributions became payable, and no action in court for the collection of contributions without assessment of such contributions shall be

begun after the expiration of five years from the date such 72570  
contributions became payable. In case of a false or fraudulent 72571  
report or of a willful attempt in any manner to evade 72572  
contributions, such contributions may be assessed or a 72573  
proceeding in court for the collection of such contributions may 72574  
be begun without assessment at any time. When the assessment of 72575  
contributions has been made within such four-year period 72576  
provided, action in court to collect such contributions may be 72577  
begun within, but not later than, six years after such 72578  
assessment. 72579

(G) In the event of a distribution of an employer's 72580  
assets, pursuant to an order of any court under the law of this 72581  
state, including any receivership, assignment for benefit of 72582  
creditors, adjudicated insolvency, or similar proceedings, 72583  
contributions, interest, forfeiture, or fine then or thereafter 72584  
due have the same priority as provided by law for the payment of 72585  
taxes due the state and shall be paid out of the trust fund in 72586  
the same manner as provided for other claims for unpaid taxes 72587  
due the state. 72588

(H) If the attorney general finds after investigation that 72589  
any claim for delinquent contributions, interest, forfeitures, 72590  
or fines owing to the director is uncollectible, in whole or in 72591  
part, the attorney general shall recommend to the director the 72592  
cancellation of such claim or any part thereof. The director may 72593  
thereupon effect such cancellation. 72594

**Sec. 4141.281. APPEALS** 72595

(A) APPEAL FILED 72596

Any party notified of a determination of benefit rights or 72597  
a claim for benefits determination may appeal within twenty-one 72598

calendar days after the written determination was sent to the 72599  
party or within an extended period as provided under division 72600  
(D) (9) of this section. 72601

(B) REDETERMINATION 72602

Within twenty-one days after receipt of the appeal, the 72603  
director of job and family services shall issue a 72604  
redetermination or transfer the appeal to the unemployment 72605  
compensation review commission. A redetermination under this 72606  
section is appealable in the same manner as an initial 72607  
determination by the director. 72608

(C) REVIEW COMMISSION 72609

(1) JURISDICTION 72610

The commission shall provide an opportunity for a fair 72611  
hearing to the interested parties of appeals over which the 72612  
commission has jurisdiction. The commission has jurisdiction 72613  
over an appeal on transfer or on direct appeal to the 72614  
commission. If the commission concludes that a pending appeal 72615  
does not warrant a hearing, the commission may remand the appeal 72616  
to the director for redetermination. The commission retains 72617  
jurisdiction until the appeal is remanded to the director or a 72618  
final decision is issued and appealed to court, or the time to 72619  
request a review or to appeal a decision of a hearing officer or 72620  
the commission is expired. 72621

(2) CONDUCT OF HEARINGS 72622

Hearings before the commission are held at the hearing 72623  
officer level and the review level. Unless otherwise provided in 72624  
this chapter, initial hearings involving claims for compensation 72625  
and other unemployment compensation issues are conducted at the 72626  
hearing officer level by hearing officers appointed by the 72627

commission. Hearings at the review level are conducted by 72628  
hearing officers appointed by the commission, by members of the 72629  
commission acting either individually or collectively, and by 72630  
members of the commission and hearing officers acting jointly. 72631  
In all hearings conducted at the review level, the commission 72632  
shall designate the hearing officer or officers who are to 72633  
conduct the hearing. When the term "hearing officer" is used in 72634  
reference to hearings conducted at the review level, the term 72635  
includes members of the commission. All decisions issued at the 72636  
review level are issued by the commission. 72637

Provisions contained in the remainder of this paragraph 72638  
apply to hearings at both the hearing officer level and the 72639  
review level. The principles of due process in administrative 72640  
hearings shall be applied to all hearings conducted under the 72641  
authority of the commission. In conducting hearings, all hearing 72642  
officers shall control the conduct of the hearing, exclude 72643  
irrelevant or cumulative evidence, and give weight to the kind 72644  
of evidence on which reasonably prudent persons are accustomed 72645  
to rely in the conduct of serious affairs. Hearing officers have 72646  
an affirmative duty to question parties and witnesses in order 72647  
to ascertain the relevant facts and to fully and fairly develop 72648  
the record. Hearing officers are not bound by common law or 72649  
statutory rules of evidence or by technical or formal rules of 72650  
procedure. No person shall impose upon the claimant or the 72651  
employer any burden of proof as is required in a court of law. 72652  
The proceedings at hearings shall be recorded by mechanical 72653  
means or otherwise as may be prescribed by the commission. In 72654  
the absence of further proceedings, the record need not be 72655  
transcribed. After considering all of the evidence, a hearing 72656  
officer shall issue a written decision that sets forth the facts 72657  
as the hearing officer finds them to be, cites the applicable 72658

law, and gives the reasoning for the decision. 72659

(3) HEARING OFFICER LEVEL 72660

When an appeal is transferred to the commission by the 72661  
director, the commission shall notify all interested parties of 72662  
the time and place of the hearing and assign the appeal for a 72663  
hearing by a hearing officer. The hearings shall be de novo, 72664  
except that the director's file pertaining to a case shall be 72665  
included in the record to be considered. 72666

Following a hearing, the hearing officer shall affirm, 72667  
modify, or reverse the determination of the director in the 72668  
manner that appears just and proper. The hearing officer's 72669  
written decision shall be sent to all interested parties. The 72670  
decision shall state the right of an interested party to request 72671  
a review by the commission. 72672

A request for review shall be filed within twenty-one days 72673  
after the decision was sent to the party, or within an extended 72674  
period as provided under division (D) (9) of this section. The 72675  
hearing officer's decision shall become final unless a request 72676  
for review is filed and allowed or the commission removes the 72677  
appeal to itself within twenty-one days after the hearing 72678  
officer's decision is sent. 72679

(4) REVIEW LEVEL 72680

At the review level, the commission may affirm, modify, or 72681  
reverse previous determinations by the director or at the 72682  
hearing officer level. At the review level, the commission may 72683  
affirm, modify, or reverse a hearing officer's decision or 72684  
remand the decision to the hearing officer level for further 72685  
hearing. The commission shall consider an appeal at the review 72686  
level under the following circumstances: when an appeal is 72687



required to be heard initially at the review level under this 72688  
chapter; when the commission on its own motion removes an appeal 72689  
to itself within twenty-one days after the hearing officer's 72690  
decision is sent; when the assigned hearing officer refers an 72691  
appeal to the commission before the hearing officer's decision 72692  
is sent; or when an interested party files a request for review 72693  
with the commission within twenty-one days after the hearing 72694  
officer's decision is sent. 72695

(5) COMMISSION EXAMINATION 72696

The commission shall consider a request for review by an 72697  
interested party, including the reasons for the request. The 72698  
commission may adopt rules prescribing the methods for 72699  
requesting a review. The commission may allow or disallow the 72700  
request for review. The disallowance of a request for review 72701  
constitutes a final decision by the commission. 72702

(6) REVIEW PROCEDURE 72703

If the commission allows a request for review, the 72704  
commission shall notify all interested parties of that fact and 72705  
provide a reasonable period of time, as the commission defines 72706  
by rule, in which interested parties may file a response. After 72707  
that period of time, the commission, based on the record before 72708  
it, may do one of the following: affirm the decision of the 72709  
hearing officer; provide for the appeal to be heard or reheard 72710  
at the hearing officer or review level; provide for the appeal 72711  
to be heard at the review level as a potential precedential 72712  
decision; or provide for the decision to be rewritten without 72713  
further hearing at the review level. When a further hearing is 72714  
provided or the decision is rewritten, the commission may 72715  
affirm, modify, or reverse the previous decision. 72716

If a member of the commission is unable or unavailable to consider an appeal allowed by the commission, the other members of the commission may appoint a hearing officer as a temporary commissioner to fulfill the unable or unavailable commissioner's duties with respect to the appeal. The members of the commission may not appoint the hearing officer who decided the appeal at the hearing officer level.

(7) NOTICES 72724

The commission shall send written notice to all interested parties when it orders an appeal to be heard or reheard. The notice shall include the reasons for the hearing or rehearing.

(8) PRECEDENTIAL 72728

An appeal the commission identifies as potentially precedential shall be heard at the review level. In the notice for that type of hearing, the commission shall notify the director, all interested parties, and any other parties, as the commission determines appropriate, that the appeal is designated as potentially precedential. After the hearing, parties shall be given the opportunity to submit briefs on the issue or issues involved. The commission may designate a decision as precedential after issuing the decision or at any point in the appeal process, even if the commission does not initially identify the appeal as potentially precedential.

(9) MASS APPEALS 72740

When the commission determines that it has five appeals pending that have common facts or common issues, the commission may transfer the appeals to the review level on its own motion to be heard as a mass appeal, including appeals from claimants separated due to a labor dispute, on the condition that there

are fewer than twenty-five claimants involved. 72746

To facilitate a mass hearing, the commission may allow an 72747  
authorized agent to accept notice of hearing on behalf of 72748  
claimants. An authorized agent may waive this notice of hearing 72749  
and also the sending of decisions to individual claimants 72750  
represented by the agent. 72751

(D) SPECIAL PROVISIONS 72752

(1) TIMELINESS OF APPEALS 72753

The date of the mailing provided by the director or the 72754  
commission is sufficient evidence upon which to conclude that a 72755  
determination, redetermination, or decision was sent to the 72756  
party on that date. Appeals may be filed with the director, 72757  
commission, with an employee of another state or federal agency 72758  
charged with the duty of accepting claims, or with the 72759  
unemployment insurance commission of Canada. Any timely written 72760  
notice by an interested party indicating a desire to appeal 72761  
shall be accepted. 72762

The director, commission, or authorized agent must receive 72763  
the appeal within the specified appeal period in order for the 72764  
appeal to be deemed timely filed, except that: if the United 72765  
States postal service is used as the means of delivery, the 72766  
enclosing envelope must have a postmark date or postal meter 72767  
postmark that is on or before the last day of the specified 72768  
appeal period; and where the postmark is illegible or missing, 72769  
the appeal is timely filed if received not later than the end of 72770  
the fifth calendar day following the last day of the specified 72771  
appeal period. 72772

The director and the commission may adopt rules pertaining 72773  
to alternate methods of filing appeals under this section. 72774

(2) WAIVER

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Interested parties may waive, in writing, a hearing at  
either the hearing officer or review level. If the parties waive  
a hearing, the hearing officer shall issue a decision based on  
the evidence of record.

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(3) TELEPHONE HEARINGS

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Hearing officers may conduct hearings at either the  
hearing officer or review level in person or by telephone or  
interactive video conference. The commission shall adopt rules  
that designate the circumstances under which hearing officers  
may conduct a hearing by telephone or interactive video  
conference or grant a party to the hearing the opportunity to  
object to a hearing by telephone or interactive video  
conference. An interested party whose hearing would be by  
telephone or interactive video conference may elect to have an  
in-person hearing, provided that the party agrees to have the  
hearing at the time and place the commission determines pursuant  
to rule.

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(4) EVENING HEARINGS

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Unless the commission grants a request for an evening  
telephone or interactive video conference hearing, hearing  
officers shall conduct hearings at the hearing officer and  
review level during normal business hours. An interested party  
who is regularly employed throughout those hours may request to  
have a hearing by telephone or interactive video conference  
during the evening. The commission shall grant or deny a request  
for an evening telephone or interactive video conference  
hearing. If a conflict concerning a request for an evening  
hearing and an in-person hearing arises, the commission shall

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schedule the hearing by telephone or interactive video 72804  
conference during evening hours. 72805

(5) NO APPEARANCE -- APPELLANT 72806

For hearings at either the hearing officer or review 72807  
level, if the appealing party fails to appear at the hearing, 72808  
the hearing officer shall dismiss the appeal. The commission 72809  
shall vacate the dismissal upon a showing that written notice of 72810  
the hearing was not sent to that party's last known address, or 72811  
good cause for the appellant's failure to appear is shown to the 72812  
commission within fourteen days after the hearing date. 72813

If the commission finds that the appealing party's reason 72814  
for failing to appear does not constitute good cause for failing 72815  
to appear, the commission shall send written notice of that 72816  
finding, and the appealing party may request a hearing to 72817  
present testimony on the issue of good cause for failing to 72818  
appear. The appealing party shall file a request for a hearing 72819  
on the issue of good cause for failing to appear within ten days 72820  
after the commission sends written notice indicating a finding 72821  
of no good cause for failing to appear. 72822

(6) NO APPEARANCE -- APPELLEE 72823

For hearings at either the hearing officer or review 72824  
level, if the appellee fails to appear at the hearing, the 72825  
hearing officer shall proceed with the hearing and shall issue a 72826  
decision based on the evidence of record. The commission shall 72827  
vacate the decision upon a showing that written notice of the 72828  
hearing was not sent to the appellee's last known address, or 72829  
good cause for the appellee's failure to appear is shown to the 72830  
commission within fourteen days after the hearing date. 72831

(7) AGENT 72832

Any appeal or request for review may be executed on behalf 72833  
of any party or any group of claimants by an agent. 72834

(8) COLLATERAL ESTOPPEL 72835

No finding of fact or law, decision, or order of the 72836  
director, hearing officer, the commission, or a reviewing court 72837  
under this section or section 4141.28 of the Revised Code shall 72838  
be given collateral estoppel or res judicata effect in any 72839  
separate or subsequent judicial, administrative, or arbitration 72840  
proceeding, other than a proceeding arising under this chapter. 72841

(9) EXTENSION OF APPEAL PERIODS 72842

The time for filing an appeal or a request for review 72843  
under this section or a court appeal under section 4141.282 of 72844  
the Revised Code shall be extended in the manner described in 72845  
the following four sentences. When the last day of an appeal 72846  
period is a Saturday, Sunday, or legal holiday, the appeal 72847  
period is extended to the next work day after the Saturday, 72848  
Sunday, or legal holiday. When an interested party provides 72849  
certified medical evidence stating that the interested party's 72850  
physical condition or mental capacity prevented the interested 72851  
party from filing an appeal or request for review under this 72852  
section within the appropriate twenty-one-day period, the appeal 72853  
period is extended to twenty-one days after the end of the 72854  
physical or mental condition, and the appeal or request for 72855  
review is considered timely filed if filed within that extended 72856  
period. When an interested party provides evidence, which 72857  
evidence may consist of testimony from the interested party, 72858  
that is sufficient to establish that the party did not actually 72859  
receive the determination or decision within the applicable 72860  
appeal period under this section, and the director or the 72861  
commission finds that the interested party did not actually 72862

receive the determination or decision within the applicable 72863  
appeal period, then the appeal period is extended to twenty-one 72864  
days after the interested party actually receives the 72865  
determination or decision. When an interested party provides 72866  
evidence, which evidence may consist of testimony from the 72867  
interested party, that is sufficient to establish that the party 72868  
did not actually receive a decision within the thirty-day appeal 72869  
period provided in section 4141.282 of the Revised Code, and a 72870  
court of common pleas finds that the interested party did not 72871  
actually receive the decision within that thirty-day appeal 72872  
period, then the appeal period is extended to thirty days after 72873  
the interested party actually receives the decision. 72874

**Sec. 4141.29.** Each eligible individual shall receive 72875  
benefits as compensation for loss of remuneration due to 72876  
involuntary total or partial unemployment in the amounts and 72877  
subject to the conditions stipulated in this chapter. 72878

(A) No individual is entitled to a waiting period or 72879  
benefits for any week unless the individual: 72880

(1) Has filed a valid application for determination of 72881  
benefit rights in accordance with section 4141.28 of the Revised 72882  
Code; 72883

(2) Has made a claim for benefits in accordance with 72884  
section 4141.28 of the Revised Code; 72885

(3) (a) Has registered for work and thereafter continues to 72886  
report to an employment office or other registration place 72887  
maintained or designated by the director of job and family 72888  
services. Registration shall be made in accordance with the time 72889  
limits, frequency, and manner prescribed by the director. 72890

(b) For purposes of division (A) (3) of this section, an 72891

individual has "registered" upon doing any of the following: 72892

(i) Filing an application for benefit rights; 72893

(ii) Making a weekly claim for benefits; 72894

(iii) Reopening an existing claim following a period of 72895  
employment or nonreporting. 72896

(c) After an applicant is registered, that registration 72897  
continues for a period of three calendar weeks, including the 72898  
week during which the applicant registered. However, an 72899  
individual is not registered for purposes of division (A) (3) of 72900  
this section during any period in which the individual fails to 72901  
report, as instructed by the director, or fails to reopen an 72902  
existing claim following a period of employment. 72903

(d) The director may, for good cause, extend the period of 72904  
registration. 72905

(e) For purposes of this section, "report" means contact 72906  
by phone, access electronically, or be present for an in-person 72907  
appointment, as designated by the director. 72908

(4) (a) (i) Is able to work and available for suitable work 72909  
and, except as provided in division (A) (4) (a) (ii) or (iii) of 72910  
this section, is actively seeking suitable work either in a 72911  
locality in which the individual has earned wages subject to 72912  
this chapter during the individual's base period, or if the 72913  
individual leaves that locality, then in a locality where 72914  
suitable work normally is performed. 72915

(ii) The director may waive the requirement that a 72916  
claimant be actively seeking work when the director finds that 72917  
the individual has been laid off and the employer who laid the 72918  
individual off has notified the director within ten days after 72919



the layoff, that work is expected to be available for the 72920  
individual within a specified number of days not to exceed 72921  
forty-five calendar days following the last day the individual 72922  
worked. In the event the individual is not recalled within the 72923  
specified period, this waiver shall cease to be operative with 72924  
respect to that layoff. 72925

(iii) The director may waive the requirement that a 72926  
claimant be actively seeking work if the director determines 72927  
that the individual has been laid off and the employer who laid 72928  
the individual off has notified the director in accordance with 72929  
division (C) of section 4141.28 of the Revised Code that the 72930  
employer has closed the employer's entire plant or part of the 72931  
employer's plant for a purpose other than inventory or vacation 72932  
that will cause unemployment for a definite period not exceeding 72933  
twenty-six weeks beginning on the date the employer notifies the 72934  
director, for the period of the specific shutdown, if all of the 72935  
following apply: 72936

(I) The employer and the individuals affected by the 72937  
layoff who are claiming benefits under this chapter jointly 72938  
request the exemption. 72939

(II) The employer provides that the affected individuals 72940  
shall return to work for the employer within twenty-six weeks 72941  
after the date the employer notifies the director. 72942

(III) The director determines that the waiver of the 72943  
active search for work requirement will promote productivity and 72944  
economic stability within the state. 72945

(iv) Division (A) (4) (a) (iii) of this section does not 72946  
exempt an individual from meeting the other requirements 72947  
specified in division (A) (4) (a) (i) of this section to be able to 72948

work and otherwise fully be available for work. An exemption 72949  
granted under division (A) (4) (a) (iii) of this section may be 72950  
granted only with respect to a specific plant closing. 72951

(b) (i) The individual shall be instructed as to the 72952  
efforts that the individual must make in the search for suitable 72953  
work, including that, within six months after October 11, 2013, 72954  
the individual shall register with the OhioMeansJobs web site, 72955  
except in any of the following circumstances: 72956

(I) The individual is an individual described in division 72957  
(A) (4) (b) (iii) of this section; 72958

(II) Where the active search for work requirement has been 72959  
waived under division (A) (4) (a) of this section; 72960

(III) Where the active search for work requirement is 72961  
considered to be met under division (A) (4) (c), (d), or (e) of 72962  
this section. 72963

(ii) An individual who is registered with the 72964  
OhioMeansJobs web site shall receive a weekly listing of 72965  
available jobs based on information provided by the individual 72966  
at the time of registration. For each week that the individual 72967  
claims benefits, the individual shall keep a record of the 72968  
individual's work search efforts and shall produce that record 72969  
in the manner and means prescribed by the director. 72970

(iii) No individual shall be required to register with the 72971  
OhioMeansJobs web site if the individual is legally prohibited 72972  
from using a computer, has a physical or visual impairment that 72973  
makes the individual unable to use a computer, or has a limited 72974  
ability to read, write, speak, or understand a language in which 72975  
the OhioMeansJobs web site is available. 72976

(iv) As used in division (A) (4) (b) of this section: 72977

(I) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code. 72978  
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(II) "Registration" includes the creation, electronic posting, and maintenance of an active, searchable resume. 72980  
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(c) An individual who is attending a training course approved by the director meets the requirement of this division, if attendance was recommended by the director and the individual is regularly attending the course and is making satisfactory progress. An individual also meets the requirements of this division if the individual is participating and advancing in a training program, as defined in division (P) of section 5709.61 of the Revised Code, and if an enterprise, defined in division (B) of section 5709.61 of the Revised Code, is paying all or part of the cost of the individual's participation in the training program with the intention of hiring the individual for employment as a new employee, as defined in division (L) of section 5709.61 of the Revised Code, for at least ninety days after the individual's completion of the training program. 72982  
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(d) An individual who becomes unemployed while attending a regularly established school and whose base period qualifying weeks were earned in whole or in part while attending that school, meets the availability and active search for work requirements of division (A) (4) (a) of this section if the individual regularly attends the school during weeks with respect to which the individual claims unemployment benefits and makes self available on any shift of hours for suitable employment with the individual's most recent employer or any other employer in the individual's base period, or for any other suitable employment to which the individual is directed, under this chapter. 72996  
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(e) An individual who is a member in good standing with a labor organization that refers individuals to jobs meets the active search for work requirement specified in division (A) (4) (a) of this section if the individual provides documentation that the individual is eligible for a referral or placement upon request and in a manner prescribed by the director.

(f) Notwithstanding any other provisions of this section, no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2296, nor shall that individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this chapter, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work.

For the purposes of division (A) (4) (f) of this section, "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and wages for such work at not less than eighty per cent of the individual's average weekly wage as determined for the purposes of that federal act.

~~(5) Is unable to obtain suitable work. An individual who is provided temporary work assignments by the individual's employer under agreed terms and conditions of employment, and who is required pursuant to those terms and conditions to inquire with the individual's employer for available work~~

~~assignments upon the conclusion of each work assignment, is not~~ 73038  
~~considered unable to obtain suitable employment if suitable work~~ 73039  
~~assignments are available with the employer but the individual~~ 73040  
~~fails to contact the employer to inquire about work assignments.~~ 73041

(6) Participates in reemployment services, such as job 73042  
search assistance services, if the individual has been 73043  
determined to be likely to exhaust benefits under this chapter, 73044  
including compensation payable pursuant to 5 U.S.C.A. Chapter 73045  
85, other than extended compensation, and needs reemployment 73046  
services pursuant to the profiling system established by the 73047  
director under division (K) of this section, unless the director 73048  
determines that: 73049

(a) The individual has completed such services; or 73050

(b) There is justifiable cause for the claimant's failure 73051  
to participate in such services. 73052

Ineligibility for failure to participate in reemployment 73053  
services as described in division (A) (6) of this section shall 73054  
be for the week or weeks in which the claimant was scheduled and 73055  
failed to participate without justifiable cause. 73056

(7) Participates in the reemployment and eligibility 73057  
assessment program, or other reemployment services, as required 73058  
by the director. As used in division (A) (7) of this section, 73059  
"reemployment services" includes job search assistance 73060  
activities, skills assessments, and the provision of labor 73061  
market statistics or analysis. 73062

(a) For purposes of division (A) (7) of this section, 73063  
participation is required unless the director determines that 73064  
either of the following circumstances applies to the individual: 73065

(i) The individual has completed similar services. 73066

(ii) Justifiable cause exists for the failure of the individual to participate in those services. 73067  
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(b) Within six months after October 11, 2013, 73069  
notwithstanding any earlier contact an individual may have had 73070  
with a local OhioMeansJobs center, as defined in section 6301.01 73071  
of the Revised Code, beginning with the eighth week after the 73072  
week during which an individual first files a valid application 73073  
for determination of benefit rights in the individual's benefit 73074  
year, the individual shall report to a local OhioMeansJobs 73075  
center for reemployment services in the manner prescribed by the 73076  
director. 73077

(c) An individual whose active search for work requirement 73078  
has been waived under division (A)(4)(a) of this section or is 73079  
considered to be satisfied under division (A)(4)(c), (d), or (e) 73080  
of this section is exempt from the requirements of division (A) 73081  
(7) of this section. 73082

(B) An individual suffering total or partial unemployment 73083  
is eligible for benefits for unemployment occurring subsequent 73084  
to a waiting period of one week and no benefits shall be payable 73085  
during this required waiting period. Not more than one week of 73086  
waiting period shall be required of any individual in any 73087  
benefit year in order to establish the individual's eligibility 73088  
for total or partial unemployment benefits. 73089

(C) The waiting period for total or partial unemployment 73090  
shall commence on the first day of the first week with respect 73091  
to which the individual first files a claim for benefits at an 73092  
employment office or other place of registration maintained or 73093  
designated by the director or on the first day of the first week 73094  
with respect to which the individual has otherwise filed a claim 73095  
for benefits in accordance with the rules of the department of 73096

job and family services, provided such claim is allowed by the 73097  
director. 73098

(D) Notwithstanding division (A) of this section, no 73099  
individual may serve a waiting period or be paid benefits under 73100  
the following conditions: 73101

(1) For any week with respect to which the director finds 73102  
that: 73103

(a) The individual's unemployment was due to a labor 73104  
dispute other than a lockout at any factory, establishment, or 73105  
other premises located in this or any other state and owned or 73106  
operated by the employer by which the individual is or was last 73107  
employed; and for so long as the individual's unemployment is 73108  
due to such labor dispute. No individual shall be disqualified 73109  
under this provision if either of the following applies: 73110

(i) The individual's employment was with such employer at 73111  
any factory, establishment, or premises located in this state, 73112  
owned or operated by such employer, other than the factory, 73113  
establishment, or premises at which the labor dispute exists, if 73114  
it is shown that the individual is not financing, participating 73115  
in, or directly interested in such labor dispute; 73116

(ii) The individual's employment was with an employer not 73117  
involved in the labor dispute but whose place of business was 73118  
located within the same premises as the employer engaged in the 73119  
dispute, unless the individual's employer is a wholly owned 73120  
subsidiary of the employer engaged in the dispute, or unless the 73121  
individual actively participates in or voluntarily stops work 73122  
because of such dispute. If it is established that the claimant 73123  
was laid off for an indefinite period and not recalled to work 73124  
prior to the dispute, or was separated by the employer prior to 73125

the dispute for reasons other than the labor dispute, or that 73126  
the individual obtained a bona fide job with another employer 73127  
while the dispute was still in progress, such labor dispute 73128  
shall not render the employee ineligible for benefits. 73129

(b) The individual has been given a disciplinary layoff 73130  
for misconduct in connection with the individual's work. 73131

(2) For the duration of the individual's unemployment if 73132  
the director finds that: 73133

(a) The individual quit work without just cause or has 73134  
been discharged for just cause in connection with the 73135  
individual's work, provided division (D) (2) of this section does 73136  
not apply to the separation of a person under any of the 73137  
following circumstances: 73138

(i) Separation from employment for the purpose of entering 73139  
the armed forces of the United States if the individual is 73140  
inducted into the armed forces within one of the following 73141  
periods: 73142

(I) Thirty days after separation; 73143

(II) One hundred eighty days after separation if the 73144  
individual's date of induction is delayed solely at the 73145  
discretion of the armed forces. 73146

(ii) Separation from employment pursuant to a labor- 73147  
management contract or agreement, or pursuant to an established 73148  
employer plan, program, or policy, which permits the employee, 73149  
because of lack of work, to accept a separation from employment; 73150

(iii) The individual has left employment to accept a 73151  
recall from a prior employer or, except as provided in division 73152  
(D) (2) (a) (iv) of this section, to accept other employment as 73153



provided under section 4141.291 of the Revised Code, or left or 73154  
was separated from employment that was concurrent employment at 73155  
the time of the most recent separation or within six weeks prior 73156  
to the most recent separation where the remuneration, hours, or 73157  
other conditions of such concurrent employment were 73158  
substantially less favorable than the individual's most recent 73159  
employment and where such employment, if offered as new work, 73160  
would be considered not suitable under the provisions of 73161  
divisions (E) and (F) of this section. Any benefits that would 73162  
otherwise be chargeable to the account of the employer from whom 73163  
an individual has left employment or was separated from 73164  
employment that was concurrent employment under conditions 73165  
described in division (D) (2) (a) (iii) of this section, shall 73166  
instead be charged to the mutualized account created by division 73167  
(B) of section 4141.25 of the Revised Code, except that any 73168  
benefits chargeable to the account of a reimbursing employer 73169  
under division (D) (2) (a) (iii) of this section shall be charged 73170  
to the account of the reimbursing employer and not to the 73171  
mutualized account, except as provided in division (D) (2) of 73172  
section 4141.24 of the Revised Code. 73173

(iv) When an individual has been issued a definite layoff 73174  
date by the individual's employer and before the layoff date, 73175  
the individual quits to accept other employment, the provisions 73176  
of division (D) (2) (a) (iii) of this section apply and no 73177  
disqualification shall be imposed under division (D) of this 73178  
section. However, if the individual fails to meet the employment 73179  
and earnings requirements of division (A) (2) of section 4141.291 73180  
of the Revised Code, then the individual, pursuant to division 73181  
(A) (5) of this section, shall be ineligible for benefits for any 73182  
week of unemployment that occurs prior to the layoff date. 73183

(v) The individual's spouse is a member of the armed 73184

forces of the United States who is on active duty or a member of 73185  
the commissioned corps of the national oceanic and atmospheric 73186  
administration or public health service, the spouse is the 73187  
subject of a transfer, the individual left employment to 73188  
accompany the individual's spouse to a location from which it is 73189  
impractical to commute to the individual's place of employment, 73190  
and upon arrival at the new place of residence, the individual 73191  
is in all respects able and available for suitable work. For- 73192  
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 73193  
"active duty" and "armed forces" have the same meanings as in 10 73194  
U.S.C. 101. 73195

(b) The individual has refused without good cause to 73196  
accept an offer of suitable work when made by an employer either 73197  
in person or to the individual's last known address, or has 73198  
refused or failed to investigate a referral to suitable work 73199  
when directed to do so by a local employment office of this 73200  
state or another state, provided that this division shall not 73201  
cause a disqualification for a waiting week or benefits under 73202  
the following circumstances: 73203

(i) When work is offered by the individual's employer and 73204  
the individual is not required to accept the offer pursuant to 73205  
the terms of the labor-management contract or agreement; or 73206

(ii) When the individual is attending a training course 73207  
pursuant to division (A) (4) of this section except, in the event 73208  
of a refusal to accept an offer of suitable work or a refusal or 73209  
failure to investigate a referral, benefits thereafter paid to 73210  
such individual shall not be charged to the account of any 73211  
employer and, except as provided in division (B) (1) (b) of 73212  
section 4141.241 of the Revised Code, shall be charged to the 73213  
mutualized account as provided in division (B) of section 73214

4141.25 of the Revised Code. 73215

(c) Such individual quit work to marry or because of 73216  
marital, parental, filial, or other domestic obligations. 73217

(d) The individual became unemployed by reason of 73218  
commitment to any correctional institution. 73219

(e) The individual became unemployed because of dishonesty 73220  
in connection with the individual's most recent or any base 73221  
period work. Remuneration earned in such work shall be excluded 73222  
from the individual's total base period remuneration and 73223  
qualifying weeks that otherwise would be credited to the 73224  
individual for such work in the individual's base period shall 73225  
not be credited for the purpose of determining the total 73226  
benefits to which the individual is eligible and the weekly 73227  
benefit amount to be paid under section 4141.30 of the Revised 73228  
Code. Such excluded remuneration and noncredited qualifying 73229  
weeks shall be excluded from the calculation of the maximum 73230  
amount to be charged, under division (D) of section 4141.24 and 73231  
section 4141.33 of the Revised Code, against the accounts of the 73232  
individual's base period employers. In addition, no benefits 73233  
shall thereafter be paid to the individual based upon such 73234  
excluded remuneration or noncredited qualifying weeks. 73235

For purposes of division (D) (2) (e) of this section, 73236  
"dishonesty" means the commission of substantive theft, fraud, 73237  
or deceitful acts. 73238

(3) For purposes of division (D) (2) (a) of this section, an 73239  
individual shall be considered to have quit work without just 73240  
cause if all of the following apply: 73241

(a) The individual is provided temporary work assignments 73242  
by the individual's employer under agreed terms and conditions 73243

of employment. 73244

(b) The individual is required pursuant to those terms and 73245  
conditions to inquire with the individual's employer for 73246  
available work assignments upon the conclusion of each work 73247  
assignment. 73248

(c) Suitable work assignments are available with the 73249  
employer, but the individual fails to contact the employer to 73250  
inquire about work assignments. 73251

(E) No individual otherwise qualified to receive benefits 73252  
shall lose the right to benefits by reason of a refusal to 73253  
accept new work if: 73254

(1) As a condition of being so employed the individual 73255  
would be required to join a company union, or to resign from or 73256  
refrain from joining any bona fide labor organization, or would 73257  
be denied the right to retain membership in and observe the 73258  
lawful rules of any such organization. 73259

(2) The position offered is vacant due directly to a 73260  
strike, lockout, or other labor dispute. 73261

(3) The work is at an unreasonable distance from the 73262  
individual's residence, having regard to the character of the 73263  
work the individual has been accustomed to do, and travel to the 73264  
place of work involves expenses substantially greater than that 73265  
required for the individual's former work, unless the expense is 73266  
provided for. 73267

(4) The remuneration, hours, or other conditions of the 73268  
work offered are substantially less favorable to the individual 73269  
than those prevailing for similar work in the locality. 73270

(F) Subject to the special exceptions contained in 73271

division (A) (4) (f) of this section and section 4141.301 of the Revised Code, in determining whether any work is suitable for a claimant in the administration of this chapter, the director, in addition to the determination required under division (E) of this section, shall consider the degree of risk to the claimant's health, safety, and morals, the individual's physical fitness for the work, the individual's prior training and experience, the length of the individual's unemployment, the distance of the available work from the individual's residence, and the individual's prospects for obtaining local work.

(G) The "duration of unemployment" as used in this section means the full period of unemployment next ensuing after a separation from any base period or subsequent work and until an individual has become reemployed in employment subject to this chapter, or the unemployment compensation act of another state, or of the United States, and until such individual has worked six weeks and for those weeks has earned or been paid remuneration equal to six times an average weekly wage of not less than: eighty-five dollars and ten cents per week beginning on June 26, 1990; and beginning on and after January 1, 1992, twenty-seven and one-half per cent of the statewide average weekly wage as computed each first day of January under division (B) (3) of section 4141.30 of the Revised Code, rounded down to the nearest dollar, except for purposes of division (D) (2) (c) of this section, such term means the full period of unemployment next ensuing after a separation from such work and until such individual has become reemployed subject to the terms set forth above, and has earned wages equal to one-half of the individual's average weekly wage or sixty dollars, whichever is less.

(H) If a claimant is disqualified under division (D) (2)

(a), (c), or (d) of this section or found to be qualified under 73303  
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 73304  
or (v) of this section or division (A) (2) of section 4141.291 of 73305  
the Revised Code, then benefits that may become payable to such 73306  
claimant, which are chargeable to the account of the employer 73307  
from whom the individual was separated under such conditions, 73308  
shall be charged to the mutualized account provided in section 73309  
4141.25 of the Revised Code, provided that no charge shall be 73310  
made to the mutualized account for benefits chargeable to a 73311  
reimbursing employer, except as provided in division (D) (2) of 73312  
section 4141.24 of the Revised Code. In the case of a 73313  
reimbursing employer, the director shall refund or credit to the 73314  
account of the reimbursing employer any over-paid benefits that 73315  
are recovered under division (B) of section 4141.35 of the 73316  
Revised Code. Amounts chargeable to other states, the United 73317  
States, or Canada that are subject to agreements and 73318  
arrangements that are established pursuant to section 4141.43 of 73319  
the Revised Code shall be credited or reimbursed according to 73320  
the agreements and arrangements to which the chargeable amounts 73321  
are subject. 73322

(I) (1) Benefits based on service in employment as provided 73323  
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 73324  
Code shall be payable in the same amount, on the same terms, and 73325  
subject to the same conditions as benefits payable on the basis 73326  
of other service subject to this chapter; except that after 73327  
December 31, 1977: 73328

(a) Benefits based on service in an instructional, 73329  
research, or principal administrative capacity in an institution 73330  
of higher education, as defined in division (Y) of section 73331  
4141.01 of the Revised Code; or for an educational institution 73332  
as defined in division (CC) of section 4141.01 of the Revised 73333

Code, shall not be paid to any individual for any week of 73334  
unemployment that begins during the period between two 73335  
successive academic years or terms, or during a similar period 73336  
between two regular but not successive terms or during a period 73337  
of paid sabbatical leave provided for in the individual's 73338  
contract, if the individual performs such services in the first 73339  
of those academic years or terms and has a contract or a 73340  
reasonable assurance that the individual will perform services 73341  
in any such capacity for any such institution in the second of 73342  
those academic years or terms. 73343

(b) Benefits based on service for an educational 73344  
institution or an institution of higher education in other than 73345  
an instructional, research, or principal administrative 73346  
capacity, shall not be paid to any individual for any week of 73347  
unemployment which begins during the period between two 73348  
successive academic years or terms of the employing educational 73349  
institution or institution of higher education, provided the 73350  
individual performed those services for the educational 73351  
institution or institution of higher education during the first 73352  
such academic year or term and, there is a reasonable assurance 73353  
that such individual will perform those services for any 73354  
educational institution or institution of higher education in 73355  
the second of such academic years or terms. 73356

If compensation is denied to any individual for any week 73357  
under division (I) (1) (b) of this section and the individual was 73358  
not offered an opportunity to perform those services for an 73359  
institution of higher education or for an educational 73360  
institution for the second of such academic years or terms, the 73361  
individual is entitled to a retroactive payment of compensation 73362  
for each week for which the individual timely filed a claim for 73363  
compensation and for which compensation was denied solely by 73364

reason of division (I) (1) (b) of this section. An application for 73365  
retroactive benefits shall be timely filed if received by the 73366  
director or the director's deputy within or prior to the end of 73367  
the fourth full calendar week after the end of the period for 73368  
which benefits were denied because of reasonable assurance of 73369  
employment. The provision for the payment of retroactive 73370  
benefits under division (I) (1) (b) of this section is applicable 73371  
to weeks of unemployment beginning on and after November 18, 73372  
1983. The provisions under division (I) (1) (b) of this section 73373  
shall be retroactive to September 5, 1982, only if, as a 73374  
condition for full tax credit against the tax imposed by the 73375  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 73376  
3301 to 3311, the United States secretary of labor determines 73377  
that retroactivity is required by federal law. 73378

(c) With respect to weeks of unemployment beginning after 73379  
December 31, 1977, benefits shall be denied to any individual 73380  
for any week which commences during an established and customary 73381  
vacation period or holiday recess, if the individual performs 73382  
any services described in divisions (I) (1) (a) and (b) of this 73383  
section in the period immediately before the vacation period or 73384  
holiday recess, and there is a reasonable assurance that the 73385  
individual will perform any such services in the period 73386  
immediately following the vacation period or holiday recess. 73387

(d) With respect to any services described in division (I) 73388  
(1) (a), (b), or (c) of this section, benefits payable on the 73389  
basis of services in any such capacity shall be denied as 73390  
specified in division (I) (1) (a), (b), or (c) of this section to 73391  
any individual who performs such services in an educational 73392  
institution or institution of higher education while in the 73393  
employ of an educational service agency. For this purpose, the 73394  
term "educational service agency" means a governmental agency or 73395



governmental entity that is established and operated exclusively 73396  
for the purpose of providing services to one or more educational 73397  
institutions or one or more institutions of higher education. 73398

(e) Any individual employed by a county board of 73399  
developmental disabilities shall be notified by the thirtieth 73400  
day of April each year if the individual is not to be reemployed 73401  
the following academic year. 73402

(f) Any individual employed by a school district, other 73403  
than a municipal school district as defined in section 3311.71 73404  
of the Revised Code, shall be notified by the first day of June 73405  
each year if the individual is not to be reemployed the 73406  
following academic year. 73407

(2) No disqualification will be imposed, between academic 73408  
years or terms or during a vacation period or holiday recess 73409  
under this division, unless the director or the director's 73410  
deputy has received a statement in writing from the educational 73411  
institution or institution of higher education that the claimant 73412  
has a contract for, or a reasonable assurance of, reemployment 73413  
for the ensuing academic year or term. 73414

(3) If an individual has employment with an educational 73415  
institution or an institution of higher education and employment 73416  
with a noneducational employer, during the base period of the 73417  
individual's benefit year, then the individual may become 73418  
eligible for benefits during the between-term, or vacation or 73419  
holiday recess, disqualification period, based on employment 73420  
performed for the noneducational employer, provided that the 73421  
employment is sufficient to qualify the individual for benefit 73422  
rights separately from the benefit rights based on school 73423  
employment. The weekly benefit amount and maximum benefits 73424  
payable during a disqualification period shall be computed based 73425

solely on the nonschool employment. 73426

(J) Benefits shall not be paid on the basis of employment 73427  
performed by an alien, unless the alien had been lawfully 73428  
admitted to the United States for permanent residence at the 73429  
time the services were performed, was lawfully present for 73430  
purposes of performing the services, or was otherwise 73431  
permanently residing in the United States under color of law at 73432  
the time the services were performed, under section 212(d) (5) of 73433  
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 73434  
1101: 73435

(1) Any data or information required of individuals 73436  
applying for benefits to determine whether benefits are not 73437  
payable to them because of their alien status shall be uniformly 73438  
required from all applicants for benefits. 73439

(2) In the case of an individual whose application for 73440  
benefits would otherwise be approved, no determination that 73441  
benefits to the individual are not payable because of the 73442  
individual's alien status shall be made except upon a 73443  
preponderance of the evidence that the individual had not, in 73444  
fact, been lawfully admitted to the United States. 73445

(K) The director shall establish and utilize a system of 73446  
profiling all new claimants under this chapter that: 73447

(1) Identifies which claimants will be likely to exhaust 73448  
regular compensation and will need job search assistance 73449  
services to make a successful transition to new employment; 73450

(2) Refers claimants identified pursuant to division (K) 73451  
(1) of this section to reemployment services, such as job search 73452  
assistance services, available under any state or federal law; 73453

(3) Collects follow-up information relating to the 73454

services received by such claimants and the employment outcomes 73455  
for such claimant's subsequent to receiving such services and 73456  
utilizes such information in making identifications pursuant to 73457  
division (K) (1) of this section; and 73458

(4) Meets such other requirements as the United States 73459  
secretary of labor determines are appropriate. 73460

(L) Except as otherwise provided in division (A) (6) of 73461  
this section, ineligibility pursuant to division (A) of this 73462  
section shall begin on the first day of the week in which the 73463  
claimant becomes ineligible for benefits and shall end on the 73464  
last day of the week preceding the week in which the claimant 73465  
satisfies the eligibility requirements. 73466

(M) The director may adopt rules that the director 73467  
considers necessary for the administration of division (A) of 73468  
this section. 73469

**Sec. 4141.33.** (A) As used in this section: 73470

(1) "Reasonable assurance" means a written, verbal, or 73471  
implied agreement that the individual will perform services in 73472  
the same or similar capacity during the ensuing sports season or 73473  
seasonal period. 73474

(2) "Seasonal employment" means employment of individuals 73475  
hired primarily to perform services in an industry which because 73476  
of climatic conditions or because of the seasonal nature of such 73477  
industry it is customary to operate only during regularly 73478  
recurring periods of forty weeks or less in any consecutive 73479  
fifty-two weeks. 73480

(3) "Seasonal employer" means an employer determined by 73481  
the director of job and family services to be an employer whose 73482  
operations and business, with the exception of certain 73483

administrative and maintenance operations, are substantially all 73484  
in a seasonal industry. 73485

(4) "Significantly" means forty per cent or more of an 73486  
individual's base period consists of services performed in 73487  
seasonal employment. 73488

(B) Any employer who claims to have seasonal employment in 73489  
a seasonal industry may file with the director a written 73490  
application for classification of such employment as seasonal. 73491  
Whenever in any industry it is customary to operate because of 73492  
climatic conditions or because of the seasonal nature of such 73493  
industry only during regularly recurring periods of forty weeks 73494  
or less duration, benefits shall be payable only during the 73495  
longest seasonal periods which the best practice of such 73496  
industry will reasonably permit. The director shall determine,  ~~73497  
after investigation, hearing, and due notice,~~ whether the 73498  
industry is seasonal and, if seasonal, establish seasonal 73499  
periods for such seasonal employer. The director shall make the 73500  
determination based on the application for classification filed 73501  
under this section and any other relevant information available. 73502  
Until such determination by the director, no industry or 73503  
employment shall be deemed seasonal. 73504

(C) When the director has determined such seasonal 73505  
periods, the director shall also establish the proportionate 73506  
number of weeks of employment and earnings required to qualify 73507  
for seasonal benefit rights in place of the weeks of employment 73508  
and earnings requirement stipulated in division (R) of section 73509  
4141.01 and section 4141.30 of the Revised Code, and the 73510  
proportionate number of weeks for which seasonal benefits may be 73511  
paid. An individual whose base period employment consists of 73512  
only seasonal employment for a single seasonal employer and who 73513

meets the employment and earnings requirements determined by the 73514  
director pursuant to this division will have benefit rights 73515  
determined in accordance with this division, except benefits 73516  
shall not be paid for any week between two successive seasonal 73517  
periods. Benefit charges for such seasonal employment shall be 73518  
computed and charged in accordance with division (D) of section 73519  
4141.24 of the Revised Code. The director may adopt rules for 73520  
implementation of this section. 73521

(D) An individual whose base period employment consists of 73522  
either seasonal employment with two or more seasonal employers 73523  
or both seasonal employment and nonseasonal employment with 73524  
employers subject to this chapter, will have benefit rights 73525  
determined in accordance with division (R) of section 4141.01 73526  
and section 4141.30 of the Revised Code. Benefit charges for 73527  
both seasonal and nonseasonal employment shall be computed and 73528  
charged in accordance with division (D) of section 4141.24 of 73529  
the Revised Code. The total seasonal and nonseasonal benefits 73530  
during a benefit year cannot exceed twenty-six times the weekly 73531  
benefit amount. Effective October 30, 2011, an individual who 73532  
performs services that significantly consist of services 73533  
performed in seasonal employment shall not be paid benefits for 73534  
those services for any week in the period between two successive 73535  
seasonal periods if the individual performed those services in 73536  
the first of the seasonal periods and there is reasonable 73537  
assurance that the individual will perform those services in the 73538  
later of the seasonal periods. The director shall adopt rules 73539  
for the implementation of this division. 73540

(E) Benefits shall not be paid to any individual on the 73541  
basis of any services, substantially all of which consist of 73542  
participating in sports or athletic events or training or 73543  
preparing to so participate, for any week which commences during 73544

the period between two successive sport seasons, or similar 73545  
periods, if the individual performed services in the first of 73546  
the seasons, or similar periods, and there is a reasonable 73547  
assurance that the individual will perform services in the later 73548  
of the seasons, or similar periods. 73549

(F) The director shall adopt rules concerning the 73550  
eligibility for benefits of individuals under divisions (D) and 73551  
(E) of this section. 73552

**Sec. 4141.56.** ~~Beginning one year after the effective date~~ 73553  
~~of this section, and every year thereafter, the~~ The director of 73554  
job and family services annually shall prepare a report and 73555  
submit ~~a report~~ it by the first day of August to the governor, 73556  
the president and minority leader of the senate, and the speaker 73557  
and the minority leader of the house of representatives ~~that~~ 73558  
~~discusses~~. The report shall discuss the utilization of the 73559  
SharedWork Ohio program created under section 4141.50 of the 73560  
Revised Code. The director shall include in that report the 73561  
number of employers and employees participating in the program, 73562  
the amount of shared work compensation paid under the program 73563  
during the immediately preceding year, and any other information 73564  
the director considers to be relevant. 73565

**Sec. 4141.60.** (A) ~~Beginning on the last day of February~~ 73566  
~~that occurs after the effective date of this section, and~~ 73567  
~~annually thereafter, the~~ The director of job and family services 73568  
annually shall prepare a report and submit ~~a report~~ it by the 73569  
first day of August to the persons listed in division (B) of 73570  
this section. The director shall include all of the following 73571  
information in the report with respect to the calendar year 73572  
preceding the date the report is submitted: 73573

(1) The number of calls received from applicants for and 73574

recipients of benefits under this chapter at all call centers operated by the director; 73575  
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(2) The total number of claims for benefits filed under this chapter; 73577  
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(3) The number of claims for benefits marked as potentially fraudulent; 73579  
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(4) The number of complaints submitted by applicants for and recipients of benefits under this chapter through the uniform process created by the director under section 4141.13 of the Revised Code; 73581  
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(5) A summary of updates or changes to the technology the director uses to administer this chapter that have occurred during the calendar year covered by the report. 73585  
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(B) The director shall submit the report required under division (A) of this section to the speaker of the house of representatives, the president of the senate, and the governor, ~~and the members of the unemployment compensation modernization and improvement council.~~ 73588  
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**Sec. 4301.12.** (A) The division of liquor control shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by it or any of its employees or agents prior to paying them to the treasurer of state as provided by section 113.08 of the Revised Code. 73593  
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(B) A sum equal to three dollars and thirty-eight cents for each gallon of spirituous liquor sold by the division, JobsOhio, or a designee of JobsOhio during the period covered by the payment shall be paid into the state treasury to the credit of the general revenue fund. ~~All moneys~~ Except as provided in division (G) of section 4301.30 of the Revised Code, all money 73598  
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73601  
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received from permit fees, ~~except B-2a, S-1, and S-2 permit fees~~ 73604  
~~from B-2a, S-1, and S-2 permit holders who do not also hold A-2-~~ 73605  
~~or A-2f permits,~~ shall be paid to the credit of the undivided 73606  
liquor permit fund established by section 4301.30 of the Revised 73607  
Code. 73608

(C) Except as otherwise provided by law, the division 73609  
shall deposit all moneys collected under Chapters 4301. and 73610  
4303. of the Revised Code into the state treasury to the credit 73611  
of the state liquor regulatory fund created in section 4301.30 73612  
of the Revised Code. In addition, revenue resulting from any 73613  
contracts with the department of commerce pertaining to the 73614  
responsibilities and operations described in this chapter may be 73615  
credited to the fund. 73616

(D) Whenever, in the judgment of the director of budget 73617  
and management, the amount in the liquor control fund is in 73618  
excess of that needed to meet the maturing obligations of the 73619  
division, as working capital for its further operations, to pay 73620  
the operating expenses of the commission, and for the alcohol 73621  
testing program under section 3701.143 of the Revised Code, the 73622  
director shall transfer the excess to the credit of the general 73623  
revenue fund. If the director determines that the amount in the 73624  
liquor control fund is insufficient, the director may transfer 73625  
money from the general revenue fund to the liquor control fund. 73626

**Sec. 4301.19.** The division of liquor control shall sell 73627  
spirituous liquor only, whether from a warehouse ~~or from,~~ a 73628  
state liquor store ~~or,~~ an agency store, or an A-3a permit 73629  
premises. All sales shall be in sealed containers and for resale 73630  
as authorized by this chapter and Chapter 4303. of the Revised 73631  
Code or for consumption off the premises only. Except as 73632  
otherwise provided in this section, sale of containers holding 73633



one-half pint or less of spirituous liquor by the division shall 73634  
be made at retail only, and not for the purpose of resale by any 73635  
purchaser, by special order placed with a state liquor store or 73636  
agency store and subject to rules established by the 73637  
superintendent of liquor control. The division may sell at 73638  
wholesale spirituous liquor in fifty milliliter sealed 73639  
containers to any holder of a permit issued under Chapter 4303. 73640  
of the Revised Code that authorizes the sale of spirituous 73641  
liquor for consumption on the premises where sold. A person 73642  
appointed by the division to act as an agent for the sale of 73643  
spirituous liquor pursuant to section 4301.17 of the Revised 73644  
Code may provide and accept gift certificates and may accept 73645  
credit cards and debit cards for the retail purchase of 73646  
spirituous liquor. Deliveries shall be made in the manner the 73647  
superintendent determines by rule. 73648

Subject to division (A) (3) of section 4301.10 and division 73649  
(A) of section 4301.14 of the Revised Code, if any person 73650  
desires to purchase any variety or brand of spirituous liquor 73651  
which is not in stock at the state liquor store or agency store 73652  
where the variety or brand is ordered, the division shall 73653  
immediately procure the variety or brand. The purchaser shall be 73654  
immediately notified upon the arrival of the spirituous liquor 73655  
at the store at which it was ordered. Unless the purchaser pays 73656  
for the variety or brand and accepts delivery within five days 73657  
after the giving of the notice, the division may place the 73658  
spirituous liquor in stock for general sale. 73659

**Sec. 4301.20.** This chapter and Chapter 4303. of the 73660  
Revised Code do not prevent the following: 73661

(A) The storage of intoxicating liquor in bonded 73662  
warehouses, established in accordance with the acts of congress 73663

and under the regulation of the United States, located in this 73664  
state, or the transportation of intoxicating liquor to or from 73665  
bonded warehouses of the United States wherever located; 73666

(B) A bona fide resident of this state who is the owner of 73667  
a warehouse receipt from obtaining or transporting to the 73668  
resident's residence for the resident's own consumption and not 73669  
for resale spirituous liquor stored in a government bonded 73670  
warehouse in this state or in another state prior to December 73671  
1933, subject to such terms as are prescribed by the division of 73672  
liquor control; 73673

(C) The manufacture of cider from fruit for the purpose of 73674  
making vinegar, and nonintoxicating cider and fruit juices for 73675  
use and sale; 73676

(D) A licensed physician or dentist from administering or 73677  
dispensing intoxicating liquor or alcohol to a patient in good 73678  
faith in the actual course of the practice of the physician's or 73679  
dentist's profession; 73680

(E) The sale of alcohol to physicians, dentists, 73681  
druggists, veterinary surgeons, manufacturers, hospitals, 73682  
infirmaries, or medical or educational institutions using the 73683  
alcohol for medicinal, mechanical, chemical, or scientific 73684  
purposes; 73685

(F) The sale, gift, or keeping for sale by druggists and 73686  
others of any of the medicinal preparations manufactured in 73687  
accordance with the formulas prescribed by the United States 73688  
Pharmacopoeia and National Formulary, patent or proprietary 73689  
preparations, and other bona fide medicinal and technical 73690  
preparations, which contain no more alcohol than is necessary to 73691  
hold the medicinal agents in solution and to preserve the same, 73692

which are manufactured and sold as medicine and not as 73693  
beverages, are unfit for use for beverage purposes, and the sale 73694  
of which does not require the payment of a United States liquor 73695  
dealer's tax; 73696

(G) The manufacture and sale of tinctures or of toilet, 73697  
medicinal, and antiseptic preparations and solutions not 73698  
intended for internal human use nor to be sold as beverages, and 73699  
which are unfit for beverage purposes, if upon the outside of 73700  
each bottle, box, or package of which there is printed in the 73701  
English language, conspicuously and legibly, the quantity by 73702  
volume of alcohol in the preparation or solution; 73703

(H) The manufacture and keeping for sale of the food 73704  
products known as flavoring extracts when manufactured and sold 73705  
for cooking, culinary, or flavoring purposes, and which are 73706  
unfit for use for beverage purposes; 73707

(I) The lawful sale of wood alcohol or of ethyl alcohol 73708  
for external use when combined with other substances as to make 73709  
it unfit for internal use; 73710

(J) The manufacture, sale, and transport of ethanol or 73711  
ethyl alcohol for use as fuel. As used in this division, 73712  
"ethanol" has the same meaning as in section 122.075 of the 73713  
Revised Code. 73714

(K) The purchase and importation into this state or the 73715  
purchase at wholesale from A or B permit holders in this state 73716  
of beer and intoxicating liquor for use in manufacturing 73717  
processes of nonbeverage food products under terms prescribed by 73718  
the division, provided that the terms prescribed by the division 73719  
shall not increase the cost of the beer or intoxicating liquor 73720  
to any person, firm, or corporation purchasing and importing it 73721

into this state or purchasing it from an A or B permit holder 73722  
for that use; 73723

(L) Any resident of this state or any member of the armed 73724  
forces of the United States, who has attained the age of twenty- 73725  
one years, from bringing into this state, for personal use and 73726  
not for resale, not more than one liter of spirituous liquor, 73727  
four and one-half liters of wine, or two hundred eighty-eight 73728  
ounces of beer in any thirty-day period, and the same is free of 73729  
any tax consent fee when the resident or member of the armed 73730  
forces physically possesses and accompanies the spirituous 73731  
liquor, wine, or beer on returning from a foreign country, 73732  
another state, or an insular possession of the United States; 73733

(M) Persons, at least twenty-one years of age, who collect 73734  
ceramic commemorative bottles containing spirituous liquor that 73735  
have unbroken federal tax stamps on them from selling or trading 73736  
the bottles to other collectors. The bottles shall originally 73737  
have been purchased at retail from the division, legally 73738  
imported under division (L) of this section, or legally imported 73739  
pursuant to a supplier registration issued by the division. The 73740  
sales shall be for the purpose of exchanging a ceramic 73741  
commemorative bottle between private collectors and shall not be 73742  
for the purpose of selling the spirituous liquor for personal 73743  
consumption. The sale or exchange authorized by this division 73744  
shall not occur on the premises of any permit holder, shall not 73745  
be made in connection with the business of any permit holder, 73746  
and shall not be made in connection with any mercantile 73747  
business. 73748

(N) The sale of beer or intoxicating liquor without a 73749  
liquor permit at a private residence, not more than five times 73750  
per calendar year at a residence address, at an event that has 73751

the following characteristics: 73752

(1) The event is for a charitable, benevolent, or 73753  
political purpose, but shall not include any event the proceeds 73754  
of which are for the profit or gain of any individual; 73755

(2) The event has in attendance not more than fifty 73756  
people; 73757

(3) The event shall be for a period not to exceed twelve 73758  
hours; 73759

(4) The sale of beer and intoxicating liquor at the event 73760  
shall not take place between two-thirty a.m. and five-thirty 73761  
a.m.; 73762

(5) No person under twenty-one years of age shall purchase 73763  
or consume beer or intoxicating liquor at the event and no beer 73764  
or intoxicating liquor shall be sold to any person under twenty- 73765  
one years of age at the event; and 73766

(6) No person at the event shall sell or furnish beer or 73767  
intoxicating liquor to an intoxicated person. 73768

(O) The possession or consumption of beer or intoxicating 73769  
liquor by a person who is under twenty-one years of age and who 73770  
is a student at an accredited college or university, provided 73771  
that both of the following apply: 73772

(1) The person is required to taste and expectorate the 73773  
beer or intoxicating liquor for a culinary, food service, or 73774  
hospitality course. 73775

(2) The person is under the direct supervision of the 73776  
instructor of the culinary, food service, or hospitality course. 73777

(P) Two or more A-2 or A-2f permit holders may use the 73778

same premises and manufacturing equipment to conduct all of the 73779  
activities authorized under section 4303.03 or 4303.031 of the 73780  
Revised Code, as applicable. 73781

**Sec. 4301.30.** (A) All Except as provided in division (G) 73782  
of this section, all fees collected by the division of liquor 73783  
control shall be deposited in the state treasury to the credit 73784  
of the undivided liquor permit fund, which is hereby created, at 73785  
the time prescribed under section 4301.12 of the Revised Code. 73786  
Each payment shall be accompanied by a statement showing 73787  
separately the amount collected for each class of permits in 73788  
each municipal corporation and in each township outside the 73789  
limits of any municipal corporation in such township. 73790

(B) (1) An amount equal to forty-five per cent of the fund 73791  
shall be paid from the fund into the state liquor regulatory 73792  
fund, which is hereby created in the state treasury. The state 73793  
liquor regulatory fund shall be used to pay the operating 73794  
expenses of the division of liquor control in administering and 73795  
enforcing Title XLIII of the Revised Code and the operating 73796  
expenses of the liquor control commission. Investment earnings 73797  
of the fund shall be credited to the fund. 73798

(2) Whenever, in the judgment of the director of budget 73799  
and management, the amount of money that is in the state liquor 73800  
regulatory fund is in excess of the amount that is needed to pay 73801  
the operating expenses of the division in administering and 73802  
enforcing Title XLIII of the Revised Code and the operating 73803  
expenses of the commission, the director shall credit the excess 73804  
amount to the general revenue fund. 73805

(C) Twenty per cent of the undivided liquor permit fund 73806  
shall be paid into the statewide treatment and prevention fund, 73807  
which is hereby created in the state treasury. This amount shall 73808

be appropriated by the general assembly, together with an amount 73809  
equal to one and one-half per cent of the gross profit of the 73810  
division of liquor control derived under division (B) (4) of 73811  
section 4301.10 of the Revised Code, to the department of mental 73812  
health and addiction services. In planning for the allocation of 73813  
and in allocating these amounts for the purposes of Chapter 73814  
5119. of the Revised Code, the department shall comply with the 73815  
nondiscrimination provisions of Title VI of the Civil Rights Act 73816  
of 1964, and any rules adopted under that act. 73817

(D) Thirty-five per cent of the undivided liquor permit 73818  
fund shall be distributed by the superintendent of liquor 73819  
control at quarterly calendar periods as follows: 73820

(1) To each municipal corporation, the aggregate amount 73821  
shown by the statements to have been collected from permits in 73822  
the municipal corporation, for the use of the general fund of 73823  
the municipal corporation; 73824

(2) To each township, the aggregate amount shown by the 73825  
statements to have been collected from permits in its territory, 73826  
outside the limits of any municipal corporation located in the 73827  
township, for the use of the general fund of the township, or 73828  
for fire protection purposes, including buildings and equipment 73829  
in the township or in an established fire district within the 73830  
township, to the extent that the funds are derived from liquor 73831  
permits within the territory comprising such fire district. 73832

(E) For the purpose of the distribution required by this 73833  
section, E, H, and D permits covering boats or vessels are 73834  
deemed to have been issued in the municipal corporation or 73835  
township wherein the owner or operator of the vehicle, boat, 73836  
vessel, or dining car equipment to which the permit relates has 73837  
the owner's or operator's principal office or place of business 73838

within the state. 73839

(F) If the division determines that the police or other 73840  
officers of any municipal corporation or township entitled to 73841  
share in distributions under this section are refusing or 73842  
culpably neglecting to enforce this chapter and Chapter 4303. of 73843  
the Revised Code, or the penal laws of this state relating to 73844  
the manufacture, importation, transportation, distribution, and 73845  
sale of beer and intoxicating liquors, or if the prosecuting 73846  
officer of a municipal corporation or a municipal court fails to 73847  
comply with the request of the division authorized by division 73848  
(A) (4) of section 4301.10 of the Revised Code, the division, by 73849  
certified mail or by electronic means as determined by the 73850  
superintendent to provide proper notice under the laws of this 73851  
state, may notify the chief executive officer of the municipal 73852  
corporation or the board of township trustees of the township of 73853  
the failure and require the immediate cooperation of the 73854  
responsible officers of the municipal corporation or township 73855  
with the division in the enforcement of those chapters and penal 73856  
laws. Within thirty days after the notice is served, the 73857  
division shall determine whether the requirement has been 73858  
complied with. If the division determines that the requirement 73859  
has not been complied with, it may withhold the distributive 73860  
share of the municipal corporation or township. This action of 73861  
the division is reviewable within thirty days thereafter in the 73862  
court of common pleas of Franklin county. 73863

(G) All fees collected by the division of liquor control 73864  
from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and~~ 73865  
~~paid by B-2a, S-1, and S-2 permit holders who do not also hold~~ 73866  
~~A-1 or A-1c permits or A-2 or A-2f permits,~~ the following permits 73867  
shall be deposited in the state treasury to the credit of the 73868  
state liquor regulatory fund: 73869



(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c permits or A-2 or A-2f permits; 73870  
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(2) H permits where the permit premises are located outside of this state. ~~Once~~ 73873  
73874

Once during each fiscal year, an amount equal to fifty per cent of the fees collected shall be paid from the state liquor regulatory fund into the general revenue fund. 73875  
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73877

**Sec. 4303.183.** Permit D-7 may be issued to the holder of any D-2 permit issued by the division of liquor control, or if there is an insufficient number of D-2 permit holders to fill the resort quota, to the operator of a retail food establishment or a food service operation required to be licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and which qualifies under the other requirements of this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. Not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration in order to qualify for and continue to hold such D-7 permit. The permit premises shall be located in a resort area. 73878  
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"Resort area" means a municipal corporation, township, county, or any combination thereof, which provides entertainment, recreation, and transient housing facilities specifically intended to provide leisure time activities for persons other than those whose permanent residence is within the "resort area" and who increase the population of the "resort area" on a seasonal basis, and which experiences seasonal peaks of employment and governmental services as a direct result of 73892  
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population increase generated by the transient, recreating 73900  
public. A resort season shall begin on the first day of May and 73901  
end on the last day of October. Notwithstanding section 4303.27 73902  
of the Revised Code, such permits may be issued for resort 73903  
seasons without regard to the calendar year or permit year. 73904  
Quota restrictions on the number of such permits shall take into 73905  
consideration the transient population during the resort season, 73906  
the custom and habits of visitors and tourists, and the 73907  
promotion of the resort and tourist industry. The fee for this 73908  
permit is ~~four hundred sixty-nine dollars per month~~ two thousand 73909  
eight hundred fourteen dollars. 73910

Any suspension of a D-7 permit shall be satisfied during 73911  
the resort season in which such suspension becomes final. If 73912  
such suspension becomes final during the off-season, or if the 73913  
period of the suspension extends beyond the last day of October, 73914  
the suspension or remainder thereof shall be satisfied during 73915  
the next resort season. 73916

The ownership of a D-7 permit may be transferred from one 73917  
permit holder to another. The holder of a D-7 permit may file an 73918  
application to transfer such permit to a new location within the 73919  
same resort area, provided that such permit holder shall be the 73920  
owner or operator of a retail food establishment or a food 73921  
service operation, required to be licensed under Chapter 3717. 73922  
of the Revised Code, that operates as a restaurant for purposes 73923  
of this chapter, at such new location. 73924

**Sec. 4303.189.** (A) As used in this section: 73925

(1) "Alcoholic beverage" means beer, wine, mixed 73926  
beverages, or spirituous liquor. 73927

(2) "Convention center" means a convention center, as 73928

defined in section 307.695 of the Revised Code, with an interior 73929  
floor space of at least seven hundred fifty thousand square 73930  
feet. 73931

(3) "Personal consumer" means an individual who is at 73932  
least twenty-one years of age and who intends to use a purchased 73933  
alcoholic beverage only for personal consumption and not for 73934  
resale or other commercial purposes. 73935

(4) "Qualified permit holder" has the same meaning as in 73936  
section 4301.82 of the Revised Code. 73937

(B) (1) Notwithstanding any other provision of law to the 73938  
contrary, a qualified permit holder that has entered into a 73939  
written agreement with a convention center to sell alcoholic 73940  
beverages in the interior of the convention center may sell 73941  
alcoholic beverages by the individual drink for consumption in 73942  
the permit premises of another qualified permit holder whose 73943  
permit premises encompasses the outdoor area adjacent to the 73944  
convention center if all of the following apply: 73945

(a) The outdoor area is at least one hundred thousand 73946  
square feet. 73947

(b) The outdoor area is owned by the convention center. 73948

(c) The qualified permit holder enters into a written 73949  
agreement with the convention center to sell alcoholic beverages 73950  
by the individual drink for consumption in the outdoor area. 73951

(d) The qualified permit holder notifies the qualified 73952  
permit holder whose premises encompasses the outdoor area 73953  
adjacent to the convention center of its intent to sell 73954  
alcoholic beverages in the area. 73955

(2) A qualified permit holder that sells alcoholic 73956

beverages in the outdoor area of a convention center as provided 73957  
under division (B) (1) of this section shall clearly delineate 73958  
the area where personal consumers may consume alcoholic 73959  
beverages. 73960

(C) A qualified permit holder that intends to sell 73961  
alcoholic beverages by the individual drink in the outdoor area 73962  
under division (B) (1) of this section shall notify the division 73963  
of liquor control and the investigative unit of the department 73964  
of public safety of the area in which the qualified permit 73965  
holder intends to sell the alcoholic beverages. The qualified 73966  
permit holder shall provide the notice not later than ten days 73967  
prior to the commencement of such sales. 73968

(D) A qualified permit holder or the holder's employee 73969  
shall deliver each alcoholic beverage sold to a personal 73970  
consumer in an outdoor area authorized under this section. 73971

**Sec. 4303.204.** (A) The division of liquor control may 73972  
issue an F-4 permit to an organization or corporation organized 73973  
not-for-profit in this state to conduct an event that includes 73974  
the introduction, showcasing, or promotion of Ohio wines, if the 73975  
event has all of the following characteristics: 73976

(1) It is coordinated by that organization or corporation, 73977  
and the organization or corporation is responsible for the 73978  
activities at it. 73979

(2) It has as one of its purposes the intent to introduce, 73980  
showcase, or promote Ohio wines to persons who attend it. 73981

(3) It includes the sale of food for consumption on the 73982  
premises where sold. 73983

(4) It features any combination of at least three A-2 or 73984  
A-2f permit holders who sell Ohio wine at it. 73985

(B) The holder of an F-4 permit may furnish, with or  
without charge, wine that it has obtained from the A-2 or A-2f  
permit holders that are participating in the event for which the  
F-4 permit is issued, in two-ounce samples for consumption on  
the premises where furnished and may sell such wine by the glass  
for consumption on the premises where sold. The holder of an A-2  
or A-2f permit that is participating in the event for which the  
F-4 permit is issued may sell wine that it has manufactured, in  
sealed containers for consumption off the premises where sold.  
Wine may be furnished or sold on the premises of the event for  
which the F-4 permit is issued only where and when the sale of  
wine is otherwise permitted by law.

(C) The premises of the event for which the F-4 permit is  
issued shall be clearly defined and sufficiently restricted to  
allow proper enforcement of the permit by state and local law  
enforcement officers. If an F-4 permit is issued for all or a  
portion of the same premises for which another class of permit  
is issued, that permit holder's privileges will be suspended in  
that portion of the premises in which the F-4 permit is in  
effect.

(D) No F-4 permit shall be effective for more than  
seventy-two consecutive hours. No sales or furnishing of wine  
shall take place under an F-4 permit after one a.m.

(E) The division shall not issue more than six F-4 permits  
to the same not-for-profit organization or corporation in any  
one calendar year.

(F) An applicant for an F-4 permit shall apply for the  
permit not later than thirty days prior to the first day of the  
event for which the permit is sought. The application for the  
permit shall list all of the A-2 and A-2f permit holders that

will participate in the event for which the F-4 permit is 74016  
sought. The fee for the F-4 permit is ~~sixty dollars per day~~one 74017  
hundred eighty dollars. 74018

The division shall prepare and make available an F-4 74019  
permit application form and may require applicants for and 74020  
holders of the F-4 permit to provide information that is in 74021  
addition to that required by this section and that is necessary 74022  
for the administration of this section. 74023

(G) (1) The holder of an F-4 permit is responsible for, and 74024  
is subject to penalties for, any violations of this chapter or 74025  
Chapter 4301. of the Revised Code or the rules adopted under 74026  
this and that chapter. 74027

(2) An F-4 permit holder shall not allow an A-2 or A-2f 74028  
permit holder to participate in the event for which the F-4 74029  
permit is issued if the A-2 or A-2f or the A-1-A permit of that 74030  
A-2 or A-2f permit holder is under suspension. 74031

(3) The division may refuse to issue an F-4 permit to an 74032  
applicant who has violated any provision of this chapter or 74033  
Chapter 4301. of the Revised Code during the applicant's 74034  
previous operation under an F-4 permit, for a period of up to 74035  
two years after the date of the violation. 74036

(H) (1) Notwithstanding division (D) of section 4301.22 of 74037  
the Revised Code, an A-2 or A-2f permit holder that participates 74038  
in an event for which an F-4 permit is issued may donate wine 74039  
that it has manufactured to the holder of that F-4 permit. The 74040  
holder of an F-4 permit may return unused and sealed containers 74041  
of wine to the A-2 or A-2f permit holder that donated the wine 74042  
at the conclusion of the event for which the F-4 permit was 74043  
issued. 74044

(2) The participation by an A-2 or A-2f permit holder or its employees in an event for which an F-4 permit is issued does not violate section 4301.24 of the Revised Code.

**Sec. 4303.2011.** (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that:

(1) Is exempt from federal income taxation;

(2) Has a membership of two hundred fifty or more persons.

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has all of the following characteristics:

(1) The event is coordinated by the nonprofit organization and the nonprofit organization is responsible for the activities at the event.

(2) One of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in this state.

(3) The event includes the sale of food for consumption on the premises where sold.

(4) The event features at least twenty A-1c permit holders, who are members of the nonprofit organization that has organized the event, as participants. The nonprofit organization may allow any number of A-1 permit holders to participate in the event.

(C) An F-11 permit holder may sell, at the event, beer that it has purchased from the A-1 or A-1c permit holders that are participating in the event or from the participating A-1 or A-1c permit holder's assigned B-1 permit holder. The F-11 permit

holder may sell the beer in four-ounce samples or in containers 74073  
not exceeding sixteen ounces for consumption on the premises 74074  
where sold. 74075

The F-11 permit holder may sell beer on the F-11 permit 74076  
premises only where and when the sale of beer is otherwise 74077  
permitted by law. 74078

(D) The F-11 permit holder shall clearly define and 74079  
sufficiently restrict the premises of the event to allow proper 74080  
enforcement of the permit by state and local law enforcement 74081  
officers. If an F-11 permit is issued for all or a portion of 74082  
the same premises for which another class of permit is issued, 74083  
that permit holder's privileges are suspended in that portion of 74084  
the premises in which the F-11 permit is in effect. 74085

(E) (1) No F-11 permit is effective for more than seventy- 74086  
two consecutive hours. However, for purposes of an exposition at 74087  
the state fairgrounds, an F-11 permit is effective for the 74088  
duration of the exposition. 74089

(2) No sales of beer shall take place under an F-11 permit 74090  
after one a.m. 74091

(F) The division shall not issue more than six F-11 74092  
permits to the same nonprofit organization in any one calendar 74093  
year. 74094

(G) An applicant for an F-11 permit shall apply for the 74095  
permit not later than thirty days prior to the first day of the 74096  
event for which the permit is sought. In the application, the 74097  
applicant shall list all of the A-1 and A-1c permit holders that 74098  
will participate in the event. The fee for the F-11 permit is 74099  
~~sixty dollars for each day of the event~~ one hundred eighty 74100  
dollars. 74101



The division shall prepare and make available an F-11 permit application form and may require applicants for and holders of the F-11 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(H) (1) An F-11 permit holder is responsible, and is subject to penalties, for any violations of this chapter or Chapter 4301. of the Revised Code that occur during the event.

(2) An F-11 permit holder shall not allow an A-1 or A-1c permit holder to participate in the event if the A-1 or A-1c permit or, if applicable, the A-1-A permit of that A-1 or A-1c permit holder is under suspension.

(3) The division may refuse to issue an F-11 permit to an applicant if both of the following apply:

(a) The applicant has pleaded guilty to or has been convicted of violating this chapter or Chapter 4301. of the Revised Code while operating under a previously issued F-11 permit.

(b) The violation occurred within the two years preceding the filing of the new F-11 permit application.

(I) Notwithstanding any provision of section 4301.24 of the Revised Code or any rule adopted by the liquor control commission to the contrary, employees of an A-1 or A-1c permit holder or B-1 permit holder, or employees or agents of a B-1 permit holder may assist an F-11 permit holder in serving beer at an event for which an F-11 permit is issued.

**Sec. 4303.233.** (A) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit

issued under this chapter, and intends to use wine purchased in 74131  
accordance with this section for personal consumption only and 74132  
not for resale or other commercial purposes. 74133

(B) (1) The division of liquor control may issue an S-2 74134  
permit to a person that manufactures two hundred fifty thousand 74135  
gallons or more of wine per year. If the person resides outside 74136  
this state, the person shall comply with the requirements 74137  
governing the issuance of licenses or permits that authorize the 74138  
sale of beer or intoxicating liquor by the appropriate authority 74139  
of the state in which the person resides and by the alcohol and 74140  
tobacco tax and trade bureau of the United States department of 74141  
the treasury. 74142

(2) An S-2 permit holder may sell wine to a personal 74143  
consumer by receiving and filling orders that the personal 74144  
consumer submits to the permit holder. The permit holder shall 74145  
sell only wine that the permit holder has manufactured to a 74146  
personal consumer. An S-2 permit holder may use a fulfillment 74147  
warehouse registered under section 4303.234 of the Revised Code 74148  
to send a shipment of wine to a personal consumer. A fulfillment 74149  
warehouse is an agent of an S-2 permit holder and an S-2 permit 74150  
holder is liable for violations of this chapter and Chapter 74151  
4301. of the Revised Code that are committed by the fulfillment 74152  
warehouse regarding wine shipped on behalf of the S-2 permit 74153  
holder. 74154

(C) An S-2 permit holder shall collect and pay the taxes 74155  
relating to the delivery of wine to a personal consumer that are 74156  
levied under sections 4301.421, 4301.43, and 4301.432 and 74157  
Chapters 5739. and 5741. of the Revised Code. 74158

(D) (1) An S-2 permit holder shall send a shipment of wine 74159  
that has been paid for by a personal consumer to that personal 74160

consumer via an H permit holder. Prior to sending a shipment of 74161  
wine to a personal consumer, the S-2 permit holder, or an 74162  
employee of the permit holder, shall make a bona fide effort to 74163  
ensure that the personal consumer is at least twenty-one years 74164  
of age. The shipment of wine shall be shipped in a package that 74165  
clearly states that it contains alcohol. No person shall fail to 74166  
comply with division (D)(1) of this section. 74167

(2) Upon delivering a shipment of wine to a personal 74168  
consumer, an H permit holder, or an employee of the permit 74169  
holder, shall verify that the personal consumer is at least 74170  
twenty-one years of age by checking the personal consumer's 74171  
driver's or commercial driver's license or identification card 74172  
issued under sections 4507.50 to 4507.52 of the Revised Code. 74173

(3) An S-2 permit holder shall keep a record of each 74174  
shipment of wine that the permit holder sends to a personal 74175  
consumer. The records shall be used for all of the following: 74176

(a) To provide a copy of each wine shipment invoice to the 74177  
tax commissioner in a manner prescribed by the commissioner. The 74178  
invoice shall include the name of each personal consumer that 74179  
purchased wine from the S-2 permit holder in accordance with 74180  
this section and any other information required by the tax 74181  
commissioner. 74182

(b) To provide annually in electronic format by electronic 74183  
means a report to the division. The report shall include the 74184  
name and address of each personal consumer that purchased wine 74185  
from the S-2 permit holder in accordance with this section, the 74186  
quantity of wine purchased by each personal consumer, and any 74187  
other information requested by the division. If the S-2 permit 74188  
holder uses a fulfillment warehouse registered under section 74189  
4303.234 of the Revised Code to send a shipment of wine on 74190

behalf of the S-2 permit holder, the S-2 permit holder need not  
include the personal consumer information for that shipment in  
the report. The division shall prescribe and provide an  
electronic form for the report and shall determine the specific  
electronic means that the S-2 permit holder must use to submit  
the report.

(c) To notify a personal consumer of any health or welfare  
recalls of the wine that has been purchased by the personal  
consumer.

(E) An S-2 permit holder shall comply with this chapter,  
Chapter 4301. of the Revised Code, and any rules adopted by the  
liquor control commission under section 4301.03 of the Revised  
Code.

(F) (1) An S-2 permit holder shall renew the permit in  
accordance with section 4303.271 of the Revised Code, except  
that the renewal shall not be subject to the notice and hearing  
requirements established in division (B) of that section.

(2) The division may refuse to renew an S-2 permit for any  
of the reasons specified in section 4303.292 of the Revised Code  
or if the permit holder fails to do any of the following:

(a) Collect and pay all applicable taxes specified in  
division (C) of this section;

(b) Pay the permit fee;

(c) Comply with this section or any rules adopted by the  
liquor control commission under section 4301.03 of the Revised  
Code.

(G) The ~~initial~~ fee for the S-2 permit is two hundred  
fifty dollars. ~~The renewal fee for the S-2 permit is one hundred~~

~~dollars.—~~

74219

**Sec. 4305.13.** (A) If the tax commissioner finds that any permit holder, liable for tax under Chapter 4301., 4305., or 4307. of the Revised Code, is about to depart from the state, remove the permit holder's property from the state, conceal the permit holder's self or property, or do any other act tending to prejudice, obstruct, or render wholly or partially ineffectual proceedings to collect the tax, unless the proceedings are commenced without delay, or if the commissioner believes that the collection of the amount due from any permit holder will be jeopardized by delay, the commissioner may issue a jeopardy assessment against the permit holder for the amount of the tax, plus a penalty of up to thirty per cent. Upon issuance of a jeopardy assessment under this division, the total amount assessed shall immediately be due and payable unless security is provided pursuant to division (C) of this section. Any assessment issued under this section shall bear interest as prescribed by section 4305.131 of the Revised Code.

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(B) The commissioner immediately shall file an entry with the clerk of the court of common pleas in the same manner and with the same effect as provided in section 4305.131 of the Revised Code. Notice of the jeopardy assessment shall be served on the permit holder assessed or the permit holder's legal representative, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry. The permit holder assessed may petition for reassessment within sixty days of receipt of the notice of jeopardy assessment in the same manner as provided in section 4305.131 of the Revised Code. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the merits of the assessment as contested by the petition for reassessment. Upon notification of

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the existence of the judgment filed pursuant to this division, 74250  
any public official having control or custody of any funds or 74251  
property of the person assessed immediately shall pay or deliver 74252  
the funds or property to the commissioner as full or partial 74253  
satisfaction of the jeopardy assessment. However, funds or 74254  
property needed as evidence in criminal proceedings or that is 74255  
expected to be forfeited pursuant to Chapter 2981. of the 74256  
Revised Code need not be relinquished by the public official. 74257  
Upon disposition of criminal and forfeiture proceedings, funds 74258  
and property not needed as evidence and not forfeited shall be 74259  
delivered to the commissioner. 74260

(C) If the permit holder subject to a jeopardy assessment 74261  
files a petition for reassessment and posts security 74262  
satisfactory to the commissioner in an amount sufficient to 74263  
satisfy the unpaid balance of the assessment, execution on the 74264  
judgment shall be stayed pending disposition of the petition for 74265  
reassessment and all appeals resulting from the petition. If the 74266  
security is sufficient to satisfy the full amount of the 74267  
assessment, the commissioner shall return any funds or property 74268  
of the permit holder previously seized. Upon satisfaction of the 74269  
assessment the commissioner shall order the security released 74270  
and the judgment vacated. 74271

~~(D) The commissioner may adopt rules providing for the 74272  
imposition and remission of penalties added to assessments under 74273  
this section. 74274~~

**Sec. 4305.131.** (A) If any permit holder fails to pay the 74275  
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 74276  
of the Revised Code in the manner prescribed by section 4303.33 74277  
of the Revised Code, or by section 4301.421 or 4301.424 of the 74278  
Revised Code in the manner prescribed in section 4301.422 of the 74279

Revised Code, and by the rules of the tax commissioner, the 74280  
commissioner may make an assessment against the permit holder 74281  
based upon any information in the commissioner's possession. 74282

No assessment shall be made against any permit holder for 74283  
any taxes imposed by section 4301.42, 4301.421, 4301.424, 74284  
4301.43, 4301.432, or 4305.01 of the Revised Code more than 74285  
three years after the last day of the calendar month in which 74286  
the sale was made or more than three years after the return for 74287  
that period is filed, whichever is later. This section does not 74288  
bar an assessment against any permit holder or registrant as 74289  
provided in section 4303.331 of the Revised Code who fails to 74290  
file a return as required by section 4301.422 or 4303.33 of the 74291  
Revised Code, or who files a fraudulent return. 74292

A penalty of up to thirty per cent may be added to the 74293  
amount of every assessment made under this section. ~~The~~ 74294  
~~commissioner may adopt rules providing for the imposition and~~ 74295  
~~remission of penalties added to assessments made under this~~ 74296  
~~section.~~ 74297

The commissioner shall give the party assessed written 74298  
notice of the assessment in the manner provided in section 74299  
5703.37 of the Revised Code. With the notice, the commissioner 74300  
shall provide instructions on how to petition for reassessment 74301  
and request a hearing on the petition. 74302

(B) Unless the party assessed files with the tax 74303  
commissioner within sixty days after service of the notice of 74304  
assessment, ~~either personally or by certified mail,~~ a written 74305  
petition for reassessment, signed by the party assessed or that 74306  
party's authorized agent having knowledge of the facts, the 74307  
assessment becomes final and the amount of the assessment is due 74308  
and payable from the party assessed to the treasurer of state. 74309

The petition shall indicate the objections of the party 74310  
assessed, but additional objections may be raised in writing if 74311  
received by the commissioner prior to the date shown on the 74312  
final determination. If the petition has been properly filed, 74313  
the commissioner shall proceed under section 5703.60 of the 74314  
Revised Code. 74315

(C) After an assessment becomes final, if any portion of 74316  
the assessment remains unpaid, including accrued interest, a 74317  
certified copy of the tax commissioner's entry making the 74318  
assessment final may be filed in the office of the clerk of the 74319  
court of common pleas in the county in which the permit holder's 74320  
place of business is located or the county in which the party 74321  
assessed resides. If the party assessed maintains no place of 74322  
business in this state and is not a resident of this state, the 74323  
certified copy of the entry may be filed in the office of the 74324  
clerk of the court of common pleas of Franklin county. 74325

Immediately upon the filing of the entry, the clerk shall 74326  
enter a judgment for the state against the party assessed in the 74327  
amount shown on the entry. The judgment may be filed by the 74328  
clerk in a loose-leaf book entitled "special judgments for state 74329  
beer and liquor sales taxes," and shall have the same effect as 74330  
other judgments. Execution shall issue upon the judgment upon 74331  
the request of the commissioner, and all laws applicable to 74332  
sales on execution shall apply to sales made under the judgment, 74333  
except as otherwise provided in this chapter and Chapters 4301. 74334  
and 4307. of the Revised Code. 74335

If the assessment is not paid in its entirety within sixty 74336  
days after the day the assessment was issued, the portion of the 74337  
assessment consisting of tax due shall bear interest at the rate 74338  
per annum prescribed by section 5703.47 of the Revised Code from 74339



the day the commissioner issues the assessment until it is paid 74340  
or until it is certified to the attorney general for collection 74341  
under section 131.02 of the Revised Code, whichever comes first. 74342  
If the unpaid portion of the assessment is certified to the 74343  
attorney general for collection, the entire unpaid portion of 74344  
the assessment shall bear interest at the rate per annum 74345  
prescribed by section 5703.47 of the Revised Code from the date 74346  
of certification until the date it is paid in its entirety. 74347  
Interest shall be paid in the same manner as the tax and may be 74348  
collected by the issuance of an assessment under this section. 74349

(D) All money collected under this section shall be 74350  
considered as revenue arising from the taxes imposed by sections 74351  
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of 74352  
the Revised Code. 74353

**Sec. 4501.027.** (A) Notwithstanding any provision of law to 74354  
the contrary, the registrar of motor vehicles may conduct, or 74355  
authorize a deputy registrar to conduct, any service or 74356  
transaction authorized or required by law in an electronic or 74357  
online format rather than in person. The registrar or deputy 74358  
registrar also may accept electronically any documents required 74359  
to accompany such service or transaction or any documents 74360  
approved by the registrar for electronic or online submission 74361  
and acceptance. 74362

(B) The registrar or deputy registrar shall charge the 74363  
same amount for the electronic or online service or transaction 74364  
as the registrar or deputy registrar charges for the associated 74365  
in-person transaction. The registrar or deputy registrar may 74366  
accept payment for any such service or transaction by a 74367  
financial transaction device. The registrar or deputy registrar 74368  
may charge a person who tenders payment for an online service or 74369

transaction by means of a financial transaction device any costs 74370  
the registrar or deputy registrar incurs from accepting payment 74371  
by the financial transaction device. 74372

**Sec. 4501.29.** The department of administrative services 74373  
shall collect user fees from participants in the multi-agency 74374  
radio communications system (MARCS). The director of 74375  
administrative services, with ~~the advice of the MARCS steering~~ 74376  
~~committee and~~ the consent of the director of budget and 74377  
management, shall determine the amount of the user fees and the 74378  
manner by which the fees shall be collected. All moneys from 74379  
user fees shall be deposited in the MARCS administration fund, 74380  
which is hereby created in the state treasury. All investment 74381  
earnings on moneys in the fund shall be credited to the fund. 74382

**Sec. 4501.30.** As used in sections 4501.30 to 4501.303 of 74383  
the Revised Code: 74384

"MARCS" means the multi-agency radio communications 74385  
system. 74386

"P25 standards" means standards for digital radio 74387  
communications for use by federal, state, provincial, and local 74388  
public safety agencies in North America to enable communications 74389  
with other agencies and mutual aid response teams in 74390  
emergencies. "P25 standards" are the standards produced through 74391  
the joint efforts of the association of public-safety 74392  
communications officials, the national association of state 74393  
technology directors, selected federal agencies, and the 74394  
national communications system. 74395

"P25 system" means a communications system that meets P25 74396  
standards and fosters interoperability in mission critical 74397  
communications ~~as certified by the MARCS steering committee.~~ 74398

Sec. 4501.302. (A) The multi-agency radio communications 74399  
system (MARCS) steering committee is established consisting of 74400  
the following members: 74401

(1) The directors, or designees thereof, of administrative 74402  
services, public safety, natural resources, transportation, 74403  
rehabilitation and correction, and budget and management, and 74404  
the state fire marshal or the state fire marshal's designee; 74405

(2) The following members appointed by the governor: 74406

(a) One representative of the Ohio chapter of the 74407  
association of public safety communications officials or its 74408  
successor organization; 74409

(b) One representative of the buckeye state sheriff's 74410  
association or its successor organization; 74411

(c) One representative of the Ohio association of chiefs 74412  
of police or its successor organization; 74413

(d) One representative of the Ohio fire chiefs' 74414  
association or its successor organization. 74415

(3) Two members of the house of representatives appointed 74416  
by the speaker of the house of representatives, one from the 74417  
majority party and one from the minority party; 74418

(4) Two members of the senate appointed by the president 74419  
of the senate, one from the majority party and one from the 74420  
minority party. 74421

(B) The director of administrative services or the 74422  
director's designee shall chair the committee. 74423

(C) The committee shall provide assistance to the director 74424  
of administrative services for effective and efficient 74425

implementation of MARCS as well as develop policies for the 74426  
ongoing management of the system. Upon dates prescribed by the 74427  
directors of administrative services and budget and management, 74428  
the MARCS steering committee shall report to the directors on 74429  
the progress of MARCS implementation and the development of 74430  
policies related to the system. 74431

(D) The committee shall establish a subcommittee to 74432  
represent MARCS users on the local government level. The 74433  
chairperson of the subcommittee shall serve as a member of the 74434  
MARCS steering committee. 74435

(E) Divisions (A) to (D) of this section represent the 74436  
codification of the existing MARCS steering committee and 74437  
subcommittee. Upon the effective date of this amendment, members 74438  
of the MARCS steering committee and the subcommittee may 74439  
continue service on these committees, their terms unaffected by 74440  
the codification. 74441

(F) The MARCS steering committee shall certify that the 74442  
P25 system complies with P25 standards based on business 74443  
planning documents it approves. The planning documents shall 74444  
outline the various end user costs for monthly access to the 74445  
system depending on the number of MARCS users and including 74446  
adequate funding for future repairs, maintenance, and upgrades 74447  
of MARCS statewide. 74448

**Sec. 4503.0611.** Whenever it is made to appear to the 74449  
county auditor, based on inspection by the county auditor or 74450  
based on notice provided to the county auditor, on a form 74451  
prescribed by the department of taxation, by an owner of the 74452  
manufactured home or two disinterested persons who are residents 74453  
of the township or municipal corporation in which the 74454  
manufactured home is or was situated, that the home is subject 74455

to taxation for the current year under section 4503.06 of the Revised Code and has been destroyed or injured after the first day of January of the current year, the county auditor shall investigate the matter, and shall refund or waive the payment of the current year's taxes on such home as prescribed by divisions (A) and (B) of this section. Such notice may also be provided by the manufactured home park operator, as defined in section 4781.01 of the Revised Code, if applicable, provided the notice is accompanied by photographic evidence. If a form has not been filed with the county auditor by ~~either~~ an owner, manufactured home park operator, or two disinterested persons but it appears to the county auditor, based on an inspection and investigation, that the owner's manufactured home is subject to taxation for the current year under section 4503.06 of the Revised Code and has been destroyed or injured after the first day of January of the current year, the auditor may complete the form on behalf of an owner.

To obtain a deduction under this section, an owner, manufactured home park operator, or two disinterested persons shall file the form with the county auditor, or the county auditor shall complete the form on behalf of an owner, not later than the thirty-first day of January of the year after the year in which the manufactured home was injured or destroyed.

(A) If the auditor determines the injury or destruction occurred during the first half of the calendar year, the auditor shall deduct from the taxes payable on the manufactured home for the current year an amount that, in the county auditor's judgment, bears the same ratio to those taxes as the extent of the injury or destruction bears to the cost or market value of the manufactured home. The auditor shall draw a warrant on the county treasurer to refund that amount. If the taxes have not

been paid at the time of the auditor's determination, the 74487  
auditor may waive the payment of the portion of the tax that 74488  
would otherwise be refunded under this division. 74489

(B) If the auditor determines the injury or destruction 74490  
occurred during the second half of the calendar year, the 74491  
auditor shall deduct from the taxes payable on the manufactured 74492  
home for the current year one-half of the amount that, in the 74493  
county auditor's judgment, bears the same ratio to those taxes 74494  
as the extent of the injury or destruction bears to the cost or 74495  
market value of the manufactured home. The auditor shall draw a 74496  
warrant on the county treasurer to refund that amount. If the 74497  
taxes have not been paid at the time of the auditor's 74498  
determination, the auditor may waive the payment of the portion 74499  
of the tax that would otherwise be refunded under this division. 74500

(C) Taxes refunded under this section shall be paid from 74501  
the county undivided general property tax fund. 74502

(D) Notwithstanding divisions (A) and (B) of this section, 74503  
if the county auditor determines the destruction of a 74504  
manufactured home or mobile home occurred within one calendar 74505  
year after the title of the home being transferred to a park 74506  
operator pursuant to sections 1923.12, 1923.13, and 1923.14 of 74507  
the Revised Code and the current owner providing the oath to the 74508  
auditor is the same park operator, then the auditor shall waive 74509  
all unpaid manufactured home taxes charged against the home, 74510  
including taxes for which a lien has attached, but that are not 74511  
yet due and payable. 74512

(E) Upon the destruction of a manufactured home or mobile 74513  
home, the owner of the home shall dispose of the certificate of 74514  
title to the home in the same manner as described in section 74515  
4505.11 of the Revised Code. 74516

**Sec. 4503.102.** ~~(A)~~ (A) (1) The registrar of motor vehicles 74517  
~~shall may~~ adopt rules to establish a centralized system of motor 74518  
vehicle registration for initial registration, registration 74519  
renewal, and transfer of registration, by mail or by electronic 74520  
means. ~~Any~~ 74521

(2) Any person applying electronically for initial 74522  
registration or for transfer of registration may submit all 74523  
associated documents electronically through the centralized 74524  
system of motor vehicle registration established under this 74525  
section. The registrar or a deputy registrar shall verify and 74526  
authenticate such documents. 74527

(3) Any person owning a motor vehicle that was registered 74528  
in the person's name during the preceding registration year 74529  
shall renew the registration of the motor vehicle not more than 74530  
ninety days prior to the expiration date of the registration 74531  
~~either by~~ through one of the following: 74532

(a) By mail or by electronic means through the centralized 74533  
system of registration established under this section, ~~or in;~~ 74534

(b) In person at any office of the registrar or at a 74535  
deputy registrar's office. 74536

(B) (1) Except as provided in division (B) (2) of this 74537  
section, no less than forty-five days prior to the expiration 74538  
date of any motor vehicle registration, the registrar shall mail 74539  
a renewal notice to the person in whose name the motor vehicle 74540  
is registered. The renewal notice shall clearly state that the 74541  
registration of the motor vehicle may be renewed by mail or 74542  
electronic means through the centralized system of registration 74543  
or in person at any office of the registrar or at a deputy 74544  
registrar's office and shall be preprinted with information 74545

including, but not limited to, the owner's name and residence 74546  
address as shown in the records of the bureau of motor vehicles, 74547  
a brief description of the motor vehicle to be registered, 74548  
notice of the license taxes and fees due on the motor vehicle, 74549  
the toll-free telephone number of the registrar as required 74550  
under division (D) (1) of section 4503.031 of the Revised Code, a 74551  
~~statement that payment for a renewal may be made by financial-~~ 74552  
~~transaction device using the toll-free telephone number,~~ and any 74553  
additional information the registrar may require by rule. The 74554  
renewal notice shall not include the social security number of 74555  
either the owner of the motor vehicle or the person in whose 74556  
name the motor vehicle is registered. The renewal notice shall 74557  
be sent by regular mail to the owner's last known address as 74558  
shown in the records of the bureau of motor vehicles. 74559

(2) The registrar is not required to mail a renewal notice 74560  
if either of the following applies: 74561

(a) The owner of the vehicle has consented to receiving 74562  
the renewal notice by electronic means only. 74563

(b) The application for renewal of the registration of a 74564  
motor vehicle is prohibited from being accepted by the registrar 74565  
or a deputy registrar by division (D) of section 2935.27, 74566  
division (A) of section 4503.13, division (B) of section 74567  
4510.22, division (D) of section 4503.234, division (B) (1) of 74568  
section 4521.10, or division (B) of section 5537.041 of the 74569  
Revised Code. 74570

(3) If the owner of a motor vehicle has consented to 74571  
receiving a renewal notice by electronic means only, the 74572  
registrar shall send an electronic renewal notice to the owner 74573  
that contains the information specified in division (B) (1) of 74574  
this section at the time specified under that division. 74575



(C) The owner of the motor vehicle shall verify the 74576  
information contained in the notice, sign it either manually or 74577  
by electronic means, and return it, either by mail or electronic 74578  
means, or the owner may take it in person to any office of the 74579  
registrar or of a deputy registrar. The owner shall include with 74580  
the notice a financial transaction device number when renewing 74581  
in person or by electronic means but not by mail, check, or 74582  
money order in the amount of the registration taxes and fees 74583  
payable on the motor vehicle and a service fee equal to the 74584  
amount established under section 4503.038 of the Revised Code, 74585  
plus postage as indicated on the notice if the registration is 74586  
renewed or fulfilled by mail, and an inspection certificate for 74587  
the motor vehicle as provided in section 3704.14 of the Revised 74588  
Code. ~~For purposes of the centralized system of motor vehicle 74589~~  
~~registration, the registrar shall accept payments via the toll- 74590~~  
~~free telephone number established under division (D) (1) of 74591~~  
~~section 4503.031 of the Revised Code for renewals made by mail. 74592~~  
If the motor vehicle owner chooses to renew the motor vehicle 74593  
registration by electronic means, the owner shall proceed in 74594  
accordance with the rules the registrar adopts. 74595

(D) If all registration and transfer fees for the motor 74596  
vehicle for the preceding year or the preceding period of the 74597  
current registration year have not been paid, if division (D) of 74598  
section 2935.27, division (A) of section 4503.13, division (B) 74599  
of section 4510.22, division (D) of section 4503.234, division 74600  
(B) (1) of section 4521.10, or division (B) of section 5537.041 74601  
of the Revised Code prohibits acceptance of the renewal notice, 74602  
or if the owner or lessee does not have an inspection 74603  
certificate for the motor vehicle as provided in section 3704.14 74604  
of the Revised Code, if that section is applicable, the license 74605  
shall be refused, and the registrar or deputy registrar shall so 74606

notify the owner. This section does not require the payment of 74607  
license or registration taxes on a motor vehicle for any 74608  
preceding year, or for any preceding period of a year, if the 74609  
motor vehicle was not taxable for that preceding year or period 74610  
under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or 74611  
Chapter 4504. of the Revised Code. 74612

(E) (1) Failure to receive a renewal notice does not 74613  
relieve a motor vehicle owner from the responsibility to renew 74614  
the registration for the motor vehicle. Any person who has a 74615  
motor vehicle registered in this state and who does not receive 74616  
a renewal notice as provided in division (B) of this section 74617  
prior to the expiration date of the registration shall request 74618  
an application for registration from the registrar or a deputy 74619  
registrar and sign the application manually or by electronic 74620  
means and submit the application and pay any applicable license 74621  
taxes and fees to the registrar or deputy registrar. 74622

(2) If the owner of a motor vehicle submits an application 74623  
for registration and the registrar is prohibited by division (D) 74624  
of section 2935.27, division (A) of section 4503.13, division 74625  
(B) of section 4510.22, division (D) of section 4503.234, 74626  
division (B) (1) of section 4521.10, or division (B) of section 74627  
5537.041 of the Revised Code from accepting the application, the 74628  
registrar shall return the application and the payment to the 74629  
owner. If the owner of a motor vehicle submits a registration 74630  
renewal application to the registrar by electronic means and the 74631  
registrar is prohibited from accepting the application as 74632  
provided in this division, the registrar shall notify the owner 74633  
of this fact and deny the application and return the payment or 74634  
give a credit on the financial transaction device account of the 74635  
owner in the manner the registrar prescribes by rule adopted 74636  
pursuant to division (A) of this section. 74637

(F) Every deputy registrar shall post in a prominent place at the deputy's office a notice informing the public of the mail registration system required by this section and also shall post a notice that every owner of a motor vehicle and every chauffeur holding a certificate of registration is required to notify the registrar in writing of any change of residence within ten days after the change occurs. The notice shall be in such form as the registrar prescribes by rule.

~~(G)~~ (G) (1) The service fee equal to the amount established under section 4503.038 of the Revised Code that is collected from a person who renews a motor vehicle registration by electronic means or by mail, plus postage collected by the registrar and any financial transaction device surcharge collected by the registrar, shall be paid to the credit of the public safety - highway purposes fund established by section 4501.06 of the Revised Code.

(2) A person who submits an initial registration or a transfer of registration by electronic means under this section shall pay a service fee equal to the amount established under section 4503.038 of the Revised Code, any necessary postage costs, and any financial transaction device surcharge, as applicable. The service fee collected shall be paid either to the registrar or to the deputy registrar that verifies and authenticates the submitted documents in accordance with division (A) (2) of this section. If the registrar authorizes a deputy registrar to mail the certificate of registration and any associated license plate to the applicant, the postage costs shall be paid to that deputy registrar.

(H) (1) Pursuant to section 113.40 of the Revised Code, the registrar shall implement a program permitting payment of motor

vehicle registration taxes and fees, driver's license and 74668  
commercial driver's license fees, and any other taxes, fees, 74669  
penalties, or charges imposed or levied by the state by means of 74670  
a financial transaction device for transactions occurring 74671  
online, at any office of the registrar, and at all deputy 74672  
registrar locations. The program shall take effect not later 74673  
than July 1, 2016. The registrar shall adopt rules as necessary 74674  
for this purpose, but all such rules are subject to any action, 74675  
policy, or procedure of the board of deposit or treasurer of 74676  
state taken or adopted under section 113.40 of the Revised Code. 74677

(2) The rules adopted under division (H) (1) of this 74678  
section shall require a deputy registrar to accept payments by 74679  
means of a financial transaction device beginning on the 74680  
effective date of the rules unless the deputy registrar contract 74681  
entered into by the deputy registrar prohibits the acceptance of 74682  
such payments by financial transaction device. However, 74683  
commencing with deputy registrar contract awards that have a 74684  
start date of July 1, 2016, and for all contract awards 74685  
thereafter, the registrar shall require that the proposer accept 74686  
payment by means of a financial transaction device, including 74687  
credit cards and debit cards, for all department of public 74688  
safety transactions conducted at that deputy registrar location. 74689

The bureau and deputy registrars are not required to pay 74690  
any costs that result from accepting payment by means of a 74691  
financial transaction device. A deputy registrar may charge a 74692  
person who tenders payment for a department transaction by means 74693  
of a financial transaction device any cost the deputy registrar 74694  
incurs from accepting payment by the financial transaction 74695  
device, but the deputy registrar shall not require the person to 74696  
pay any additional fee of any kind in connection with the use by 74697  
the person of the financial transaction device. 74698

(3) In accordance with division (H) (1) of this section and 74699  
rules adopted by the registrar under that division, a county 74700  
auditor or clerk of a court of common pleas that is designated a 74701  
deputy registrar shall accept payment by means of a financial 74702  
transaction device, including credit cards and debit cards, for 74703  
all department transactions conducted at the office of the 74704  
county auditor or clerk in the county auditor's or clerk's 74705  
capacity as deputy registrar. The bureau is not required to pay 74706  
any costs incurred by a county auditor or clerk that result from 74707  
accepting payment by means of a financial transaction device for 74708  
any department transaction. 74709

(I) For persons who reside in counties where tailpipe 74710  
emissions inspections are required under the motor vehicle 74711  
inspection and maintenance program, the notice required by 74712  
division (B) of this section shall also include the toll-free 74713  
telephone number maintained by the Ohio environmental protection 74714  
agency to provide information concerning the locations of 74715  
emissions testing centers. The registrar also shall include a 74716  
statement in the notice that a battery electric motor vehicle is 74717  
not required to undergo emissions inspection under the motor 74718  
vehicle inspection and maintenance program established under 74719  
section 3704.14 of the Revised Code. 74720

**Sec. 4503.29.** (A) The director of veterans services in 74721  
conjunction with the registrar of motor vehicles shall develop 74722  
and maintain a program to establish and issue specialty license 74723  
plates recognizing military service and military honors 74724  
pertaining to valor and service. 74725

(B) The director and the registrar shall jointly adopt 74726  
rules in accordance with Chapter 119. of the Revised Code for 74727  
purposes of establishing the program under this section. The 74728

director and registrar shall adopt the rules as soon as possible 74729  
after June 29, 2018, but not later than nine months after June 74730  
29, 2018. The rules shall do all of the following: 74731

(1) Establish specialty license plates recognizing 74732  
military service; 74733

(2) Establish specialty license plates recognizing 74734  
military honors pertaining to valor and service; 74735

(3) Establish eligibility criteria that apply to each 74736  
specialty license plate issued under this section; 74737

(4) Establish requirements governing any necessary 74738  
documentary evidence required to be presented by an applicant 74739  
for a specialty license plate issued under this section. The 74740  
rules shall allow an applicant to present a veterans 74741  
identification card issued in accordance with section 317.241 of 74742  
the Revised Code in lieu of a copy of the applicant's DD-214 or 74743  
an equivalent document. An applicant may be required to present 74744  
additional evidence if the veterans identification card does not 74745  
show all of the information needed for issuance of the specific 74746  
nonstandard license plate requested by the applicant. 74747

(5) Establish guidelines for the designs, markings, and 74748  
inscriptions on a specialty license plate established under this 74749  
section; 74750

(6) Establish procedures for altering the designs, 74751  
markings, or inscriptions on a specialty license plate 74752  
established under this section; 74753

(7) Prohibit specialty license plates established under 74754  
this section from recognizing achievement awards or unit awards; 74755

(8) Establish any other procedures or requirements that 74756

are necessary for the implementation and administration of this section. 74757  
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(C) The rules adopted under division (B) of this section shall provide for the establishment of the military specialty license plates created prior to June 29, 2018, that are no longer codified in the Revised Code. 74759  
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(D) (1) Any person who meets the applicable qualifications for the issuance of a specialty license plate established by rule adopted under division (B) of this section may apply to the registrar of motor vehicles for the registration of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle the person owns or leases of a class approved by the registrar. The application may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. 74763  
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(2) (a) Except as provided in division (D) (2) (b) of this section, upon receipt of an application for registration of a motor vehicle under this section and the required taxes and fees, compliance with all applicable laws relating to the registration of a motor vehicle, and, if necessary, upon presentation of the required documentary evidence, the registrar shall issue to the applicant the appropriate motor vehicle registration and a set of license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code. 74772  
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(b) Any disabled veteran who qualifies to apply to the registrar for the registration of a motor vehicle under section 4503.41 of the Revised Code without the payment of any registration taxes or fees, may apply instead for registration of the motor vehicle under this section. The disabled veteran 74782  
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applying for registration under this section is not required to 74787  
pay any registration taxes or fees as required by sections 74788  
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 74789  
Revised Code, any local motor vehicle tax levied under Chapter 74790  
4504. of the Revised Code, ~~or~~ any fee charged under section 74791  
4503.19 of the Revised Code for up to two motor vehicles, 74792  
including any motor vehicle registered under section 4503.41 of 74793  
the Revised Code, or any fees associated with transferring a 74794  
registration under section 4503.12 of the Revised Code. Upon 74795  
receipt of an application for registration of the motor vehicle 74796  
and presentation of any documentation the registrar may require 74797  
by rule, the registrar shall issue to the applicant the 74798  
appropriate motor vehicle registration and a set of license 74799  
plates authorized under this section and a validation sticker, 74800  
or a validation sticker alone when required by section 4503.191 74801  
of the Revised Code. 74802

(3) The license plates shall display county identification 74803  
stickers that identify the county of registration as required 74804  
under section 4503.19 of the Revised Code. 74805

**Sec. 4503.41.** (A) Any disabled veteran who, because of a 74806  
service-connected disability, has been or is awarded funds for 74807  
the purchase of a motor vehicle under the "Disabled Veterans'  
and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 74808  
1998, 38 U.S.C. 1901, and amendments thereto, and any disabled 74809  
veteran having a service-connected disability rated at one 74810  
hundred per cent by the veterans' administration, may apply to 74811  
the registrar for the registration of the disabled veteran's 74812  
personal motor vehicle. Except as provided in division (C) of 74813  
this section, a disabled veteran is not required to pay any 74814  
registration fee and service fee as required by sections 74815  
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 74816  
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Revised Code, any local motor vehicle tax levied under Chapter 74818  
4504. of the Revised Code, ~~or~~ any fee charged under section 74819  
4503.19 of the Revised Code, or any fees associated with 74820  
transferring a registration under section 4503.12 of the Revised 74821  
Code. The application for registration shall be accompanied by 74822  
such documentary evidence of disability as the registrar may 74823  
require by rule. 74824

(B) Upon the receipt of an application for registration of 74825  
a motor vehicle under this section, and presentation of 74826  
satisfactory evidence of disability, the registrar or deputy 74827  
registrar shall issue to the applicant a set of license plates, 74828  
which shall be red, white, and blue in color and shall, in 74829  
addition to the letters and numbers ordinarily inscribed 74830  
thereon, be inscribed with the word "veteran" and imprinted with 74831  
the international wheelchair symbol. 74832

(C) A disabled veteran who is eligible to register a motor 74833  
vehicle under this section may register as many vehicles as are 74834  
titled and registered in that disabled veteran's name. For each 74835  
additional registration after the first registration, the 74836  
registrar or deputy registrar shall collect any applicable fee 74837  
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 74838  
4503.103, and 4503.19 of the Revised Code, and any local motor 74839  
vehicle tax levied under Chapter 4504. of the Revised Code. 74840

**Sec. 4503.511.** (A) The owner or lessee of any passenger 74841  
car, noncommercial motor vehicle, recreational vehicle, or other 74842  
vehicle of a class approved by the registrar of motor vehicles 74843  
may apply to the registrar for the registration of the vehicle 74844  
and issuance of a blackout license plate. The application may be 74845  
combined with a request for a special reserved license plate 74846  
under section 4503.40 or 4503.42 of the Revised Code. Upon 74847

receipt of the completed application and compliance by the 74848  
applicant with divisions (B) and (C) of this section, the 74849  
registrar shall issue to the applicant the appropriate vehicle 74850  
registration and a blackout license plate and a validation 74851  
sticker, or a validation sticker alone when required by section 74852  
4503.191 of the Revised Code. 74853

In addition to the letters and numbers ordinarily 74854  
inscribed on the license plates, blackout license plates shall 74855  
have a black background with white letters or numbers. Blackout 74856  
license plates shall not display the slogan "BIRTHPLACE OF 74857  
AVIATION" as required under section 4503.22 of the Revised Code. 74858  
Blackout license plates also shall not display county 74859  
identification stickers that identify the county of registration 74860  
as required under section 4503.19 of the Revised Code. 74861

(B) A blackout license plate and a validation sticker, or 74862  
validation sticker alone, shall be issued upon receipt of an 74863  
application for registration of a motor vehicle under this 74864  
section; payment of the regular license tax as prescribed under 74865  
section 4503.04 of the Revised Code, any applicable motor 74866  
vehicle license tax levied under Chapter 4504. of the Revised 74867  
Code, any applicable additional fee prescribed by section 74868  
4503.40 or 4503.42 of the Revised Code, a blackout license plate 74869  
fee as provided in division (C) of this section, and an 74870  
additional administrative fee of ten dollars; and compliance 74871  
with all other applicable laws relating to the registration of 74872  
motor vehicles. 74873

(C) For each application for registration and registration 74874  
renewal notice the registrar receives under this section, the 74875  
registrar shall collect a blackout license plate fee of forty 74876  
dollars. The registrar shall deposit both of the following into 74877

the state treasury to the credit of the public safety - highway 74878  
purposes fund created in section 4501.06 of the Revised Code: 74879

(1) The forty-dollar blackout license plate fee; 74880

(2) The ten-dollar administrative fee, the purpose of 74881  
which is to compensate the bureau of motor vehicles for 74882  
additional services required in the issuing of blackout license 74883  
plates. 74884

**Sec. 4503.91.** (A) The owner or lessee of any passenger 74885  
car, noncommercial motor vehicle, recreational vehicle, or other 74886  
vehicle of a class approved by the registrar of motor vehicles 74887  
may apply to the registrar for the registration of the vehicle 74888  
and issuance of "choose life" license plates. The application 74889  
for "choose life" license plates may be combined with a request 74890  
for a special reserved license plate under section 4503.40 or 74891  
4503.42 of the Revised Code. Upon receipt of the completed 74892  
application and compliance with divisions (B) and (C) of this 74893  
section, the registrar shall issue to the applicant the 74894  
appropriate vehicle registration and a set of "choose life" 74895  
license plates with a validation sticker or a validation sticker 74896  
alone when required by section 4503.191 of the Revised Code. 74897

In addition to the letters and numbers ordinarily 74898  
inscribed on license plates, "choose life" license plates shall 74899  
be inscribed with the words "choose life" and a marking designed 74900  
by "choose life, inc.," a private, nonprofit corporation 74901  
incorporated in the state of Florida. The registrar shall review 74902  
the design and approve it if the design is feasible. If the 74903  
design is not feasible, the registrar shall notify "choose life, 74904  
inc." and the organization may resubmit designs until a feasible 74905  
one is approved. "Choose life" license plates shall bear county 74906  
identification stickers that identify the county of registration 74907

as required under section 4503.19 of the Revised Code. 74908

(B) "Choose life" license plates and a validation sticker, 74909  
or a validation sticker alone, shall be issued upon receipt of a 74910  
contribution as provided in division (C) of this section and 74911  
upon payment of the regular license tax prescribed in section 74912  
4503.04 of the Revised Code, any applicable motor vehicle tax 74913  
levied under Chapter 4504. of the Revised Code, any applicable 74914  
additional fee prescribed by section 4503.40 or 4503.42 of the 74915  
Revised Code, a fee of ten dollars for the purpose of 74916  
compensating the bureau of motor vehicles for additional 74917  
services required in the issuing of "choose life" license 74918  
plates, and compliance with all other applicable laws relating 74919  
to the registration of motor vehicles. 74920

(C) (1) For each application for registration and 74921  
registration renewal received under this section, the registrar 74922  
shall collect a contribution of twenty dollars. The registrar 74923  
shall transmit this contribution to the treasurer of state for 74924  
deposit in the "choose life" fund created in section ~~3701.65~~ 74925  
5180.72 of the Revised Code. 74926

(2) The registrar shall deposit the additional fee of ten 74927  
dollars specified in division (B) of this section for the 74928  
purpose of compensating the bureau for the additional services 74929  
required in issuing "choose life" license plates in the public 74930  
safety - highway purposes fund created in section 4501.06 of the 74931  
Revised Code. 74932

**Sec. 4505.09.** (A) (1) The clerk of a court of common pleas 74933  
shall charge and retain fees as follows: 74934

(a) Five dollars for each certificate of title that is not 74935  
applied for within thirty days after the later of the assignment 74936

or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.

(b) Fifteen dollars for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (H) of that section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents for each duplicate certificate of title.

(c) Four dollars and fifty cents for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes and, in addition, a separate fee of fifty cents. The clerk shall retain two dollars and twenty-five cents of that fee.

(d) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is issued or that in which the registrar is notified of a lien or cancellation of a lien.

(B) (1) The registrar shall pay twenty-five cents of the amount received for each certificate of title issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(2) Fifty cents of the amount received for each certificate of title shall be paid by the registrar as follows:

(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board created under section 4517.30 of the Revised Code, together with other moneys appropriated to it, in the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code, except that the director of budget and management may transfer excess money from the motor vehicle dealers board fund to the public safety - highway purposes fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer.

(b) Thirty-one cents shall be paid into the highway operating fund created by section 5735.051 of the Revised Code.

(c) Fifteen cents shall be paid into the state treasury to

the credit of the motor vehicle sales audit fund, which is 74997  
hereby created. The moneys in the fund shall be used by the tax 74998  
commissioner together with other funds available to the 74999  
commissioner to conduct a continuing investigation of sales and 75000  
use tax returns filed for motor vehicles in order to determine 75001  
if sales and use tax liability has been satisfied. The 75002  
commissioner shall refer cases of apparent violations of section 75003  
2921.13 of the Revised Code made in connection with the titling 75004  
or sale of a motor vehicle and cases of any other apparent 75005  
violations of the sales or use tax law to the appropriate county 75006  
prosecutor whenever the commissioner considers it advisable. 75007

(3) Two dollars of the amount received by the registrar 75008  
under divisions (A) (1) (a), (b), and (d) of this section and one 75009  
dollar and fifty cents of the amount received by the registrar 75010  
under division (A) (1) (c) of this section for each certificate of 75011  
title shall be paid into the state treasury to the credit of the 75012  
automated title processing fund, which is hereby created and 75013  
which shall consist of moneys collected under division (B) (3) of 75014  
this section and under sections 1548.10 and 4519.59 of the 75015  
Revised Code. All investment earnings of the fund shall be 75016  
credited to the fund. The moneys in the fund shall be used as 75017  
follows: 75018

(a) Except for moneys collected under section 1548.10 of 75019  
the Revised Code, moneys collected under division (B) (3) of this 75020  
section shall be used to implement and maintain an automated 75021  
title processing system for the issuance of motor vehicle, off- 75022  
highway motorcycle, and all-purpose vehicle certificates of 75023  
title in the offices of the clerks of the courts of common 75024  
pleas. Those moneys also shall be used to pay expenses that 75025  
arise as a result of enabling electronic motor vehicle dealers 75026  
to directly transfer applications for certificates of title 75027

under division (A) (3) of section 4505.06 of the Revised Code. 75028

(b) Moneys collected under section 1548.10 of the Revised Code shall be used to issue marine certificates of title in the offices of the clerks of the courts of common pleas as provided in Chapter 1548. of the Revised Code. 75029  
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(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A) (1) (c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code. 75033  
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(C) (1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. ~~The director of budget and management or the director's designee, the chief of the division of parks and watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board.~~ 75037  
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The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment and ribbons, cartridges, or other devices necessary for the operation of that equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.



(2) The automated title processing board shall determine 75058  
each of the following: 75059

(a) The automated title processing equipment and 75060  
certificates of title requirements for each county; 75061

(b) The payment of expenses that may be incurred by the 75062  
counties in implementing an automated title processing system; 75063

(c) The repayment to the counties for existing title 75064  
processing equipment; 75065

(d) With the approval of the director of public safety, 75066  
the award of grants from the automated title processing fund to 75067  
the clerk of courts of any county who employs a person who 75068  
assists with the design of, updates to, tests of, installation 75069  
of, or any other activity related to, an automated title 75070  
processing system. Any grant awarded under division (C) (2) (d) of 75071  
this section shall be deposited into the appropriate county 75072  
certificate of title administration fund created under section 75073  
325.33 of the Revised Code and shall not be used to supplant any 75074  
other funds. 75075

(3) The registrar shall purchase, lease, or otherwise 75076  
acquire any automated title processing equipment and 75077  
certificates of title that the board determines are necessary 75078  
from moneys in the automated title processing fund established 75079  
by division (B) (3) of this section. 75080

(D) All counties shall conform to the requirements of the 75081  
registrar regarding the operation of their automated title 75082  
processing system for motor vehicle titles, certificates of 75083  
title for off-highway motorcycles and all-purpose vehicles, and 75084  
certificates of title for watercraft and outboard motors. 75085

**Sec. 4506.01.** As used in this chapter: 75086

(A) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath, or urine. When expressed as a percentage, it means grams of alcohol per the following:

(1) One hundred milliliters of whole blood, blood serum, or blood plasma;

(2) Two hundred ten liters of breath;

(3) One hundred milliliters of urine.

(B) (1) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle. Except as otherwise specifically provided, "commercial driver's license" includes an "enhanced commercial driver's license."

(2) "Enhanced commercial driver's license" means a commercial driver's license issued in accordance with sections ~~4507.021~~ 4506.072 and ~~4506.072~~ 4507.021 of the Revised Code that denotes citizenship and identity and is approved by the United States secretary of homeland security or other designated federal agency for purposes of entering the United States.

(C) "Commercial driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.

(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six

thousand one pounds or more, provided the gross vehicle weight 75115  
or gross vehicle weight rating of the vehicle or vehicles being 75116  
towed is in excess of ten thousand pounds; 75117

(2) Any single vehicle with a gross vehicle weight or 75118  
gross vehicle weight rating of twenty-six thousand one pounds or 75119  
more; 75120

(3) Any single vehicle or combination of vehicles that is 75121  
not a class A or class B vehicle, but is designed to transport 75122  
sixteen or more passengers including the driver; 75123

(4) Any school bus with a gross vehicle weight or gross 75124  
vehicle weight rating of less than twenty-six thousand one 75125  
pounds that is designed to transport fewer than sixteen 75126  
passengers including the driver; 75127

(5) Is transporting hazardous materials for which 75128  
placarding is required under subpart F of 49 C.F.R. part 172, as 75129  
amended; 75130

(6) Any single vehicle or combination of vehicles that is 75131  
designed to be operated and to travel on a public street or 75132  
highway and is considered by the federal motor carrier safety 75133  
administration to be a commercial motor vehicle, including, but 75134  
not limited to, a motorized crane, a vehicle whose function is 75135  
to pump cement, a rig for drilling wells, and a portable crane. 75136

(E) "Controlled substance" means all of the following: 75137

(1) Any substance classified as a controlled substance 75138  
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 75139  
U.S.C.A. 802(6), as amended; 75140

(2) Any substance included in schedules I through V of 21 75141  
C.F.R. part 1308, as amended; 75142

- (3) Any drug of abuse. 75143
- (F) "Conviction" means an unvacated adjudication of guilt 75144  
or a determination that a person has violated or failed to 75145  
comply with the law in a court of original jurisdiction or an 75146  
authorized administrative tribunal, an unvacated forfeiture of 75147  
bail or collateral deposited to secure the person's appearance 75148  
in court, a plea of guilty or nolo contendere accepted by the 75149  
court, the payment of a fine or court cost, or violation of a 75150  
condition of release without bail, regardless of whether or not 75151  
the penalty is rebated, suspended, or probated. 75152
- (G) "Disqualification" means any of the following: 75153
- (1) The suspension, revocation, or cancellation of a 75154  
person's privileges to operate a commercial motor vehicle; 75155
- (2) Any withdrawal of a person's privileges to operate a 75156  
commercial motor vehicle as the result of a violation of state 75157  
or local law relating to motor vehicle traffic control other 75158  
than parking, vehicle weight, or vehicle defect violations; 75159
- (3) A determination by the federal motor carrier safety 75160  
administration that a person is not qualified to operate a 75161  
commercial motor vehicle under 49 C.F.R. 391. 75162
- (H) "Domiciled" means having a true, fixed, principal, and 75163  
permanent residence to which an individual intends to return. 75164
- (I) "Downgrade" means any of the following, as applicable: 75165
- (1) A change in the commercial driver's license, or 75166  
commercial driver's license temporary instruction permit, 75167  
holder's self-certified status as described in division (A) (1) 75168  
of section 4506.10 of the Revised Code; 75169
- (2) A change to a lesser class of vehicle; 75170

(3) Removal of commercial driver's license privileges from the individual's driver's license; 75171  
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(4) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's privileges as described in division (F) (1) of section 4506.13 of the Revised Code. 75173  
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(J) "Drive" means to drive, operate, or be in physical control of a motor vehicle. 75177  
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(K) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license. 75179  
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(L) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive. 75182  
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(M) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, harmful intoxicant as defined in section 2925.01 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes. 75184  
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(N) "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text. 75190  
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(O) "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census. 75193  
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(P) "Employer" means any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a 75196  
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person to drive such a motor vehicle. 75199

(Q) "Endorsement" means an authorization on a person's 75200  
commercial driver's license that is required to permit the 75201  
person to operate a specified type of commercial motor vehicle. 75202

(R) "Farm truck" means a truck controlled and operated by 75203  
a farmer for use in the transportation to or from a farm, for a 75204  
distance of not more than one hundred fifty miles, of products 75205  
of the farm, including livestock and its products, poultry and 75206  
its products, floricultural and horticultural products, and in 75207  
the transportation to the farm, from a distance of not more than 75208  
one hundred fifty miles, of supplies for the farm, including 75209  
tile, fence, and every other thing or commodity used in 75210  
agricultural, floricultural, horticultural, livestock, and 75211  
poultry production, and livestock, poultry, and other animals 75212  
and things used for breeding, feeding, or other purposes 75213  
connected with the operation of the farm, when the truck is 75214  
operated in accordance with this division and is not used in the 75215  
operations of a motor carrier, as defined in section 4923.01 of 75216  
the Revised Code. 75217

(S) "Fatality" means the death of a person as the result 75218  
of a motor vehicle accident occurring not more than three 75219  
hundred sixty-five days prior to the date of death. 75220

(T) "Felony" means any offense under federal or state law 75221  
that is punishable by death or specifically classified as a 75222  
felony under the law of this state, regardless of the penalty 75223  
that may be imposed. 75224

(U) "Foreign jurisdiction" means any jurisdiction other 75225  
than a state. 75226

(V) "Gross vehicle weight rating" means the value 75227

specified by the manufacturer as the maximum loaded weight of a 75228  
single or a combination vehicle. The gross vehicle weight rating 75229  
of a combination vehicle is the gross vehicle weight rating of 75230  
the power unit plus the gross vehicle weight rating of each 75231  
towed unit. 75232

(W) "Hazardous materials" means any material that has been 75233  
designated as hazardous under 49 U.S.C. 5103 and is required to 75234  
be placarded under subpart F of 49 C.F.R. part 172 or any 75235  
quantity of a material listed as a select agent or toxin in 42 75236  
C.F.R. part 73, as amended. 75237

(X) "Imminent hazard" means the existence of a condition 75238  
that presents a substantial likelihood that death, serious 75239  
illness, severe personal injury, or a substantial endangerment 75240  
to health, property, or the environment may occur before the 75241  
reasonably foreseeable completion date of a formal proceeding 75242  
begun to lessen the risk of that death, illness, injury, or 75243  
endangerment. 75244

(Y) "Medical variance" means one of the following received 75245  
by a driver from the federal motor carrier safety administration 75246  
that allows the driver to be issued a medical certificate: 75247

(1) An exemption letter permitting operation of a 75248  
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 75249  
C.F.R. 391.64; 75250

(2) A skill performance evaluation certificate permitting 75251  
operation of a commercial motor vehicle pursuant to 49 C.F.R. 75252  
391.49. 75253

(Z) "Mobile telephone" means a mobile communication device 75254  
that falls under or uses any commercial mobile radio service as 75255  
defined in 47 C.F.R. 20, except that mobile telephone does not 75256

include two-way or citizens band radio services. 75257

(AA) "Motor vehicle" means a vehicle, machine, tractor, 75258  
trailer, or semitrailer propelled or drawn by mechanical power 75259  
used on highways, except that such term does not include a 75260  
vehicle, machine, tractor, trailer, or semitrailer operated 75261  
exclusively on a rail. 75262

(BB) "Out-of-service order" means a declaration by an 75263  
authorized enforcement officer of a federal, state, local, 75264  
Canadian, or Mexican jurisdiction declaring that a driver, 75265  
commercial motor vehicle, or commercial motor carrier operation 75266  
is out of service as defined in 49 C.F.R. 390.5. 75267

(CC) "Peace officer" has the same meaning as in section 75268  
2935.01 of the Revised Code. 75269

(DD) "Portable tank" means a liquid or gaseous packaging 75270  
designed primarily to be loaded onto or temporarily attached to 75271  
a vehicle and equipped with skids, mountings, or accessories to 75272  
facilitate handling of the tank by mechanical means. 75273

(EE) "Public safety vehicle" has the same meaning as in 75274  
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 75275

(FF) "Recreational vehicle" includes every vehicle that is 75276  
defined as a recreational vehicle in section 4501.01 of the 75277  
Revised Code and is used exclusively for purposes other than 75278  
engaging in business for profit. 75279

(GG) "Residence" means any person's residence determined 75280  
in accordance with standards prescribed in rules adopted by the 75281  
registrar. 75282

(HH) "School bus" has the same meaning as in section 75283  
4511.01 of the Revised Code. 75284



(II) "Serious traffic violation" means any of the following:	75285 75286
(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code;	75287 75288 75289
(2) (a) Except as provided in division (II) (2) (b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:	75290 75291 75292 75293 75294 75295
(i) Texting while driving;	75296
(ii) Using a handheld mobile telephone.	75297
(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.	75298 75299 75300
(3) A conviction arising from the operation of any motor vehicle that involves any of the following:	75301 75302
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	75303 75304
(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;	75305 75306 75307 75308
(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;	75309 75310 75311 75312

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;

(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:

(i) It relates to traffic control, other than a parking violation;

(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.

(JJ) "State" means a state of the United States and

includes the District of Columbia. 75342

(KK) "Tank vehicle" means any commercial motor vehicle 75343  
that is designed to transport any liquid or gaseous materials 75344  
within a tank or tanks that are either permanently or 75345  
temporarily attached to the vehicle or its chassis and have an 75346  
individual rated capacity of more than one hundred nineteen 75347  
gallons and an aggregate rated capacity of one thousand gallons 75348  
or more. "Tank vehicle" does not include a commercial motor 75349  
vehicle transporting an empty storage container tank that is not 75350  
designed for transportation, has a rated capacity of one 75351  
thousand gallons or more, and is temporarily attached to a 75352  
flatbed trailer. 75353

(LL) "Tester" means a person or entity acting pursuant to 75354  
a valid agreement entered into pursuant to division (B) of 75355  
section 4506.09 of the Revised Code. 75356

(MM) "Texting" means manually entering alphanumeric text 75357  
into, or reading text from, an electronic device. Texting 75358  
includes short message service, e-mail, instant messaging, a 75359  
command or request to access a world wide web page, pressing 75360  
more than a single button to initiate or terminate a voice 75361  
communication using a mobile telephone, or engaging in any other 75362  
form of electronic text retrieval or entry, for present or 75363  
future communication. Texting does not include the following: 75364

(1) Using voice commands to initiate, receive, or 75365  
terminate a voice communication using a mobile telephone; 75366

(2) Inputting, selecting, or reading information on a 75367  
global positioning system or navigation system; 75368

(3) Pressing a single button to initiate or terminate a 75369  
voice communication using a mobile telephone; or 75370

(4) Using, for a purpose that is not otherwise prohibited 75371  
by law, a device capable of performing multiple functions, such 75372  
as a fleet management system, a dispatching device, a mobile 75373  
telephone, a citizens band radio, or a music player. 75374

(NN) "Texting while driving" means texting while operating 75375  
a commercial motor vehicle, with the motor running, including 75376  
while temporarily stationary because of traffic, a traffic 75377  
control device, or other momentary delays. Texting while driving 75378  
does not include operating a commercial motor vehicle with or 75379  
without the motor running when the driver has moved the vehicle 75380  
to the side of, or off, a highway and is stopped in a location 75381  
where the vehicle can safely remain stationary. 75382

(OO) "United States" means the fifty states and the 75383  
District of Columbia. 75384

(PP) "Upgrade" means a change in the class of vehicles, 75385  
endorsements, or self-certified status as described in division 75386  
(A) (1) of section 4506.10 of the Revised Code, that expands the 75387  
ability of a current commercial driver's license holder to 75388  
operate commercial motor vehicles under this chapter; 75389

(QQ) "Use of a handheld mobile telephone" means: 75390

(1) Using at least one hand to hold a mobile telephone to 75391  
conduct a voice communication; 75392

(2) Dialing or answering a mobile telephone by pressing 75393  
more than a single button; or 75394

(3) Reaching for a mobile telephone in a manner that 75395  
requires a driver to maneuver so that the driver is no longer in 75396  
a seated driving position, or restrained by a seat belt that is 75397  
installed in accordance with 49 C.F.R. 393.93 and adjusted in 75398  
accordance with the vehicle manufacturer's instructions. 75399

(RR) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code. 75400  
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**Sec. 4506.05.** (A) Notwithstanding any other provision of law, a person may drive a commercial motor vehicle on a highway in this state if all of the following conditions are met: 75402  
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(1) The person has a valid commercial driver's license or commercial driver's license temporary instruction permit issued by any state or jurisdiction in accordance with the minimum standards adopted by the federal motor carrier safety administration under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of commercial driver's licenses; 75405  
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(2) The person's commercial driver's license or temporary instruction permit is not suspended, revoked, or canceled, and the person has the appropriate endorsements for the vehicle that is being driven; 75412  
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(3) The person is not disqualified from driving a commercial motor vehicle; 75416  
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(4) The person is not subject to an out-of-service order; 75418

(5) The person is medically certified as physically qualified to operate a commercial motor vehicle in accordance with this chapter. 75419  
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(a) A person who submitted a medical examiner's certificate to the registrar in accordance with division (A)(1) of section 4506.10 of the Revised Code and whose medical certification information is maintained in the commercial driver's license information system is not required to have the medical examiner's certificate in the person's possession when on duty. 75422  
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(b) A person whose medical certification information is not maintained in the commercial driver's license information system shall have in the person's possession when on duty the original or a copy of the current medical examiner's certificate that was submitted to the registrar. However, the person may operate a commercial motor vehicle with such proof of medical certification for not more than fifteen days after the date the current medical examiner's certificate was issued to the person.

(c) A person who has a medical variance shall have in the person's possession the original or copy of the medical variance documentation at all times while on duty.

(6) The person is not prohibited from operating a commercial motor vehicle because the person violated 49 C.F.R. 382, subpart B.

(B) No person shall drive a commercial motor vehicle on a highway in this state if the person does not meet the conditions specified in division (A) of this section.

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 391.62, 391.67, and 391.68, no person holding a commercial driver's license temporary instruction permit or a commercial driver's license issued under this chapter may drive a commercial motor vehicle in interstate commerce until the person is at least twenty-one years of age.

(D) (1) Whoever violates this section is guilty of a misdemeanor of the first degree.

(2) The offenses established under this section are strict liability offenses and section 2901.20 of the Revised Code does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense,

for which there is no specified degree of culpability, is not a 75458  
strict liability offense. 75459

**Sec. 4506.07.** (A) An applicant for a commercial driver's 75460  
license, restricted commercial driver's license, or a commercial 75461  
driver's license temporary instruction permit, or a duplicate of 75462  
such a license or permit, shall submit an application upon a 75463  
form approved and furnished by the registrar of motor vehicles. 75464  
Except as provided in section 4506.24 of the Revised Code in 75465  
regard to a restricted commercial driver's license, the 75466  
applicant shall sign the application which shall contain the 75467  
following information: 75468

(1) The applicant's name, date of birth, social security 75469  
account number, sex, general description including height, 75470  
weight, and color of hair and eyes, current residence, duration 75471  
of residence in this state, state of domicile, country of 75472  
citizenship, and occupation; 75473

(2) Whether the applicant previously has been licensed to 75474  
operate a commercial motor vehicle or any other type of motor 75475  
vehicle in another state or a foreign jurisdiction and, if so, 75476  
when, by what state, and whether the license or driving 75477  
privileges currently are suspended or revoked in any 75478  
jurisdiction, or the applicant otherwise has been disqualified 75479  
from operating a commercial motor vehicle, or is subject to an 75480  
out-of-service order issued under this chapter or any similar 75481  
law of another state or a foreign jurisdiction and, if so, the 75482  
date of, locations involved, and reason for the suspension, 75483  
revocation, disqualification, or out-of-service order; 75484

(3) Whether the applicant has any physical or mental 75485  
disability or disease that prevents the applicant from 75486  
exercising reasonable and ordinary control over a motor vehicle 75487

while operating it upon a highway or is or has been subject to 75488  
any condition resulting in episodic impairment of consciousness 75489  
or loss of muscular control and, if so, the nature and extent of 75490  
the disability, disease, or condition, and the names and 75491  
addresses of the physicians, certified nurse-midwives if 75492  
authorized as described in section 4723.438 of the Revised Code, 75493  
clinical nurse specialists, or certified nurse practitioners 75494  
attending the applicant; 75495

(4) Whether the applicant has obtained a medical 75496  
examiner's certificate as required by this chapter and, 75497  
beginning January 30, 2012, the applicant, prior to or at the 75498  
time of applying, has self-certified to the registrar the 75499  
applicable status of the applicant under division (A) (1) of 75500  
section 4506.10 of the Revised Code; 75501

(5) Whether the applicant has pending a citation for 75502  
violation of any motor vehicle law or ordinance except a parking 75503  
violation and, if so, a description of the citation, the court 75504  
having jurisdiction of the offense, and the date when the 75505  
offense occurred; 75506

(6) If an applicant has not certified the applicant's 75507  
willingness to make an anatomical gift under section 2108.05 of 75508  
the Revised Code, whether the applicant wishes to certify 75509  
willingness to make such an anatomical gift, which shall be 75510  
given no consideration in the issuance of a license; 75511

(7) Whether the applicant has executed a valid durable 75512  
power of attorney for health care pursuant to sections 1337.11 75513  
to 1337.17 of the Revised Code or has executed a declaration 75514  
governing the use or continuation, or the withholding or 75515  
withdrawal, of life-sustaining treatment pursuant to sections 75516  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 75517



executed either type of instrument, whether the applicant wishes 75518  
the license issued to indicate that the applicant has executed 75519  
the instrument; 75520

(8) Whether the applicant is a veteran, active duty, or 75521  
reservist of the armed forces of the United States and, if the 75522  
applicant is such, whether the applicant wishes the license 75523  
issued to indicate that the applicant is a veteran, active duty, 75524  
or reservist of the armed forces of the United States by a 75525  
military designation on the license; 75526

(9) Whether the applicant currently is prohibited by the 75527  
federal motor carrier safety administration from operating a 75528  
commercial motor vehicle because the applicant violated 49 75529  
C.F.R. 382, subpart B. 75530

(B) Every applicant shall certify, on a form approved and 75531  
furnished by the registrar, all of the following: 75532

(1) That the motor vehicle in which the applicant intends 75533  
to take the driving skills test is representative of the type of 75534  
motor vehicle that the applicant expects to operate as a driver; 75535

(2) That the applicant is not subject to any 75536  
disqualification or out-of-service order, or license suspension, 75537  
revocation, or cancellation, under the laws of this state, of 75538  
another state, or of a foreign jurisdiction and does not have 75539  
more than one driver's license issued by this or another state 75540  
or a foreign jurisdiction; 75541

(3) Any additional information, certification, or evidence 75542  
that the registrar requires by rule in order to ensure that the 75543  
issuance of a commercial driver's license or commercial driver's 75544  
license temporary instruction permit to the applicant is in 75545  
compliance with the law of this state and with federal law. 75546

(C) Every applicant shall execute a form, approved and 75547  
furnished by the registrar, under which the applicant consents 75548  
to the release by the registrar of information from the 75549  
applicant's driving record. 75550

(D) The registrar or a deputy registrar, in accordance 75551  
with section 3503.11 of the Revised Code, shall register as an 75552  
elector any applicant for a commercial driver's license or for a 75553  
renewal or duplicate of such a license under this chapter, if 75554  
the applicant is eligible and wishes to be registered as an 75555  
elector. The decision of an applicant whether to register as an 75556  
elector shall be given no consideration in the decision of 75557  
whether to issue the applicant a license or a renewal or 75558  
duplicate. 75559

(E) The registrar or a deputy registrar, in accordance 75560  
with section 3503.11 of the Revised Code, shall offer the 75561  
opportunity of completing a notice of change of residence or 75562  
change of name to any applicant for a commercial driver's 75563  
license or for a renewal or duplicate of such a license who is a 75564  
resident of this state, if the applicant is a registered elector 75565  
who has changed the applicant's residence or name and has not 75566  
filed such a notice. 75567

(F) In considering any application submitted pursuant to 75568  
this section, the bureau of motor vehicles may conduct any 75569  
inquiries necessary to ensure that issuance or renewal of a 75570  
commercial driver's license would not violate any provision of 75571  
the Revised Code or federal law. 75572

(G) In addition to any other information it contains, the 75573  
form approved and furnished by the registrar of motor vehicles 75574  
for an application for a commercial driver's license, restricted 75575  
commercial driver's license, or a commercial driver's license 75576

temporary instruction permit or an application for a duplicate 75577  
of such a license or permit shall inform applicants that the 75578  
applicant must present a copy of the applicant's DD-214 or an 75579  
equivalent document in order to qualify to have the license, or 75580  
permit, or duplicate indicate that the applicant is a veteran, 75581  
active duty, or reservist of the armed forces of the United 75582  
States based on a request made pursuant to division (A) (8) of 75583  
this section. 75584

**Sec. 4506.13.** (A) The registrar of motor vehicles may 75585  
authorize the highway patrol or any other employee of the 75586  
department of public safety to issue an examiner's commercial 75587  
examinations passed form to an applicant who has passed the 75588  
required examinations. The examiner's commercial examinations 75589  
passed form shall be used to indicate the examinations taken and 75590  
passed by the commercial driver's license applicant. 75591

(B) (1) Before issuing, renewing, transferring, or 75592  
upgrading a commercial driver's license temporary instruction 75593  
permit or a commercial driver's license, the registrar of motor 75594  
vehicles shall obtain information about the applicant's driving 75595  
record, whether the applicant was previously issued a commercial 75596  
driver's license in another state, or whether the applicant is 75597  
disqualified or prohibited from operating a commercial motor 75598  
vehicle through the commercial driver's license information 75599  
system, the drug and alcohol clearinghouse, the applicant's 75600  
state of licensure, and when available, the national driver 75601  
register. In addition, before initially issuing a class A or 75602  
class B commercial driver's license, a passenger endorsement, a 75603  
school bus endorsement, or a hazardous materials endorsement, 75604  
the registrar shall verify that the applicant completed the 75605  
training required under 49 C.F.R. 380, subpart F, through the 75606  
federal motor carrier safety administration's training provider 75607

registry. The registrar also shall check the applicant's driver 75608  
record to ensure that an applicant who self-certified under 75609  
division (A) (1) (a) (i) of section 4506.10 of the Revised Code 75610  
that the applicant's operation of a commercial motor vehicle is 75611  
non-excepted interstate, is medically certified. 75612

(2) The registrar shall not issue, renew, upgrade, or 75613  
transfer the applicant's commercial driver's license temporary 75614  
instruction permit or commercial driver's license if any of the 75615  
following apply: 75616

(a) The registrar obtains adverse information regarding 75617  
the applicant's driving record. 75618

(b) There is no information regarding the driver's self- 75619  
certification type as required by division (A) (1) of section 75620  
4506.10 of the Revised Code. 75621

(c) The applicant's medical status is not certified, when 75622  
required to be certified under division (A) (1) (a) (i) of section 75623  
4506.10 of the Revised Code. 75624

(d) The applicant is prohibited from operating a 75625  
commercial motor vehicle because the applicant violated the drug 75626  
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 75627  
B; 75628

(e) If required, the applicant did not successfully 75629  
complete the training required by 49 C.F.R. 380, subpart F, as 75630  
documented in the federal motor carrier safety administration's 75631  
training provider registry. 75632

(3) If the record check reveals information that the 75633  
applicant claims is outdated, contested, or invalid, the 75634  
registrar shall deny the application until the applicant can 75635  
resolve the conflict. 75636

- (C) The registrar shall do all of the following: 75637
- (1) Within ten days after issuing a commercial driver's license temporary instruction permit or commercial driver's license, notify the commercial driver's license information system, when available, of that fact and provide all information required to ensure identification of the licensee. If the registrar is notified that driver has been issued a medical variance, the registrar shall indicate the existence of the medical variance on the ~~commercial driver's license holder's~~ commercial driver's license information system driver record. 75638  
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- (2) For those drivers self-certifying under division (A) (1) (a) (i) of section 4506.10 of the Revised Code as non-excepted interstate, post the applicant's medical status as certified or non-certified on the applicant's commercial driver's license information system driver record upon receiving a valid original or copy of the medical examiner's certificate; 75647  
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- (3) Post the driver's self-certification type as set forth in division (A) (1) of section 4506.10 of the Revised Code; 75653  
75654
- (4) Post information from the medical examiner's certificate, if applicable, on the ~~commercial driver's license holder's~~ commercial driver's license information system driver record within ten calendar days of receipt of the medical examiner's certificate; 75655  
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- (5) Retain the original or a copy of the commercial driver's license temporary instruction permit or commercial driver's license holder's medical certificate for a minimum of three years after the date the certificate was issued; 75660  
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- (6) Post and maintain as part of the commercial driver's license information system driver record all convictions, 75664  
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disqualifications, and other licensing actions for violations of 75666  
any state or municipal ordinances related to motor vehicle 75667  
traffic control, other than parking violations for all persons 75668  
who hold a commercial driver's license temporary instruction 75669  
permit or commercial driver's license or operate a motor vehicle 75670  
for which a commercial driver's license is required; 75671

(7) Post an applicant's status of medically non-certified 75672  
on the applicant's commercial driver's license information 75673  
system driver record and downgrade the applicant's commercial 75674  
driver's license temporary instruction permit or commercial 75675  
driver's license in accordance with division (D) of this section 75676  
if either of the following applies: 75677

(a) The commercial driver's license temporary instruction 75678  
permit or commercial driver's license holder fails to provide 75679  
the driver's self-certification type as required by division (A) 75680  
(1) of section 4506.10 of the Revised Code. 75681

(b) The commercial driver's license temporary instruction 75682  
permit or commercial driver's license holder self-certifying 75683  
under division (A) (1) (a) (i) of section 4506.10 of the Revised 75684  
Code as non-excepted interstate fails to provide the registrar 75685  
with a current medical examiner's certificate. 75686

(8) Mark the commercial driver's license information 75687  
system driver record as non-certified for any commercial 75688  
driver's license temporary instruction permit or commercial 75689  
driver's license holder who has not self-certified under 75690  
division (A) (1) of section 4506.10 of the Revised Code by 75691  
January 30, 2014 and initiate the ~~commercial driver's license~~ 75692  
commercial driver's license downgrade procedures described in 75693  
division (D) of this section; 75694

(9) Within ten days after a commercial driver's license temporary instruction permit or commercial driver's license holder's medical certification status expires or a medical variance expires or is rescinded, update the person's medical certification status to non-certified; 75695  
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(10) Within ten calendar days after receiving information 75700  
from the federal motor carrier safety administration regarding 75701  
issuance or renewal of a medical variance for a driver, update 75702  
the driver's commercial driver's license information system 75703  
driver record to include the medical variance information 75704  
provided by the federal motor carrier safety administration; 75705

(11) Within ten calendar days after receiving information 75706  
from the federal motor carrier safety administration that a 75707  
commercial driver's license temporary instruction permit or 75708  
commercial driver's license holder is prohibited from operating 75709  
a commercial motor vehicle because of a violation of the drug 75710  
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 75711  
B, initiate the commercial driver's license downgrade procedures 75712  
described in division (F) (1) of this section; 75713

(12) Within ten calendar days after receiving information 75714  
from the federal motor carrier safety administration that a 75715  
commercial driver's license temporary instruction permit or 75716  
commercial driver's license holder is no longer prohibited or 75717  
was erroneously identified as prohibited from operating a 75718  
commercial motor vehicle because of a violation of the drug and 75719  
alcohol use and testing provisions of 49 C.F.R. 382, subpart B, 75720  
initiate the reinstatement procedures described in division (F) 75721  
(2) of this section. 75722

(D) If a driver's medical certification or medical 75723  
variance expires or the federal motor carrier safety 75724

administration notifies the registrar that a medical variance 75725  
was removed or rescinded, the registrar shall do the following: 75726

(1) Send notice to the commercial driver's license holder 75727  
of the holder's medically not certified status. The notice shall 75728  
inform the driver that the driver's commercial driver's license 75729  
privileges will be removed unless the driver resolves the 75730  
medical certification or medical variance defect by submitting a 75731  
current medical certificate or medical variance, as applicable, 75732  
or changing the driver's self-certification under division (A) 75733  
(1) of section 4506.10 of the Revised Code to driving only in 75734  
excepted interstate or excepted intrastate commerce within sixty 75735  
days. 75736

(2) Sixty days after the change to a medically not 75737  
certified status, if the commercial driver's license holder has 75738  
not resolved the medical certification or medical variance 75739  
defect as described in division (D) (1) of this section, the 75740  
registrar shall change the person's commercial driver's license 75741  
status to reflect no commercial driver's license privileges and 75742  
shall send the person a second notice informing the person that 75743  
the commercial driver's license privilege has been removed from 75744  
the driver's license. 75745

(E) To the extent permitted by federal and state law, the 75746  
registrar shall provide records from the commercial driver's 75747  
license information system regarding a commercial driver's 75748  
license holder or commercial motor vehicle operator to the 75749  
following individuals and entities or their authorized agents 75750  
within ten days of the receipt of conviction or disqualification 75751  
information concerning the holder or operator from another state 75752  
or within ten days of the date of conviction or disqualification 75753  
of the holder or operator if it occurred in this state, as 75754



applicable: 75755

(1) Other states; 75756

(2) The secretary of the United States department of transportation; 75757  
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(3) The commercial driver's license holder or commercial motor vehicle operator referenced in the records; 75759  
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(4) A motor carrier that is a current or prospective employer of the commercial driver's license holder or commercial motor vehicle operator referenced in the records. 75761  
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(F) (1) If the registrar receives information in accordance with division (C) (11) of this section, the registrar shall notify the subject commercial driver's license temporary instruction permit or commercial driver's license holder. The notice shall inform the driver that the driver's commercial driver's license privileges will be downgraded unless the driver resolves the prohibition in accordance with the federal requirements within thirty days. If the driver does not resolve the prohibition within the thirty days, the registrar shall do all of the following: 75764  
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(a) Downgrade the driver's commercial driver's license temporary instruction permit or commercial driver's license to prohibit the driver from operating a commercial motor vehicle; 75774  
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(b) Send a second notice to the driver specifying that the driver's license has been downgraded and that the driver is prohibited from operating a commercial motor vehicle until the driver takes the steps necessary to reinstate commercial driver's license privileges; 75777  
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(c) Record the downgrade on the driver's commercial 75782

driver's license information system driver record not later than 75783  
sixty days after the original notification to the registrar from 75784  
the federal motor carrier safety administration. 75785

(2) If the registrar receives information in accordance 75786  
with division (C)(12) of this section, the registrar shall do 75787  
one of the following, as applicable: 75788

(a) If the registrar receives the information before the 75789  
registrar has downgraded a driver's commercial driver's license 75790  
privileges in accordance with division (F)(1) of this section, 75791  
the registrar shall terminate the downgrade process and notify 75792  
the applicable driver of the termination; 75793

(b) If the registrar receives the information after the 75794  
registrar has downgraded a driver's commercial driver's license 75795  
privileges in accordance with division (F)(1) of this section, 75796  
the registrar shall reinstate the driver's commercial driver's 75797  
license, provided that the driver is otherwise eligible for 75798  
reinstatement and such commercial driving privileges. 75799

(3) If the registrar receives information in accordance 75800  
with division (C)(12) of this section that the driver was 75801  
erroneously identified as prohibited from operating a commercial 75802  
motor vehicle, in addition to the reinstatement procedures under 75803  
division (F)(2) of this section, the registrar shall remove any 75804  
record of the downgrade from the driver's commercial driver's 75805  
license information system driver record and motor vehicle 75806  
driving record. 75807

**Sec. 4506.14.** (A) Commercial driver's licenses shall 75808  
expire as follows: 75809

(1) Except as provided in division (A)(3) or (4) of this 75810  
section, each such license issued to replace an operator's or 75811

chauffeur's license shall expire on the original expiration date 75812  
of the operator's or chauffeur's license and, upon renewal, 75813  
shall expire on the licensee's birthday in the fourth or eighth 75814  
year after the date of issuance, based on the period of renewal 75815  
requested by the applicant. A person who is sixty-five years of 75816  
age or older may only apply for a commercial driver's license 75817  
that expires on the birthday of the applicant in the fourth year 75818  
after the date it is issued. 75819

(2) (a) Except as provided in division (A) (3) or (4) of 75820  
this section, each such license issued as an original license to 75821  
a person whose residence is in this state shall expire on the 75822  
licensee's birthday in the fourth or eighth year after the date 75823  
of issuance, based on the period of renewal requested by the 75824  
applicant. A person who is sixty-five years of age or older may 75825  
only apply for a commercial driver's license that expires on the 75826  
birthday of the applicant in the fourth year after the date it 75827  
is issued. 75828

(b) Each such license issued to a person whose temporary 75829  
residence is in this state shall expire in accordance with rules 75830  
adopted by the registrar of motor vehicles. A license issued to 75831  
a person with a temporary residence in this state is 75832  
~~nonrenewable, but may be replaced with a new license within~~ 75833  
~~ninety days prior to its expiration upon the applicant's~~ 75834  
~~compliance with all applicable requirements~~ a limited term 75835  
license and may be renewed in accordance with division (C) of 75836  
this section. 75837

(3) The registrar or a deputy registrar may issue a 75838  
license that expires on a date earlier than the licensee's 75839  
birthday in the fourth year after the date of issuance if the 75840  
licensee has undergone a security threat assessment required by 75841

federal law to obtain a hazardous materials endorsement and the 75842  
assessment will expire before that date. No commercial driver's 75843  
license shall be issued under division (A) (3) of this section 75844  
for a period longer than four years and one hundred eighty days. 75845

(4) Each such license issued to replace the operator's or 75846  
chauffeur's license of a person who is less than twenty-one 75847  
years of age, and each such license issued as an original 75848  
license to a person who is less than twenty-one years of age, 75849  
shall expire on the licensee's twenty-first birthday. 75850

(B) No commercial driver's license shall be issued for a 75851  
period longer than eight years. Except as provided in section 75852  
4507.12 of the Revised Code, the registrar may waive the 75853  
examination of any person applying for the renewal of a 75854  
commercial driver's license issued under this chapter, provided 75855  
that the applicant presents either an unexpired commercial 75856  
driver's license or a commercial driver's license that has 75857  
expired not more than six months prior to the date of 75858  
application. 75859

~~(C)~~ (C) (1) Subject to the requirements of this chapter and 75860  
except as provided in division ~~(A) (2)~~ (C) (2) of this section in 75861  
regard to a person whose temporary residence is in this state, 75862  
every commercial driver's license shall be renewable one hundred 75863  
eighty days before its expiration upon payment of the fees 75864  
required by section 4506.08 of the Revised Code. Each person 75865  
applying for renewal or transfer of a commercial driver's 75866  
license shall complete the application form prescribed by 75867  
section 4506.07 of the Revised Code and shall provide all 75868  
certifications required. 75869

(2) (a) Except as provided in division (C) (2) (b) of this 75870  
section, a limited term commercial driver's license shall not be 75871

issued to a temporary resident for a period longer than the 75872  
expiration date of the temporary resident's authorized stay in 75873  
the United States, or for four years from the date of issuance, 75874  
whichever date is earliest. 75875

(b) If there is no expiration date for a temporary 75876  
resident's authorized stay in the United States, a limited term 75877  
commercial driver's license shall not be issued to the temporary 75878  
resident for a period longer than one year from the date of 75879  
issuance. 75880

(c) A limited term commercial driver's license may be 75881  
renewed within one hundred eighty days prior to its expiration 75882  
upon the applicant's presentation of documentation verifying the 75883  
applicant's legal presence or continued temporary lawful status 75884  
in the United States. 75885

(3) Prior to applying for renewal of a commercial driver's 75886  
license, each applicant shall submit a new copy or original 75887  
medical examiner's certificate required by section 4506.10 of 75888  
the Revised Code; if the person's medical status has changed, 75889  
the registrar shall take the appropriate action to address the 75890  
change in medical status. If the person wishes to retain an 75891  
endorsement authorizing the person to transport hazardous 75892  
materials, the person shall take and successfully complete the 75893  
written test for the endorsement and shall submit to any 75894  
background check required by federal law. 75895

(D) Each person licensed as a driver under this chapter 75896  
shall notify the registrar of any change in the person's address 75897  
within ten days following that change. The notification shall be 75898  
in writing on a form provided by the registrar and shall include 75899  
the full name, date of birth, license number, county of 75900  
residence, social security number, and new address of the 75901

person. 75902

(E) Whoever violates division (D) of this section is 75903  
guilty of a minor misdemeanor. 75904

**Sec. 4507.061.** (A) The registrar of motor vehicles may 75905  
authorize the online renewal of a driver's license, commercial 75906  
driver's license, or identification card issued by the bureau of 75907  
motor vehicles for eligible applicants. An applicant is eligible 75908  
for online renewal if all of the following apply: 75909

(1) The applicant's current driver's license, commercial 75910  
driver's license, or identification card was processed in person 75911  
at a deputy registrar office. 75912

(2) The applicant has a photo on file with the bureau of 75913  
motor vehicles from the applicant's current driver's license, 75914  
commercial driver's license, or identification card. 75915

(3) The applicant's current driver's license, commercial 75916  
driver's license, or identification card expires on the birthday 75917  
of the applicant in the fourth year after the date it was 75918  
issued. 75919

(4) The applicant is applying for a driver's license, 75920  
commercial driver's license, or identification card that expires 75921  
on the birthday of the applicant in the fourth year after the 75922  
date it is issued. 75923

(5) The applicant's current driver's license, commercial 75924  
driver's license, or identification card is unexpired or expired 75925  
not more than six months prior to the date of the application. 75926

(6) The applicant is a citizen or a permanent resident of 75927  
the United States and a permanent resident of this state. 75928

(7) The applicant's current driver's license, commercial 75929

driver's license, or identification card was ~~issue~~issued when 75930  
the applicant was twenty-one years of age or older. 75931

(8) If the applicant is renewing a driver's license or 75932  
commercial driver's license, the applicant is less than sixty- 75933  
five years of age. 75934

(9) The applicant's current driver's license, commercial 75935  
driver's license, or driving privileges are not suspended, 75936  
canceled, revoked, or restricted, and the applicant is not 75937  
otherwise prohibited by law from obtaining a driver's license, 75938  
commercial driver's license, or identification card. 75939

(10) The applicant has no changes to the applicant's name 75940  
or personal information, other than a change of address. 75941

(11) The applicant has no medical restrictions that would 75942  
require the applicant to apply for a driver's license, 75943  
commercial driver's license, or identification card in person at 75944  
a deputy registrar office. The registrar shall determine the 75945  
medical restrictions that require in person applications. 75946

(12) For a commercial driver's license, the applicant 75947  
complies with all the requirements of Chapter 4506. of the 75948  
Revised Code, including self-certification and medical 75949  
certificate requirements. 75950

(13) For a commercial driver's license, the applicant is 75951  
not under any restriction specified by any federal regulation. 75952

(B) An applicant may not submit an application online for 75953  
any of the following: 75954

(1) A temporary instruction permit; 75955

(2) A commercial driver's license temporary instruction 75956  
permit; 75957

- (3) An initial issuance of an Ohio driver's license, 75958  
commercial driver's license, or identification card; 75959
- (4) An initial issuance of a federally compliant driver's 75960  
license, commercial driver's license, or identification card; 75961
- (5) An initial issuance of an enhanced driver's license, 75962  
enhanced commercial driver's license, or enhanced identification 75963  
card; 75964
- (6) An ignition interlock license; 75965
- (7) A limited term driver's license or ~~nonrenewable~~ 75966  
limited term commercial driver's license issued to a temporary 75967  
resident. 75968
- (C) The registrar may require an applicant to provide a 75969  
digital copy of any identification documents and supporting 75970  
documents as required by statute or administrative rule to 75971  
comply with current state and federal requirements. 75972
- (D) Except as otherwise provided, an applicant shall 75973  
comply with all other applicable laws related to the issuance of 75974  
a driver's license, commercial driver's license, or 75975  
identification card in order to renew a driver's license, 75976  
commercial driver's license, or identification card under this 75977  
section. 75978
- (E) The registrar may adopt rules in accordance with 75979  
Chapter 119. of the Revised Code to implement and administer 75980  
this section. 75981
- Sec. 4507.08.** (A) No probationary license shall be issued 75982  
to any person under the age of eighteen who has been adjudicated 75983  
an unruly or delinquent child or a juvenile traffic offender for 75984  
having committed any act that if committed by an adult would be 75985



a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program.

(B) No temporary instruction permit or driver's license shall be issued to any person whose license has been suspended, during the period for which the license was suspended, nor to any person whose license has been canceled, under Chapter 4510. or any other provision of the Revised Code.

(C) No temporary instruction permit or driver's license shall be issued to any person whose commercial driver's license is suspended under Chapter 4510. or any other provision of the Revised Code during the period of the suspension.

No temporary instruction permit or driver's license shall be issued to any person when issuance is prohibited by division (A) of section 4507.091 of the Revised Code.

(D) No temporary instruction permit or driver's license shall be issued to, or retained by, any of the following persons:

(1) Any person who has alcoholism, or is addicted to the use of controlled substances to the extent that the use constitutes an impairment to the person's ability to operate a motor vehicle with the required degree of safety;

(2) Any person who is under the age of eighteen and has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed

by an adult would be a drug abuse offense, as defined in section 76015  
2925.01 of the Revised Code, a violation of division (B) of 76016  
section 2917.11, or a violation of division (A) of section 76017  
4511.19 of the Revised Code, unless the person has been required 76018  
by the court to attend a drug abuse or alcohol abuse education, 76019  
intervention, or treatment program specified by the court and 76020  
has satisfactorily completed the program; 76021

(3) Any person who, in the opinion of the registrar, has a 76022  
physical or mental disability or disease that prevents the 76023  
person from exercising reasonable and ordinary control over a 76024  
motor vehicle while operating the vehicle upon the highways, 76025  
except that a restricted license ~~effective for six months~~ may be 76026  
issued to any person otherwise qualified who is or has been 76027  
subject to any condition resulting in episodic impairment of 76028  
consciousness or loss of muscular control and whose condition, 76029  
in the opinion of the registrar, is dormant or is sufficiently 76030  
under medical control that the person is capable of exercising 76031  
reasonable and ordinary control over a motor vehicle. A 76032  
restricted license ~~effective for six months~~ shall be issued to 76033  
any person who otherwise is qualified and who is subject to any 76034  
condition that causes episodic impairment of consciousness or a 76035  
loss of muscular control if the person presents a statement from 76036  
a licensed physician, certified nurse-midwife if authorized as 76037  
described in section 4723.438 of the Revised Code, clinical 76038  
nurse specialist, or certified nurse practitioner that the 76039  
person's condition is under effective medical control and the 76040  
period of time for which the control has been continuously 76041  
maintained, unless, thereafter, a medical examination is ordered 76042  
and, pursuant thereto, cause for denial is found. 76043

A person to whom a ~~six-month~~ restricted license has been 76044  
issued shall give notice of the person's medical condition to 76045

the registrar on forms provided by the registrar and signed by 76046  
the licensee's physician, certified nurse-midwife, clinical 76047  
nurse specialist, or certified nurse practitioner at intervals 76048  
required by the registrar. ~~The notice shall be sent to the~~ 76049  
~~registrar six months after the issuance of the license.~~ 76050  
~~Subsequent restricted licenses issued to the same individual~~ 76051  
~~shall be effective for six months~~determine the validity period 76052  
of the restricted license. 76053

(4) Any person who is unable to understand highway 76054  
warnings or traffic signs or directions given in the English 76055  
language; 76056

(5) Any person making an application whose driver's 76057  
license or driving privileges are under cancellation, 76058  
revocation, or suspension in the jurisdiction where issued or 76059  
any other jurisdiction, until the expiration of one year after 76060  
the license was canceled or revoked or until the period of 76061  
suspension ends. Any person whose application is denied under 76062  
this division may file a petition in the municipal court or 76063  
county court in whose jurisdiction the person resides agreeing 76064  
to pay the cost of the proceedings and alleging that the conduct 76065  
involved in the offense that resulted in suspension, 76066  
cancellation, or revocation in the foreign jurisdiction would 76067  
not have resulted in a suspension, cancellation, or revocation 76068  
had the offense occurred in this state. If the petition is 76069  
granted, the petitioner shall notify the registrar by a 76070  
certified copy of the court's findings and a license shall not 76071  
be denied under this division. 76072

(6) Any person who is under a class one or two suspension 76073  
imposed for a violation of section 2903.01, 2903.02, 2903.04, 76074  
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 76075

Code or whose driver's or commercial driver's license or permit 76076  
was permanently revoked prior to January 1, 2004, for a 76077  
substantially equivalent violation pursuant to section 4507.16 76078  
of the Revised Code; 76079

(7) Any person who is not a resident or temporary resident 76080  
of this state. 76081

(E) No person whose driver's license or permit has been 76082  
suspended under Chapter 4510. of the Revised Code or any other 76083  
provision of the Revised Code shall have driving privileges 76084  
reinstated if the registrar determines that a warrant has been 76085  
issued in this state or any other state for the person's arrest 76086  
and that warrant is an active warrant. 76087

**Sec. 4507.09.** (A) (1) Except as provided in division (B) of 76088  
this section, every driver's license issued to a resident of 76089  
this state expires on the birthday of the applicant in the 76090  
fourth or eighth year after the date it is issued, based on the 76091  
period of renewal requested by the applicant. A resident who is 76092  
sixty-five years of age or older may only apply for a driver's 76093  
license that expires on the birthday of the applicant in the 76094  
fourth year after the date it is issued. In no event shall any 76095  
license be issued for a period longer than eight years and 76096  
ninety days. 76097

Subject to the requirements of section 4507.12 of the 76098  
Revised Code, every driver's license issued to a resident is 76099  
renewable at any time prior to its expiration. 76100

(2) A driver's license issued to a temporary resident 76101  
shall expire in accordance with rules adopted by the registrar 76102  
of motor vehicles. A driver's license issued to a temporary 76103  
resident is a limited term license, but may be renewed within 76104

ninety days prior to its expiration in accordance with division 76105  
(E) of this section. 76106

(3) No refund shall be made or credit given for the 76107  
unexpired portion of the driver's license that is renewed. The 76108  
registrar shall notify each person whose driver's license has 76109  
expired within forty-five days after the date of expiration. 76110  
Notification shall be made by regular mail sent to the person's 76111  
last known address as shown in the records of the bureau of 76112  
motor vehicles. Failure to provide such notification shall not 76113  
be construed as a renewal or extension of any license. 76114

(4) For the purposes of this section, the date of birth of 76115  
any applicant born on the twenty-ninth day of February shall be 76116  
deemed to be the first day of March in any year in which there 76117  
is no twenty-ninth day of February. 76118

(B) Every driver's license or renewal of a driver's 76119  
license issued to a resident applicant who is sixteen years of 76120  
age or older, but less than twenty-one years of age, expires on 76121  
the twenty-first birthday of the applicant, except that an 76122  
applicant who applies no more than thirty days before the 76123  
applicant's twenty-first birthday shall be issued a license in 76124  
accordance with division (A) of this section. 76125

(C) Each person licensed as a driver under this chapter 76126  
shall notify the registrar of any change in the person's address 76127  
within ten days following that change. The notification shall be 76128  
in writing on a form provided by the registrar and shall include 76129  
the full name, date of birth, license number, county of 76130  
residence, social security number, and new address of the 76131  
person. The registrar shall offer the person the opportunity to 76132  
submit a notice of change of address for voter registration 76133  
purposes by electronic means in conjunction with the person's 76134

transaction with the registrar, in accordance with section 76135  
3503.11 of the Revised Code. 76136

(D) No driver's license shall be renewed when renewal is 76137  
prohibited by division (A) of section 4507.091 of the Revised 76138  
Code. 76139

(E) (1) Except as provided in division (E) (2) of this 76140  
section, a limited term license shall not be issued to a 76141  
temporary resident for a period longer than the expiration date 76142  
of the temporary resident's authorized stay in the United 76143  
States, or for four years from the date of issuance, whichever 76144  
date is earliest. 76145

(2) If there is no expiration date for a temporary 76146  
resident's authorized stay in the United States, a limited term 76147  
license shall not be issued to the temporary resident for a 76148  
period longer than one year from the date of issuance. 76149

(3) A limited term license may be renewed within ninety 76150  
days prior to its expiration upon the applicant's presentation 76151  
of documentation verifying the applicant's legal presence or 76152  
continued temporary lawful status in the United States. 76153

~~(3) A limited term license is not transferable, and the 76154  
applicant may not rely on it to obtain a driver's license in 76155  
another state. 76156~~

(4) In accordance with Chapter 119. of the Revised Code, 76157  
the registrar shall adopt rules governing limited term licenses 76158  
for temporary residents. 76159

**Sec. 4507.21.** (A) Except as provided in section 4507.061 76160  
of the Revised Code, each applicant for a driver's license shall 76161  
file an application in the office of the registrar of motor 76162  
vehicles or of a deputy registrar. 76163

(B) (1) Each person under ~~eighteen~~twenty-one years of age 76164  
applying for a driver's license issued in this state shall 76165  
present satisfactory evidence of having successfully completed 76166  
any one of the following: 76167

(a) A driver education course approved by the state 76168  
department of education and workforce prior to December 31, 76169  
2003. 76170

(b) A driver training course approved by the director of 76171  
public safety. 76172

(c) A driver training course comparable to a driver 76173  
education or driver training course described in division (B) (1) 76174  
(a) or (b) of this section and administered by a branch of the 76175  
armed forces of the United States and completed by the applicant 76176  
while residing outside this state for the purpose of being with 76177  
or near any person serving in the armed forces of the United 76178  
States. 76179

(2) Each person under ~~eighteen~~twenty-one years of age 76180  
applying for a driver's license also shall present, on a form 76181  
prescribed by the registrar, an affidavit signed by an eligible 76182  
adult attesting that the person has acquired at least fifty 76183  
hours of actual driving experience, with at least ten of those 76184  
hours being at night. 76185

(C) (1) An applicant for an initial driver's license shall 76186  
present satisfactory evidence of successful completion of the 76187  
abbreviated driver training course for adults, approved by the 76188  
director of public safety under section 4508.02 of the Revised 76189  
Code, if all of the following apply: 76190

(a) The applicant is ~~eighteen~~twenty-one years of age or 76191  
older. 76192

(b) The applicant failed the road or maneuverability test required under division (A) (2) of section 4507.11 of the Revised Code.

(c) In the twelve months immediately preceding the date of application, the applicant has not successfully completed a driver training course.

(2) An applicant shall present satisfactory evidence as required under division (C) (1) of this section prior to attempting the test a second or subsequent time.

(D) If the registrar or deputy registrar determines that the applicant is entitled to the driver's license, it shall be issued. If the application shows that the applicant's license has been previously canceled or suspended, the deputy registrar shall forward the application to the registrar, who shall determine whether the license shall be granted.

(E) An applicant shall file an application under this section in duplicate, and the deputy registrar issuing the license shall immediately forward to the office of the registrar the original copy of the application, together with the duplicate copy of any certificate of completion if issued for purposes of division (B) of this section. The registrar shall prescribe rules as to the manner in which the deputy registrar files and maintains the applications and other records. The registrar shall file every application for a driver's or commercial driver's license and index them by name and number, and shall maintain a suitable record of all licenses issued, all convictions and bond forfeitures, all applications for licenses denied, and all licenses that have been suspended or canceled.

(F) For purposes of section 2313.06 of the Revised Code,



the registrar shall maintain accurate and current lists of the  
residents of each county who are eighteen years of age or older,  
have been issued, on and after January 1, 1984, driver's or  
commercial driver's licenses that are valid and current, and  
would be electors if they were registered to vote, regardless of  
whether they actually are registered to vote. The lists shall  
contain the names, addresses, dates of birth, duration of  
residence in this state, citizenship status, and social security  
numbers, if the numbers are available, of the licensees, and may  
contain any other information that the registrar considers  
suitable.

(G) Each person under eighteen years of age applying for a  
motorcycle operator's endorsement or a restricted license  
enabling the applicant to operate a motorcycle shall present  
satisfactory evidence of having completed the courses of  
instruction in the motorcycle safety and education program  
described in section 4508.08 of the Revised Code or a comparable  
course of instruction administered by a branch of the armed  
forces of the United States and completed by the applicant while  
residing outside this state for the purpose of being with or  
near any person serving in the armed forces of the United  
States. If the registrar or deputy registrar then determines  
that the applicant is entitled to the endorsement or restricted  
license, it shall be issued.

(H) No person shall knowingly make a false statement in an  
affidavit presented in accordance with division (B)(2) of this  
section.

(I) As used in this section, "eligible adult" means any of  
the following persons:

(1) A parent, guardian, or custodian of the applicant;

(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial responsibility with respect to the operation of a motor vehicle owned by the applicant or with respect to the applicant's operation of any motor vehicle. 76252  
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(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor and shall be fined one hundred dollars. 76257  
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**Sec. 4507.40.** (A) As used in this section, "Ohio credential" means a temporary instruction permit identification card, driver's license, commercial driver's license, motorcycle operator's license, motorized bicycle license, or identification card issued by the Ohio bureau of motor vehicles. 76260  
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(B) Any valid holder of an Ohio credential issued after July 2, 2018, may apply online to obtain an exact reprint of that Ohio credential. Not more than one hundred eighty days after ~~the effective date of this section~~ April 12, 2021, the registrar of motor vehicles shall make the reprint application process available through electronic means on the bureau of motor vehicle's web site. A reprint of an Ohio credential shall be available only through the online process. 76265  
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(C) An applicant may obtain not more than ~~one reprint~~ two reprints between the initial issuance and renewal of an Ohio credential or between renewals of an Ohio credential. A reprint shall be an exact copy of the last-issued Ohio credential that it replaces. A reprint expires on the same date as the Ohio credential it replaces. 76273  
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(D) The applicant shall do all of the following in the application: 76279  
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(1) Certify that the current Ohio credential is lost,  
destroyed, or mutilated;

(2) Provide identifying information, as required by the  
registrar, in order to confirm the applicant's identity;

(3) Include with the application a financial transaction  
device number to pay the applicable fees for the reprint of the  
Ohio credential, and a service fee equal to the amount  
established under section 4503.038 of the Revised Code.

(E) Upon receipt of a completed application, the registrar  
shall issue a reprint Ohio credential to the applicant, if the  
applicant is eligible for the reprint. If the applicant does not  
qualify for a reprint, the registrar shall notify the applicant  
why the application was denied.

(F) The fees that are collected from a person who applies  
for a reprint of an Ohio credential shall be paid to the credit  
of the public safety - highway purposes fund established by  
section 4501.06 of the Revised Code.

**Sec. 4507.41.** (A) "Ohio credential" has the same meaning  
as in section 4507.40 of the Revised Code.

(B) A valid holder of an Ohio credential may apply to  
receive an Ohio credential in an expedited manner. In addition  
to other applicable fees and taxes, a valid holder of an Ohio  
credential shall pay a one-hundred-dollar administrative fee  
plus applicable mailing costs to compensate the registrar of  
motor vehicles for additional services required in issuing an  
expedited Ohio credential. The registrar of motor vehicles shall  
determine the applicable mailing costs and the manner by which  
the Ohio credential is mailed. An expedited Ohio credential is  
available for any Ohio credential and includes online renewal

under section 4507.061 of the Revised Code and reprints under 76310  
section 4507.40 of the Revised Code. 76311

(C) The administrative fee and mailing costs charged 76312  
pursuant to division (B) of this section shall be deposited into 76313  
the public safety - highway purposes fund created in section 76314  
4501.06 of the Revised Code. 76315

(D) The registrar of motor vehicles may adopt rules in 76316  
accordance with Chapter 119. of the Revised Code to implement 76317  
this section. Notwithstanding any provision of section 121.95 of 76318  
the Revised Code to the contrary, a regulatory restriction 76319  
contained in any rule adopted under this section is not subject 76320  
to sections 121.95 to 121.953 of the Revised Code. 76321

**Sec. 4507.53.** Digitalized photographic records of the 76322  
department of public safety may be released only to the 76323  
following: 76324

(A) State, local, or federal governmental agencies for 76325  
criminal justice purposes; 76326

(B) Any court; 76327

(C) The American association of motor vehicle 76328  
administrators to allow state department of motor vehicles 76329  
participating in the association's state-to-state verification 76330  
services and digital image access and exchange program to use 76331  
the photographic records for identity verification purposes; 76332

(D) The department of job and family services or the 76333  
unemployment compensation review commission for the purpose of 76334  
carrying out the department's or commission's functions under 76335  
Chapter 4141. of the Revised Code. 76336

**Sec. 4508.02.** (A) (1) The director of public safety, 76337

subject to Chapter 119. of the Revised Code, shall adopt and 76338  
prescribe such rules concerning the administration and 76339  
enforcement of this chapter as are necessary to protect the 76340  
public. The rules shall require an assessment of the holder of a 76341  
probationary instructor license. The director shall inspect the 76342  
school facilities and equipment of applicants and licensees and 76343  
examine applicants for instructor's licenses. 76344

(2) The director shall adopt rules governing online driver 76345  
education courses that may be completed via the internet to 76346  
satisfy the classroom instruction under division (C) of this 76347  
section. The rules shall do all of the following: 76348

(a) Establish standards that an online driver training 76349  
enterprise must satisfy to be licensed to offer an online driver 76350  
education course via the internet, including, at a minimum, 76351  
proven expertise in providing driver education and an acceptable 76352  
infrastructure capable of providing secure online driver 76353  
education in accord with advances in internet technology. The 76354  
rules shall allow an online driver training enterprise to be 76355  
affiliated with a licensed driver training school offering in- 76356  
person classroom instruction, but shall not require such an 76357  
affiliation. 76358

(b) Establish content requirements that an online driver 76359  
education course must satisfy to be approved as equivalent to 76360  
twenty-four hours of in-person classroom instruction; 76361

(c) Establish attendance standards, including a maximum 76362  
number of course hours that may be completed in a twenty-four- 76363  
hour period; 76364

(d) Allow an enrolled applicant to begin the required 76365  
eight hours of actual behind-the-wheel instruction upon 76366

completing all twenty-four hours of course instruction; 76367

(e) Establish any other requirements necessary to regulate 76368  
online driver education. 76369

(B) The director shall administer and enforce this 76370  
chapter. 76371

(C) The rules shall require twenty-four hours of completed 76372  
in-person classroom instruction or the completion of an 76373  
approved, equivalent online driver education course offered via 76374  
the internet by a licensed online driver training enterprise, 76375  
followed by eight hours of actual behind-the-wheel instruction 76376  
conducted on public streets and highways of this state for all 76377  
beginning drivers of noncommercial motor vehicles who are under 76378  
age ~~eighteen~~ twenty-one. The rules shall allow beginning drivers 76379  
of noncommercial motor vehicles to complete the driver education 76380  
course at any point while holding a valid temporary instruction 76381  
permit. The rules also shall require the classroom instruction 76382  
or online driver education course for such drivers to include 76383  
instruction on both of the following: 76384

(1) The dangers of driving a motor vehicle while 76385  
distracted, including while using an electronic wireless 76386  
communications device, or engaging in any other activity that 76387  
distracts a driver from the safe and effective operation of a 76388  
motor vehicle; 76389

(2) The dangers of driving a motor vehicle while under the 76390  
influence of a controlled substance, prescription medication, or 76391  
alcohol. 76392

(D) The rules shall state the minimum hours for classroom 76393  
and behind-the-wheel instruction required for beginning drivers 76394  
of commercial trucks, commercial cars, buses, and commercial 76395

tractors, trailers, and semitrailers. 76396

(E) (1) The department of public safety may charge a fee to 76397  
each online driver training enterprise in an amount sufficient 76398  
to pay the actual expenses the department incurs in the 76399  
regulation of online driver education courses. 76400

(2) The department shall supply to each licensed online 76401  
driver training enterprise certificates to be used for 76402  
certifying an applicant's enrollment in an approved online 76403  
driver education course and a separate certificate to be issued 76404  
upon successful completion of an approved online driver 76405  
education course. The certificates shall be numbered serially. 76406  
The department may charge a fee to each online driver training 76407  
enterprise per certificate supplied to pay the actual expenses 76408  
the department incurs in supplying the certificates. 76409

(F) The director shall adopt rules in accordance with 76410  
Chapter 119. of the Revised Code governing an abbreviated driver 76411  
training course for adults. 76412

**Sec. 4509.101.** (A) (1) No person shall operate, or permit 76413  
the operation of, a motor vehicle in this state, unless proof of 76414  
financial responsibility is maintained continuously throughout 76415  
the registration period with respect to that vehicle, or, in the 76416  
case of a driver who is not the owner, with respect to that 76417  
driver's operation of that vehicle. 76418

(2) Whoever violates division (A) (1) of this section shall 76419  
be subject to the following civil penalties: 76420

(a) Subject to divisions (A) (2) (b) and (c) of this 76421  
section, a class (F) suspension of the person's driver's 76422  
license, commercial driver's license, temporary instruction 76423  
permit, probationary license, or nonresident operating privilege 76424

for the period of time specified in division (B)(6) of section 76425  
4510.02 of the Revised Code and impoundment of the person's 76426  
license. The court may grant limited driving privileges to the 76427  
person, but only if the person presents proof of financial 76428  
responsibility and is enrolled in a reinstatement fee payment 76429  
plan pursuant to section 4510.10 of the Revised Code. 76430

(b) If, within one year of the violation, the person's 76431  
operating privileges are again suspended and the person's 76432  
license again is impounded for a violation of division (A)(1) of 76433  
this section, a class C suspension of the person's driver's 76434  
license, commercial driver's license, temporary instruction 76435  
permit, probationary license, or nonresident operating privilege 76436  
for the period of time specified in division (B)(3) of section 76437  
4510.02 of the Revised Code. The court may grant limited driving 76438  
privileges to the person only if the person presents proof of 76439  
financial responsibility and has complied with division (A)(5) 76440  
of this section, and no court may grant limited driving 76441  
privileges for the first fifteen days of the suspension. 76442

(c) If, within one year of the violation, the person's 76443  
operating privileges are suspended and the person's license is 76444  
impounded two or more times for a violation of division (A)(1) 76445  
of this section, a class B suspension of the person's driver's 76446  
license, commercial driver's license, temporary instruction 76447  
permit, probationary license, or nonresident operating privilege 76448  
for the period of time specified in division (B)(2) of section 76449  
4510.02 of the Revised Code. The court may grant limited driving 76450  
privileges to the person only if the person presents proof of 76451  
financial responsibility and has complied with division (A)(5) 76452  
of this section, except that no court may grant limited driving 76453  
privileges for the first thirty days of the suspension. 76454



The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(4) An order of the registrar that suspends a license shall state the date on or before which the person is required to surrender the person's license. The person is deemed to have surrendered the license, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, delivers the license to the registrar;

(b) Mails the license to the registrar in an envelope or

container bearing a postmark showing a date no later than the 76484  
date specified in the order. 76485

(5) Except as provided in division (L) of this section, 76486  
the registrar shall not restore any operating privileges 76487  
suspended under this section, return any license surrendered 76488  
under this section, or reissue a license under section 4510.52 76489  
of the Revised Code, if the registrar destroyed the suspended 76490  
license under that section, unless the rights are not subject to 76491  
suspension or revocation under any other law and unless the 76492  
person, in addition to complying with all other conditions 76493  
required by law for reinstatement of the operating privileges, 76494  
complies with all of the following: 76495

(a) Pays to the registrar or an eligible deputy registrar 76496  
a financial responsibility reinstatement fee of forty dollars 76497  
for the first violation of division (A) (1) of this section, 76498  
three hundred dollars for a second violation of that division, 76499  
and six hundred dollars for a third or subsequent violation of 76500  
that division; 76501

(b) Files and continuously maintains proof of financial 76502  
responsibility in accordance with sections 4509.44 to 4509.65 of 76503  
the Revised Code; 76504

(c) Pays a deputy registrar a service fee of ten dollars 76505  
to compensate the deputy registrar for services performed under 76506  
this section. The deputy registrar shall retain eight dollars of 76507  
the service fee and shall transmit the reinstatement fee and two 76508  
dollars of the service fee to the registrar in the manner the 76509  
registrar shall determine. 76510

(B) (1) Every party required to file an accident report 76511  
under section 4509.06 of the Revised Code also shall include 76512

with the report a document described in division (G) (1) (a) of 76513  
this section or shall present proof of financial responsibility 76514  
through use of an electronic wireless communications device as 76515  
permitted by division (G) (1) (b) of this section. 76516

If the registrar determines, within forty-five days after 76517  
the report is filed, that an operator or owner has violated 76518  
division (A) (1) of this section, the registrar shall do all of 76519  
the following: 76520

(a) Order the suspension required under division (A) (2) 76521  
(a), (b), or (c) of this section of the license of any operator 76522  
or owner who has violated division (A) (1) of this section; 76523

(b) Record the name and address of the person whose 76524  
license has been suspended or is under an order of suspension, 76525  
the serial number of the person's license, and the person's 76526  
social security account number, if assigned, or, where the motor 76527  
vehicle that is the subject of the violation is used for hire or 76528  
principally in connection with any established business, the 76529  
person's federal taxpayer identification number. The information 76530  
shall be recorded in such a manner that it becomes a part of the 76531  
person's permanent record, and assists the registrar in 76532  
monitoring compliance with the orders of suspension. 76533

(c) Send written notification to every person to whom the 76534  
order pertains, at the person's last known address as shown on 76535  
the records of the bureau. The person, within ten days after the 76536  
date of the mailing of the notification, shall surrender to the 76537  
registrar, in a manner set forth in division (A) (4) of this 76538  
section, any license under an order of suspension. 76539

(2) The registrar shall issue any order under division (B) 76540  
(1) of this section without a hearing. Any person adversely 76541

affected by the order, within ~~ten~~fifteen days after the 76542  
issuance of the order, may request an administrative hearing 76543  
before the registrar, who shall provide the person with an 76544  
opportunity for a hearing in accordance with this paragraph. A 76545  
request for a hearing does not operate as a suspension of the 76546  
order. The scope of the hearing shall be limited to whether the 76547  
person in fact demonstrated to the registrar proof of financial 76548  
responsibility in accordance with this section. The registrar 76549  
shall determine the date, time, and place of any hearing, 76550  
provided that the hearing shall be held, and an order issued or 76551  
findings made, within thirty days after the registrar receives a 76552  
request for a hearing. If requested by the person in writing, 76553  
the registrar may designate as the place of hearing the county 76554  
seat of the county in which the person resides or a place within 76555  
fifty miles of the person's residence. The person shall pay the 76556  
cost of the hearing before the registrar, if the registrar's 76557  
order of suspension is upheld. 76558

(C) Any order of suspension issued under this section or 76559  
division (B) of section 4509.37 of the Revised Code may be 76560  
terminated at any time if the registrar determines upon a 76561  
showing of proof of financial responsibility that the operator 76562  
or owner of the motor vehicle was in compliance with division 76563  
(A) (1) of this section at the time of the traffic offense, motor 76564  
vehicle inspection, or accident that resulted in the order 76565  
against the person. A determination may be made without a 76566  
hearing. This division does not apply unless the person shows 76567  
good cause for the person's failure to present satisfactory 76568  
proof of financial responsibility to the registrar prior to the 76569  
issuance of the order. 76570

(D) (1) (a) For the purpose of enforcing this section, every 76571  
peace officer is deemed an agent of the registrar. 76572

(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, pursuant to this section, may confiscate the license and return it to the registrar.

(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code.

(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the officer's request under division (D)(2) of this section. The peace officer shall inform every person who receives a traffic ticket and who has failed to produce proof of the maintenance of financial responsibility that the person must submit proof to the traffic violations bureau with any payment of a fine and costs for the ticketed violation or, if the person is to appear in court for the violation, the person must submit proof to the court.

(4) (a) If a person who has failed to produce proof of the maintenance of financial responsibility appears in court for a ticketed violation, the court may permit the defendant to present evidence of proof of financial responsibility to the court at such time and in such manner as the court determines to be necessary or appropriate. In a manner prescribed by the registrar, the clerk of courts shall provide the registrar with the identity of any person who fails to submit proof of the

maintenance of financial responsibility pursuant to division (D) 76603  
(3) of this section. 76604

(b) If a person who has failed to produce proof of the 76605  
maintenance of financial responsibility also fails to submit 76606  
that proof to the traffic violations bureau with payment of a 76607  
fine and costs for the ticketed violation, the traffic 76608  
violations bureau, in a manner prescribed by the registrar, 76609  
shall notify the registrar of the identity of that person. 76610

(5) (a) Upon receiving notice from a clerk of courts or 76611  
traffic violations bureau pursuant to division (D) (4) of this 76612  
section, the registrar shall order the suspension of the license 76613  
of the person required under division (A) (2) (a), (b), or (c) of 76614  
this section, effective forty-five days after the date of the 76615  
mailing of notification. The registrar also shall notify the 76616  
person that the person must present the registrar with proof of 76617  
financial responsibility in accordance with this section, 76618  
surrender to the registrar the person's license, or submit a 76619  
statement subject to section 2921.13 of the Revised Code that 76620  
the person did not operate or permit the operation of the motor 76621  
vehicle at the time of the offense. Notification shall be in 76622  
writing and shall be sent to the person at the person's last 76623  
known address as shown on the records of the bureau of motor 76624  
vehicles. The person, within forty-five days after the date of 76625  
the mailing of notification, shall present proof of financial 76626  
responsibility, surrender the license to the registrar in a 76627  
manner set forth in division (A) (4) of this section, or submit 76628  
the statement required under this section together with other 76629  
information the person considers appropriate. 76630

If the registrar does not receive proof or the person does 76631  
not surrender the license, in accordance with this division, the 76632

registrar shall permit the order for the suspension of the 76633  
license of the person to take effect. 76634

(b) In the case of a person who presents, within the 76635  
forty-five-day period, proof of financial responsibility, the 76636  
registrar shall terminate the order of suspension and shall send 76637  
written notification to the person, at the person's last known 76638  
address as shown on the records of the bureau. 76639

(c) Any person adversely affected by the order of the 76640  
registrar under division (D) (5) (a) or (b) of this section, 76641  
within ~~ten~~fifteen days after the issuance of the order, may 76642  
request an administrative hearing before the registrar, who 76643  
shall provide the person with an opportunity for a hearing in 76644  
accordance with this paragraph. A request for a hearing does not 76645  
operate as a suspension of the order. The scope of the hearing 76646  
shall be limited to whether, at the time of the hearing, the 76647  
person presents proof of financial responsibility covering the 76648  
vehicle and whether the person is eligible for an exemption in 76649  
accordance with this section or any rule adopted under it. The 76650  
registrar shall determine the date, time, and place of any 76651  
hearing; provided, that the hearing shall be held, and an order 76652  
issued or findings made, within thirty days after the registrar 76653  
receives a request for a hearing. If requested by the person, 76654  
the hearing may be held remotely by electronic means. If 76655  
requested by the person in writing, the registrar may designate 76656  
as the place of hearing the county seat of the county in which 76657  
the person resides or a place within fifty miles of the person's 76658  
residence. Such person shall pay the cost of the hearing before 76659  
the registrar, if the registrar's order of suspension under 76660  
division (D) (5) (a) or (b) of this section is upheld. 76661

(6) Any forms used by law enforcement agencies in 76662

administering this section shall be prescribed, supplied, and 76663  
paid for by the registrar. 76664

(7) No peace officer, law enforcement agency employing a 76665  
peace officer, or political subdivision or governmental agency 76666  
that employs a peace officer shall be liable in a civil action 76667  
for damages or loss to persons arising out of the performance of 76668  
any duty required or authorized by this section. 76669

(8) As used in this section, "peace officer" has the 76670  
meaning set forth in section 2935.01 of the Revised Code. 76671

(E) All fees, except court costs, fees paid to a deputy 76672  
registrar, and those portions of the financial responsibility 76673  
reinstatement fees as otherwise specified in this division, 76674  
collected under this section shall be paid into the state 76675  
treasury to the credit of the public safety - highway purposes 76676  
fund established in section 4501.06 of the Revised Code and used 76677  
to cover costs incurred by the bureau in the administration of 76678  
this section and sections 4503.20, 4507.212, and 4509.81 of the 76679  
Revised Code, and by any law enforcement agency employing any 76680  
peace officer who returns any license to the registrar pursuant 76681  
to division (C) of this section. 76682

Of each financial responsibility reinstatement fee the 76683  
registrar collects pursuant to division (A) (5) (a) of this 76684  
section or receives from a deputy registrar under division (A) 76685  
(5) (c) of this section, the registrar shall deposit ten dollars 76686  
of each forty-dollar reinstatement fee, fifty dollars of each 76687  
three-hundred-dollar reinstatement fee, and one hundred dollars 76688  
of each six-hundred-dollar reinstatement fee into the state 76689  
treasury to the credit of the indigent defense support fund 76690  
created by section 120.08 of the Revised Code. 76691



(F) Chapter 119. of the Revised Code applies to this 76692  
section only to the extent that any provision in that chapter is 76693  
not clearly inconsistent with this section. 76694

(G) (1) (a) The registrar, court, traffic violations bureau, 76695  
or peace officer may require proof of financial responsibility 76696  
to be demonstrated by use of a standard form prescribed by the 76697  
registrar. If the use of a standard form is not required, a 76698  
person may demonstrate proof of financial responsibility under 76699  
this section by presenting to the traffic violations bureau, 76700  
court, registrar, or peace officer any of the following 76701  
documents or a copy of the documents: 76702

(i) A financial responsibility identification card as 76703  
provided in section 4509.103 of the Revised Code; 76704

(ii) A certificate of proof of financial responsibility on 76705  
a form provided and approved by the registrar for the filing of 76706  
an accident report required to be filed under section 4509.06 of 76707  
the Revised Code; 76708

(iii) A policy of liability insurance, a declaration page 76709  
of a policy of liability insurance, or liability bond, if the 76710  
policy or bond complies with section 4509.20 or sections 4509.49 76711  
to 4509.61 of the Revised Code; 76712

(iv) A bond or certification of the issuance of a bond as 76713  
provided in section 4509.59 of the Revised Code; 76714

(v) A certificate of deposit of money or securities as 76715  
provided in section 4509.62 of the Revised Code; 76716

(vi) A certificate of self-insurance as provided in 76717  
section 4509.72 of the Revised Code. 76718

(b) A person also may present proof of financial 76719

responsibility under this section to the traffic violations 76720  
bureau, court, registrar, or peace officer through use of an 76721  
electronic wireless communications device as specified under 76722  
section 4509.103 of the Revised Code. 76723

(2) If a person fails to demonstrate proof of financial 76724  
responsibility in a manner described in division (G)(1) of this 76725  
section, the person may demonstrate proof of financial 76726  
responsibility under this section by any other method that the 76727  
court or the bureau, by reason of circumstances in a particular 76728  
case, may consider appropriate. 76729

(3) A motor carrier certificated by the interstate 76730  
commerce commission or by the public utilities commission may 76731  
demonstrate proof of financial responsibility by providing a 76732  
statement designating the motor carrier's operating authority 76733  
and averring that the insurance coverage required by the 76734  
certificating authority is in full force and effect. 76735

(4) (a) A finding by the registrar or court that a person 76736  
is covered by proof of financial responsibility in the form of 76737  
an insurance policy or surety bond is not binding upon the named 76738  
insurer or surety or any of its officers, employees, agents, or 76739  
representatives and has no legal effect except for the purpose 76740  
of administering this section. 76741

(b) The preparation and delivery of a financial 76742  
responsibility identification card or any other document 76743  
authorized to be used as proof of financial responsibility and 76744  
the generation and delivery of proof of financial responsibility 76745  
to an electronic wireless communications device that is 76746  
displayed on the device as text or images does not do any of the 76747  
following: 76748

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives; 76749  
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(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond; 76752  
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(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility or the generation and delivery of proof of financial responsibility to an electronic wireless communications device. 76754  
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(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document or displayed on an electronic wireless communications device accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and registration rights of the person against whom the judgment was rendered as provided in division (A) (2) of this section. 76762  
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(H) In order for any document or display of text or images on an electronic wireless communications device described in division (G) (1) of this section to be used for the demonstration of proof of financial responsibility under this section, the document or words or images shall state the name of the insured 76774  
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or obligor, the name of the insurer or surety company, and the 76779  
effective and expiration dates of the financial responsibility, 76780  
and designate by explicit description or by appropriate 76781  
reference all motor vehicles covered which may include a 76782  
reference to fleet insurance coverage. 76783

(I) For purposes of this section, "owner" does not include 76784  
a licensed motor vehicle leasing dealer as defined in section 76785  
4517.01 of the Revised Code, but does include a motor vehicle 76786  
renting dealer as defined in section 4549.65 of the Revised 76787  
Code. Nothing in this section or in section 4509.51 of the 76788  
Revised Code shall be construed to prohibit a motor vehicle 76789  
renting dealer from entering into a contractual agreement with a 76790  
person whereby the person renting the motor vehicle agrees to be 76791  
solely responsible for maintaining proof of financial 76792  
responsibility, in accordance with this section, with respect to 76793  
the operation, maintenance, or use of the motor vehicle during 76794  
the period of the motor vehicle's rental. 76795

(J) The purpose of this section is to require the 76796  
maintenance of proof of financial responsibility with respect to 76797  
the operation of motor vehicles on the highways of this state, 76798  
so as to minimize those situations in which persons are not 76799  
compensated for injuries and damages sustained in motor vehicle 76800  
accidents. The general assembly finds that this section contains 76801  
reasonable civil penalties and procedures for achieving this 76802  
purpose. 76803

(K) Nothing in this section shall be construed to be 76804  
subject to section 4509.78 of the Revised Code. 76805

(L) (1) The registrar may terminate any suspension imposed 76806  
under this section and not require the owner to comply with 76807  
division (A) (5) of this section if the registrar with or without 76808

a hearing determines that the owner of the vehicle has 76809  
established by clear and convincing evidence that all of the 76810  
following apply: 76811

(a) The owner customarily maintains proof of financial 76812  
responsibility. 76813

(b) Proof of financial responsibility was not in effect 76814  
for the vehicle on the date in question for one of the following 76815  
reasons: 76816

(i) The vehicle was inoperable. 76817

(ii) The vehicle is operated only seasonally, and the date 76818  
in question was outside the season of operation. 76819

(iii) A person other than the vehicle owner or driver was 76820  
at fault for the lapse of proof of financial responsibility 76821  
through no fault of the owner or driver. 76822

(iv) The lapse of proof of financial responsibility was 76823  
caused by excusable neglect under circumstances that are not 76824  
likely to recur and do not suggest a purpose to evade the 76825  
requirements of this chapter. 76826

(2) The registrar may grant an owner or driver relief for 76827  
a reason specified in division (L)(1)(b)(iii) or (iv) of this 76828  
section only if the owner or driver has not previously been 76829  
granted relief under division (L)(1)(b)(iii) or (iv) of this 76830  
section. 76831

(M) The registrar shall adopt rules in accordance with 76832  
Chapter 119. of the Revised Code that are necessary to 76833  
administer and enforce this section. The rules shall include 76834  
provisions relating to acceptable forms of proof of financial 76835  
responsibility, the use of an electronic wireless communications 76836

device to present proof of financial responsibility, and 76837  
verification of the existence of financial responsibility during 76838  
the period of registration. 76839

(N) (1) When a person utilizes an electronic wireless 76840  
communications device to present proof of financial 76841  
responsibility, only the evidence of financial responsibility 76842  
displayed on the device shall be viewed by the registrar, peace 76843  
officer, employee or official of the traffic violations bureau, 76844  
or the court. No other content of the device shall be viewed for 76845  
purposes of obtaining proof of financial responsibility. 76846

(2) When a person provides an electronic wireless 76847  
communications device to the registrar, a peace officer, an 76848  
employee or official of a traffic violations bureau, or the 76849  
court, the person assumes the risk of any resulting damage to 76850  
the device unless the registrar, peace officer, employee, or 76851  
official, or court personnel purposely, knowingly, or recklessly 76852  
commits an action that results in damage to the device. 76853

**Sec. 4513.60.** (A) (1) The sheriff of a county or chief of a 76854  
law enforcement agency of a municipal corporation, township, 76855  
port authority, conservancy district, or township or joint 76856  
police district, within the sheriff's or chief's respective 76857  
territorial jurisdiction, upon complaint of any person adversely 76858  
affected, may order into storage any motor vehicle, other than 76859  
an abandoned junk motor vehicle as defined in section 4513.63 of 76860  
the Revised Code, that has been left on private residential or 76861  
private agricultural property for at least four hours without 76862  
the permission of the person having the right to the possession 76863  
of the property. The sheriff or chief, upon complaint of a 76864  
repair garage or place of storage, may order into storage any 76865  
motor vehicle, other than an abandoned junk motor vehicle, that 76866

has been left at the garage or place of storage for a longer 76867  
period than that agreed upon. When ordering a motor vehicle into 76868  
storage pursuant to this division, a sheriff or chief may 76869  
arrange for the removal of the motor vehicle by a towing service 76870  
and shall designate a storage facility. 76871

(2) A towing service towing a motor vehicle under division 76872  
(A) (1) of this section shall remove the motor vehicle in 76873  
accordance with that division. The towing service shall deliver 76874  
the motor vehicle to the location designated by the sheriff or 76875  
chief not more than two hours after the time it is removed from 76876  
the private property, unless the towing service is unable to 76877  
deliver the motor vehicle within two hours due to an 76878  
uncontrollable force, natural disaster, or other event that is 76879  
not within the power of the towing service. 76880

(3) Subject to division (B) of this section, the owner of 76881  
a motor vehicle that has been removed pursuant to this division 76882  
may recover the vehicle only in accordance with division (D) of 76883  
this section. 76884

(4) As used in this section, "private residential 76885  
property" means private property on which is located one or more 76886  
structures that are used as a home, residence, or sleeping place 76887  
by one or more persons, if no more than three separate 76888  
households are maintained in the structure or structures. 76889  
"Private residential property" does not include any private 76890  
property on which is located one or more structures that are 76891  
used as a home, residence, or sleeping place by two or more 76892  
persons, if more than three separate households are maintained 76893  
in the structure or structures. 76894

(B) If the owner or operator of a motor vehicle that has 76895  
been ordered into storage pursuant to division (A) (1) of this 76896

section arrives after the motor vehicle has been prepared for 76897  
removal, but prior to its actual removal from the property, the 76898  
towing service shall give the owner or operator oral or written 76899  
notification at the time of such arrival that the vehicle owner 76900  
or operator may pay a fee of not more than one-half of the fee 76901  
for the removal of the motor vehicle established by the public 76902  
utilities commission in rules adopted under section 4921.25 of 76903  
the Revised Code, in order to obtain release of the motor 76904  
vehicle. However, if the vehicle is within a municipal 76905  
corporation and the municipal corporation has established a 76906  
vehicle removal fee, the towing service shall give the owner or 76907  
operator oral or written notification that the owner or operator 76908  
may pay not more than one-half of that fee to obtain release of 76909  
the motor vehicle. That fee may be paid by use of a major credit 76910  
card unless the towing service uses a mobile credit card 76911  
processor and mobile service is not available at the time of the 76912  
transaction. 76913

Upon payment of the applicable fee, the towing service 76914  
shall give the vehicle owner or operator a receipt showing both 76915  
the full amount normally assessed and the actual amount received 76916  
and shall release the motor vehicle to the owner or operator. 76917  
Upon its release, the owner or operator immediately shall move 76918  
it so that it is not on the private residential or private 76919  
agricultural property without the permission of the person 76920  
having the right to possession of the property, or is not at the 76921  
garage or place of storage without the permission of the owner, 76922  
whichever is applicable. 76923

(C) (1) Each county sheriff and each chief of a law 76924  
enforcement agency of a municipal corporation, township, port 76925  
authority, conservancy district, or township or joint police 76926  
district shall maintain a record of motor vehicles that the 76927



sheriff or chief orders into storage pursuant to division (A) (1) 76928  
of this section. The record shall include an entry for each such 76929  
motor vehicle that identifies the motor vehicle's license 76930  
number, make, model, and color, the location from which it was 76931  
removed, the date and time of its removal, the telephone number 76932  
of the person from whom it may be recovered, and the address of 76933  
the place to which it has been taken and from which it may be 76934  
recovered. A sheriff or chief shall provide any information in 76935  
the record that pertains to a particular motor vehicle to any 76936  
person who, either in person or pursuant to a telephone call, 76937  
identifies self as the owner or operator of the motor vehicle 76938  
and requests information pertaining to its location. 76939

(2) Any person who registers a complaint that is the basis 76940  
of a sheriff's or chief's order for the removal and storage of a 76941  
motor vehicle under division (A) (1) of this section shall 76942  
provide the identity of the law enforcement agency with which 76943  
the complaint was registered to any person who identifies self 76944  
as the owner or operator of the motor vehicle and requests 76945  
information pertaining to its location. 76946

(D) (1) The owner or lienholder of a motor vehicle that is 76947  
ordered into storage pursuant to division (A) (1) of this section 76948  
may reclaim it upon both of the following: 76949

(a) Payment of all applicable fees established by the 76950  
public utilities commission in rules adopted under section 76951  
4921.25 of the Revised Code or, if the vehicle was towed within 76952  
a municipal corporation that has established fees for vehicle 76953  
removal and storage, payment of all applicable fees established 76954  
by the municipal corporation. Section 2930.11 of the Revised 76955  
Code does not apply with regard to the payment of fees for motor 76956  
vehicle removal and storage under this section. 76957

(b) Presentation of proof of ownership, which may be 76958  
evidenced by a certificate of title to the motor vehicle, a 76959  
certificate of registration for the motor vehicle, or a lease 76960  
agreement. 76961

When the owner of a vehicle towed under this section 76962  
retrieves the vehicle, the towing service or storage facility in 76963  
possession of the vehicle shall give the owner written notice 76964  
that if the owner disputes that the motor vehicle was lawfully 76965  
towed, the owner may be able to file a civil action under 76966  
section 4513.611 of the Revised Code. 76967

(2) Upon presentation of proof of ownership as required 76968  
under division (D) (1) (b) of this section, the owner of a motor 76969  
vehicle that is ordered into storage under division (A) (1) of 76970  
this section may retrieve any personal items from the motor 76971  
vehicle without retrieving the vehicle and without paying any 76972  
fee. However, a towing service or storage facility may charge an 76973  
after-hours retrieval fee established by the public utilities 76974  
commission in rules adopted under section 4921.25 of the Revised 76975  
Code if the owner retrieves the personal items after hours, 76976  
unless the towing service or storage facility fails to provide 76977  
the notice required under division (B) (3) of section 4513.69 of 76978  
the Revised Code, if applicable. The owner of a motor vehicle 76979  
shall not do either of the following: 76980

(a) Retrieve any personal item that has been determined by 76981  
the sheriff or chief, as applicable, to be necessary to a 76982  
criminal investigation; 76983

(b) Retrieve any personal item from a vehicle if it would 76984  
endanger the safety of the owner, unless the owner agrees to 76985  
sign a waiver of liability. 76986

For purposes of division (D) (2) of this section, "personal items" do not include any items that are attached to the motor vehicle. 76987  
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(3) If a motor vehicle that is ordered into storage pursuant to division (A) (1) of this section remains unclaimed by the owner for thirty days, the procedures established by sections 4513.61 and 4513.62 of the Revised Code apply. 76990  
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(E) (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with division (A) (1) of this section or sections 4513.61 to 4513.65 of the Revised Code. 76994  
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(2) No towing service or storage facility shall fail to comply with the requirements of this section. 76999  
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(F) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with section 4513.601 of the Revised Code. 77001  
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(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor. 77005  
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**Sec. 4513.61.** (A) The sheriff of a county or chief of a law enforcement agency of a municipal corporation, township, port authority, conservancy district, university campus police department, park district police force, or township or joint police district, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, natural resources officer, or wildlife officer, upon notification to the sheriff, chief, or department of natural resources, as applicable, of such action and of the location of 77007  
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the place of storage, may order into storage any motor vehicle, 77016  
including an abandoned junk motor vehicle as defined in section 77017  
4513.63 of the Revised Code, that: 77018

(1) Has come into the possession of the sheriff, chief, 77019  
state highway patrol trooper, or officer as a result of the 77020  
performance of the sheriff's, chief's, trooper's, or officer's 77021  
duties; or 77022

(2) Has been left on a public street or other property 77023  
open to the public for purposes of vehicular travel, or upon or 77024  
within the right-of-way of any road or highway, for forty-eight 77025  
hours or longer without notification to the sheriff, chief, or 77026  
department of the reasons for leaving the motor vehicle in such 77027  
place. However, when such a motor vehicle constitutes an 77028  
obstruction to traffic it may be ordered into storage 77029  
immediately unless either of the following applies: 77030

(a) The vehicle was involved in an accident and is subject 77031  
to section 4513.66 of the Revised Code; 77032

(b) The vehicle is a commercial motor vehicle. If the 77033  
vehicle is a commercial motor vehicle, the sheriff, chief, 77034  
trooper, or officer shall allow the owner or operator of the 77035  
vehicle the opportunity to arrange for the removal of the motor 77036  
vehicle within a period of time specified by the sheriff, chief, 77037  
trooper, or officer. If the sheriff, chief, trooper, or officer 77038  
determines that the vehicle cannot be removed within the 77039  
specified period of time, the sheriff, chief, trooper, or 77040  
officer shall order the removal of the vehicle. 77041

Subject to division (C) of this section, the sheriff, 77042  
chief, or department shall designate the place of storage of any 77043  
motor vehicle so ordered removed. 77044

(B) If the sheriff, chief, trooper, or officer issues an order under division (A) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the sheriff, chief, or department not more than two hours after the time it is removed.

(C) (1) The sheriff, chief, or department shall cause a search to be made of the records of an applicable entity listed in division (F) (1) of section 4513.601 of the Revised Code to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the sheriff, chief, trooper, or officer within five business days of the removal of the vehicle. Upon obtaining such identity, the sheriff, chief, or department shall send or cause notice to be sent to the owner and any lienholder at the owner's and any lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner and any lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.

(2) The owner or lienholder of the motor vehicle is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon Section 2930.11 of the Revised Code does not apply with regard to the payment of fees for motor vehicle

removal and storage under this section. 77076

Upon presentation of proof of ownership evidenced as 77077  
provided above, the owner of the motor vehicle also may retrieve 77078  
any personal items from the vehicle without retrieving the 77079  
vehicle and without paying any fee. However, a towing service or 77080  
storage facility may charge an after-hours retrieval fee 77081  
established by the public utilities commission in rules adopted 77082  
under section 4921.25 of the Revised Code if the owner retrieves 77083  
the personal items after hours, unless the towing service or 77084  
storage facility fails to provide the notice required under 77085  
division (B) (3) of section 4513.69 of the Revised Code, if 77086  
applicable. However, the owner shall not do either of the 77087  
following: 77088

(a) Retrieve any personal item that has been determined by 77089  
the sheriff, chief, trooper, or officer, as applicable, to be 77090  
necessary to a criminal investigation; 77091

(b) Retrieve any personal item from a vehicle if it would 77092  
endanger the safety of the owner, unless the owner agrees to 77093  
sign a waiver of liability. 77094

For purposes of division (C) (2) of this section, "personal 77095  
items" do not include any items that are attached to the 77096  
vehicle. 77097

(3) If the owner or lienholder of the motor vehicle 77098  
reclaims it after a search of the applicable records has been 77099  
conducted and after notice has been sent to the owner and any 77100  
lienholder as described in this section, and the search was 77101  
conducted by the place of storage, and the notice was sent to 77102  
the motor vehicle owner by the place of storage, the owner or 77103  
lienholder shall pay to the place of storage a processing fee of 77104

twenty-five dollars, in addition to any expenses or charges 77105  
incurred in the removal and storage of the vehicle. 77106

(D) If the owner or lienholder makes no claim to the motor 77107  
vehicle within ten days of the date of sending the notice, and 77108  
if the vehicle is to be disposed of at public auction as 77109  
provided in section 4513.62 of the Revised Code, the sheriff, 77110  
chief, or department, without charge to any party, shall file 77111  
with the clerk of courts of the county in which the place of 77112  
storage is located an affidavit showing compliance with the 77113  
requirements of this section. Upon presentation of the 77114  
affidavit, the clerk, without charge, shall issue a salvage 77115  
certificate of title, free and clear of all liens and 77116  
encumbrances, to the sheriff, chief, or department. If the 77117  
vehicle is to be disposed of to a motor vehicle salvage dealer 77118  
or other facility as provided in section 4513.62 of the Revised 77119  
Code, the sheriff, chief, or department shall execute in 77120  
triplicate an affidavit, as prescribed by the registrar of motor 77121  
vehicles, describing the motor vehicle and the manner in which 77122  
it was disposed of, and that all requirements of this section 77123  
have been complied with. The sheriff, chief, or department shall 77124  
retain the original of the affidavit for the sheriff's, chief's, 77125  
or department's records, and shall furnish two copies to the 77126  
motor vehicle salvage dealer or other facility. Upon 77127  
presentation of a copy of the affidavit by the motor vehicle 77128  
salvage dealer, the clerk of courts, within thirty days of the 77129  
presentation, shall issue a salvage certificate of title, free 77130  
and clear of all liens and encumbrances. 77131

(E) Whenever a motor vehicle salvage dealer or other 77132  
facility receives an affidavit for the disposal of a motor 77133  
vehicle as provided in this section, the dealer or facility 77134  
shall not be required to obtain an Ohio certificate of title to 77135

the motor vehicle in the dealer's or facility's own name if the 77136  
vehicle is dismantled or destroyed and both copies of the 77137  
affidavit are delivered to the clerk of courts. 77138

(F) No towing service or storage facility shall fail to 77139  
comply with this section. 77140

**Sec. 4513.66.** (A) If a motor vehicle accident occurs on 77141  
any highway, public street, or other property open to the public 77142  
for purposes of vehicular travel and if any motor vehicle, 77143  
cargo, or personal property that has been damaged or spilled as 77144  
a result of the motor vehicle accident is blocking the highway, 77145  
street, or other property or is otherwise endangering public 77146  
safety, a public safety official may do either of the following 77147  
without the consent of the owner but with the approval of the 77148  
law enforcement agency conducting any investigation of the 77149  
accident: 77150

(1) Remove, or order the removal of, the motor vehicle if 77151  
the motor vehicle is unoccupied, cargo, or personal property 77152  
from the portion of the highway, public street, or property 77153  
ordinarily used for vehicular travel on the highway, public 77154  
street, or other property open to the public for purposes of 77155  
vehicular travel. 77156

(2) If the motor vehicle is a commercial motor vehicle, 77157  
allow the owner or operator of the vehicle the opportunity to 77158  
arrange for the removal of the motor vehicle within a period of 77159  
time specified by the public safety official. If the public 77160  
safety official determines that the motor vehicle cannot be 77161  
removed within the specified period of time, the public safety 77162  
official shall remove or order the removal of the motor vehicle. 77163

(B) (1) Except as provided in division (B) (2) of this 77164



section, the department of transportation, any employee of the 77165  
department of transportation, or a public safety official who 77166  
authorizes or participates in the removal of any unoccupied 77167  
motor vehicle, cargo, or personal property as authorized by 77168  
division (A) of this section, regardless of whether the removal 77169  
is executed by a private towing service, is not liable for civil 77170  
damages for any injury, death, or loss to person or property 77171  
that results from the removal of that unoccupied motor vehicle, 77172  
cargo, or personal property. Further, except as provided in 77173  
division (B) (2) of this section, if a public safety official 77174  
authorizes, employs, or arranges to have a private towing 77175  
service remove any unoccupied motor vehicle, cargo, or personal 77176  
property as authorized by division (A) of this section, that 77177  
private towing service is not liable for civil damages for any 77178  
injury, death, or loss to person or property that results from 77179  
the removal of that unoccupied motor vehicle, cargo, or personal 77180  
property. 77181

(2) Division (B) (1) of this section does not apply to any 77182  
of the following: 77183

(a) Any person or entity involved in the removal of an 77184  
unoccupied motor vehicle, cargo, or personal property pursuant 77185  
to division (A) of this section if that removal causes or 77186  
contributes to the release of a hazardous material or to 77187  
structural damage to the roadway; 77188

(b) A private towing service that was not authorized, 77189  
employed, or arranged by a public safety official to remove an 77190  
unoccupied motor vehicle, cargo, or personal property under this 77191  
section; 77192

(c) Except as provided in division (B) (2) (d) of this 77193  
section, a private towing service that was authorized, employed, 77194

or arranged by a public safety official to perform the removal 77195  
of the unoccupied motor vehicle, cargo, or personal property but 77196  
the private towing service performed the removal in a negligent 77197  
manner; 77198

(d) A private towing service that was authorized, 77199  
employed, or arranged by a public safety official to perform the 77200  
removal of the unoccupied motor vehicle, cargo, or personal 77201  
property that was endangering public safety but the private 77202  
towing service performed the removal in a reckless manner. 77203

(C) Section 2930.11 of the Revised Code does not apply 77204  
with regard to the payment of fees for motor vehicle removal and 77205  
storage under this section. 77206

(D) As used in this section: 77207

(1) "Public safety official" means any of the following: 77208

(a) The sheriff of the county, or the chief of a law 77209  
enforcement agency in the municipal corporation, township, port 77210  
authority, conservancy district, university campus police 77211  
department, park district police force, or township or joint 77212  
police district, in which the accident occurred; 77213

(b) A state highway patrol trooper; 77214

(c) The chief of the fire department having jurisdiction 77215  
where the accident occurred; 77216

(d) A duly authorized subordinate acting on behalf of an 77217  
official specified in divisions ~~(C) (1) (a)~~ (D) (1) (a) to (c) of 77218  
this section; 77219

(e) A natural resources officer or a wildlife officer. 77220

(2) "Hazardous material" has the same meaning as in 77221

section 2305.232 of the Revised Code. 77222

Sec. 4561.03. (A) The Ohio airport improvement program 77223  
fund is created in the state treasury. The fund shall consist of 77224  
money appropriated to it by the general assembly and transfers 77225  
from the petroleum activity tax fund in accordance with section 77226  
5736.13 of the Revised Code. 77227

(B) The fund shall be used by the office of aviation to 77228  
support the Ohio airport improvement program. The program 77229  
provides financial support to publicly owned, public-use 77230  
airports in Ohio. 77231

(C) Investment earnings of the fund shall be credited to 77232  
the fund. 77233

**Sec. 4701.01.** As used in this chapter: 77234

(A) "Practice of public accounting" means performing or 77235  
offering to perform any engagement that will result in the 77236  
issuance of an attest report and, with respect to a person who 77237  
holds a CPA certificate, PA registration, foreign certificate, 77238  
or firm registration, any other services involving the use of 77239  
accounting or auditing skills as established by rules adopted by 77240  
the accountancy board. 77241

(B) "Public accounting firm" means a sole proprietorship, 77242  
a partnership, a limited liability company, a professional 77243  
association, a corporation-for-profit, or any other business 77244  
organization that is engaged in the practice of public 77245  
accounting in this state. 77246

(C) "Opinion report" means any opinion on a financial 77247  
statement that is expressed in accordance with generally 77248  
accepted auditing standards as to the fairness of presentation 77249  
of information and that is used for guidance in financial 77250

transactions, for accounting, or for assessing the status or 77251  
performance of commercial and noncommercial enterprises, whether 77252  
public, private, or governmental. 77253

(D) "Peer review" means a study, appraisal, or review of 77254  
one or more aspects of the professional work of a public 77255  
accounting firm that meets the standards and requirements set 77256  
forth by the accountancy board. 77257

(E) "Review report" means either of the following: 77258

(1) Any review report on a financial statement that is 77259  
issued with respect to any of the following: 77260

(a) Interim financial information in accordance with 77261  
generally accepted auditing standards; 77262

(b) The financial information of a nonpublic entity in 77263  
accordance with statements on standards for accounting and 77264  
review services; 77265

(c) The reliability of another party's written assertion 77266  
in accordance with statements on standards for attestation 77267  
engagements. 77268

(2) Any other review report on a financial statement that 77269  
is not described in division (E) (1) of this section and that is 77270  
issued in accordance with standards promulgated by the American 77271  
institute of certified public accountants. 77272

(F) "Compilation report" means any compilation report on a 77273  
financial statement that is issued with respect to financial 77274  
information of a nonpublic entity in accordance with statements 77275  
on standards for accounting and review services as promulgated 77276  
by the American institute of certified public accountants. 77277

(G) "Examination report" means any examination report on a 77278

financial statement that is issued with respect to another 77279  
party's written assertion in accordance with statements on 77280  
standards for attestation engagements as promulgated by the 77281  
American institute of certified public accountants. 77282

(H) "Agreed-upon procedures report" means any report that 77283  
is on a financial statement and that is based on agreed-upon 77284  
procedures issued with respect to another party's written 77285  
assertion in accordance with statements on standards for 77286  
attestation engagements as promulgated by the American institute 77287  
of certified public accountants. 77288

(I) "Qualified firm" means a sole proprietorship, 77289  
partnership, professional association, corporation-for-profit, 77290  
limited liability company, or other business organization in 77291  
which the individuals who own a majority of the business 77292  
organization interests in the business organization and control 77293  
the business organization hold an Ohio permit or a foreign 77294  
certificate. 77295

(J) "Own" means any direct or indirect ownership of an 77296  
equity interest or shares in a public accounting firm or 77297  
qualified firm. 77298

(K) "Control" or "controlled" means the right to exercise 77299  
the majority of the voting equity interests or shares in a 77300  
public accounting firm or qualified firm with respect to any 77301  
matter. 77302

(L) "Equity interest" means any capital interest or profit 77303  
interest in a sole proprietorship, partnership, professional 77304  
association, corporation-for-profit, limited liability company, 77305  
or other business organization. 77306

(M) "Ohio permit" means a permit to practice public 77307

accounting issued under division (A) of section 4701.10 of the Revised Code that is not revoked or suspended.

(N) "Ohio registration" means the registration under division (B) of section 4701.10 of the Revised Code of a holder of a CPA certificate or PA registration who is not in the practice of public accounting in this state.

(O) "Firm registration" or "registered firm" means registration as a public accounting firm under section 4701.04 of the Revised Code.

(P) "PA registration" means registration as a public accountant under section 4701.07 of the Revised Code that is not revoked or suspended.

(Q) "CPA certificate" means a certificate issued under section 4701.06 or 4701.061 of the Revised Code that is not revoked or suspended.

(R) "Foreign certificate" means a license, permit, certificate, or registration issued to a certified public accountant under the laws of another state that authorizes the holder to practice public accounting in that state, is valid, is in good standing, and has not expired.

(S) "Attest report" means an opinion report, review report, compilation report, examination report, agreed-upon procedures report, or any similar report prepared in accordance with standards established by the American institute of certified public accountants with respect to a financial statement or other financial information.

(T) "Person" means any individual, corporation-for-profit, business trust, estate, partnership, limited liability company, professional association, or other business organization.

(U) Technical terms that define specific public accounting 77337  
engagements have the same meanings as in the professional 77338  
standards promulgated by the American institute of certified 77339  
public accountants. 77340

**Sec. 4701.04.** (A) No public accounting firm located in 77341  
this state shall engage in the practice of public accounting in 77342  
this state unless it registers with the accountancy board and 77343  
pays a registration fee set by the board. 77344

(B) Public accounting firms shall apply for initial 77345  
registration within ninety days after formation or within ninety 77346  
days after the commencement of practicing public accounting in 77347  
this state. All public accounting firms shall renew their 77348  
registration triennially. All public accounting firms shall 77349  
submit with their initial and renewal registration applications 77350  
all of the following: 77351

(1) A list of the names, addresses, and certificate or 77352  
registration numbers of all individuals who hold an Ohio permit 77353  
and who own an equity interest or shares in the public 77354  
accounting firm or are employed by the public accounting firm; 77355

(2) A list of the names and addresses of each person who 77356  
does not hold an Ohio permit or a foreign certificate and who 77357  
owns an equity interest or shares in the public accounting firm 77358  
if the person's principal place of business is located in this 77359  
state; 77360

(3) A statement that the public accounting firm and each 77361  
person who owns an equity interest or shares in the public 77362  
accounting firm or is employed by the public accounting firm and 77363  
who does not hold an Ohio permit or a foreign certificate is in 77364  
compliance with divisions (C) and (D) of this section. 77365

(C) A public accounting firm shall satisfy all of the following requirements in order to register:

(1) Except as provided in division ~~(C)(5)~~(C)(7) of this section, ~~each partner, shareholder, member, or other person who owns an~~ more than fifty per cent of the total equity interest or shares in the public accounting firm shall be owned by individuals who hold an Ohio permit or a foreign certificate.

(2) If a public accounting firm has a board of directors, more than fifty per cent of the directors shall hold an Ohio permit or a foreign certificate.

(3) If a public accounting firm has an employee stock ownership plan, more than fifty per cent of the trustees of the employee stock ownership plan shall hold an Ohio permit or a foreign certificate.

(4) The public accounting firm shall designate an individual who holds an Ohio permit who shall be responsible for the proper registration of the firm. The public accounting firm shall identify this individual to the board.

~~(3)~~(5) Each individual in a public accounting firm who signs any attest report issued from an office of the public accounting firm located in this state shall hold an Ohio permit.

~~(4)~~(6) An individual who owns an equity interest or shares in the public accounting firm or is employed by the public accounting firm and who holds an Ohio permit or a foreign certificate, or a qualified firm that owns an equity interest or shares in the public accounting firm, shall assume ultimate responsibility for any attest report issued from an office of the public accounting firm located in this state.

~~(5)~~(7) Any person who does not hold an Ohio permit or a



foreign certificate and who holds an equity interest or shares 77395  
in the public accounting firm shall satisfy the conditions set 77396  
forth in division (D) of this section. 77397

~~(6)~~(8) The public accounting firm shall provide for the 77398  
transfer of the equity interest or shares owned by persons who 77399  
do not hold an Ohio permit or a foreign certificate to either 77400  
the public accounting firm or to another person who owns an 77401  
equity interest or shares in the firm if a person who does not 77402  
hold an Ohio permit or a foreign certificate withdraws from or 77403  
ceases to be employed by the public accounting firm. The public 77404  
accounting firm may make payments in connection with the 77405  
person's withdrawal from the firm to that person or, if that 77406  
person is deceased or dissolved, to the person's estate or 77407  
successor in interest. 77408

(D) A person who does not hold an Ohio permit or a foreign 77409  
certificate may own an equity interest or shares in a public 77410  
accounting firm if all of the following conditions are met: 77411

(1) All of the individuals who hold an Ohio permit or a 77412  
foreign certificate and who own equity interests or shares in 77413  
the public accounting firm, and qualified firms that own equity 77414  
interests or shares in the public accounting firm, own, in the 77415  
aggregate, a majority of the equity interests or shares in the 77416  
public accounting firm and control the public accounting firm. 77417

(2) The person does not assume or use any titles or 77418  
designations specified in division (A) of section 4701.14 of the 77419  
Revised Code. The person may designate or refer to the person as 77420  
a shareholder, partner, member, principal, owner, or officer of 77421  
the public accounting firm and also may use any other title that 77422  
the board authorizes by rule. 77423

(3) The person is not in violation of any standard 77424  
regarding the character or conduct of that person that the board 77425  
establishes by rule. 77426

(4) The person's participation in the business of the 77427  
public accounting firm is the person's principal occupation and 77428  
consists of providing services to or on behalf of the public 77429  
accounting firm, and the person is not functioning solely or 77430  
predominately as a passive investor in the public accounting 77431  
firm. 77432

(5) The person meets or exceeds the continuing education 77433  
requirements that the board establishes by rule. 77434

(6) A person who holds a professional license, 77435  
registration, or certification issued by this state or another 77436  
state complies with the requirements of that license, 77437  
registration, or certification. 77438

(7) The person abides by the code of conduct of the 77439  
American institute of certified public accountants or a 77440  
comparable code of professional conduct that the board adopts by 77441  
rule. 77442

(8) The person complies with all applicable provisions of 77443  
this chapter and the rules adopted by the board. 77444

(E) A person who owns a voting equity interest or shares 77445  
in a public accounting firm may not delegate, by proxy or 77446  
otherwise, the duty to exercise any voting rights to a person 77447  
that does not hold an Ohio permit or a foreign certificate or to 77448  
a person that is not a qualified firm. 77449

(F) As a condition for initial or renewal registration of 77450  
a public accounting firm on and after January 1, 1993, the 77451  
board, by rule, shall require that each public accounting firm 77452

undergo a peer review to determine the public accounting firm's 77453  
degree of compliance in the practice of public accounting with 77454  
generally accepted accounting principles, generally accepted 77455  
auditing standards, and other generally accepted technical 77456  
standards as defined by the board in rule, unless the public 77457  
accounting firm meets one of the exceptions in division (J) of 77458  
this section. 77459

(G) The board shall adopt rules establishing guidelines 77460  
for peer reviews, and may authorize an agent to administer all 77461  
or part of the board's peer review program and to assess a 77462  
reasonable fee to firms to cover the costs incurred by the agent 77463  
for program administration. The rules shall do all of the 77464  
following: 77465

(1) Designate a peer review committee consisting of 77466  
accounting professionals to serve as advisors to the board and 77467  
to ensure that the board's guidelines are followed. 77468

(2) Require that the peer review be conducted by a 77469  
reviewer that is both independent of the public accounting firm 77470  
reviewed and qualified pursuant to board rules; 77471

(3) Require that the standards and practices applied by 77472  
the reviewer be at least as stringent as those applied by the 77473  
American institute of certified public accountants; 77474

(4) Prohibit the use or disclosure of information obtained 77475  
by members of the board or a committee of peer reviewers during 77476  
or in connection with the peer review process for purposes other 77477  
than those related to determining the degree of compliance by 77478  
the public accounting firm with generally accepted accounting 77479  
principles, generally accepted auditing standards, and other 77480  
generally accepted technical standards as defined by the board 77481

in rule. Division (G) (4) of this section does not apply to the use or disclosure of information that is described in division (K) (3) of this section or that is necessary to comply with any provision of law.

(H) (1) If a peer review report indicates that a public accounting firm does not comply with standards and practices set forth in the rules adopted by the board, the board, in its discretion, may review the results of the peer review report. If the board, or its authorized peer review program administrator, determines that the public accounting firm does not comply with the standards and practices, it may require both of the following:

(a) Remedial action, which may include any of the following:

(i) Requiring employees of the public accounting firm to complete general or specific continuing professional education courses;

(ii) Requiring the public accounting firm to undergo peer review more frequently than triennially and peer review that is conducted in whole or part under the direct supervision of the board or its designee;

(iii) Any other remedial action specified by the board.

(b) An affidavit and supporting documentation from the public accounting firm submitted within the time specified by the board indicating completion of required remedial actions.

(2) If the board, or its authorized peer review program administrator, determines that a public accounting firm has not complied with any requirement ordered under division (H) of this section, or if the board determines, after the review of a peer

review report, that the public accounting firm has a history of 77511  
noncompliance with standards and practices set forth in board 77512  
rules, the board may hold a hearing to determine the extent of 77513  
the firm's noncompliance. If the board, after conducting the 77514  
hearing, determines that the public accounting firm does not 77515  
comply with appropriate standards and practices, the board may 77516  
issue an order that imposes any disciplinary measure set forth 77517  
in division (B) of section 4701.16 of the Revised Code. 77518

(3) Notwithstanding divisions (K) (1) and (2) of this 77519  
section, all matters relating to the procedures for determining 77520  
compliance with the standards and practices under division (H) 77521  
(2) of this section are subject to Chapter 119. of the Revised 77522  
Code, including the notice and conduct of any hearing and the 77523  
issuance and appeal of any order. Remedial orders made under 77524  
division (H) (1) of this section are not subject to Chapter 119. 77525  
of the Revised Code. 77526

(I) The public accounting firm reviewed shall pay for any 77527  
peer review performed. 77528

(J) The board may exempt a public accounting firm from the 77529  
requirement to undergo a peer review if the public accounting 77530  
firm submits to the board a written and notarized statement that 77531  
the public accounting firm meets at least one of the following 77532  
grounds for exemption identified in the statement: 77533

(1) Within three years of the date of application for 77534  
initial or renewal registration, the public accounting firm has 77535  
completed a peer review acceptable to the board and conducted 77536  
pursuant to standards not less stringent than the peer review 77537  
standards promulgated by the American institute of certified 77538  
public accountants. A peer review that does not comply with 77539  
standards and practices set forth in the rules adopted by the 77540

board and that may subject a public accounting firm to remedial 77541  
or disciplinary action pursuant to division (H) of this section, 77542  
does not qualify as an acceptable peer review. The public 77543  
accounting firm shall submit to the board a copy of the results 77544  
of the peer review and any additional documentation required by 77545  
the board. The board shall not require submittal of the working 77546  
papers related to the peer review process. 77547

(2) Within three years of the date of application for 77548  
initial or renewal registration, the public accounting firm has 77549  
completed a peer review acceptable to the board that was 77550  
conducted in another state or foreign country. The public 77551  
accounting firm shall submit to the board a copy of the results 77552  
of the peer review and any additional documentation required by 77553  
the board, including a detailed report of the procedures and 77554  
standards applied by the reviewer. 77555

(3) The public accounting firm has never practiced public 77556  
accounting in this state or any other state or foreign country, 77557  
will complete a peer review acceptable to the board within 77558  
eighteen months of initial registration, and will review its 77559  
registration with the board two years after initial registration 77560  
as specified in rules the board adopts. 77561

(4) The public accounting firm, on a schedule as required 77562  
by rule adopted by the board, submits a report to the board that 77563  
states all of the following: 77564

(a) The public accounting firm does not undertake any 77565  
engagement that will result in the issuance of an attest report 77566  
or other engagement that is subject to peer review in accordance 77567  
with division (F) of this section. 77568

(b) The public accounting firm agrees to notify the board 77569

within ninety days after accepting any engagement that will 77570  
result in the issuance of any attest report or other engagement 77571  
that is subject to peer review in accordance with division (F) 77572  
of this section and will complete a peer review acceptable to 77573  
the board within one year after the acceptance of an engagement 77574  
of that nature. 77575

(5) Subject to the board's approval and for good cause as 77576  
defined in rules the board adopts, the public accounting firm is 77577  
entitled to an exemption. 77578

(K) In any civil action, arbitration, or administrative 77579  
proceeding involving a public accounting firm, all of the 77580  
following shall apply: 77581

(1) The proceedings, records, and work papers of any 77582  
reviewer, including board members and review committee members, 77583  
involved in the peer review process are privileged and not 77584  
subject to discovery, subpoena, or other means of legal process 77585  
and may not be introduced into evidence. 77586

(2) No reviewer, including board members and review 77587  
committee members, involved in the peer review process shall be 77588  
permitted or required to testify as to any matters produced, 77589  
presented, disclosed, or discussed during or in connection with 77590  
the peer review process or shall be required to testify to any 77591  
finding, recommendation, evaluation, opinion, or other actions 77592  
of those committees or their members. 77593

(3) No privilege exists under this section for either of 77594  
the following: 77595

(a) Information presented or considered in the peer review 77596  
process that was otherwise available to the public; 77597

(b) Materials prepared in connection with a particular 77598

engagement merely because they subsequently are presented or 77599  
considered as part of the peer review process. 77600

(L) (1) If a peer review report indicates that a public 77601  
accounting firm complies with standards and practices set forth 77602  
in rules adopted by the board, the board shall destroy all 77603  
documents and reports related to the peer review within thirty 77604  
days after the board completes its review of the report. 77605

(2) If a peer review report indicates that a public 77606  
accounting firm does not comply with those standards and 77607  
practices set forth in rules adopted by the board, the board 77608  
shall retain all documents and reports related to the peer 77609  
review until completion of the next peer review that complies 77610  
with standards and practices set forth in rules adopted by the 77611  
board pursuant to division (G) of this section. The board also 77612  
may use these documents to determine a history of noncompliance 77613  
with standards and practices in any proceeding held under 77614  
division (H) (2) of this section. 77615

**Sec. 4701.16.** (A) After notice and hearing as provided in 77616  
Chapter 119. of the Revised Code, the accountancy board may 77617  
discipline as described in division (B) of this section a person 77618  
holding an Ohio permit, an Ohio registration, a firm 77619  
registration, a CPA certificate, or a PA registration or any 77620  
other person whose activities are regulated by the board for any 77621  
one or any combination of the following causes: 77622

(1) Fraud or deceit in obtaining a firm registration or in 77623  
obtaining a CPA certificate, a PA registration, an Ohio permit, 77624  
or an Ohio registration; 77625

(2) Dishonesty, fraud, or gross negligence in the practice 77626  
of public accounting; 77627



- (3) Violation of any of the provisions of section 4701.14 of the Revised Code; 77628  
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- (4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter; 77630  
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- (5) Conviction of a felony under the laws of any state or of the United States; 77633  
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- (6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States; 77635  
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- (7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state; 77638  
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- (8) Suspension or revocation of the right to practice before any state or federal agency; 77643  
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- (9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration; 77645  
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- (10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate; 77649  
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- (11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code. 77652  
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- (B) For any of the reasons specified in division (A) of this section, the board may do any of the following: 77654  
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- (1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration; 77656  
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- (2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest\_ or shares in a public accounting firm or qualified firm; 77659  
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- (3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration; 77662  
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- (4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense. 77665  
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- (5) In the case of violations of division (A) (2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code; 77670  
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- (6) In the case of violations of division (A) (2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards; 77674  
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- (7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign 77682  
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certificate. 77685

(C) If the board levies a fine against or suspends the 77686  
certificate of a person or registration of a person or firm for 77687  
a violation of division (A) (2) or (4) of this section, it may 77688  
waive all or any portion of the fine or suspension if the holder 77689  
of the CPA certificate, PA registration, or firm registration 77690  
complies fully with division (B) (5) or (6) of this section. 77691

(D) A person engaged in the practice of public accounting 77692  
shall not be subject to discipline by the accountancy board 77693  
solely because the person provided professional accounting 77694  
services to the holder of a license under Chapter 3796. of the 77695  
Revised Code. 77696

**Sec. 4707.024.** (A) Not later than seventy-two hours after 77697  
the end of an auction, a person licensed under this chapter 77698  
shall deposit in one or more trust or escrow accounts all money 77699  
received from the sale of an owner's or consignee's personal 77700  
property at auction unless the licensee pays the money to the 77701  
owner or consignee immediately after the end of the auction. 77702

(B) For purposes of this section, a person licensed under 77703  
this chapter shall designate a trust or escrow account that 77704  
contains an owner's or consignee's money as "client trust 77705  
account" or with words of similar meaning. In addition, a trust 77706  
or escrow account only shall contain money received from the 77707  
sale of personal property at auction that has not been disbursed 77708  
and money for expenses regarding the auction, including 77709  
commission and advertisement fees, that are specifically 77710  
delineated in the auction contract. 77711

~~(C)~~ (C) (1) Except for the payment of money to the owner or 77712  
consignee immediately after the end of the auction, a person 77713

licensed under this chapter shall pay the owner or consignee 77714  
with money from the client's trust or escrow account. In 77715  
addition, the licensee may pay expenses, including commission 77716  
and advertisement fees, that are specifically delineated in the 77717  
auction contract with money from the trust or escrow account. 77718  
Money in the trust or escrow account shall not be disbursed for 77719  
any purpose that is inconsistent with this section. In addition, 77720  
except as provided in division (C) (2) of this section, the money 77721  
shall not be commingled with the licensee's personal or business 77722  
money. In administering the trust or escrow account, the 77723  
licensee shall keep detailed records that show deposits, 77724  
withdrawals, and interest accrued, if applicable. 77725

Unless otherwise agreed to by the parties in the auction 77726  
contract or by the direction of a court of law or as otherwise 77727  
provided in division (C) (2) of this section, all money deposited 77728  
into a trust or escrow account shall be disbursed to the seller 77729  
not later than fifteen days after the auction. 77730

(2) Notwithstanding division (C) (1) of this section, a 77731  
licensee may deposit money into a trust or escrow account, and 77732  
retain that money in the account, to pay expenses related to 77733  
bank charges necessary to maintain the account. A licensee shall 77734  
not utilize any of the owner's or consignee's money to pay such 77735  
expenses. 77736

(D) Money from the sale of personal property at auction 77737  
may be deposited in an interest bearing account if the parties 77738  
to the auction contract specifically agree to such a deposit. 77739  
Interest earned in the account shall be credited to the seller 77740  
unless otherwise agreed to by the parties in the auction listing 77741  
contract. The interest credited to the account may remain in the 77742  
account for a period of sixty days after the seller receives the 77743

money from the account. The interest money then shall be 77744  
disbursed according to the terms of the auction contract. 77745

(E) All money received in connection with the sale of real 77746  
property at auction shall be deposited in a broker's special or 77747  
trust bank account in a depository located in this state that is 77748  
described in division (A) (26) of section 4735.18 of the Revised 77749  
Code. 77750

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 77751  
quorum, may impose one or more of the following sanctions if it 77752  
finds that a person committed fraud in passing an examination 77753  
required to obtain a license or dialysis technician certificate 77754  
issued by the board or to have committed fraud, 77755  
misrepresentation, or deception in applying for or securing any 77756  
nursing license or dialysis technician certificate issued by the 77757  
board: deny, revoke, suspend, or place restrictions on any 77758  
nursing license or dialysis technician certificate issued by the 77759  
board; reprimand or otherwise discipline a holder of a nursing 77760  
license or dialysis technician certificate; or impose a fine of 77761  
not more than five hundred dollars per violation. 77762

(B) Except as provided in section 4723.092 of the Revised 77763  
Code, the board of nursing, by a vote of a quorum, may impose 77764  
one or more of the following sanctions: deny, revoke, suspend, 77765  
or place restrictions on any nursing license or dialysis 77766  
technician certificate issued by the board; reprimand or 77767  
otherwise discipline a holder of a nursing license or dialysis 77768  
technician certificate; or impose a fine of not more than five 77769  
hundred dollars per violation. The sanctions may be imposed for 77770  
any of the following: 77771

(1) Denial, revocation, suspension, or restriction of 77772  
authority to engage in a licensed profession or practice a 77773

health care occupation, including nursing or practice as a 77774  
dialysis technician, for any reason other than a failure to 77775  
renew, in Ohio or another state or jurisdiction; 77776

(2) Engaging in the practice of nursing or engaging in 77777  
practice as a dialysis technician, having failed to renew a 77778  
nursing license or dialysis technician certificate issued under 77779  
this chapter, or while a nursing license or dialysis technician 77780  
certificate is under suspension; 77781

(3) Conviction of, a plea of guilty to, a judicial finding 77782  
of guilt of, a judicial finding of guilt resulting from a plea 77783  
of no contest to, or a judicial finding of eligibility for a 77784  
pretrial diversion or similar program or for intervention in 77785  
lieu of conviction for, a misdemeanor committed in the course of 77786  
practice; 77787

(4) Conviction of, a plea of guilty to, a judicial finding 77788  
of guilt of, a judicial finding of guilt resulting from a plea 77789  
of no contest to, or a judicial finding of eligibility for a 77790  
pretrial diversion or similar program or for intervention in 77791  
lieu of conviction for, any felony or of any crime involving 77792  
gross immorality or moral turpitude; 77793

(5) Selling, giving away, or administering drugs or 77794  
therapeutic devices for other than legal and legitimate 77795  
therapeutic purposes; or conviction of, a plea of guilty to, a 77796  
judicial finding of guilt of, a judicial finding of guilt 77797  
resulting from a plea of no contest to, or a judicial finding of 77798  
eligibility for a pretrial diversion or similar program or for 77799  
intervention in lieu of conviction for, violating any municipal, 77800  
state, county, or federal drug law; 77801

(6) Conviction of, a plea of guilty to, a judicial finding 77802

of guilt of, a judicial finding of guilt resulting from a plea 77803  
of no contest to, or a judicial finding of eligibility for a 77804  
pretrial diversion or similar program or for intervention in 77805  
lieu of conviction for, an act in another jurisdiction that 77806  
would constitute a felony or a crime of moral turpitude in Ohio; 77807

(7) Conviction of, a plea of guilty to, a judicial finding 77808  
of guilt of, a judicial finding of guilt resulting from a plea 77809  
of no contest to, or a judicial finding of eligibility for a 77810  
pretrial diversion or similar program or for intervention in 77811  
lieu of conviction for, an act in the course of practice in 77812  
another jurisdiction that would constitute a misdemeanor in 77813  
Ohio; 77814

(8) Self-administering or otherwise taking into the body 77815  
any dangerous drug, as defined in section 4729.01 of the Revised 77816  
Code, in any way that is not in accordance with a legal, valid 77817  
prescription issued for that individual, or self-administering 77818  
or otherwise taking into the body any drug that is a schedule I 77819  
controlled substance; 77820

(9) Habitual or excessive use of controlled substances, 77821  
other habit-forming drugs, or alcohol or other chemical 77822  
substances to an extent that impairs the individual's ability to 77823  
provide safe nursing care or safe dialysis care; 77824

(10) Impairment of the ability to practice according to 77825  
acceptable and prevailing standards of safe nursing care or safe 77826  
dialysis care because of the use of drugs, alcohol, or other 77827  
chemical substances; 77828

(11) Impairment of the ability to practice according to 77829  
acceptable and prevailing standards of safe nursing care or safe 77830  
dialysis care because of a physical or mental disability; 77831

- (12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance; 77832  
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- (13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice; 77834  
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- (14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency. 77836  
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- (15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter; 77842  
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- (16) Violation of this chapter or any rules adopted under it; 77845  
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- (17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate; 77847  
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- (18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code; 77849  
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- (19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care; 77852  
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- (20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse; 77854  
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- (21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse; 77857  
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(22) In the case of a dialysis technician, engaging in 77860  
activities that exceed those permitted under section 4723.72 of 77861  
the Revised Code; 77862

(23) Aiding and abetting a person in that person's 77863  
practice of nursing without a license or practice as a dialysis 77864  
technician without a certificate issued under this chapter; 77865

(24) In the case of an advanced practice registered nurse, 77866  
except as provided in division (M) of this section, either of 77867  
the following: 77868

(a) Waiving the payment of all or any part of a deductible 77869  
or copayment that a patient, pursuant to a health insurance or 77870  
health care policy, contract, or plan that covers such nursing 77871  
services, would otherwise be required to pay if the waiver is 77872  
used as an enticement to a patient or group of patients to 77873  
receive health care services from that provider; 77874

(b) Advertising that the nurse will waive the payment of 77875  
all or any part of a deductible or copayment that a patient, 77876  
pursuant to a health insurance or health care policy, contract, 77877  
or plan that covers such nursing services, would otherwise be 77878  
required to pay. 77879

(25) Failure to comply with the terms and conditions of 77880  
participation in the safe haven program conducted under sections 77881  
4723.35 and 4723.351 of the Revised Code; 77882

(26) Failure to comply with the terms and conditions 77883  
required under the practice intervention and improvement program 77884  
established under section 4723.282 of the Revised Code; 77885

(27) In the case of an advanced practice registered nurse: 77886

(a) Engaging in activities that exceed those permitted for 77887

the nurse's nursing specialty under section 4723.43 of the Revised Code; 77888  
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(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code. 77890  
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(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement; 77892  
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(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code; 77897  
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(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion; 77902  
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(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code; 77904  
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(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following: 77907  
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(a) Sexual contact, as defined in section 2907.01 of the Revised Code; 77911  
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(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning. 77913  
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- (33) Assisting suicide, as defined in section 3795.01 of the Revised Code; 77916  
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- (34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 77918  
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- (35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 77922  
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- (36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 77926  
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- (37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 77932  
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- (38) Violation of section 4723.93 of the Revised Code; 77937
- (39) Failure to cooperate with an investigation conducted by the board under this chapter, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, in an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation does not constitute 77938  
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grounds for discipline if a court of competent jurisdiction has 77945  
issued an order that either quashes a subpoena or permits the 77946  
individual to withhold testimony or evidence at issue. 77947

(C) Disciplinary actions taken by the board under 77948  
divisions (A) and (B) of this section shall be taken pursuant to 77949  
an adjudication conducted under Chapter 119. of the Revised 77950  
Code, except that in lieu of a hearing, the board may enter into 77951  
a consent agreement with an individual to resolve an allegation 77952  
of a violation of this chapter or any rule adopted under it. A 77953  
consent agreement, when ratified by a vote of a quorum, shall 77954  
constitute the findings and order of the board with respect to 77955  
the matter addressed in the agreement. If the board refuses to 77956  
ratify a consent agreement, the admissions and findings 77957  
contained in the agreement shall be of no effect. 77958

(D) The hearings of the board shall be conducted in 77959  
accordance with Chapter 119. of the Revised Code, the board may 77960  
appoint a hearing examiner, as provided in section 119.09 of the 77961  
Revised Code, to conduct any hearing the board is authorized to 77962  
hold under Chapter 119. of the Revised Code. 77963

In any instance in which the board is required under 77964  
Chapter 119. of the Revised Code to give notice of an 77965  
opportunity for a hearing and the applicant, licensee, or 77966  
certificate holder does not make a timely request for a hearing 77967  
in accordance with section 119.07 of the Revised Code, the board 77968  
is not required to hold a hearing, but may adopt, by a vote of a 77969  
quorum, a final order that contains the board's findings. In the 77970  
final order, the board may order any of the sanctions listed in 77971  
division (A) or (B) of this section. 77972

(E) If a criminal action is brought against a registered 77973  
nurse, licensed practical nurse, or dialysis technician for an 77974

act or crime described in divisions (B) (3) to (7) of this 77975  
section and the action is dismissed by the trial court other 77976  
than on the merits, the board shall conduct an adjudication to 77977  
determine whether the registered nurse, licensed practical 77978  
nurse, or dialysis technician committed the act on which the 77979  
action was based. If the board determines on the basis of the 77980  
adjudication that the registered nurse, licensed practical 77981  
nurse, or dialysis technician committed the act, or if the 77982  
registered nurse, licensed practical nurse, or dialysis 77983  
technician fails to participate in the adjudication, the board 77984  
may take action as though the registered nurse, licensed 77985  
practical nurse, or dialysis technician had been convicted of 77986  
the act. 77987

If the board takes action on the basis of a conviction, 77988  
plea, or a judicial finding as described in divisions (B) (3) to 77989  
(7) of this section that is overturned on appeal, the registered 77990  
nurse, licensed practical nurse, or dialysis technician may, on 77991  
exhaustion of the appeal process, petition the board for 77992  
reconsideration of its action. On receipt of the petition and 77993  
supporting court documents, the board shall temporarily rescind 77994  
its action. If the board determines that the decision on appeal 77995  
was a decision on the merits, it shall permanently rescind its 77996  
action. If the board determines that the decision on appeal was 77997  
not a decision on the merits, it shall conduct an adjudication 77998  
to determine whether the registered nurse, licensed practical 77999  
nurse, or dialysis technician committed the act on which the 78000  
original conviction, plea, or judicial finding was based. If the 78001  
board determines on the basis of the adjudication that the 78002  
registered nurse, licensed practical nurse, or dialysis 78003  
technician committed such act, or if the registered nurse, 78004  
licensed practical nurse, or dialysis technician does not 78005

request an adjudication, the board shall reinstate its action; 78006  
otherwise, the board shall permanently rescind its action. 78007

Notwithstanding the provision of division (D)(2) of 78008  
section 2953.32 or division (F)(1) of section 2953.39 of the 78009  
Revised Code specifying that if records pertaining to a criminal 78010  
case are sealed or expunged under that section the proceedings 78011  
in the case shall be deemed not to have occurred, sealing or 78012  
expungement of the following records on which the board has 78013  
based an action under this section shall have no effect on the 78014  
board's action or any sanction imposed by the board under this 78015  
section: records of any conviction, guilty plea, judicial 78016  
finding of guilt resulting from a plea of no contest, or a 78017  
judicial finding of eligibility for a pretrial diversion program 78018  
or intervention in lieu of conviction. 78019

The board shall not be required to seal, destroy, redact, 78020  
or otherwise modify its records to reflect the court's sealing 78021  
or expungement of conviction records. 78022

(F) The board may investigate an individual's criminal 78023  
background in performing its duties under this section. As part 78024  
of such investigation, the board may order the individual to 78025  
submit, at the individual's expense, a request to the bureau of 78026  
criminal identification and investigation for a criminal records 78027  
check and check of federal bureau of investigation records in 78028  
accordance with the procedure described in section 4723.091 of 78029  
the Revised Code. 78030

(G) During the course of an investigation conducted under 78031  
this section, the board may compel any registered nurse, 78032  
licensed practical nurse, or dialysis technician or applicant 78033  
under this chapter to submit to a mental or physical 78034  
examination, or both, as required by the board and at the 78035

expense of the individual, if the board finds reason to believe 78036  
that the individual under investigation may have a physical or 78037  
mental impairment that may affect the individual's ability to 78038  
provide safe nursing care. 78039

The board shall not compel an individual who has been 78040  
referred to the safe haven program as described in sections 78041  
4723.35 and 4723.351 of the Revised Code to submit to a mental 78042  
or physical examination. 78043

Failure of any individual to submit to a mental or 78044  
physical examination when directed constitutes an admission of 78045  
the allegations, unless the failure is due to circumstances 78046  
beyond the individual's control, and a default and final order 78047  
may be entered without the taking of testimony or presentation 78048  
of evidence. 78049

If the board finds that an individual is impaired, the 78050  
board shall require the individual to submit to care, 78051  
counseling, or treatment approved or designated by the board, as 78052  
a condition for initial, continued, reinstated, or renewed 78053  
authority to practice. The individual shall be afforded an 78054  
opportunity to demonstrate to the board that the individual can 78055  
begin or resume the individual's occupation in compliance with 78056  
acceptable and prevailing standards of care under the provisions 78057  
of the individual's authority to practice. 78058

For purposes of this division, any registered nurse, 78059  
licensed practical nurse, or dialysis technician or applicant 78060  
under this chapter shall be deemed to have given consent to 78061  
submit to a mental or physical examination when directed to do 78062  
so in writing by the board, and to have waived all objections to 78063  
the admissibility of testimony or examination reports that 78064  
constitute a privileged communication. 78065

(H) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(I) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint or an investigation is confidential and not subject to discovery in any civil action, except that the board may disclose information to law enforcement officers and government entities for purposes of an investigation of either a licensed health care professional, including a registered nurse, licensed practical nurse, or dialysis technician, or a person who may have engaged in the unauthorized practice of nursing or dialysis care. No law enforcement officer or government entity with knowledge of any information disclosed by the board pursuant to this division shall divulge the information to any other person or government entity except for the purpose of a government investigation, a prosecution, or an adjudication by a court or government entity.

(2) If an investigation requires a review of patient records, the investigation and proceeding shall be conducted in such a manner as to protect patient confidentiality.

(3) All adjudications and investigations of the board shall be considered civil actions for the purposes of section



2305.252 of the Revised Code. 78096

(4) Any board activity that involves continued monitoring 78097  
of an individual as part of or following any disciplinary action 78098  
taken under this section shall be conducted in a manner that 78099  
maintains the individual's confidentiality. Information received 78100  
or maintained by the board with respect to the board's 78101  
monitoring activities is not subject to discovery in any civil 78102  
action and is confidential, except that the board may disclose 78103  
information to law enforcement officers and government entities 78104  
for purposes of an investigation of a licensee or certificate 78105  
holder. 78106

(J) Any action taken by the board under this section 78107  
resulting in a suspension from practice shall be accompanied by 78108  
a written statement of the conditions under which the person may 78109  
be reinstated to practice. 78110

(K) When the board refuses to grant a license or 78111  
certificate to an applicant, revokes a license or certificate, 78112  
or refuses to reinstate a license or certificate, the board may 78113  
specify that its action is permanent. An individual subject to 78114  
permanent action taken by the board is forever ineligible to 78115  
hold a license or certificate of the type that was refused or 78116  
revoked and the board shall not accept from the individual an 78117  
application for reinstatement of the license or certificate or 78118  
for a new license or certificate. 78119

(L) No unilateral surrender of a nursing license or 78120  
dialysis technician certificate issued under this chapter shall 78121  
be effective unless accepted by majority vote of the board. No 78122  
application for a nursing license or dialysis technician 78123  
certificate issued under this chapter may be withdrawn without a 78124  
majority vote of the board. The board's jurisdiction to take 78125

disciplinary action under this section is not removed or limited 78126  
when an individual has a license or certificate classified as 78127  
inactive or fails to renew a license or certificate. 78128

(M) Sanctions shall not be imposed under division (B) (24) 78129  
of this section against any licensee who waives deductibles and 78130  
copayments as follows: 78131

(1) In compliance with the health benefit plan that 78132  
expressly allows such a practice. Waiver of the deductibles or 78133  
copayments shall be made only with the full knowledge and 78134  
consent of the plan purchaser, payer, and third-party 78135  
administrator. Documentation of the consent shall be made 78136  
available to the board upon request. 78137

(2) For professional services rendered to any other person 78138  
licensed pursuant to this chapter to the extent allowed by this 78139  
chapter and the rules of the board. 78140

**Sec. 4723.483.** (A) (1) Subject to division (A) (2) of this 78141  
section, and notwithstanding any provision of this chapter or 78142  
rule adopted by the board of nursing, a clinical nurse 78143  
specialist, certified nurse-midwife, or certified nurse 78144  
practitioner who holds a certificate to prescribe issued under 78145  
section 4723.48 of the Revised Code may do either of the 78146  
following without having examined an individual to whom 78147  
epinephrine may be administered: 78148

(a) Personally furnish a supply of epinephrine 78149  
autoinjectors for use in accordance with sections 3313.7110, 78150  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 78151  
~~5101.76~~5180.26 of the Revised Code; 78152

(b) Issue a prescription for epinephrine autoinjectors for 78153  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 78154

3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code. 78155  
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(2) An epinephrine autoinjector personally furnished or 78157  
prescribed under division (A)(1) of this section must be 78158  
furnished or prescribed in such a manner that it may be 78159  
administered only in a manufactured dosage form. 78160

(B) A nurse who acts in good faith in accordance with this 78161  
section is not liable for or subject to any of the following for 78162  
any action or omission of an entity to which an epinephrine 78163  
autoinjector is furnished or a prescription is issued: damages 78164  
in any civil action, prosecution in any criminal proceeding, or 78165  
professional disciplinary action. 78166

**Sec. 4723.4811.** (A)(1) Subject to division (A)(2) of this 78167  
section, and notwithstanding any provision of this chapter or 78168  
rule adopted by the board of nursing, a clinical nurse 78169  
specialist, certified nurse-midwife, or certified nurse 78170  
practitioner licensed as an advanced practice registered nurse 78171  
under Chapter 4723. of the Revised Code may do either of the 78172  
following without having examined an individual to whom glucagon 78173  
may be administered: 78174

(a) Personally furnish a supply of injectable or nasally 78175  
administered glucagon for use in accordance with sections 78176  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 78177  
5180.262 of the Revised Code; 78178

(b) Issue a prescription for injectable or nasally 78179  
administered glucagon for use in accordance with sections 78180  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 78181  
5180.262 of the Revised Code. 78182

(2) Injectable or nasally administered glucagon personally 78183

furnished or prescribed under division (A) (1) of this section 78184  
must be furnished or prescribed in such a manner that it may be 78185  
administered only in a manufactured dosage form. 78186

(B) A nurse who acts in good faith in accordance with this 78187  
section is not liable for or subject to any of the following for 78188  
any action or omission of an entity to which injectable or 78189  
nasally administered glucagon is furnished or a prescription is 78190  
issued: damages in any civil action, prosecution in any criminal 78191  
proceeding, or professional disciplinary action. 78192

**Sec. 4729.01.** As used in this chapter: 78193

(A) "Pharmacy," except when used in a context that refers 78194  
to the practice of pharmacy, means any area, room, rooms, place 78195  
of business, department, or portion of any of the foregoing 78196  
where the practice of pharmacy is conducted. 78197

(B) "Practice of pharmacy" means providing pharmacist care 78198  
requiring specialized knowledge, judgment, and skill derived 78199  
from the principles of biological, chemical, behavioral, social, 78200  
pharmaceutical, and clinical sciences. As used in this division, 78201  
"pharmacist care" includes the following: 78202

(1) Interpreting prescriptions; 78203

(2) Dispensing drugs and drug therapy related devices; 78204

(3) Compounding drugs; 78205

(4) Counseling individuals with regard to their drug 78206  
therapy, recommending drug therapy related devices, and 78207  
assisting in the selection of drugs and appliances for treatment 78208  
of common diseases and injuries and providing instruction in the 78209  
proper use of the drugs and appliances; 78210

(5) Performing drug regimen reviews with individuals by 78211

discussing all of the drugs that the individual is taking and 78212  
explaining the interactions of the drugs; 78213

(6) Performing drug utilization reviews with licensed 78214  
health professionals authorized to prescribe drugs when the 78215  
pharmacist determines that an individual with a prescription has 78216  
a drug regimen that warrants additional discussion with the 78217  
prescriber; 78218

(7) Advising an individual and the health care 78219  
professionals treating an individual with regard to the 78220  
individual's drug therapy; 78221

(8) Acting pursuant to a consult agreement, if an 78222  
agreement has been established; 78223

(9) Engaging in the administration of immunizations to the 78224  
extent authorized by section 4729.41 of the Revised Code; 78225

(10) Engaging in the administration of drugs to the extent 78226  
authorized by section 4729.45 of the Revised Code. 78227

(C) "Compounding" means the preparation, mixing, 78228  
assembling, packaging, and labeling of one or more drugs in any 78229  
of the following circumstances: 78230

(1) Pursuant to a prescription issued by a licensed health 78231  
professional authorized to prescribe drugs; 78232

(2) Pursuant to the modification of a prescription made in 78233  
accordance with a consult agreement; 78234

(3) As an incident to research, teaching activities, or 78235  
chemical analysis; 78236

(4) In anticipation of orders for drugs pursuant to 78237  
prescriptions, based on routine, regularly observed dispensing 78238

patterns; 78239

(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply: 78240  
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(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer. 78245  
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(b) A limited quantity of the drug is compounded and provided to the professional. 78250  
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(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions. 78252  
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(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code. 78255  
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(E) "Drug" means: 78257

(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; 78258  
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(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; 78262  
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(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals; 78265  
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(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.

"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.

(F) "Dangerous drug" means any of the following:

(1) Any drug to which either of the following applies:

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

- (H) "Prescription" means all of the following: 78294
- (1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs; 78295  
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- (2) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user; 78299  
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- (3) For purposes of sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and ~~5101.76~~ 5180.26 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp; 78305  
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- (4) For purposes of Chapter 3728. and sections 4723.483, 4729.88, 4730.433, and 4731.96 of the Revised Code, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in section 3728.01 of the Revised Code; 78310  
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- (5) For purposes of sections 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and ~~5101.78~~ 5180.262 of the Revised Code, a written, electronic, or oral order for injectable or nasally administered glucagon in the name of a school, school district, or camp. 78315  
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- (I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy 78320  
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related devices in the course of the individual's professional practice, including only the following:	78323 78324
(1) A dentist licensed under Chapter 4715. of the Revised Code;	78325 78326
(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse;	78327 78328 78329 78330
(3) A certified registered nurse anesthetist who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice nursing as an advanced practice registered nurse, but only to the extent of the nurse's authority under sections 4723.43 and 4723.434 of the Revised Code;	78331 78332 78333 78334 78335
(4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	78336 78337
(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	78338 78339 78340
(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	78341 78342 78343 78344 78345
(7) A veterinarian licensed under Chapter 4741. of the Revised Code;	78346 78347
(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician	78348 78349 78350

supervising the certified mental health assistant. 78351

(J) "Sale" or "sell" includes any transaction made by any 78352  
person, whether as principal proprietor, agent, or employee, to 78353  
do or offer to do any of the following: deliver, distribute, 78354  
broker, exchange, gift or otherwise give away, or transfer, 78355  
whether the transfer is by passage of title, physical movement, 78356  
or both. 78357

(K) "Wholesale sale" and "sale at wholesale" mean any sale 78358  
in which the purpose of the purchaser is to resell the article 78359  
purchased or received by the purchaser. 78360

(L) "Retail sale" and "sale at retail" mean any sale other 78361  
than a wholesale sale or sale at wholesale. 78362

(M) "Retail seller" means any person that sells any 78363  
dangerous drug to consumers without assuming control over and 78364  
responsibility for its administration. Mere advice or 78365  
instructions regarding administration do not constitute control 78366  
or establish responsibility. 78367

(N) "Price information" means the price charged for a 78368  
prescription for a particular drug product and, in an easily 78369  
understandable manner, all of the following: 78370

(1) The proprietary name of the drug product; 78371

(2) The established (generic) name of the drug product; 78372

(3) The strength of the drug product if the product 78373  
contains a single active ingredient or if the drug product 78374  
contains more than one active ingredient and a relevant strength 78375  
can be associated with the product without indicating each 78376  
active ingredient. The established name and quantity of each 78377  
active ingredient are required if such a relevant strength 78378

cannot be so associated with a drug product containing more than 78379  
one ingredient. 78380

(4) The dosage form; 78381

(5) The price charged for a specific quantity of the drug 78382  
product. The stated price shall include all charges to the 78383  
consumer, including, but not limited to, the cost of the drug 78384  
product, professional fees, handling fees, if any, and a 78385  
statement identifying professional services routinely furnished 78386  
by the pharmacy. Any mailing fees and delivery fees may be 78387  
stated separately without repetition. The information shall not 78388  
be false or misleading. 78389

(O) "Wholesale distributor of dangerous drugs" or 78390  
"wholesale distributor" means a person engaged in the sale of 78391  
dangerous drugs at wholesale and includes any agent or employee 78392  
of such a person authorized by the person to engage in the sale 78393  
of dangerous drugs at wholesale. 78394

(P) "Manufacturer of dangerous drugs" or "manufacturer" 78395  
means a person, other than a pharmacist or prescriber, who 78396  
manufactures dangerous drugs and who is engaged in the sale of 78397  
those dangerous drugs. 78398

(Q) "Terminal distributor of dangerous drugs" or "terminal 78399  
distributor" means a person who is engaged in the sale of 78400  
dangerous drugs at retail, or any person, other than a 78401  
manufacturer, repackager, outsourcing facility, third-party 78402  
logistics provider, wholesale distributor, or pharmacist, who 78403  
has possession, custody, or control of dangerous drugs for any 78404  
purpose other than for that person's own use and consumption. 78405  
"Terminal distributor" includes pharmacies, hospitals, nursing 78406  
homes, and laboratories and all other persons who procure 78407

dangerous drugs for sale or other distribution by or under the supervision of a pharmacist, licensed health professional authorized to prescribe drugs, or other person authorized by the state board of pharmacy.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) (1) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code.

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code.

(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code.

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use

by the United States food and drug administration. 78437

"Investigational drug or product" does not include controlled 78438  
substances in schedule I, as defined in section 3719.01 of the 78439  
Revised Code. 78440

(X) "Product," when used in reference to an 78441  
investigational drug or product, means a biological product, 78442  
other than a drug, that is made from a natural human, animal, or 78443  
microorganism source and is intended to treat a disease or 78444  
medical condition. 78445

(Y) "Third-party logistics provider" means a person that 78446  
provides or coordinates warehousing or other logistics services 78447  
pertaining to dangerous drugs including distribution, on behalf 78448  
of a manufacturer, wholesale distributor, or terminal 78449  
distributor of dangerous drugs, but does not take ownership of 78450  
the drugs or have responsibility to direct the sale or 78451  
disposition of the drugs. 78452

(Z) "Repackager of dangerous drugs" or "repackager" means 78453  
a person that repacks and relabels dangerous drugs for sale or 78454  
distribution. 78455

(AA) "Outsourcing facility" means a facility that is 78456  
engaged in the compounding and sale of sterile drugs and is 78457  
registered as an outsourcing facility with the United States 78458  
food and drug administration. 78459

(BB) "Laboratory" means a laboratory licensed under this 78460  
chapter as a terminal distributor of dangerous drugs and 78461  
entrusted to have custody of any of the following drugs and to 78462  
use the drugs for scientific and clinical purposes and for 78463  
purposes of instruction: dangerous drugs that are not controlled 78464  
substances, as defined in section 3719.01 of the Revised Code; 78465

dangerous drugs that are controlled substances, as defined in 78466  
that section; and controlled substances in schedule I, as 78467  
defined in that section. 78468

(CC) "Overdose reversal drug" means both of the following: 78469

(1) Naloxone; 78470

(2) Any other drug that the state board of pharmacy, 78471  
through rules adopted in accordance with Chapter 119. of the 78472  
Revised Code, designates as a drug that is approved by the 78473  
federal food and drug administration for the reversal of a known 78474  
or suspected opioid-related overdose. 78475

Sec. 4729.261. (A) For purposes of division (D) (4) (b) of 78476  
section 2925.14 of the Revised Code, and subject to division (B) 78477  
of this section, the state board of pharmacy shall adopt rules 78478  
establishing standards and procedures for its approval of types 78479  
of instruments that are not to be considered drug paraphernalia 78480  
because they demonstrate efficacy in reducing drug poisoning by 78481  
determining the presence of a specific compound or group of 78482  
compounds. The rules shall be adopted in accordance with Chapter 78483  
119. of the Revised Code. 78484

(B) Under this section, the board shall not approve any 78485  
type of instrument to the extent that the instrument is intended 78486  
to measure the purity of a mixture. 78487

**Sec. 4729.52.** (A) As used in this section: 78488

(1) "Category II" means any dangerous drug that is not 78489  
included in category III. 78490

(2) "Category III" means any controlled substance that is 78491  
contained in schedule I, II, III, IV, or V. 78492

(3) "Schedule I," "schedule II," "schedule III," "schedule 78493

IV," and "schedule V" have the same meanings as in section 78494  
3719.01 of the Revised Code. 78495

(B) (1) (a) The state board of pharmacy shall license 78496  
persons seeking to operate as any of the following persons, 78497  
whether located within or outside this state: 78498

(i) Wholesale distributors of dangerous drugs; 78499

(ii) Manufacturers of dangerous drugs; 78500

(iii) Outsourcing facilities; 78501

(iv) Third-party logistics providers; 78502

(v) Repackagers of dangerous drugs. 78503

(b) ~~There shall be two categories for the licenses~~ When 78504  
the board issues a license to a person identified in division 78505  
(B) (1) (a) of this section. The, the license shall be issued 78506  
according to one of the following categories are as follows, as 78507  
the case may be for the person's business operations: 78508

(i) Category II license. A category II license applies to 78509  
a person whose business operations are located within this 78510  
state. A person who obtains this license may possess, have 78511  
custody or control of, and distribute, only the dangerous drugs 78512  
described in category II. 78513

(ii) Category III license. A category III license applies 78514  
to a person whose business operations are located within this 78515  
state. A person who obtains this license may possess, have 78516  
custody or control of, and distribute, the dangerous drugs 78517  
described in category II and the controlled substances described 78518  
in category III. 78519

(iii) Nonresident license. A nonresident license applies 78520

to a person whose business operations are located outside this 78521  
state. One of the following subcategories shall be designated by 78522  
the board on the license, based on the license holder's business 78523  
operations: wholesale distributor of dangerous drugs, 78524  
manufacturer of dangerous drugs, outsourcing facility, third- 78525  
party logistics provider, or repackager of dangerous drugs. A 78526  
person who obtains a nonresident license may possess, have 78527  
custody or control of, and distribute the dangerous drugs 78528  
described in category II and the controlled substances described 78529  
in category III. 78530

(c) The board may adopt rules under section 4729.26 of the 78531  
Revised Code to create classification types of any license 78532  
issued pursuant to this section. Persons who meet the 78533  
definitions of the classification types shall comply with all 78534  
requirements for the specific license classification specified 78535  
in rule. 78536

(C) A person seeking a license ~~identified in division (B)~~ 78537  
~~(1)(a) of~~ issued under this section shall file with the 78538  
executive director of the board a verified application 78539  
containing such information as the board requires of the 78540  
applicant relative to the licensure qualifications set forth in 78541  
section 4729.53 of the Revised Code and the rules adopted under 78542  
that section. 78543

(D) (1) The board shall ~~license as~~ issue a category II or 78544  
category III license, designated for a manufacturer, outsourcing 78545  
facility, third-party logistics provider, repackager, or 78546  
wholesale distributor as the case may be, to each applicant ~~who~~ 78547  
~~has paid~~ whose business operations are located within this 78548  
state, if the applicant pays the required license fee, ~~if and~~ 78549  
the board determines that the applicant meets the licensure 78550



qualifications set forth in section 4729.53 of the Revised Code 78551  
and the rules adopted under that section. 78552

~~(D)~~ (2) The board may shall issue a nonresident license 78553  
with the appropriate subcategory designation to a person who 78554  
does not reside in an applicant whose business operations are 78555  
located outside this state a license identified in division (B) 78556  
(1) (a) of this section, if the person applicant pays the 78557  
required ~~licensure~~ license fee and ~~meets~~ the board determines 78558  
either of the following: 78559

~~(1) Possesses~~ (a) That the applicant possesses a current 78560  
and valid manufacturer, outsourcing facility, third-party 78561  
logistics provider, repackager, or wholesale distributor 78562  
license, or its equivalent, issued by another state in which 78563  
that ~~person is~~ person's business operations are physically 78564  
located, but only if that state has qualifications for licensure 78565  
comparable to the licensure requirements in this state; 78566

~~(2) Meets~~ (b) That the applicant meets the requirements 78567  
set forth by the board for issuance of a nonresident license 78568  
~~identified in division (B) (1) (a) of this section,~~ as verified by 78569  
a state, federal, or other entity recognized by the board to 78570  
perform such verification. 78571

(E) All licenses issued or renewed pursuant to this 78572  
section are effective for a period specified by the board in 78573  
rules adopted under section 4729.26 of the Revised Code. The 78574  
effective period for an initial or renewed license shall not 78575  
exceed twenty-four months unless the board extends the period in 78576  
rules to adjust license renewal schedules. A license shall be 78577  
renewed by the board pursuant to this section, the standard 78578  
renewal procedure of Chapter 4745. of the Revised Code, and 78579  
rules adopted by the board under section 4729.26 of the Revised 78580

Code. A person seeking to renew a license shall submit an 78581  
application for renewal and pay the required renewal fee before 78582  
the date specified in the rules adopted by the board. 78583

(F) Each license issued under this section shall describe 78584  
not more than one establishment or place where the license 78585  
holder may engage in the activities authorized by the license. 78586  
No license shall authorize or permit the person named therein to 78587  
engage in the sale or distribution of drugs at wholesale or to 78588  
maintain possession, custody, or control of dangerous drugs for 78589  
any purpose other than for the licensee's own use and 78590  
consumption at any establishment or place other than that 78591  
described in the license. 78592

~~(G) (1) (a)~~ (G) (1) The category II license fee is one 78593  
thousand nine hundred dollars and shall accompany each 78594  
application for licensure. The license renewal fee is one 78595  
thousand nine hundred dollars and shall accompany each renewal 78596  
application. 78597

~~(b) (2)~~ The category III license fee is two thousand 78598  
dollars and shall accompany each application for licensure. The 78599  
license renewal fee is two thousand dollars and shall accompany 78600  
each renewal application. 78601

~~(e) (i) (3)~~ The nonresident license fee is two thousand 78602  
dollars and shall accompany each application for licensure. The 78603  
license renewal fee is two thousand dollars and shall accompany 78604  
each renewal application. 78605

(H) (1) Subject to division ~~(G) (1) (e) (ii)~~ (H) (2) of this 78606  
section, a license issued pursuant to this section that has not 78607  
been renewed by the date specified in rules adopted by the board 78608  
may be reinstated upon payment of the renewal fee and a penalty 78609

of three hundred dollars. 78610

~~(ii)~~(2) If a complete application for renewal has not been 78611  
submitted by the sixty-first day after the renewal date 78612  
specified in rules adopted by the board, the license is 78613  
considered void and cannot be renewed, but the license holder 78614  
may reapply for licensure. 78615

~~(2)~~(I) Renewal fees and penalties assessed under division 78616  
~~(G)(1)~~(G) or (H) of this section shall not be returned if the 78617  
applicant fails to qualify for renewal. 78618

~~(3)~~(J) A person licensed pursuant to this section that 78619  
fails to renew licensure in accordance with this section and 78620  
rules adopted by the board is prohibited from engaging in 78621  
manufacturing, repackaging, or compounding drugs, or 78622  
distributing drugs as a third-party logistics provider or 78623  
wholesale distributor, until a valid license is issued by the 78624  
board. 78625

~~(H)~~(K) Holding a license issued pursuant to this section 78626  
subjects the holder and the holder's agents and employees to the 78627  
jurisdiction of the board and to the laws of this state for the 78628  
purpose of the enforcement of this chapter and the rules of the 78629  
board. However, the filing of an application for licensure under 78630  
this section by or on behalf of any person, or the issuance of a 78631  
license pursuant to this section to or on behalf of any person, 78632  
shall not of itself constitute evidence that the person is doing 78633  
business within this state. 78634

~~(I)~~(L) A person holding a license issued under this 78635  
section shall designate, and shall have available at all times, 78636  
a person to serve for the licensed location in a position to be 78637  
known as "responsible person." A person may be designated and 78638

serve as a responsible person only if the person meets the 78639  
requirements established in rules the board shall adopt under 78640  
section 4729.26 of the Revised Code. Along with the license 78641  
holder, a responsible person shall accept responsibility for the 78642  
operation of the licensed location in accordance with all 78643  
applicable state and federal laws and rules. 78644

A license holder shall notify the board of the person who 78645  
is designated to serve as the responsible person and, 78646  
thereafter, shall notify the board each time a change is made in 78647  
the designation. Notice to the board shall be provided in 78648  
accordance with procedures established in rules that the board 78649  
shall adopt under section 4729.26 of the Revised Code. For any 78650  
change of responsible person, the board shall assess a fee of 78651  
fifteen dollars. 78652

(M) The board may enter into agreements with other states, 78653  
federal agencies, and other entities to exchange information 78654  
concerning licensing and inspection of any manufacturer, 78655  
outsourcing facility, third-party logistics provider, 78656  
repackager, or wholesale distributor located within or outside 78657  
this state and to investigate alleged violations of the laws and 78658  
rules governing distribution of drugs by such persons. Any 78659  
information received pursuant to such an agreement is subject to 78660  
the same confidentiality requirements applicable to the agency 78661  
or entity from which it was received and shall not be released 78662  
without prior authorization from that agency or entity. Any 78663  
information received is also subject to section 4729.23 of the 78664  
Revised Code. 78665

**Sec. 4729.53.** (A) The state board of pharmacy shall not 78666  
license any person as a manufacturer of dangerous drugs, 78667  
outsourcing facility, third-party logistics provider, repackager 78668

of dangerous drugs, or wholesale distributor of dangerous drugs 78669  
unless the applicant for licensure furnishes satisfactory proof 78670  
to the board that all of the following conditions are met: 78671

(1) If the applicant has committed acts that the board 78672  
finds violate any federal, state, or local law, regulation, or 78673  
rule relating to drug samples, manufacturing, compounding, 78674  
repackaging, wholesale or retail drug distribution, or 78675  
distribution of dangerous drugs, including controlled 78676  
substances, or if the applicant has committed acts that the 78677  
board finds constitute a felony, or if a federal, state, or 78678  
local governmental entity has suspended or revoked any current 78679  
or prior license of the applicant for the manufacture, 78680  
compounding, repackaging, distribution, or sale of any dangerous 78681  
drugs, including controlled substances, the applicant, to the 78682  
satisfaction of the board, assures that the applicant has in 78683  
place adequate safeguards to prevent the recurrence of any such 78684  
violations, felonies, or license suspensions or revocations. 78685

(2) The applicant's past experience in the manufacture, 78686  
compounding, repackaging, or distribution of dangerous drugs, 78687  
including controlled substances, is acceptable to the board. 78688

(3) The applicant is properly equipped as to land, 78689  
buildings, equipment, and personnel to properly carry on its 78690  
business, including providing adequate security for and proper 78691  
storage conditions and handling for dangerous drugs, and is 78692  
complying with the requirements under this chapter and the rules 78693  
adopted pursuant thereto for maintaining and making available 78694  
records to properly identified board officials and federal, 78695  
state, and local law enforcement agencies. 78696

(4) Personnel employed by the applicant have the 78697  
appropriate education or experience, as determined by the board, 78698

to assume responsibility for positions related to compliance 78699  
with this chapter and the rules adopted pursuant thereto. 78700

(5) The applicant has designated the name and address of a 78701  
person to whom communications from the board may be directed and 78702  
upon whom the notices and citations provided for in section 78703  
4729.56 of the Revised Code may be served. 78704

(6) Adequate safeguards are assured to prevent the sale of 78705  
dangerous drugs other than in accordance with section 4729.51 of 78706  
the Revised Code. 78707

(7) With respect to criminal records checks, the applicant 78708  
has done both of the following, and the board has decided that 78709  
the results of the criminal records checks do not make the 78710  
applicant ineligible for a license issued pursuant to section 78711  
4729.52 of the Revised Code: 78712

(a) ~~Complied~~ The applicant has complied with sections 78713  
4776.01 to 4776.04 of the Revised Code~~7~~. 78714

(b) ~~Required any~~ The applicant has required each of the 78715  
following to submit to a criminal records check in accordance 78716  
with section 4776.02 of the Revised Code and send the results of 78717  
the criminal records check directly to the board: 78718

(i) Any person who is seeking to serve as the responsible 78719  
person on the license, as required by section 4729.52 of the 78720  
Revised Code; 78721

(2) Any person who has an ownership interest, or who is a 78722  
corporate officer, as set forth in rules adopted under division 78723  
(C) of this section, to submit to a criminal records check in 78724  
accordance with section 4776.02 of the Revised Code and send the 78725  
results of the criminal records check directly to the board. 78726

(8) The applicant meets any other requirement or 78727  
qualification the board, by rule adopted under division (C) of 78728  
this section, considers relevant to and consistent with the 78729  
public safety and health. 78730

(B) In addition to the causes described in section 4729.56 78731  
of the Revised Code for refusing to grant or renew a license, 78732  
the board may refuse to grant or renew a license if the board 78733  
determines that the granting of the license or its renewal is 78734  
not in the public interest. 78735

(C) The board shall adopt rules in accordance with Chapter 78736  
119. of the Revised Code that do all of the following: 78737

(1) For purposes of division (A)(7)(b) of this section, 78738  
~~define "responsible person" and specify the persons with~~ 78739  
ownership interests and the corporate officers who are required 78740  
to submit to criminal records checks; 78741

(2) For purposes of division (A)(8) of this section, 78742  
specify other requirements or qualifications, if any, that an 78743  
applicant must meet to receive a license; 78744

(3) Address any other matter the board considers 78745  
appropriate to implement this section. 78746

**Sec. 4729.54.** (A) As used in this section: 78747

(1) "Category II" means any dangerous drug that is not 78748  
included in category III. 78749

(2) "Category III" means any controlled substance that is 78750  
contained in schedule I, II, III, IV, or V. 78751

(3) "Emergency medical service organization" has the same 78752  
meaning as in section 4765.01 of the Revised Code. 78753

(4) "Emergency medical service organization satellite" 78754  
means a location where dangerous drugs are stored that is 78755  
separate from, but associated with, the headquarters of an 78756  
emergency medical service organization. "Emergency medical 78757  
service organization satellite" does not include the units under 78758  
the control of the emergency medical service organization. 78759

(5) "Person" includes an emergency medical service 78760  
organization or an emergency medical service organization 78761  
satellite. 78762

(6) "Schedule I," "schedule II," "schedule III," "schedule 78763  
IV," and "schedule V" have the same meanings as in section 78764  
3719.01 of the Revised Code. 78765

(B) (1) The state board of pharmacy shall license persons 78766  
seeking to operate as terminal distributors of dangerous drugs, 78767  
whether located within or outside this state. 78768

A person seeking to be licensed as a terminal distributor 78769  
of dangerous drugs shall file with the executive director of the 78770  
~~state board of pharmacy~~ a verified application. After it is 78771  
filed, the application may not be withdrawn without approval of 78772  
the board. 78773

(2) An application shall contain all the following that 78774  
apply in the applicant's case: 78775

(a) Information that the board requires relative to the 78776  
qualifications of a terminal distributor of dangerous drugs set 78777  
forth in section 4729.55 of the Revised Code; 78778

(b) A statement as to whether the category of licensure, 78779  
identified under division (E) of this section, that the person 78780  
is seeking to be licensed as a category II, category III, 78781  
limited category II, or limited category III terminal 78782



~~distributor of dangerous drugs;~~ 78783

(c) If the person is seeking to be licensed as a limited 78784  
category II or limited category III terminal distributor of 78785  
dangerous drugs, a list of the dangerous drugs described in 78786  
category II or the controlled substances described in category 78787  
III that the person is seeking to possess, have custody or 78788  
control of, and distribute, which list shall also specify the 78789  
purpose for which those drugs will be used and their source; 78790

(d) If the person is an emergency medical service 78791  
organization, the information that is specified in divisions (C) 78792  
(1) and (2) of this section, and if the person is an emergency 78793  
medical service organization satellite, the information required 78794  
under division (D) of this section; 78795

(e) Except with respect to the units under the control of 78796  
an emergency medical service organization, the identity of the 78797  
one establishment or place at which the person intends to engage 78798  
in the sale or other distribution of dangerous drugs at retail, 78799  
and maintain possession, custody, or control of dangerous drugs 78800  
for purposes other than the person's own use or consumption; 78801

(f) If the application pertains to a pain management 78802  
clinic, information that demonstrates, to the satisfaction of 78803  
the board, compliance with division (A) of section 4729.552 of 78804  
the Revised Code. 78805

(C) (1) Each emergency medical service organization that 78806  
applies for a terminal distributor of dangerous drugs license 78807  
shall submit with its application all of the following: 78808

(a) A copy of its standing orders or protocol, which 78809  
orders or protocol shall be signed by a physician; 78810

(b) A list of the dangerous drugs that the units under its 78811

control may carry, expressed in standard dose units, which shall 78812  
be signed by a physician; 78813

(c) A list of the personnel employed or used by the 78814  
organization to provide emergency medical services in accordance 78815  
with Chapter 4765. of the Revised Code. 78816

In accordance with Chapter 119. of the Revised Code, the 78817  
board shall adopt rules specifying when an emergency medical 78818  
service organization that is licensed as a terminal distributor 78819  
must notify the board of any changes in its documentation 78820  
submitted pursuant to division (C)(1) of this section. 78821

(2) An emergency medical service organization seeking to 78822  
be licensed as a terminal distributor of dangerous drugs shall 78823  
list in its application for licensure the following additional 78824  
information: 78825

(a) The units under its control that the organization 78826  
determines will possess dangerous drugs for the purpose of 78827  
administering emergency medical services in accordance with 78828  
Chapter 4765. of the Revised Code; 78829

(b) With respect to each such unit, whether the dangerous 78830  
drugs that the organization determines the unit will possess are 78831  
in category II or III. 78832

(3) An emergency medical service organization that is 78833  
licensed as a terminal distributor of dangerous drugs shall file 78834  
a new application for such licensure if there is any change in 78835  
the number or location of any of its units or if there is any 78836  
change in the category of the dangerous drugs that any unit will 78837  
possess. 78838

(4) A unit listed in an application for licensure pursuant 78839  
to division (C)(2) of this section may obtain the dangerous 78840

drugs it is authorized to possess from its emergency medical 78841  
service organization or, on a replacement basis, from a hospital 78842  
pharmacy. If units will obtain dangerous drugs from a hospital 78843  
pharmacy, the organization shall file, and maintain in current 78844  
form, the following items with the pharmacist who is responsible 78845  
for the hospital's terminal distributor of dangerous drugs 78846  
license: 78847

(a) A copy of its standing orders or protocol; 78848

(b) A list of the personnel employed or used by the 78849  
organization to provide emergency medical services in accordance 78850  
with Chapter 4765. of the Revised Code, who are authorized to 78851  
possess the drugs, which list also shall indicate the personnel 78852  
who are authorized to administer the drugs. 78853

(D) Each emergency medical service organization satellite 78854  
that applies for a terminal distributor of dangerous drugs 78855  
license shall submit with its application all of the information 78856  
that the board requires to be submitted with the application, as 78857  
specified in rules the board shall adopt in accordance with 78858  
Chapter 119. of the Revised Code. 78859

(E) ~~There shall be four categories of terminal distributor~~ 78860  
~~of dangerous drugs licenses. The~~When the board issues a license 78861  
to a person seeking to operate as a terminal distributor of 78862  
dangerous drugs, the board shall issue the license according to 78863  
one of the following categories—~~are as follows~~, as the case may 78864  
be for the person's business operations: 78865

(1) Category II license. A category II license applies to 78866  
a person whose business operations are located within this 78867  
state. A person who obtains this license may possess, have 78868  
custody or control of, and distribute only the dangerous drugs 78869

described in category II. 78870

(2) Limited category II license. A limited category II license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II that were listed in the application for licensure. 78871  
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(3) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category II and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic. 78877  
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(4) Limited category III license. A limited category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II or the controlled substances described in category III that were listed in the application for licensure. 78886  
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(5) Nonresident license. A nonresident license applies to a person whose business operations are located outside this state. A person who obtains a nonresident license may possess, have custody or control of, and distribute the dangerous drugs described in category II and the controlled substances described in category III. 78893  
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(F) Except for an application made by a county dog warden or on behalf of an animal shelter, if an applicant for a limited category II license or limited category III license intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a copy of its protocol or standing orders. The protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state.

An application made by a county dog warden or on behalf of an animal shelter shall include a list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when a licensee must notify the board of any changes in its documentation submitted pursuant to this division.

(G) (1) Except as provided in division (G) (3) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee in the amount that applies to the category of licensure being sought. The amount assessed shall not be returned to the applicant if the applicant fails to qualify for the license.

(2) The following fees apply under division (G) (1) of this section:

(a) Except as provided in division (G) (2) (b) of this section:

(i) Three hundred <del>twenty</del> <u>sixty</u> dollars for a category II or limited category II license;	78928 78929
(ii) Four hundred <del>forty</del> <u>sixty</u> dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license;	78930 78931 78932 78933
<u>(iii) Five hundred dollars for a nonresident license.</u>	78934
(b) One hundred <del>twenty</del> <u>sixty</u> dollars for all of the following <u>whose business operations are located within this state:</u>	78935 78936 78937
(i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (C) of section 4729.541 of the Revised Code;	78938 78939 78940
(ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine that is not included in division (G) (2) (b) (i) of this section;	78941 78942 78943 78944
(iii) An emergency medical service organization satellite.	78945
(3) No fee applies for a license issued to a charitable pharmacy, as defined in section 3719.811 of the Revised Code, if the charitable pharmacy is participating in the drug repository program established under section 3715.87 of the Revised Code.	78946 78947 78948 78949
(H) (1) The board shall issue a terminal distributor of dangerous drugs license, <u>in the appropriate category,</u> to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other	78950 78951 78952 78953 78954 78955

applicable requirements of this section. 78956

(2) Except for the license of a county dog warden, the 78957  
license shall describe the one establishment or place at which 78958  
the licensee may engage in the sale or other distribution of 78959  
dangerous drugs at retail and maintain possession, custody, or 78960  
control of dangerous drugs for purposes other than the 78961  
licensee's own use or consumption. The one establishment or 78962  
place shall be that which is identified in the application for 78963  
licensure. 78964

No such license shall authorize or permit the terminal 78965  
distributor of dangerous drugs named in it to engage in the sale 78966  
or other distribution of dangerous drugs at retail or to 78967  
maintain possession, custody, or control of dangerous drugs for 78968  
any purpose other than the distributor's own use or consumption, 78969  
at any establishment or place other than that described in the 78970  
license, except that an agent or employee of an animal shelter 78971  
or county dog warden may possess and use dangerous drugs in the 78972  
course of business as provided in section 4729.532 of the 78973  
Revised Code. 78974

(3) The license of an emergency medical service 78975  
organization shall cover the organization's headquarters and, in 78976  
addition, shall cover and describe all the units of the 78977  
organization listed in its application for licensure. 78978

(I) (1) All licenses issued or renewed pursuant to this 78979  
section shall be effective for a period specified by the board 78980  
in rules adopted under section 4729.26 of the Revised Code. The 78981  
effective period for an initial or renewed license shall not 78982  
exceed twenty-four months unless the board extends the period in 78983  
rules to adjust license renewal schedules. A license shall be 78984  
renewed by the board according to the provisions of this 78985

section, the standard renewal procedure of Chapter 4745. of the 78986  
Revised Code, and rules adopted by the board under section 78987  
4729.26 of the Revised Code. A person seeking to renew a license 78988  
shall submit an application for renewal and pay the required fee 78989  
on or before the date specified in the rules adopted by the 78990  
board. The fee required for the renewal of a license shall be 78991  
the same as the license fee that applies under division (G) (2) 78992  
of this section. 78993

(2) (a) Subject to division (I) (2) (b) of this section, a 78994  
license that has not been renewed by the date specified in rules 78995  
adopted by the board may be reinstated only upon payment of the 78996  
required renewal fee and a penalty fee of one hundred ten 78997  
dollars. 78998

(b) If an application for renewal has not been submitted 78999  
by the sixty-first day after the renewal date specified in rules 79000  
adopted by the board, the license is considered void and cannot 79001  
be renewed, but the license holder may reapply for licensure. 79002

(3) A terminal distributor of dangerous drugs that fails 79003  
to renew licensure in accordance with this section and rules 79004  
adopted by the board is prohibited from engaging in the retail 79005  
sale, possession, or distribution of dangerous drugs until a 79006  
valid license is issued by the board. 79007

(J) (1) No emergency medical service organization that is 79008  
licensed as a terminal distributor of dangerous drugs shall fail 79009  
to comply with division (C) (1), (3), or (4) of this section. 79010

(2) No licensed terminal distributor of dangerous drugs 79011  
shall possess, have custody or control of, or distribute 79012  
dangerous drugs that the terminal distributor is not entitled to 79013  
possess, have custody or control of, or distribute by virtue of 79014



its category of licensure. 79015

(3) No licensee that is required by division (F) of this 79016  
section to notify the board of changes in its protocol or 79017  
standing orders, or in personnel, shall fail to comply with that 79018  
division. 79019

(K) A person holding a license issued under this section 79020  
shall designate, and shall have available at all times, a person 79021  
to serve for the licensed location in a position to be known as 79022  
"responsible person." A person may be designated and serve as a 79023  
responsible person only if the person meets the requirements 79024  
established in rules that the board shall adopt under section 79025  
4729.26 of the Revised Code. Along with the license holder, a 79026  
responsible person shall accept responsibility for the operation 79027  
of the licensed location in accordance with all applicable state 79028  
and federal laws and rules. 79029

A license holder shall notify the board of the person who 79030  
is designated to serve as the responsible person and, 79031  
thereafter, shall notify the board each time a change is made in 79032  
the designation. Notice to the board shall be provided in 79033  
accordance with procedures established in rules that the board 79034  
shall adopt under section 4729.26 of the Revised Code. For any 79035  
change of responsible person, the board shall assess a fee of 79036  
fifteen dollars. 79037

(L) The board may enter into agreements with other states, 79038  
federal agencies, and other entities to exchange information 79039  
concerning licensing and inspection of terminal distributors of 79040  
dangerous drugs located within or outside this state and to 79041  
investigate alleged violations of the laws and rules governing 79042  
distribution of drugs by terminal distributors. Any information 79043  
received pursuant to such an agreement is subject to the same 79044

confidentiality requirements applicable to the agency or entity 79045  
from which it was received and shall not be released without 79046  
prior authorization from that agency or entity. Any information 79047  
received is also subject to section 4729.23 of the Revised Code. 79048

**Sec. 4729.541.** (A) Except as provided in divisions (B) and 79049  
(C) of this section, all of the following are exempt from 79050  
licensure as a terminal distributor of dangerous drugs: 79051

(1) A licensed health professional authorized to prescribe 79052  
drugs; 79053

(2) A business entity that is a corporation formed under 79054  
division (B) of section 1701.03 of the Revised Code, a limited 79055  
liability company formed under former Chapter 1705. of the 79056  
Revised Code as that chapter existed prior to February 11, 2022, 79057  
or Chapter 1706. of the Revised Code, or a professional 79058  
association formed under Chapter 1785. of the Revised Code if 79059  
the entity has a sole shareholder who is a prescriber and is 79060  
authorized to provide the professional services being offered by 79061  
the entity; 79062

(3) A business entity that is a corporation formed under 79063  
division (B) of section 1701.03 of the Revised Code, a limited 79064  
liability company formed under former Chapter 1705. of the 79065  
Revised Code as that chapter existed prior to February 11, 2022, 79066  
or Chapter 1706. of the Revised Code, a partnership or a limited 79067  
liability partnership formed under Chapter 1775. of the Revised 79068  
Code, or a professional association formed under Chapter 1785. 79069  
of the Revised Code, if, to be a shareholder, member, or 79070  
partner, an individual is required to be licensed, certified, or 79071  
otherwise legally authorized under Title XLVII of the Revised 79072  
Code to perform the professional service provided by the entity 79073  
and each such individual is a prescriber; 79074

(4) An individual who holds a current license, 79075  
certificate, or registration issued under Title XLVII of the 79076  
Revised Code and has been certified to conduct diabetes 79077  
education by a national certifying body specified in rules 79078  
adopted by the state board of pharmacy under section 4729.68 of 79079  
the Revised Code, but only with respect to insulin that will be 79080  
used for the purpose of diabetes education and only if diabetes 79081  
education is within the individual's scope of practice under 79082  
statutes and rules regulating the individual's profession; 79083

(5) An individual who holds a valid certificate issued by 79084  
a nationally recognized S.C.U.B.A. diving certifying 79085  
organization approved by the state board of pharmacy under rules 79086  
adopted by the board, but only with respect to medical oxygen 79087  
that will be used for the purpose of emergency care or treatment 79088  
at the scene of a diving emergency; 79089

(6) With respect to epinephrine autoinjectors that may be 79090  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 79091  
or 3328.29 of the Revised Code, any of the following: the board 79092  
of education of a city, local, exempted village, or joint 79093  
vocational school district; a chartered or nonchartered 79094  
nonpublic school; a community school established under Chapter 79095  
3314. of the Revised Code; a STEM school established under 79096  
Chapter 3326. of the Revised Code; or a college-preparatory 79097  
boarding school established under Chapter 3328. of the Revised 79098  
Code; 79099

(7) With respect to epinephrine autoinjectors that may be 79100  
possessed under section ~~5101.76~~5180.26 of the Revised Code, any 79101  
of the following: a residential camp, as defined in section 79102  
2151.011 of the Revised Code; a child day camp, as defined in 79103  
section 5104.01 of the Revised Code; or a child day camp 79104

operated by any county, township, municipal corporation, 79105  
township park district created under section 511.18 of the 79106  
Revised Code, park district created under section 1545.04 of the 79107  
Revised Code, or joint recreation district established under 79108  
section 755.14 of the Revised Code; 79109

(8) With respect to epinephrine autoinjectors that may be 79110  
possessed under Chapter 3728. of the Revised Code, a qualified 79111  
entity, as defined in section 3728.01 of the Revised Code; 79112

(9) With respect to inhalers that may be possessed under 79113  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 79114  
the Revised Code, any of the following: the board of education 79115  
of a city, local, exempted village, or joint vocational school 79116  
district; a chartered or nonchartered nonpublic school; a 79117  
community school established under Chapter 3314. of the Revised 79118  
Code; a STEM school established under Chapter 3326. of the 79119  
Revised Code; or a college-preparatory boarding school 79120  
established under Chapter 3328. of the Revised Code; 79121

(10) With respect to inhalers that may be possessed under 79122  
section ~~5101.77~~5180.261 of the Revised Code, any of the 79123  
following: a residential camp, as defined in section 2151.011 of 79124  
the Revised Code; a child day camp, as defined in section 79125  
5104.01 of the Revised Code; or a child day camp operated by any 79126  
county, township, municipal corporation, township park district 79127  
created under section 511.18 of the Revised Code, park district 79128  
created under section 1545.04 of the Revised Code, or joint 79129  
recreation district established under section 755.14 of the 79130  
Revised Code; 79131

(11) With respect to overdose reversal drugs that may be 79132  
possessed for the purposes described in section 3715.50 of the 79133  
Revised Code, any person or government entity exercising the 79134

authority conferred by that section; 79135

(12) With respect to overdose reversal drugs that may be 79136  
possessed for use in personally furnishing supplies of the drug 79137  
pursuant to a protocol established under section 3715.503 of the 79138  
Revised Code, any individual exercising the authority conferred 79139  
by that section; 79140

(13) With respect to injectable or nasally administered 79141  
glucagon that may be possessed under sections 3313.7115, 79142  
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 79143  
any of the following: the board of education of a city, local, 79144  
exempted village, or joint vocational school district; a 79145  
chartered or nonchartered nonpublic school; a community school 79146  
established under Chapter 3314. of the Revised Code; a STEM 79147  
school established under Chapter 3326. of the Revised Code; or a 79148  
college-preparatory boarding school established under Chapter 79149  
3328. of the Revised Code; 79150

(14) With respect to injectable or nasally administered 79151  
glucagon that may be possessed under section ~~5101.78~~ 5180.262 of 79152  
the Revised Code, any of the following: a residential camp, as 79153  
defined in section 2151.011 of the Revised Code; a child day 79154  
camp, as defined in section 5104.01 of the Revised Code; or a 79155  
child day camp operated by any county, township, municipal 79156  
corporation, township park district created under section 511.18 79157  
of the Revised Code, park district created under section 1545.04 79158  
of the Revised Code, or joint recreation district established 79159  
under section 755.14 of the Revised Code; 79160

(15) A person who possesses nitrous oxide for use as a 79161  
direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for 79162  
testing or maintaining a plumbing or heating, ventilation, and 79163  
air conditioning system; 79164

(16) A person who possesses medical oxygen, sterile water, 79165  
or sterile saline for direct administration to patients or for 79166  
the purpose of installation or maintenance of home medical 79167  
equipment, as defined in section 4752.01 of the Revised Code; 79168

(17) A facility that is owned and operated by the United 79169  
States department of defense, the United States department of 79170  
veterans affairs, or any other federal agency. 79171

(B) If a person described in division (A) of this section 79172  
is a pain management clinic or is operating a pain management 79173  
clinic, the person shall hold a license as a terminal 79174  
distributor of dangerous drugs with a pain management clinic 79175  
classification issued under section 4729.552 of the Revised 79176  
Code. 79177

(C) Any of the persons described in divisions (A) (1) to 79178  
(16) of this section shall hold a license as a terminal 79179  
distributor of dangerous drugs in order to possess, have custody 79180  
or control of, and distribute any of the following: 79181

(1) Dangerous drugs that are compounded or used for the 79182  
purpose of compounding; 79183

(2) A schedule I, II, III, IV, or V controlled substance, 79184  
as defined in section 3719.01 of the Revised Code. 79185

**Sec. 4729.56.** (A) (1) The state board of pharmacy, in 79186  
accordance with Chapter 119. of the Revised Code, may impose any 79187  
one or more of the following sanctions on a person licensed 79188  
under ~~division (B) (1) (a) of~~ section 4729.52 of the Revised Code 79189  
for any of the causes set forth in division (A) (2) of this 79190  
section: 79191

(a) Suspend, revoke, restrict, limit, or refuse to grant 79192  
or renew a license; 79193

(b) Reprimand or place the license holder on probation;	79194
(c) Impose a monetary penalty or forfeiture not to exceed	79195
in severity any fine designated under the Revised Code for a	79196
similar offense or two thousand five hundred dollars if the acts	79197
committed are not classified as an offense by the Revised Code;	79198
(2) The board may impose the sanctions set forth in	79199
division (A)(1) of this section for any of the following:	79200
(a) Making any false material statements in an application	79201
for licensure under section 4729.52 of the Revised Code;	79202
(b) Violating any federal, state, or local drug law; any	79203
provision of this chapter or Chapter 2925., 3715., or 3719. of	79204
the Revised Code; or any rule of the board;	79205
(c) A conviction of a felony;	79206
(d) Failing to satisfy the qualifications for licensure	79207
under section 4729.53 of the Revised Code or the rules of the	79208
board or ceasing to satisfy the qualifications after the	79209
registration is granted or renewed;	79210
(e) Falsely or fraudulently promoting to the public a drug	79211
that is a controlled substance included in schedule I, II, III,	79212
IV, or V, except that nothing in this division prohibits a	79213
manufacturer, outsourcing facility, third-party logistics	79214
provider, repackager, or wholesale distributor of dangerous	79215
drugs from furnishing information concerning a controlled	79216
substance to a health care provider or licensed terminal	79217
distributor;	79218
(f) Violating any provision of the "Federal Food, Drug,	79219
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or	79220
Chapter 3715. of the Revised Code;	79221

(g) Any other cause for which the board may impose 79222  
sanctions as set forth in rules adopted under section 4729.26 of 79223  
the Revised Code. 79224

(B) Upon the suspension or revocation of any license 79225  
~~identified in division (B)(1)(a) of~~ issued under section 4729.52 79226  
of the Revised Code, the licensee shall immediately surrender 79227  
the license to the board. 79228

(C) If the board suspends, revokes, or refuses to renew 79229  
any license ~~identified in division (B)(1)(a) of~~ issued under 79230  
section 4729.52 of the Revised Code and determines that there is 79231  
clear and convincing evidence of a danger of immediate and 79232  
serious harm to any person, the board may place under seal all 79233  
dangerous drugs owned by or in the possession, custody, or 79234  
control of the affected licensee. Except as provided in this 79235  
division, the board shall not dispose of the dangerous drugs 79236  
sealed under this division until the licensee exhausts all of 79237  
the licensee's appeal rights under Chapter 119. of the Revised 79238  
Code. The court involved in such an appeal may order the board, 79239  
during the pendency of the appeal, to sell sealed dangerous 79240  
drugs that are perishable. The board shall deposit the proceeds 79241  
of the sale with the court. 79242

(D) If the board is required under Chapter 119. of the 79243  
Revised Code to give notice of an opportunity for a hearing and 79244  
the license holder does not make a timely request for a hearing 79245  
in accordance with section 119.07 of the Revised Code, the board 79246  
is not required to hold a hearing, but may adopt a final order 79247  
that contains the board's findings. In the final order, the 79248  
board may impose any of the sanctions listed in division (A) of 79249  
this section. 79250

(E) Notwithstanding division (D)(2) of section 2953.32 or 79251



division (F) (1) of section 2953.39 of the Revised Code 79252  
specifying that if records pertaining to a criminal case are 79253  
sealed or expunged under that section the proceedings in the 79254  
case must be deemed not to have occurred, sealing or expungement 79255  
of the following records on which the board has based an action 79256  
under this section shall have no effect on the board's action or 79257  
any sanction imposed by the board under this section: records of 79258  
any conviction, guilty plea, judicial finding of guilt resulting 79259  
from a plea of no contest, or a judicial finding of eligibility 79260  
for a pretrial diversion program or intervention in lieu of 79261  
conviction. The board is not required to seal, destroy, redact, 79262  
or otherwise modify its records to reflect the court's sealing 79263  
or expungement of conviction records. 79264

**Sec. 4729.561.** If the state board of pharmacy determines 79265  
that there is clear and convincing evidence that the method used 79266  
~~by a licensed manufacturer of dangerous drugs, outsourcing~~ 79267  
~~facility, third-party logistics provider, repackager of~~ 79268  
~~dangerous drugs, or wholesale distributor of dangerous drugs to~~ 79269  
possess or distribute dangerous drugs by a person licensed under 79270  
section 4729.52 of the Revised Code presents a danger of 79271  
immediate and serious harm to others, the board may suspend 79272  
without a hearing the person's license issued pursuant to that 79273  
~~section 4729.52 of the Revised Code~~. The board shall follow the 79274  
procedure for suspension without a prior hearing in section 79275  
119.07 of the Revised Code. The suspension shall remain in 79276  
effect, unless removed by the board, until the board's final 79277  
adjudication order becomes effective, except that if the board 79278  
does not issue its final adjudication order within one hundred 79279  
twenty days after the suspension, the suspension shall be void 79280  
on the one hundred twenty-first day after the suspension. 79281

**Sec. 4729.60.** (A) (1) Before a ~~licensee identified in~~ 79282

~~division (B) (1) (a) of person licensed under~~ section 4729.52 of 79283  
the Revised Code may sell or distribute dangerous drugs at 79284  
wholesale to any person, except as provided in division (A) (2) 79285  
of this section, the licensee shall query the roster established 79286  
pursuant to section 4729.59 of the Revised Code to determine 79287  
whether the purchaser is a licensed terminal distributor of 79288  
dangerous drugs. 79289

If no documented query is conducted before a sale is made, 79290  
it shall be presumed that the sale of dangerous drugs by the 79291  
licensee is in violation of division (B) of section 4729.51 of 79292  
the Revised Code and the purchase of dangerous drugs by the 79293  
purchaser is in violation of division (E) of section 4729.51 of 79294  
the Revised Code. If a licensee conducts a documented query and 79295  
relies on the results of the query in selling or distributing 79296  
dangerous drugs at wholesale to the terminal distributor of 79297  
dangerous drugs, the licensee shall be deemed not to have 79298  
violated division (B) of section 4729.51 of the Revised Code in 79299  
making the sale. 79300

(2) Division (A) (1) of this section does not apply when a 79301  
~~licensee identified in division (B) (1) (a) of person licensed~~ 79302  
under section 4729.52 of the Revised Code sells or distributes 79303  
dangerous drugs at wholesale to any of the following: 79304

(a) A person specified in division (B) (4) of section 79305  
4729.51 of the Revised Code; 79306

(b) A person exempt from licensure as a terminal 79307  
distributor of dangerous drugs under section 4729.541 of the 79308  
Revised Code. 79309

(B) Before a licensed terminal distributor of dangerous 79310  
drugs may purchase dangerous drugs at wholesale, the terminal 79311

distributor shall query the roster established pursuant to 79312  
section 4729.59 of the Revised Code to confirm the seller is 79313  
licensed to engage in the sale or distribution of dangerous 79314  
drugs at wholesale. 79315

If no documented query is conducted before a purchase is 79316  
made, it shall be presumed that the purchase of dangerous drugs 79317  
by the terminal distributor is in violation of division (F) of 79318  
section 4729.51 of the Revised Code and the sale of dangerous 79319  
drugs by the seller is in violation of division (A) of section 79320  
4729.51 of the Revised Code. If a licensed terminal distributor 79321  
of dangerous drugs conducts a documented query at least annually 79322  
and relies on the results of the query in purchasing dangerous 79323  
drugs at wholesale, the terminal distributor shall be deemed not 79324  
to have violated division (F) of section 4729.51 of the Revised 79325  
Code in making the purchase. 79326

**Sec. 4729.80.** (A) If the state board of pharmacy 79327  
establishes and maintains a drug database pursuant to section 79328  
4729.75 of the Revised Code, the board is authorized or required 79329  
to provide information from the database only as follows: 79330

(1) On receipt of a request from a designated 79331  
representative of a government entity responsible for the 79332  
licensure, regulation, or discipline of health care 79333  
professionals with authority to prescribe, administer, or 79334  
dispense drugs, the board may provide to the representative 79335  
information from the database relating to the professional who 79336  
is the subject of an active investigation being conducted by the 79337  
government entity or relating to a professional who is acting as 79338  
an expert witness for the government entity in such an 79339  
investigation. 79340

(2) On receipt of a request from a federal officer, or a 79341

state or local officer of this or any other state, whose duties 79342  
include enforcing laws relating to drugs, the board shall 79343  
provide to the officer information from the database relating to 79344  
the person who is the subject of an active investigation of a 79345  
drug abuse offense, as defined in section 2925.01 of the Revised 79346  
Code, being conducted by the officer's employing government 79347  
entity. 79348

(3) Pursuant to a subpoena issued by a grand jury, the 79349  
board shall provide to the grand jury information from the 79350  
database relating to the person who is the subject of an 79351  
investigation being conducted by the grand jury. 79352

(4) Pursuant to a subpoena, search warrant, or court order 79353  
in connection with the investigation or prosecution of a 79354  
possible or alleged criminal offense, the board shall provide 79355  
information from the database as necessary to comply with the 79356  
subpoena, search warrant, or court order. 79357

(5) On receipt of a request from a prescriber or the 79358  
prescriber's delegate approved by the board, the board shall 79359  
provide to the prescriber a report of information from the 79360  
database relating to a patient who is either a current patient 79361  
of the prescriber or a potential patient of the prescriber based 79362  
on a referral of the patient to the prescriber, if all of the 79363  
following conditions are met: 79364

(a) The prescriber certifies in a form specified by the 79365  
board that it is for the purpose of providing medical treatment 79366  
to the patient who is the subject of the request; 79367

(b) The prescriber has not been denied access to the 79368  
database by the board. 79369

(6) On receipt of a request from a pharmacist or the 79370

pharmacist's delegate approved by the board, the board shall 79371  
provide to the pharmacist information from the database relating 79372  
to a current patient of the pharmacist, if the pharmacist 79373  
certifies in a form specified by the board that it is for the 79374  
purpose of the pharmacist's practice of pharmacy involving the 79375  
patient who is the subject of the request and the pharmacist has 79376  
not been denied access to the database by the board. 79377

(7) On receipt of a request from an individual seeking the 79378  
individual's own database information in accordance with the 79379  
procedure established in rules adopted under section 4729.84 of 79380  
the Revised Code, the board may provide to the individual the 79381  
individual's own prescription history. 79382

(8) On receipt of a request from a medical director or a 79383  
pharmacy director of a managed care organization that has 79384  
entered into a contract with the department of medicaid under 79385  
section 5167.10 of the Revised Code and a data security 79386  
agreement with the board required by section 5167.14 of the 79387  
Revised Code, the board shall provide to the medical director or 79388  
the pharmacy director information from the database relating to 79389  
a medicaid recipient enrolled in the managed care organization, 79390  
including information in the database related to prescriptions 79391  
for the recipient that were not covered or reimbursed under a 79392  
program administered by the department of medicaid. 79393

(9) On receipt of a request from the medicaid director, 79394  
the board shall provide to the director information from the 79395  
database relating to a recipient of a program administered by 79396  
the department of medicaid, including information in the 79397  
database related to prescriptions for the recipient that were 79398  
not covered or paid by a program administered by the department. 79399

(10) On receipt of a request from a medical director of a 79400

managed care organization that has entered into a contract with 79401  
the administrator of workers' compensation under division (B) (4) 79402  
of section 4121.44 of the Revised Code and a data security 79403  
agreement with the board required by section 4121.447 of the 79404  
Revised Code, the board shall provide to the medical director 79405  
information from the database relating to a claimant under 79406  
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 79407  
assigned to the managed care organization, including information 79408  
in the database related to prescriptions for the claimant that 79409  
were not covered or reimbursed under Chapter 4121., 4123., 79410  
4127., or 4131. of the Revised Code, if the administrator of 79411  
workers' compensation confirms, upon request from the board, 79412  
that the claimant is assigned to the managed care organization. 79413

(11) On receipt of a request from the administrator of 79414  
workers' compensation, the board shall provide to the 79415  
administrator information from the database relating to a 79416  
claimant under Chapter 4121., 4123., 4127., or 4131. of the 79417  
Revised Code, including information in the database related to 79418  
prescriptions for the claimant that were not covered or 79419  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 79420  
Revised Code. 79421

(12) On receipt of a request from a prescriber or the 79422  
prescriber's delegate approved by the board, the board shall 79423  
provide to the prescriber information from the database relating 79424  
to a patient's mother, if the prescriber certifies in a form 79425  
specified by the board that it is for the purpose of providing 79426  
medical treatment to a newborn or infant patient diagnosed as 79427  
opioid dependent and the prescriber has not been denied access 79428  
to the database by the board. 79429

(13) On receipt of a request from the director of health, 79430

the board shall provide to the director information from the 79431  
database relating to the duties of the director or the 79432  
department of health in implementing the Ohio violent death 79433  
reporting system established under section 3701.93 of the 79434  
Revised Code. 79435

(14) On receipt of a request from a requestor described in 79436  
division (A)(1), (2), (5), or (6) of this section who is from or 79437  
participating with another state's prescription monitoring 79438  
program, the board may provide to the requestor information from 79439  
the database, but only if there is a written agreement under 79440  
which the information is to be used and disseminated according 79441  
to the laws of this state. 79442

(15) On receipt of a request from a delegate of a retail 79443  
dispensary licensed under Chapter 3796. of the Revised Code who 79444  
is approved by the board to serve as the dispensary's delegate, 79445  
the board shall provide to the delegate a report of information 79446  
from the database pertaining only to a patient's use of medical 79447  
marijuana, if both of the following conditions are met: 79448

(a) The delegate certifies in a form specified by the 79449  
board that it is for the purpose of dispensing medical marijuana 79450  
for use in accordance with Chapter 3796. of the Revised Code. 79451

(b) The retail dispensary or delegate has not been denied 79452  
access to the database by the board. 79453

(16) On receipt of a request from a judge of a program 79454  
certified by the Ohio supreme court as a specialized docket 79455  
program for drugs, the board shall provide to the judge, or an 79456  
employee of the program who is designated by the judge to 79457  
receive the information, information from the database that 79458  
relates specifically to a current or prospective program 79459

participant. 79460

(17) On receipt of a request from a coroner, deputy 79461  
coroner, or coroner's delegate approved by the board, the board 79462  
shall provide to the requestor information from the database 79463  
relating to a deceased person about whom the coroner is 79464  
conducting or has conducted an autopsy or investigation. 79465

(18) On receipt of a request from a prescriber, the board 79466  
may provide to the prescriber a summary of the prescriber's 79467  
prescribing record if such a record is created by the board. 79468  
Information in the summary is subject to the confidentiality 79469  
requirements of this chapter. 79470

~~(19)(a)~~ (19) On receipt of a request from a pharmacy's 79471  
responsible person designated under section 4729.54 of the 79472  
Revised Code, the board may provide to the responsible person a 79473  
summary of the pharmacy's dispensing record if such a record is 79474  
created by the board. Information in the summary is subject to 79475  
the confidentiality requirements of this chapter. 79476

~~(b) As used in division (A) (19) (a) of this section,~~ 79477  
~~"responsible person" has the same meaning as in rules adopted by~~ 79478  
~~the board under section 4729.26 of the Revised Code.~~ 79479

(20) The board may provide information from the database 79480  
without request to a prescriber or pharmacist who is authorized 79481  
to use the database pursuant to this chapter. 79482

(21) (a) On receipt of a request from a prescriber or 79483  
pharmacist, or the prescriber's or pharmacist's delegate, who is 79484  
a designated representative of a peer review committee, the 79485  
board shall provide to the committee information from the 79486  
database relating to a prescriber who is subject to the 79487  
committee's evaluation, supervision, or discipline if the 79488



information is to be used for one of those purposes. The board 79489  
shall provide only information that it determines, in accordance 79490  
with rules adopted under section 4729.84 of the Revised Code, is 79491  
appropriate to be provided to the committee. 79492

(b) As used in division (A)(21)(a) of this section, "peer 79493  
review committee" has the same meaning as in section 2305.25 of 79494  
the Revised Code, except that it includes only a peer review 79495  
committee of a hospital or a peer review committee of a 79496  
nonprofit health care corporation that is a member of the 79497  
hospital or of which the hospital is a member. 79498

(22) On receipt of a request from a requestor described in 79499  
division (A)(5) or (6) of this section who is from or 79500  
participating with a prescription monitoring program that is 79501  
operated by a federal agency and approved by the board, the 79502  
board may provide to the requestor information from the 79503  
database, but only if there is a written agreement under which 79504  
the information is to be used and disseminated according to the 79505  
laws of this state. 79506

(23) Any personal health information submitted to the 79507  
board pursuant to section 4729.772 of the Revised Code may be 79508  
provided by the board only as authorized by the submitter of the 79509  
information and in accordance with rules adopted under section 79510  
4729.84 of the Revised Code. 79511

(24) On receipt of a request from a person described in 79512  
division (A)(5), (6), or (17) of this section who is 79513  
participating in a drug overdose fatality review committee 79514  
described in section 307.631 of the Revised Code, the board may 79515  
provide to the requestor information from the database, but only 79516  
if there is a written agreement under which the information is 79517  
to be used and disseminated according to the laws of this state. 79518

(25) On receipt of a request from a person described in 79519  
division (A) (5), (6), or (17) of this section who is 79520  
participating in a suicide fatality review committee described 79521  
in section 307.641 of the Revised Code, the board may provide to 79522  
the requestor information from the database, but only if there 79523  
is a written agreement under which the information is to be used 79524  
and disseminated according to the laws of this state. 79525

(26) On receipt of a request from a designated 79526  
representative of the division of marijuana control in the 79527  
department of commerce, the board shall provide to the 79528  
representative information from the database relating to an 79529  
individual who, or entity that, is the subject of an active 79530  
investigation being conducted by the division. 79531

(B) The state board of pharmacy shall maintain a record of 79532  
each individual or entity that requests information from the 79533  
database pursuant to this section. In accordance with rules 79534  
adopted under section 4729.84 of the Revised Code, the board may 79535  
use the records to document and report statistics and law 79536  
enforcement outcomes. 79537

The board may provide records of an individual's requests 79538  
for database information only to the following: 79539

(1) A designated representative of a government entity 79540  
that is responsible for the licensure, regulation, or discipline 79541  
of health care professionals with authority to prescribe, 79542  
administer, or dispense drugs who is involved in an active 79543  
criminal or disciplinary investigation being conducted by the 79544  
government entity of the individual who submitted the requests 79545  
for database information; 79546

(2) A federal officer, or a state or local officer of this 79547

or any other state, whose duties include enforcing laws relating 79548  
to drugs and who is involved in an active investigation being 79549  
conducted by the officer's employing government entity of the 79550  
individual who submitted the requests for database information; 79551

(3) A designated representative of the department of 79552  
medicaid regarding a prescriber who is treating or has treated a 79553  
recipient of a program administered by the department and who 79554  
submitted the requests for database information. 79555

(C) Information contained in the database and any 79556  
information obtained from it is confidential and is not a public 79557  
record. Information contained in the records of requests for 79558  
information from the database is confidential and is not a 79559  
public record. Information contained in the database that does 79560  
not identify a person, including any licensee or registrant of 79561  
the board or other entity, may be released in summary, 79562  
statistical, or aggregate form. 79563

(D) A pharmacist or prescriber shall not be held liable in 79564  
damages to any person in any civil action for injury, death, or 79565  
loss to person or property on the basis that the pharmacist or 79566  
prescriber did or did not seek or obtain information from the 79567  
database. 79568

**Sec. 4729.901.** (A) An applicant for registration under 79569  
section 4729.90 of the Revised Code shall file with the state 79570  
board of pharmacy an application in the form and manner 79571  
prescribed in rules adopted under section 4729.94 of the Revised 79572  
Code. The application shall be accompanied by an application fee 79573  
of ~~fifty~~ sixty-five dollars, which shall not be returned if the 79574  
applicant fails to qualify for registration. 79575

(B) If the board is satisfied that the applicant meets the 79576

requirements of section 4729.90 of the Revised Code and any 79577  
additional requirements established by the board and determines 79578  
that the results of a criminal records check do not make the 79579  
applicant ineligible, the board shall register the applicant as 79580  
a registered pharmacy technician or certified pharmacy 79581  
technician, as applicable. 79582

(C) The board shall register as a registered pharmacy 79583  
technician or certified pharmacy technician, as applicable, in 79584  
accordance with Chapter 4796. of the Revised Code an applicant 79585  
if either of the following applies: 79586

(1) The applicant holds a license or is registered in 79587  
another state. 79588

(2) The applicant has satisfactory work experience, a 79589  
government certification, or a private certification as 79590  
described in that chapter as a pharmacy technician in a state 79591  
that does not issue that license or registration. 79592

(D) ~~Registration under division (B) or (C) of this section~~ 79593  
as a registered pharmacy technician or certified pharmacy 79594  
technician is valid for the a two-year period, unless a 79595  
different period is specified by the board in rules adopted 79596  
under section 4729.94 of the Revised Code. ~~The period shall not~~ 79597  
~~exceed twenty-four months unless the board extends the period in~~ 79598  
~~the rules to account for initial registration, adjust license~~ 79599  
registration renewal schedules, or to accommodate other matters 79600  
the board considers appropriate. 79601

**Sec. 4729.902.** (A) A registered pharmacy technician or 79602  
certified pharmacy technician shall file an application for\_ 79603  
biennial registration renewal in the form and manner prescribed 79604  
by the state board of pharmacy in rules adopted under section 79605

4729.94 of the Revised Code. Registrations shall be renewed in accordance with the rules and the standard renewal procedure set forth in Chapter 4745. of the Revised Code. The biennial renewal fee is ~~twenty-five~~ sixty-five dollars ~~per year~~.

(B) (1) A registered pharmacy technician or certified pharmacy technician who fails to renew registration in accordance with division (A) of this section is prohibited from engaging in the activities authorized by section 4729.91 of the Revised Code.

(2) (a) A registration that is not renewed by a date determined under division (A) of this section but has not lapsed for more than ninety days may be reinstated if the applicant does both of the following:

(i) Submits a renewal application in a form prescribed by the board in rules adopted under section 4729.94 of the Revised Code;

(ii) Pays the renewal fee and a late fee of fifty dollars.

(b) A registration that has lapsed for more than ninety days cannot be renewed, but the registration holder may reapply for registration.

**Sec. 4729.921.** (A) An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of ~~twenty-five~~ forty dollars, which shall not be returned if the applicant fails to qualify for registration.

If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any

additional requirements established by the board and determines 79635  
that the results of a criminal records check do not make the 79636  
applicant ineligible, the board shall register the applicant as 79637  
a pharmacy technician trainee. 79638

(B) (1) The board shall register as a pharmacy technician 79639  
trainee in accordance with Chapter 4796. of the Revised Code an 79640  
applicant who either holds a license or is registered in another 79641  
state or has satisfactory work experience, a government 79642  
certification, or a private certification as described in that 79643  
chapter as a pharmacy technician trainee in a state that does 79644  
not issue that license or registration. 79645

(2) The board may register as a pharmacy technician 79646  
trainee an applicant who is seventeen years of age if either of 79647  
the following apply: 79648

(a) The applicant possesses a high school diploma or 79649  
certificate of high school equivalence; 79650

(b) The applicant does not possess a high school diploma 79651  
or certificate of high school equivalence but is enrolled in a 79652  
career-technical school program that is approved by the board 79653  
and conducted by a city, exempted village, local, or joint 79654  
vocational school district. 79655

(C) The board shall not refuse to register an applicant as 79656  
a pharmacy technician trainee because of a conviction for an 79657  
offense unless the refusal is in accordance with section 9.79 of 79658  
the Revised Code. 79659

(D) Registration is valid for ~~one year~~ eighteen months 79660  
from the date of registration, except that the board may extend 79661  
the time period for which registration is valid. Registration is 79662  
not renewable, but an individual may reapply for registration if 79663

the individual's previous registration has lapsed for more than 79664  
five years or the board grants its approval. 79665

**Sec. 4730.433.** (A) (1) Subject to division (A) (2) of this 79666  
section, and notwithstanding any provision of this chapter or 79667  
rule adopted by the state medical board, a physician assistant 79668  
who holds a license issued under this chapter and a valid 79669  
prescriber number issued by the state medical board and has been 79670  
granted physician-delegated prescriptive authority may do either 79671  
of the following without having examined an individual to whom 79672  
epinephrine may be administered: 79673

(a) Personally furnish a supply of epinephrine 79674  
autoinjectors for use in accordance with sections 3313.7110, 79675  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 79676  
~~5101.76~~ 5180.26 of the Revised Code; 79677

(b) Issue a prescription for epinephrine autoinjectors for 79678  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 79679  
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 79680  
Revised Code. 79681

(2) An epinephrine autoinjector personally furnished or 79682  
prescribed under division (A) (1) of this section must be 79683  
furnished or prescribed in such a manner that it may be 79684  
administered only in a manufactured dosage form. 79685

(B) A physician assistant who acts in good faith in 79686  
accordance with this section is not liable for or subject to any 79687  
of the following for any action or omission of an entity to 79688  
which an epinephrine autoinjector is furnished or a prescription 79689  
is issued: damages in any civil action, prosecution in any 79690  
criminal proceeding, or professional disciplinary action. 79691

**Sec. 4730.437.** (A) (1) Subject to division (A) (2) of this 79692

section and notwithstanding any provision of this chapter or 79693  
rule adopted by the state medical board, a physician assistant 79694  
who holds a valid prescriber number issued by the board and has 79695  
been granted physician-delegated prescriptive authority may do 79696  
either of the following without having examined an individual to 79697  
whom glucagon may be administered: 79698

(a) Personally furnish a supply of injectable or nasally 79699  
administered glucagon for use in accordance with section 79700  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 79701  
5180.262 of the Revised Code; 79702

(b) Issue a prescription for injectable or nasally 79703  
administered glucagon in accordance with section 3313.7115, 79704  
3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of 79705  
the Revised Code. 79706

(2) Injectable or nasally administered glucagon personally 79707  
furnished or prescribed under division (A)(1) of this section 79708  
must be furnished or prescribed in such a manner that it may be 79709  
administered only in a manufactured dosage form. 79710

(B) A physician assistant who acts in good faith in 79711  
accordance with this section is not liable for or subject to any 79712  
of the following for any action or omission of an entity to 79713  
which injectable or nasally administered glucagon is furnished 79714  
or a prescription is issued: damages in any civil action, 79715  
prosecution in any criminal proceeding, or professional 79716  
disciplinary action. 79717

**Sec. 4731.92.** (A) As used in this section, "physician" 79718  
means an individual authorized under this chapter to practice 79719  
medicine and surgery, osteopathic medicine and surgery, or 79720  
podiatric medicine and surgery. 79721



(B) (1) Subject to division (B) (2) of this section, and 79722  
notwithstanding any provision of this chapter or rule adopted by 79723  
the state medical board, a physician may do either of the 79724  
following without having examined an individual to whom glucagon 79725  
may be administered: 79726

(a) Personally furnish a supply of injectable or nasally 79727  
administered glucagon for use in accordance with section 79728  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 79729  
5180.262 of the Revised Code; 79730

(b) Issue a prescription for injectable or nasally 79731  
administered glucagon for use in accordance with section 79732  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 79733  
5180.262 of the Revised Code. 79734

(2) Injectable or nasally administered glucagon personally 79735  
furnished or prescribed under division (B) (1) of this section 79736  
must be furnished or prescribed in such a manner that it may be 79737  
administered only in a manufactured dosage form. 79738

(C) A physician who acts in good faith in accordance with 79739  
this section is not liable for or subject to any of the 79740  
following for any action or omission of an entity to which 79741  
injectable or nasally administered glucagon is furnished or a 79742  
prescription is issued: damages in any civil action, prosecution 79743  
in any criminal proceeding, or professional disciplinary action. 79744

**Sec. 4731.96.** (A) As used in this section and section 79745  
4731.961 of the Revised Code, "physician" means an individual 79746  
authorized under this chapter to practice medicine and surgery, 79747  
osteopathic medicine and surgery, or podiatric medicine and 79748  
surgery. 79749

(B) (1) Subject to division (B) (2) of this section, and 79750

notwithstanding any provision of this chapter or rule adopted by 79751  
the state medical board, a physician may do either of the 79752  
following without having examined an individual to whom 79753  
epinephrine may be administered: 79754

(a) Personally furnish a supply of epinephrine 79755  
autoinjectors for use in accordance with sections 3313.7110, 79756  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 79757  
~~5101.76~~ 5180.26 of the Revised Code; 79758

(b) Issue a prescription for epinephrine autoinjectors for 79759  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 79760  
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 79761  
Revised Code. 79762

(2) An epinephrine autoinjector personally furnished or 79763  
prescribed under division (B)(1) of this section must be 79764  
furnished or prescribed in such a manner that it may be 79765  
administered only in a manufactured dosage form. 79766

(C) A physician who acts in good faith in accordance with 79767  
this section is not liable for or subject to any of the 79768  
following for any action or omission of an entity to which an 79769  
epinephrine autoinjector is furnished or a prescription is 79770  
issued: damages in any civil action, prosecution in any criminal 79771  
proceeding, or professional disciplinary action. 79772

**Sec. 4735.01.** As used in this chapter: 79773

(A) "Real estate broker" includes any person, partnership, 79774  
association, limited liability company, limited liability 79775  
partnership, or corporation, foreign or domestic, who for 79776  
another, whether pursuant to a power of attorney or otherwise, 79777  
and who for a fee, commission, or other valuable consideration, 79778  
or with the intention, or in the expectation, or upon the 79779

promise of receiving or collecting a fee, commission, or other  
valuable consideration does any of the following:

(1) Sells, exchanges, purchases, rents, or leases, or  
negotiates the sale, exchange, purchase, rental, or leasing of  
any real estate;

(2) Offers, attempts, or agrees to negotiate the sale,  
exchange, purchase, rental, or leasing of any real estate;

(3) Lists, or offers, attempts, or agrees to list, or  
auctions, or offers, attempts, or agrees to auction, any real  
estate;

(4) Buys or offers to buy, sells or offers to sell, or  
otherwise deals in options on real estate;

(5) Operates, manages, or rents, or offers or attempts to  
operate, manage, or rent, other than as custodian, caretaker, or  
janitor, any building or portions of buildings to the public as  
tenants;

(6) Advertises or holds self out as engaged in the  
business of selling, exchanging, purchasing, renting, or leasing  
real estate;

(7) Directs or assists in the procuring of prospects or  
the negotiation of any transaction, other than mortgage  
financing, which does or is calculated to result in the sale,  
exchange, leasing, or renting of any real estate;

(8) Is engaged in the business of charging an advance fee  
or contracting for collection of a fee in connection with any  
contract whereby the broker undertakes primarily to promote the  
sale, exchange, purchase, rental, or leasing of real estate  
through its listing in a publication issued primarily for such

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purpose, or for referral of information concerning such real 79808  
estate to brokers, or both, except that this division does not 79809  
apply to a publisher of listings or compilations of sales of 79810  
real estate by their owners; 79811

(9) Collects rental information for purposes of referring 79812  
prospective tenants to rental units or locations of such units 79813  
and charges the prospective tenants a fee. 79814

(B) "Real estate" includes leaseholds as well as any and 79815  
every interest or estate in land situated in this state, whether 79816  
corporeal or incorporeal, whether freehold or nonfreehold, and 79817  
the improvements on the land, but does not include cemetery 79818  
interment rights. 79819

(C) "Real estate salesperson" means any person associated 79820  
with a licensed real estate broker to do or to deal in any acts 79821  
or transactions set out or comprehended by the definition of a 79822  
real estate broker, for compensation or otherwise. 79823

(D) "Institution of higher education" includes all of the 79824  
following: 79825

(1) A state institution of higher education, as defined in 79826  
section 3345.011 of the Revised Code; 79827

(2) A nonprofit institution issued a certificate of 79828  
authorization under Chapter 1713. of the Revised Code; 79829

(3) A private institution exempt from regulation under 79830  
Chapter 3332. of the Revised Code, as prescribed in section 79831  
3333.046 of the Revised Code. 79832

(4) An institution with a certificate of registration from 79833  
the state board of career colleges and schools under Chapter 79834  
3332. of the Revised Code that is approved to offer degree or 79835

certificate programs in accordance with section 3332.05 of the Revised Code.

(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.

(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, does or deals in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate.

(G) "Foreign real estate salesperson" means any person associated with a licensed foreign real estate dealer to do or deal in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate, for compensation or otherwise.

(H) Any person, partnership, association, limited liability company, limited liability partnership, or corporation, who, for another, in consideration of compensation, by fee, commission, salary, or otherwise, or with the intention, in the expectation, or upon the promise of receiving or collecting a fee, does, or offers, attempts, or agrees to engage in, any single act or transaction contained in the definition of a real estate broker, whether an act is an incidental part of a transaction, or the entire transaction, shall be constituted a real estate broker or real estate salesperson under this

chapter. 79866

(I) (1) The terms "real estate broker," "real estate salesperson," "foreign real estate dealer," and "foreign real estate salesperson" do not include a person, partnership, association, limited liability company, limited liability partnership, or corporation, or the regular employees thereof, who perform any of the acts or transactions specified or comprehended in division (A) of this section, whether or not for, or with the intention, in expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration: 79867  
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(a) With reference to real estate situated in this state owned by such person, partnership, association, limited liability company, limited liability partnership, or corporation, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it; 79877  
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(b) As receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person doing the things mentioned in this section, under authority or appointment of, or incident to a proceeding in, any court, or as a bona fide public officer, or as executor, trustee, or other bona fide fiduciary under any trust agreement, deed of trust, will, or other instrument that has been executed in good faith creating a like bona fide fiduciary obligation; 79883  
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(c) As a public officer while performing the officer's official duties; 79891  
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(d) As an attorney at law in the performance of the attorney's duties; 79893  
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(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate;

(f) As a person who engages in the sale of manufactured homes as defined in division (C) (4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;

(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code;

(h) As an oil and gas land professional in the performance of the oil and gas land professional's duties, provided the oil and gas land professional is not engaged in the purchase or sale of a fee simple absolute interest in oil and gas or other real estate and the oil and gas land professional complies with division (A) of section 4735.023 of the Revised Code;

(i) As an oil and gas land professional employed by the person, partnership, association, limited liability company, limited liability partnership, or corporation for which the oil and gas land professional is performing the oil and gas land professional's duties.

(2) A person, partnership, association, limited liability company, limited liability partnership, or corporation exempt under division (I) (1) (a) of this section shall be limited by the legal interest in the real estate held by that person or entity to performing any of the acts or transactions specified in or comprehended by division (A) of this section.

(J) "Disabled licensee" means a person licensed pursuant to this chapter who is under a severe disability which is of such a nature as to prevent the person from being able to attend any instruction lasting at least three hours in duration.

(K) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of real estate and professional licensing."

(L) "Superintendent" or "superintendent of real estate" means the superintendent of the division of real estate and professional licensing of this state. Whenever the division or superintendent of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(M) "Inactive license" means the license status in which a salesperson's license is in the possession of the division, renewed as required under this chapter or rules adopted under this chapter, and not associated with a real estate broker.

(N) "Broker's license on deposit" means the license status in which a broker's license is in the possession of the division of real estate and professional licensing and renewed as required under this chapter or rules adopted under this chapter.

(O) "Suspended license" means the license status that prohibits a licensee from providing services that require a license under this chapter for a specified interval of time.

(P) "Reactivate" means the process prescribed by the superintendent of real estate and professional licensing to remove a license from an inactive, suspended, or broker's



license on deposit status to allow a licensee to provide 79953  
services that require a license under this chapter. 79954

(Q) "Revoked" means the license status in which the 79955  
license is void and not eligible for reactivation. 79956

(R) "Commercial real estate" means any parcel of real 79957  
estate in this state other than real estate containing one to 79958  
four residential units. "Commercial real estate" does not 79959  
include single-family residential units such as condominiums, 79960  
townhouses, manufactured homes, or homes in a subdivision when 79961  
sold, leased, or otherwise conveyed on a unit-by-unit basis, 79962  
even when those units are a part of a larger building or parcel 79963  
of real estate containing more than four residential units. 79964

(S) "Out-of-state commercial broker" includes any person, 79965  
partnership, association, limited liability company, limited 79966  
liability partnership, or corporation that is licensed to do 79967  
business as a real estate broker in a jurisdiction other than 79968  
Ohio. 79969

(T) "Out-of-state commercial salesperson" includes any 79970  
person affiliated with an out-of-state commercial broker who is 79971  
not licensed as a real estate salesperson in Ohio. 79972

(U) "Exclusive right to sell or lease listing agreement" 79973  
means an agency agreement between a seller and broker that meets 79974  
the requirements of section 4735.55 of the Revised Code and does 79975  
both of the following: 79976

(1) Grants the broker the exclusive right to represent the 79977  
seller in the sale or lease of the seller's property; 79978

(2) Provides the broker will be compensated if the broker, 79979  
the seller, or any other person or entity produces a purchaser 79980  
or tenant in accordance with the terms specified in the listing 79981

agreement or if the property is sold or leased during the term 79982  
of the listing agreement to anyone other than to specifically 79983  
exempted persons or entities. 79984

(V) "Exclusive agency agreement" means an agency agreement 79985  
between a seller and broker that meets the requirements of 79986  
section 4735.55 of the Revised Code and does both of the 79987  
following: 79988

(1) Grants the broker the exclusive right to represent the 79989  
seller in the sale or lease of the seller's property; 79990

(2) Provides the broker will be compensated if the broker 79991  
or any other person or entity produces a purchaser or tenant in 79992  
accordance with the terms specified in the listing agreement or 79993  
if the property is sold or leased during the term of the listing 79994  
agreement, unless the property is sold or leased solely through 79995  
the efforts of the seller or to the specifically exempted 79996  
persons or entities. 79997

(W) "Exclusive purchaser agency agreement" means an agency 79998  
agreement between a purchaser or tenant and a broker that meets 79999  
the requirements of section 4735.55 of the Revised Code and does 80000  
both of the following: 80001

(1) Grants the broker the exclusive right to represent the 80002  
purchaser or tenant in the purchase or lease of property; 80003

(2) Provides the broker will be compensated in accordance 80004  
with the terms specified in the exclusive agency agreement or if 80005  
a property is purchased or leased by the purchaser or tenant 80006  
during the term of the agency agreement unless the property is 80007  
specifically exempted in the agency agreement. 80008

The agreement may authorize the broker to receive 80009  
compensation from the seller or the seller's agent and may 80010

provide that the purchaser or tenant is not obligated to 80011  
compensate the broker if the property is purchased or leased 80012  
solely through the efforts of the purchaser or tenant. 80013

(X) "Seller" means a party in a real estate transaction 80014  
who is the potential transferor of property. "Seller" includes 80015  
an owner of property who is seeking to sell the property and a 80016  
landlord who is seeking to rent or lease property to another 80017  
person. 80018

(Y) "Resigned" means the license status in which a license 80019  
has been voluntarily and permanently surrendered to or is 80020  
otherwise in the possession of the division of real estate and 80021  
professional licensing, may not be renewed or reactivated in 80022  
accordance with the requirements specified in this chapter or 80023  
the rules adopted pursuant to it, and is not associated with a 80024  
real estate broker. 80025

(Z) "Bona fide" means made in good faith or without 80026  
purpose of circumventing license law. 80027

(AA) "Associate broker" means an individual licensed as a 80028  
real estate broker under this chapter who does not function as 80029  
the principal broker or a management level licensee. 80030

(BB) "Brokerage" means a corporation, partnership, limited 80031  
partnership, association, limited liability company, limited 80032  
liability partnership, or sole proprietorship, foreign or 80033  
domestic, that has been issued a broker's license. "Brokerage" 80034  
includes the affiliated licensees who have been assigned 80035  
management duties that include supervision of licensees whose 80036  
duties may conflict with those of other affiliated licensees. 80037

(CC) Except as provided in section 4735.011 of the Revised 80038  
Code, "eligible course" means a credit or noncredit course 80039

offered by an institution of higher education that may be 80040  
applied toward the requirements for a degree or certificate at 80041  
the institution. 80042

(DD) "Distance education" means courses required by 80043  
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) 80044  
and (J) of section 4735.09, and division (A) of section 4735.141 80045  
of the Revised Code in which instruction is accomplished through 80046  
use of interactive, electronic media and where the teacher and 80047  
student are separated by distance or time, or both. 80048

(EE) "Licensee" means any individual licensed as a real 80049  
estate broker or salesperson by the Ohio real estate commission 80050  
pursuant to this chapter. 80051

(FF) "Management level licensee" means a licensee who is 80052  
employed by or affiliated with a real estate broker and who has 80053  
supervisory responsibility over other licensees employed by or 80054  
affiliated with that real estate broker. 80055

(GG) "Oil and gas land professional" means a person 80056  
regularly engaged in the preparation and negotiation of 80057  
agreements for the purpose of exploring for, transporting, 80058  
producing, or developing oil and gas mineral interests, 80059  
including, but not limited to, oil and gas leases and pipeline 80060  
easements. 80061

(HH) "Principal broker" means an individual licensed as a 80062  
real estate broker under this chapter who oversees and directs 80063  
the operations of the brokerage. 80064

(II) "Right-to-list home sale agreement" means an 80065  
agreement whereby the owner of residential real estate agrees to 80066  
provide another person with exclusive rights to list the real 80067  
estate for sale at a future date in exchange for monetary 80068

consideration, or an equivalent to monetary consideration, and 80069  
that meets one or both of the following: 80070

(1) The agreement states that it runs with the land or 80071  
otherwise purports to bind future owners of the residential real 80072  
estate; 80073

(2) The agreement purports to be a lien, encumbrance, or 80074  
other real property security interest. 80075

(JJ) "Nonexclusive agency agreement" means an agency 80076  
agreement between a purchaser, tenant, or seller and a broker 80077  
that meets the requirements of section 4735.55 of the Revised 80078  
Code and does both of the following: 80079

(1) Grants the broker the nonexclusive right to represent 80080  
the purchaser, tenant, or seller in the purchase, sale, or lease 80081  
of property; 80082

(2) Provides the broker will be compensated in accordance 80083  
with the terms specified in the nonexclusive agency agreement, 80084  
and the purchaser, tenant, or seller may obtain services from 80085  
other brokers or brokerage firms, subject to the terms of the 80086  
nonexclusive agency agreement. 80087

**Sec. 4735.06.** ~~(A)~~ (A) (1) Application for a license as a 80088  
real estate broker shall be made to the superintendent of real 80089  
estate on forms furnished by the superintendent and filed with 80090  
the superintendent and shall be signed by the applicant or its 80091  
members or officers. 80092

(2) Each application shall state the name of the person 80093  
applying and the location of the place of business for which the 80094  
license is desired, and give such other information as the 80095  
superintendent requires in the form of application prescribed by 80096  
the superintendent. 80097

(3) Each application shall include the address of the applicant's current residence or, if the applicant is not an individual, the address of the current residence of each of the applicant's members or officers. 80098  
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(4) The superintendent shall retain residential addresses submitted under division (A) (3) of this section as separate records that do not constitute public records for the purposes of section 149.43 of the Revised Code. 80102  
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(B) (1) If the applicant is a partnership, limited liability company, limited liability partnership, or association, the names of all the members also shall be stated, and, if the applicant is a corporation, the names of its president and of each of its officers also shall be stated. 80106  
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The superintendent has the right to reject the application of any partnership, association, limited liability company, limited liability partnership, or corporation if the name proposed to be used by such partnership, association, limited liability company, limited liability partnership, or corporation is likely to mislead the public or if the name is not such as to distinguish it from the name of any existing partnership, association, limited liability company, limited liability partnership, or corporation licensed under this chapter, unless there is filed with the application the written consent of such existing partnership, association, limited liability company, limited liability partnership, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, limited liability company, limited liability partnership, or corporation. 80111  
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(2) The superintendent shall approve the use of a trade 80127

name by a brokerage, if the name meets both of the following 80128  
criteria: 80129

(a) The proposed name is not the same as or is clearly 80130  
distinguishable from a name registered with the division of real 80131  
estate and professional licensing by another existing brokerage. 80132  
If the superintendent determines that the proposed name is not 80133  
clearly distinguishable from any other existing brokerage, the 80134  
superintendent may approve the use of the trade name if there is 80135  
filed with the superintendent the written consent of the 80136  
existing brokerage with the same or similar name. 80137

(b) The name is not misleading or likely to mislead the 80138  
public. 80139

(3) The superintendent may approve the use of more than 80140  
one trade name for a brokerage. 80141

(4) When a brokerage has received the approval of the 80142  
superintendent to conduct business under one or more trade 80143  
names, those trade names shall be the only identifying names 80144  
used by the brokerage in all advertising. 80145

(C) A fee of one hundred thirty-five dollars shall 80146  
accompany the application for a real estate broker's license. 80147  
The initial licensing period commences at the time the license 80148  
is issued and ends on the applicant's first birthday thereafter. 80149  
However, if the applicant was an inactive or active salesperson 80150  
immediately preceding application for a broker's license, then 80151  
the initial licensing period shall commence at the time the 80152  
broker's license is issued and ends on the date the licensee's 80153  
continuing education is due as set when the applicant was a 80154  
salesperson. The application fee shall be nonrefundable. A fee 80155  
of one hundred thirty-five dollars shall be charged by the 80156

superintendent for each successive application made by an 80157  
applicant. In the case of issuance of a three-year license, upon 80158  
passing the examination, or upon waiver of the examination 80159  
requirement, if the superintendent determines it is necessary, 80160  
the applicant shall submit an additional fee determined by the 80161  
superintendent based upon the number of years remaining in a 80162  
real estate salesperson's licensing period. 80163

(D) The Ohio real estate commission may use the division 80164  
of real estate operating fund created under section 4735.211 of 80165  
the Revised Code in discharging the duties prescribed in 80166  
divisions (E), (F), (G), and (H) of section 4735.03 of the 80167  
Revised Code and may use it in the advancement of education and 80168  
research in real estate at any institution of higher education 80169  
in the state, or in contracting with any such institution or a 80170  
trade organization for a particular research or educational 80171  
project in the field of real estate, or in advancing loans, not 80172  
exceeding two thousand dollars, to applicants for salesperson 80173  
licenses, to defray the costs of satisfying the educational 80174  
requirements of division (F) of section 4735.09 of the Revised 80175  
Code. Such loans shall be made according to rules established by 80176  
the commission under the procedures of Chapter 119. of the 80177  
Revised Code, and they shall be repaid to the fund within three 80178  
years of the time they are made. No more than twenty-five 80179  
thousand dollars shall be lent from the fund in any one fiscal 80180  
year. 80181

The governor may appoint a representative from the 80182  
executive branch to be a member ex officio of the commission for 80183  
the purpose of advising on research requests or educational 80184  
projects. The commission shall report to the general assembly on 80185  
the third Tuesday after the third Monday in January of each year 80186  
setting forth the total amount contained in the fund and the 80187



amount of each research grant that it has authorized and the 80188  
amount of each research grant requested. A copy of all research 80189  
reports shall be submitted to the state library of Ohio and the 80190  
library of the legislative service commission. 80191

(E) If the superintendent, with the consent of the 80192  
commission, enters into an agreement with a national testing 80193  
service to administer the real estate broker's examination, 80194  
pursuant to division (A) of section 4735.07 of the Revised Code, 80195  
the superintendent may require an applicant to pay the testing 80196  
service's examination fee directly to the testing service. If 80197  
the superintendent requires the payment of the examination fee 80198  
directly to the testing service, each applicant shall submit to 80199  
the superintendent a processing fee in an amount determined by 80200  
the Ohio real estate commission pursuant to division (A)(2) of 80201  
section 4735.10 of the Revised Code. 80202

**Sec. 4735.09.** (A) Application for a license as a real 80203  
estate salesperson shall be made to the superintendent of real 80204  
estate on forms furnished by the superintendent and signed by 80205  
the applicant. The application shall be in the form prescribed 80206  
by the superintendent and shall contain such information as is 80207  
required by this chapter and the rules of the Ohio real estate 80208  
commission. The application shall include the address of the 80209  
applicant's current residence. The superintendent shall retain 80210  
the applicant's current residence address in a separate record 80211  
that does not constitute a public record for purposes of section 80212  
149.43 of the Revised Code. The application shall be accompanied 80213  
by the recommendation of the real estate broker with whom the 80214  
applicant is associated or with whom the applicant intends to be 80215  
associated, certifying that the applicant is honest and 80216  
truthful, and has not been finally adjudged by a court to have 80217  
violated any municipal, state, or federal civil rights laws 80218

relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A) (1) of

section 4735.10 of the Revised Code. 80249

(E) The superintendent shall issue a real estate 80250  
salesperson's license when satisfied that the applicant has 80251  
received a passing score on each portion of the salesperson's 80252  
examination as determined by rule by the real estate commission. 80253

(F) No applicant for a salesperson's license shall take 80254  
the salesperson's examination who has not established to the 80255  
satisfaction of the superintendent that the applicant: 80256

(1) Is honest and truthful; 80257

(2) (a) Has not been convicted of a disqualifying offense 80258  
as determined in accordance with section 9.79 of the Revised 80259  
Code; 80260

(b) Has not been finally adjudged by a court to have 80261  
violated any municipal, state, or federal civil rights laws 80262  
relevant to the protection of purchasers or sellers of real 80263  
estate or, if the applicant has been so adjudged, at least two 80264  
years have passed since the court decision and the 80265  
superintendent has disregarded the adjudication because the 80266  
applicant has proven, by a preponderance of the evidence, that 80267  
the applicant is honest and truthful, and there is no basis in 80268  
fact for believing that the applicant again will violate the 80269  
laws involved. 80270

(3) Has not, during any period in which the applicant was 80271  
licensed under this chapter, violated any provision of, or any 80272  
rule adopted pursuant to this chapter, or, if the applicant has 80273  
violated such provision or rule, has established to the 80274  
satisfaction of the superintendent that the applicant will not 80275  
again violate such provision or rule; 80276

(4) Is at least eighteen years of age; 80277

(5) If born after the year 1950, has a high school diploma	80278
or a certificate of high school equivalence issued under section	80279
3301.80 of the Revised Code;	80280
(6) Has successfully completed at an institution of higher	80281
education all of the following eligible courses by either	80282
classroom instruction or distance education:	80283
(a) Forty hours of instruction in real estate practice;	80284
(b) Forty hours of instruction that includes the subjects	80285
of Ohio real estate law, municipal, state, and federal civil	80286
rights law, new case law on housing discrimination,	80287
desegregation issues, and methods of eliminating the effects of	80288
prior discrimination. If feasible, the instruction in Ohio real	80289
estate law shall be taught by a member of the faculty of an	80290
accredited law school. If feasible, the instruction in	80291
municipal, state, and federal civil rights law, new case law on	80292
housing discrimination, desegregation issues, and methods of	80293
eliminating the effects of prior discrimination shall be taught	80294
by a staff member of the Ohio civil rights commission who is	80295
knowledgeable with respect to those subjects. The requirements	80296
of this division do not apply to an applicant who is admitted to	80297
practice before the supreme court.	80298
(c) Ten hours of instruction in real estate appraisal;	80299
(d) Ten hours of instruction in real estate finance.	80300
(G) (1) Successful completion of the instruction required	80301
by division (F) (6) of this section shall be determined by the	80302
law in effect on the date the instruction was completed.	80303
(2) Division (F) (6) (c) of this section does not apply to	80304
any new applicant who holds a valid Ohio real estate appraiser	80305
license or certificate issued prior to the date of application	80306

for a real estate salesperson's license. 80307

(H) Only for noncredit course offerings, an institution of 80308  
higher education shall obtain approval from the appropriate 80309  
state authorizing entity prior to offering a real estate course 80310  
that is designed and marketed as satisfying the salesperson 80311  
license education requirements of division (F) (6) of this 80312  
section. The state authorizing entity may consult with the 80313  
superintendent in reviewing the course for compliance with this 80314  
section. 80315

(I) Any person who has not been licensed as a real estate 80316  
salesperson or broker within a four-year period immediately 80317  
preceding the person's current application for the salesperson's 80318  
examination shall have successfully completed the prelicensure 80319  
instruction required by division (F) (6) of this section within a 80320  
ten-year period immediately preceding the person's current 80321  
application for the salesperson's examination. 80322

(J) Not earlier than the date of issue of a real estate 80323  
salesperson's license to a licensee, but not later than twelve 80324  
months after the date of issue of a real estate salesperson 80325  
license to a licensee, the licensee shall submit proof 80326  
satisfactory to the superintendent, on forms made available by 80327  
the superintendent, of the completion of twenty hours of 80328  
instruction that shall be completed in schools, seminars, and 80329  
educational institutions approved by the commission. The 80330  
instruction shall include, but is not limited to, current 80331  
practices relating to commercial real estate, property 80332  
management, short sales, and land contracts; contract law; 80333  
federal and state programs; economic conditions; and fiduciary 80334  
responsibility. Approval of the curriculum and providers shall 80335  
be granted according to rules adopted pursuant to section 80336

4735.10 of the Revised Code and may be taken through classroom 80337  
instruction or distance education. 80338

If proof of completion of the required instruction is not 80339  
submitted within twelve months of the date a license is issued 80340  
under this section, the licensee's license is suspended 80341  
automatically without the taking of any action by the 80342  
superintendent. The superintendent immediately shall notify the 80343  
broker with whom such salesperson is associated of the 80344  
suspension of the salesperson's license. A salesperson whose 80345  
license has been suspended under this division shall have twelve 80346  
months after the date of the suspension of the salesperson's 80347  
license to submit proof of successful completion of the 80348  
instruction required under this division. No such license shall 80349  
be reactivated by the superintendent until it is established, to 80350  
the satisfaction of the superintendent, that the requirements of 80351  
this division have been met and that the licensee is in 80352  
compliance with this chapter. A licensee's license is revoked 80353  
automatically without the taking of any action by the 80354  
superintendent when the licensee fails to submit the required 80355  
proof of completion of the education requirements under division 80356  
(I) of this section within twelve months of the date the license 80357  
is suspended. 80358

(K) Examinations shall be administered with reasonable 80359  
accommodations in accordance with the requirements of the 80360  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 80361  
U.S.C. 12189. The contents of an examination shall be consistent 80362  
with the classroom instructional requirements of division (F) (6) 80363  
of this section. An applicant who has completed the classroom 80364  
instructional requirements of division (F) (6) of this section at 80365  
the time of application shall be examined no later than twelve 80366  
months after the applicant is notified of the applicant's 80367

admission to the examination. 80368

(L) Notwithstanding any provision of this chapter or 80369  
Chapter 4796. of the Revised Code to the contrary, the 80370  
superintendent shall issue a real estate salesperson's license 80371  
in accordance with Chapter 4796. of the Revised Code to an 80372  
applicant if both of the following apply: 80373

(1) The applicant satisfies the requirements specified in 80374  
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 80375  
applicable. 80376

(2) The applicant passes an examination on Ohio real 80377  
estate law. 80378

**Sec. 4735.55.** (A) As used in this section: 80379

(1) "Residential real property" has the same meaning as in 80380  
section 5302.30 of the Revised Code. 80381

(2) "Residential premises" and "tenant" ~~has~~ have the same 80382  
~~meaning-meanings~~ as in section 5321.01 of the Revised Code. 80383

(B) ~~Prior to marketing~~ A licensee shall enter into a 80384  
written agency agreement before doing any of the following: 80385

(1) Advertising or showing a seller's residential real 80386  
property, making on behalf of a seller; 80387

(2) Making an offer to purchase residential real property 80388  
on behalf of a purchaser, or making; 80389

(3) Making an offer to lease a residential premises on 80390  
behalf of a purchaser-tenant for a term exceeding eighteen 80391  
months, a licensee shall enter into a written agency agreement 80392  
that contains. 80393

(C) The written agency agreement shall contain all of the 80394

following: 80395

(1) An expiration date; 80396

(2) A statement that it is illegal, pursuant to the Ohio 80397  
fair housing law, division (H) of section 4112.02 of the Revised 80398  
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 80399  
amended, to refuse to sell, transfer, assign, rent, lease, 80400  
sublease, or finance housing accommodations, refuse to negotiate 80401  
for the sale or rental of housing accommodations, or otherwise 80402  
deny or make unavailable housing accommodations because of race, 80403  
color, religion, sex, familial status as defined in section 80404  
4112.01 of the Revised Code, ancestry, military status as 80405  
defined in that section, disability as defined in that section, 80406  
or national origin or to so discriminate in advertising the sale 80407  
or rental of housing, in the financing of housing, or in the 80408  
provision of real estate brokerage services; 80409

(3) A statement defining the practice known as 80410  
"blockbusting" and stating that it is illegal; 80411

(4) A copy of the United States department of housing and 80412  
urban development equal housing opportunity logotype, as set 80413  
forth in 24 C.F.R. 109.30, as amended; 80414

(5) A statement that the licensee is appointed as an agent 80415  
of the client, and an indication of whether the agency 80416  
relationship is exclusive or nonexclusive; 80417

(6) The terms by which the real estate broker is to be 80418  
compensated; 80419

(7) A conspicuous statement that broker fees and 80420  
commissions are not set by law, are fully negotiable, and may be 80421  
paid by the seller, the buyer, the landlord, the tenant, or a 80422  
third party, or by sharing or splitting the fees and commissions 80423



between brokers. 80424

~~(C)~~(D) Each written agency agreement shall contain a place 80425  
for the licensee and the client to sign and date the agreement. 80426

~~(D)~~(E) A licensee shall furnish a copy of any written 80427  
agency agreement to a client in a timely manner after the 80428  
licensee and the client have signed and dated it. 80429

**Sec. 4735.56.** (A) Each brokerage shall develop a written 80430  
brokerage policy on agency to be given to prospective sellers, 80431  
tenants, and purchasers in accordance with ~~divisions (C) and (D)~~ 80432  
~~of~~ this section. 80433

(B) The brokerage policy on agency described in division 80434  
(A) of this section shall include all of the following 80435  
information: 80436

(1) An explanation of the permissible agency relationships 80437  
available under section 4735.53 of the Revised Code and the 80438  
duties that the agent owes the agent's client; 80439

(2) The brokerage's policy on representation of purchasers 80440  
or sellers; 80441

(3) Whether at some time during the agency relationship 80442  
the brokerage and its licensee may act as a dual agent, and the 80443  
options and consequences for the client if a dual agency 80444  
situation arises including the right of the client to terminate 80445  
the agency relationship and seek representation from another 80446  
source; 80447

(4) Whether at some time during the agency relationship, 80448  
another licensee affiliated with the same brokerage as the 80449  
licensee may become the exclusive agent for the other party in 80450  
the transaction and whether each licensee will represent only 80451

the interests of that licensee's client; 80452

(5) The brokerage's policy on cooperation with other 80453  
brokerages, including whether the brokerage offers compensation 80454  
to other brokerages or will seek compensation from other 80455  
brokerages; 80456

(6) That a brokerage that has a purchaser as a client 80457  
represents the purchaser's interests even though the seller's 80458  
agent or the seller may compensate that purchaser's brokerage; 80459

(7) That the signature of the purchaser or the seller 80460  
indicates acknowledgement of receipt of the brokerage policy on 80461  
agency. 80462

(C) A licensee working directly with a seller in a real 80463  
estate transaction shall provide the seller with the brokerage 80464  
policy on agency described in this section at the time the 80465  
licensee and seller enter into an agency agreement, if required 80466  
by section 4735.55 of the Revised Code or, if an agency 80467  
agreement is not required by that section, prior to ~~marketing~~ 80468  
advertising or showing the seller's real estate, and shall 80469  
obtain a signature from the seller acknowledging receipt unless 80470  
the seller refuses to provide a signature. If the seller refuses 80471  
to provide a signature, the licensee shall note this on the 80472  
policy. 80473

(D) A licensee working directly with a purchaser in a real 80474  
estate transaction, whether as the purchaser's agent, the 80475  
seller's agent, or the seller's subagent, shall provide the 80476  
purchaser with the brokerage policy on agency described in this 80477  
section and obtain a signature from the purchaser acknowledging 80478  
receipt of the policy unless the purchaser refuses to provide a 80479  
signature. If the purchaser refuses to provide a signature, the 80480

licensee shall note this on the policy. Except as provided in 80481  
division (E) of this section, the licensee shall provide the 80482  
brokerage policy on agency to a purchaser prior to the earliest 80483  
of the following actions of the licensee: 80484

(1) Initiating a prequalification evaluation to determine 80485  
whether the purchaser has the financial ability to purchase or 80486  
lease a particular real estate property; 80487

(2) Requesting specific financial information from the 80488  
purchaser to determine the purchaser's ability to purchase or 80489  
finance real estate in a particular price range; 80490

(3) Showing the real estate to the purchaser other than at 80491  
an open house; 80492

(4) Discussing, with the purchaser, the making of an offer 80493  
to purchase or lease real estate; 80494

(5) Submitting an offer to purchase or lease real estate 80495  
on behalf of the purchaser; 80496

(6) Entering into an agency agreement with the purchaser 80497  
under section 4735.55 of the Revised Code. 80498

(E) If the earliest event described in division (D) of 80499  
this section is by telephone or electronic mail, the licensee 80500  
shall disclose by that same medium the nature of the agency 80501  
relationship that the licensee has with both the seller and the 80502  
purchaser. The licensee shall provide the purchaser with the 80503  
brokerage policy on agency described in this section at the 80504  
first meeting with the purchaser following this disclosure of 80505  
the agency relationship. 80506

(F) A licensee acting as a seller's agent is not required 80507  
to provide a purchaser with the brokerage policy on agency 80508

described in this section except in the case of an event 80509  
described in division (D) of this section. 80510

(G) The requirements of this section regarding provision 80511  
of a brokerage policy on agency apply only in the following 80512  
situations: 80513

(1) The sale or lease of vacant land; 80514

(2) The sale of a parcel of real estate containing one to 80515  
four residential units; 80516

(3) The leasing of residential premises as defined in 80517  
section 5321.01 of the Revised Code, if the rental or lease 80518  
agreement is for a term of more than eighteen months. 80519

**Sec. 4735.80.** (A) The superintendent of real estate shall, 80520  
within one year after ~~the effective date of this section~~ April 3, 80521  
2025, adopt rules in accordance with Chapter 119. of the Revised 80522  
Code that require a licensee, prior to listing residential real 80523  
estate for sale, exchange, or purchase, to provide to the seller 80524  
a disclosure form, developed and maintained by the division of 80525  
real estate, that outlines both of the following: 80526

(1) The federal and state laws that relate to anti- 80527  
discrimination in the home-buying process with which a seller of 80528  
residential real estate shall comply, including the laws listed 80529  
in divisions ~~(B) (2)~~ (C) (2) and (3) of section 4735.55 of the 80530  
Revised Code; 80531

(2) The penalties associated with violating any of the 80532  
laws specified pursuant to division (A) (1) of this section. 80533

(B) No licensee shall market or show a seller's 80534  
residential real estate before providing the seller with the 80535  
disclosure required by this section and receiving a copy of that 80536

disclosure that is signed and dated by the seller. The licensee shall retain the signed and dated copy of the disclosure for not less than three years following the closing date on the seller's residential real estate.

(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

**Sec. 4740.06.** (A) Any individual who applies for a license shall file a written application with the appropriate specialty section of the Ohio construction industry licensing board, accompanied with the application fee as determined pursuant to section 4740.09 of the Revised Code. The application shall be on the form the section prescribes ~~and verified by the applicant's oath~~. The applicant shall provide information satisfactory to the section showing that the applicant meets the requirements of division (B), (C), or (D) of this section.

(B) To qualify to take an examination, an individual shall:

(1) Be at least eighteen years of age;

(2) Be a United States citizen or legal alien who produces valid documentation to demonstrate the individual is a legal resident of the United States;

(3) Either have been a tradesperson in the type of licensed trade for which the application is filed for not less than five years immediately prior to the date the application is filed, be a currently registered engineer in this state with three years of business experience in the construction industry in the trade for which the engineer is applying to take an

examination, or have other experience acceptable to the 80566  
appropriate specialty section of the board; 80567

(4) Maintain contractor's liability insurance in an amount 80568  
the appropriate specialty section of the board determines and 80569  
only in one contracting company name; 80570

(5) Not have done any of the following: 80571

(a) Violated this chapter or any rule adopted pursuant to 80572  
it; 80573

(b) Obtained or renewed a license issued pursuant to this 80574  
chapter, or any order, ruling, or authorization of the board or 80575  
a section of the board by fraud, misrepresentation, or 80576  
deception; 80577

(c) Engaged in fraud, misrepresentation, or deception in 80578  
the conduct of business. 80579

(C) For an individual who holds an out-of-state 80580  
occupational license, as defined in section 4796.01 of the 80581  
Revised Code, that is substantially similar to the license for 80582  
which the individual is applying under this chapter, to qualify 80583  
to take an examination, an individual shall: 80584

(1) Provide proof that the individual was issued at least 80585  
five authorizations for construction, erection, equipment, 80586  
alteration, or addition of any building by an authority with 80587  
responsibility for enforcing building regulations in the 80588  
jurisdiction where the individual holds the out-of-state 80589  
occupational license; 80590

(2) Provide at least one tax return that reflects income 80591  
earned for services provided under the individual's out-of-state 80592  
occupational license; 80593

(3) Provide proof that the contracting company with whom  
the individual is employed in the jurisdiction where the  
individual holds the out-of-state occupational license is either  
of the following:

(a) Licensed as a foreign corporation under section  
1703.04 of the Revised Code and has designated an agent in this  
state in accordance with section 1703.041 of the Revised Code;

(b) Registered as a foreign limited liability company  
under section 1706.511 of the Revised Code and has designated an  
agent in this state in accordance with section 1706.09 of the  
Revised Code.

(4) Meet the requirements described in divisions (B) (1),  
(2), (4), and (5) of this section.

(D) (1) For an individual who has been actively engaged in  
activities in the service of the uniformed services, as defined  
in section 4796.01 of the Revised Code, that are substantially  
similar to the activities for which the license the individual  
is applying under this chapter is required, to qualify to take  
an examination, an individual shall:

(a) Provide proof that the individual was actively engaged  
in the activities in the service of the uniformed services for  
at least three of the five years immediately preceding the date  
the application is submitted;

(b) Meet the requirements described in divisions (B) (1),  
(2), (4), and (5) of this section.

(2) Each specialty section of the board may adopt a rule  
in accordance with Chapter 119. of the Revised Code to waive the  
requirement that an applicant under division (D) (1) (a) of this  
section has been actively engaged in the activity for three of

the five years immediately preceding the date the application is submitted. 80623  
80624

(E) The board secretary, or the secretary's designee, 80625  
shall approve an application for examination submitted under 80626  
division (C) or (D) of this section within thirty days after 80627  
receiving a complete application that meets the requirements of 80628  
that division. 80629

(F) When an applicant for licensure as a contractor in a 80630  
licensed trade meets the qualifications set forth in division 80631  
(B), (C), or (D) of this section and passes the required 80632  
examination, the appropriate specialty section of the board, 80633  
within ninety days after the application was filed, shall 80634  
authorize the administrative section of the board to license the 80635  
applicant for the type of contractor's license for which the 80636  
applicant qualifies. A specialty section of the board may 80637  
withdraw its authorization to the administrative section for 80638  
issuance of a license for good cause shown, on the condition 80639  
that notice of that withdrawal is given prior to the 80640  
administrative section's issuance of the license. 80641

(G) (1) Except as provided in division (G) (2) of this 80642  
section, if an applicant does not pass the required examination, 80643  
the applicant may retake the examination not less than sixty 80644  
days after the applicant's most recent examination. 80645

(2) An applicant who does not pass the required 80646  
examination after taking the examination five times under this 80647  
section shall reapply for a license under division (A) of this 80648  
section before retaking the required examination any subsequent 80649  
time. 80650

(H) All licenses a contractor holds pursuant to this 80651



chapter shall expire annually on the same date, which shall be 80652  
the expiration date of the original license the contractor 80653  
holds. An individual holding a valid, unexpired license may 80654  
renew the license, without reexamination, by submitting an 80655  
application to the appropriate specialty section of the board 80656  
not more than ninety calendar days before the expiration of the 80657  
license, along with the renewal fee the specialty section 80658  
requires and proof of compliance with the applicable continuing 80659  
education requirements. The applicant shall provide information 80660  
in the renewal application satisfactory to demonstrate to the 80661  
appropriate specialty section that the applicant continues to 80662  
meet the requirements of divisions (B) (2), (4), and (5) of this 80663  
section. 80664

Upon application and within one calendar year after a 80665  
license has expired, a section may waive any of the requirements 80666  
for renewal of a license upon finding that an applicant 80667  
substantially meets the renewal requirements or that failure to 80668  
timely apply for renewal is due to excusable neglect. A section 80669  
that waives requirements for renewal of a license may impose 80670  
conditions upon the licensee and assess a late filing fee of not 80671  
more than double the usual renewal fee. An applicant shall 80672  
satisfy any condition the section imposes before a license is 80673  
reissued. 80674

(I) An individual holding a valid license may request the 80675  
section of the board that authorized that license to place the 80676  
license in inactive status under conditions, and for a period of 80677  
time, as that section determines. 80678

(J) Except for the ninety-day extension provided for a 80679  
license assigned to a contracting company under division (D) of 80680  
section 4740.07 of the Revised Code, a license held by an 80681

individual immediately terminates upon the death of the 80682  
individual. 80683

(K) Nothing in any license issued by the Ohio construction 80684  
industry licensing board shall be construed to limit or 80685  
eliminate any requirement of or any license issued by the Ohio 80686  
fire marshal. 80687

(L) (1) Subject to division (L) (3) of this section, no 80688  
specialty section of the board shall adopt, maintain, renew, or 80689  
enforce any rule, or otherwise preclude in any way, an 80690  
individual from renewing a license under this chapter due to any 80691  
past criminal activity or interpretation of moral character. If 80692  
the specialty section denies an individual a license renewal, 80693  
the reasons for such denial shall be put in writing. 80694

(2) The section may refuse to issue a license to an 80695  
applicant because of a conviction of or plea of guilty to an 80696  
offense if the refusal is in accordance with section 9.79 of the 80697  
Revised Code. 80698

(3) In considering a renewal of an individual's license, 80699  
the section shall not consider any conviction or plea of guilty 80700  
prior to the initial licensing. However, the board may consider 80701  
a conviction or plea of guilty if it occurred after the 80702  
individual was initially licensed, or after the most recent 80703  
license renewal. 80704

(4) The section may grant an individual a conditional 80705  
license that lasts for one year. After the one-year period has 80706  
expired, the license is no longer considered conditional, and 80707  
the individual shall be considered fully licensed. 80708

(M) Notwithstanding divisions (H) and (L) of this section 80709  
and sections 4740.04 and 4740.05 of the Revised Code, the board 80710

may establish rules that amend the continuing education 80711  
requirements and license renewal schedule for licensees as 80712  
provided in or adopted pursuant to those sections for the 80713  
purpose of establishing a compliance incentive program. These 80714  
rules may include provisions for the creation of the program and 80715  
the qualifications, continuing education requirements, and 80716  
renewal schedule for the program. 80717

**Sec. 4743.05.** (A) Except as otherwise provided in sections 80718  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 80719  
the Revised Code, all money collected under Chapters 3773., 80720  
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 80721  
4732., 4733., 4734., 4741., 4744., 4747., 4753., 4755., 4757., 80722  
4758., 4771., 4775., 4779., and 4781. of the Revised Code and 80723  
all license, certificate, and permit fees received by the state 80724  
board of education, including the fees established under section 80725  
3319.51 of the Revised Code, shall be paid into the state 80726  
treasury to the credit of the occupational licensing and 80727  
regulatory fund, which is hereby created for use in 80728  
administering such chapters and in paying the operating expenses 80729  
of the state board of education. 80730

(B) At the end of each quarter, the director of budget and 80731  
management shall transfer from the occupational licensing and 80732  
regulatory fund to the nurse education assistance fund created 80733  
in section 3333.28 of the Revised Code the amount certified to 80734  
the director under division (B) of section 4723.08 of the 80735  
Revised Code. 80736

(C) At the end of each quarter, the director shall 80737  
transfer from the occupational licensing and regulatory fund to 80738  
the certified public accountant education assistance fund 80739  
created in section 4701.26 of the Revised Code the amount 80740

certified to the director under division (H) (2) of section 80741  
4701.10 of the Revised Code. 80742

(D) On August 30, 2021, and every two years thereafter, 80743  
the director shall transfer from the occupational licensing and 80744  
regulatory fund to the veterinary student debt assistance fund 80745  
created in section 4741.56 of the Revised Code the amount 80746  
certified to the director under section 4741.57 of the Revised 80747  
Code. 80748

**Sec. 4743.09.** (A) As used in this section: 80749

(1) "Durable medical equipment" means a type of equipment, 80750  
such as a remote monitoring device utilized by a physician, 80751  
physician assistant, or advanced practice registered nurse in 80752  
accordance with this section, that can withstand repeated use, 80753  
is primarily and customarily used to serve a medical purpose, 80754  
and generally is not useful to a person in the absence of 80755  
illness or injury and, in addition, includes repair and 80756  
replacement parts for the equipment. 80757

(2) "Facility fee" means any fee charged or billed for 80758  
telehealth services provided in a facility that is intended to 80759  
compensate the facility for its operational expenses and is 80760  
separate and distinct from a professional fee. 80761

(3) "Health care professional" means: 80762

(a) An advanced practice registered nurse, as defined in 80763  
section 4723.01 of the Revised Code; 80764

(b) An optometrist licensed under Chapter 4725. of the 80765  
Revised Code to practice optometry; 80766

(c) A pharmacist licensed under Chapter 4729. of the 80767  
Revised Code; 80768

(d) A physician assistant licensed under Chapter 4730. of the Revised Code;	80769 80770
(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	80771 80772 80773
(f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code;	80774 80775 80776
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	80777 80778
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	80779 80780
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	80781 80782
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	80783 80784 80785
(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	80786 80787 80788 80789
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	80790 80791
(m) <u>A peer recovery supporter, youth peer supporter, or family peer supporter certified under Chapter 4758. of the Revised Code;</u>	80792 80793 80794
<u>(n)</u> A dietitian licensed under Chapter 4759. of the	80795

Revised Code;	80796
<del>(n)</del> (o) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	80797 80798
<del>(e)</del> (p) A genetic counselor licensed under Chapter 4778. of the Revised Code;	80799 80800
<del>(p)</del> (q) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	80801 80802
<del>(q)</del> (r) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.	80803 80804
(4) "Health care professional licensing board" means any of the following:	80805 80806
(a) The board of nursing;	80807
(b) The state vision professionals board;	80808
(c) The state board of pharmacy;	80809
(d) The state medical board;	80810
(e) The state board of psychology;	80811
(f) The state chiropractic board;	80812
(g) The state speech and hearing professionals board;	80813
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	80814 80815
(i) The counselor, social worker, and marriage and family therapist board;	80816 80817
(j) The chemical dependency professionals board.	80818
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	80819 80820

(6) "Telehealth services" means health care services 80821  
provided through the use of information and communication 80822  
technology by a health care professional, within the 80823  
professional's scope of practice, who is located at a site other 80824  
than the site where either of the following is located: 80825

(a) The patient receiving the services; 80826

(b) Another health care professional with whom the 80827  
provider of the services is consulting regarding the patient. 80828

(B) (1) Each health care professional licensing board shall 80829  
permit a health care professional under its jurisdiction to 80830  
provide the professional's services as telehealth services in 80831  
accordance with this section. Subject to division (B) (2) of this 80832  
section, a board may adopt any rules it considers necessary to 80833  
implement this section. All rules adopted under this section 80834  
shall be adopted in accordance with Chapter 119. of the Revised 80835  
Code. Any such rules adopted by a board are not subject to the 80836  
requirements of division (F) of section 121.95 of the Revised 80837  
Code. 80838

(2) (a) Except as provided in division (B) (2) (b) of this 80839  
section, the rules adopted by a health care professional 80840  
licensing board under this section shall establish a standard of 80841  
care for telehealth services that is equal to the standard of 80842  
care for in-person services. 80843

(b) Subject to division (B) (2) (c) of this section, a board 80844  
may require an initial in-person visit prior to prescribing a 80845  
schedule II controlled substance to a new patient, equivalent to 80846  
applicable state and federal requirements. 80847

(c) (i) A board shall not require an initial in-person 80848  
visit for a new patient whose medical record indicates that the 80849

patient is receiving hospice or palliative care, who is 80850  
receiving medication-assisted treatment or any other medication 80851  
for opioid-use disorder, who is a patient with a mental health 80852  
condition, or who, as determined by the clinical judgment of a 80853  
health care professional, is in an emergency situation. 80854

(ii) Notwithstanding division (B) of section 3796.01 of 80855  
the Revised Code, medical marijuana shall not be considered a 80856  
schedule II controlled substance. 80857

(C) With respect to the provision of telehealth services, 80858  
all of the following apply: 80859

(1) A health care professional may use synchronous or 80860  
asynchronous technology to provide telehealth services to a 80861  
patient during an initial visit if the appropriate standard of 80862  
care for an initial visit is satisfied. 80863

(2) A health care professional may deny a patient 80864  
telehealth services and, instead, require the patient to undergo 80865  
an in-person visit. 80866

(3) When providing telehealth services in accordance with 80867  
this section, a health care professional shall comply with all 80868  
requirements under state and federal law regarding the 80869  
protection of patient information. A health care professional 80870  
shall ensure that any username or password information and any 80871  
electronic communications between the professional and a patient 80872  
are securely transmitted and stored. 80873

(4) A health care professional may use synchronous or 80874  
asynchronous technology to provide telehealth services to a 80875  
patient during an annual visit if the appropriate standard of 80876  
care for an annual visit is satisfied. 80877

(5) In the case of a health care professional who is a 80878



physician, physician assistant, or advanced practice registered 80879  
nurse, both of the following apply: 80880

(a) The professional may provide telehealth services to a 80881  
patient located outside of this state if permitted by the laws 80882  
of the state in which the patient is located. 80883

(b) The professional may provide telehealth services 80884  
through the use of medical devices that enable remote 80885  
monitoring, including such activities as monitoring a patient's 80886  
blood pressure, heart rate, or glucose level. 80887

(D) When a patient has consented to receiving telehealth 80888  
services, the health care professional who provides those 80889  
services is not liable in damages under any claim made on the 80890  
basis that the services do not meet the same standard of care 80891  
that would apply if the services were provided in-person. 80892

(E) (1) A health care professional providing telehealth 80893  
services shall not charge a patient or a health plan issuer 80894  
covering telehealth services under section 3902.30 of the 80895  
Revised Code any of the following: a facility fee, an 80896  
origination fee, or any fee associated with the cost of the 80897  
equipment used at the provider site to provide telehealth 80898  
services. 80899

A health care professional providing telehealth services 80900  
may charge a health plan issuer for durable medical equipment 80901  
used at a patient or client site. 80902

(2) A health care professional may negotiate with a health 80903  
plan issuer to establish a reimbursement rate for fees 80904  
associated with the administrative costs incurred in providing 80905  
telehealth services as long as a patient is not responsible for 80906  
any portion of the fee. 80907

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the amendments to this section, to expand access to and investment in telehealth services in this state in congruence with the expansion and investment in telehealth services made during the COVID-19 pandemic.

**Sec. 4743.12.** (A) As used in this section, "board" means the board of nursing, board of pharmacy, state board of education, state board of emergency medical, fire, and transportation services, state medical board, and state vision professionals board.

(B) When an individual applies for an initial license or certificate issued by a board or applies to renew such a license or certificate, the board shall ask the individual if the individual wishes to contribute, on a voluntary basis, to the save our sight fund established under section 3701.21 of the Revised Code. If the individual wishes to contribute, the board shall provide a method by which the contribution may be made. All amounts collected by a board under this section shall be deposited into the state treasury to the credit of the save our sight fund.

<b>Sec. 4749.01.</b> As used in this chapter:	80937
(A) "Private investigator" means any person who engages in the business of private investigation.	80938 80939
(B) "Business of private investigation" means, except when performed by one excluded under division (H) of this section, the conducting, for hire, in person or through a partner or employees, of any investigation relevant to any crime or wrong done or threatened, or to obtain information on the identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation, credibility, or character of any person, or to locate and recover lost or stolen property, or to determine the cause of or responsibility for any libel or slander, or any fire, accident, or damage to property, or to secure evidence for use in any legislative, administrative, or judicial investigation or proceeding.	80940 80941 80942 80943 80944 80945 80946 80947 80948 80949 80950 80951
(C) "Security guard provider" means any person who engages in the business of security services.	80952 80953
(D) "Business of security services" means either of the following:	80954 80955
(1) Furnishing, for hire, watchpersons, guards, private patrol officers, or other persons whose primary duties are to protect persons or property;	80956 80957 80958
(2) Furnishing, for hire, guard dogs, or armored motor vehicle security services, in connection with the protection of persons or property.	80959 80960 80961
(E) "Class A license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage in the business of private investigation and the business of security services.	80962 80963 80964 80965

(F) "Class B license" means a license issued under section 80966  
4749.03 of the Revised Code that qualifies the person issued the 80967  
license to engage only in the business of private investigation. 80968

(G) "Class C license" means a license issued under section 80969  
4749.03 of the Revised Code that qualifies the person issued the 80970  
license to engage only in the business of security services. 80971

(H) "Private investigator," "business of private 80972  
investigation," "security guard provider," and "business of 80973  
security services" do not include: 80974

(1) Public officers and employees whose official duties 80975  
require them to engage in investigatory activities; 80976

(2) Attorneys at law or any expert hired by an attorney at 80977  
law for consultation or litigation purposes; 80978

(3) A consumer reporting agency, as defined in the "Fair 80979  
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 80980  
amended, provided that the consumer reporting agency is in 80981  
compliance with the requirements of that act and that the 80982  
agency's activities are confined to any of the following: 80983

(a) The issuance of consumer credit reports; 80984

(b) The conducting of limited background investigations 80985  
that pertain only to a client's prospective tenant and that are 80986  
engaged in with the prior written consent of the prospective 80987  
tenant; 80988

(c) The business of pre-employment background 80989  
investigation. As used in division (H) (3) (c) of this section, 80990  
"business of pre-employment background investigation" means, and 80991  
is limited to, furnishing for hire, in person or through a 80992  
partner or employees, the conducting of limited background 80993

investigations, in-person interviews, telephone interviews, or 80994  
written inquiries that pertain only to a client's prospective 80995  
employee and the employee's employment and that are engaged in 80996  
with the prior written consent of the prospective employee. 80997

(4) Certified public insurance adjusters that hold a 80998  
certificate of authority issued pursuant to sections 3951.01 to 80999  
3951.09 of the Revised Code, while the adjuster is investigating 81000  
the cause of or responsibility for a fire, accident, or other 81001  
damage to property with respect to a claim or claims for loss or 81002  
damage under a policy of insurance covering real or personal 81003  
property; 81004

(5) Personnel placement services and persons who act as 81005  
employees of such entities engaged in investigating matters 81006  
related to personnel placement activities; 81007

(6) An employee in the regular course of the employee's 81008  
employment, engaged in investigating matters pertinent to the 81009  
business of the employee's employer or protecting property in 81010  
the possession of the employee's employer, provided the employer 81011  
is deducting all applicable state and federal employment taxes 81012  
on behalf of the employee and neither the employer nor the 81013  
employee is employed by, associated with, or acting for or on 81014  
behalf of any private investigator or security guard provider; 81015

(7) Any better business bureau or similar organization or 81016  
any of its employees while engaged in the maintenance of the 81017  
quality of business activities relating to consumer sales and 81018  
services; 81019

(8) An accountant who is registered or certified under 81020  
Chapter 4701. of the Revised Code or any of the accountant's 81021  
employees while engaged in activities for which the accountant 81022

is certified or registered; 81023

(9) Any person who, for hire or otherwise, conducts 81024  
genealogical research in this state. 81025

As used in division (H) (9) of this section, "genealogical 81026  
research" means the determination of the origins and descent of 81027  
families, including the identification of individuals, their 81028  
family relationships, and the biographical details of their 81029  
lives. "Genealogical research" does not include furnishing for 81030  
hire services for locating missing persons or natural or birth 81031  
parents or children. 81032

(10) Any person residing in this state who conducts 81033  
research for the purpose of locating the last known owner of 81034  
unclaimed funds, provided that the person is in compliance with 81035  
Chapter 169. of the Revised Code and rules adopted thereunder. 81036  
The exemption set forth in division (H) (10) of this section 81037  
applies only to the extent that the person is conducting 81038  
research for the purpose of locating the last known owner of 81039  
unclaimed funds. 81040

As used in division (H) (10) of this section, "owner" and 81041  
"unclaimed funds" have the same meanings as in section 169.01 of 81042  
the Revised Code. 81043

(11) A professional engineer who is registered under 81044  
Chapter 4733. of the Revised Code or any of ~~his~~ the engineer's 81045  
employees. 81046

As used in division (H) (11) of this section and 81047  
notwithstanding division (I) of this section, "employee" has the 81048  
same meaning as in section 4101.01 of the Revised Code. 81049

(12) Any person residing in this state who, for hire or 81050  
otherwise, conducts research for the purpose of locating persons 81051

to whom the state of Ohio owes money in the form of warrants, as 81052  
defined in section 131.01 of the Revised Code, that the state 81053  
voided but subsequently reissues. 81054

(13) An independent insurance adjuster who, as an 81055  
individual, an independent contractor, an employee of an 81056  
independent contractor, adjustment bureau association, 81057  
corporation, insurer, partnership, local recording agent, 81058  
managing general agent, or self-insurer, engages in the business 81059  
of independent insurance adjustment, or any person who 81060  
supervises the handling of claims except while acting as an 81061  
employee of an insurer licensed in this state while handling 81062  
claims pertaining to specific policies written by that insurer. 81063

As used in division (H) (13) of this section, "independent 81064  
insurance adjustment" means conducting investigations to 81065  
determine the cause of or circumstances concerning a fire, 81066  
accident, bodily injury, or damage to real or personal property; 81067  
determining the extent of damage of that fire, accident, injury, 81068  
or property damage; securing evidence for use in a legislative, 81069  
administrative, or judicial investigation or proceeding, 81070  
adjusting losses; and adjusting or settling claims, including 81071  
the investigation, adjustment, denial, establishment of damages, 81072  
negotiation, settlement, or payment of claims in connection with 81073  
insurance contractors, self-insured programs, or other similar 81074  
insurance programs. "Independent adjuster" does not include 81075  
either of the following: 81076

(a) An attorney who adjusts insurance losses incidental to 81077  
the practice of law and who does not advertise or represent that 81078  
the attorney is an independent insurance adjuster; 81079

(b) A licensed agent or general agent of an insurer 81080  
licensed in this state who processes undisputed or uncontested 81081

losses for insurers under policies issued by that agent or 81082  
general agent. 81083

(14) Except for a commissioned peace officer who engages 81084  
in the business of private investigation or compensates others 81085  
who engage in the business of private investigation or the 81086  
business of security services or both, any commissioned peace 81087  
officer as defined in division (B) of section 2935.01 of the 81088  
Revised Code. 81089

(15) Security personnel and contractors for a security 81090  
organization under an approved physical protection program at a 81091  
commercial nuclear power plant licensed by the United States 81092  
nuclear regulatory commission, or its successor agency, while 81093  
performing duties related to protecting the plant and nuclear 81094  
material from threats, thefts, and sabotage. 81095

(I) "Employee" means every person who may be required or 81096  
directed by any employer, in consideration of direct or indirect 81097  
gain or profit, to engage in any employment, or to go, or work, 81098  
or be at any time in any place of employment, provided that the 81099  
employer of the employee deducts all applicable state and 81100  
federal employment taxes on behalf of the employee. 81101

**Sec. 4751.20.** (A) Except as provided in section 4751.201 81102  
of the Revised Code, and subject to section 4751.32 of the 81103  
Revised Code, the board of executives of long-term services and 81104  
supports shall issue a nursing home administrator license to an 81105  
individual under this section if all of the following 81106  
requirements are satisfied: 81107

(1) The individual has submitted to the board a completed 81108  
application for the license in accordance with rules adopted 81109  
under section 4751.04 of the Revised Code and paid an 81110



application fee of two hundred fifty dollars. 81111

(2) If the individual is required by rules adopted under 81112  
section 4751.04 of the Revised Code to serve as a nursing home 81113  
administrator ~~in training~~resident, the individual has paid to 81114  
the board the ~~administrator in training~~ application fee of two 81115  
hundred fifty dollars. 81116

(3) The individual is at least twenty-one years of age. 81117

(4) The individual has successfully completed educational 81118  
requirements and work experience specified in rules adopted 81119  
under section 4751.04 of the Revised Code, including, if so 81120  
required by the rules, experience obtained as a nursing home 81121  
administrator ~~in training~~resident. 81122

(5) The individual has complied with section 4776.02 of 81123  
the Revised Code regarding a criminal records check. 81124

(6) The board, in accordance with section 9.79 of the 81125  
Revised Code, has determined that the results of the criminal 81126  
records check do not make the individual ineligible for the 81127  
license. 81128

(7) Except as provided in division (B) of this section, 81129  
the individual has passed the licensing examination administered 81130  
under section 4751.15 of the Revised Code. 81131

(8) The individual has paid to the board three hundred 81132  
fifty dollars for a temporary license issued under division (B) 81133  
of this section. 81134

(9) The individual has paid to the board a license fee of 81135  
two eight hundred fifty dollars. 81136

~~(9)~~-(10) The individual has satisfied any additional 81137  
requirements as may be prescribed in rules adopted under section 81138

4751.04 of the Revised Code. 81139

(B) Beginning January 1, 2025, the operator of a nursing 81140  
home may request that the board issue a nursing home 81141  
administrator license to an individual who meets the 81142  
requirements specified in division (A) of this section but has 81143  
not passed the licensing examination administered under section 81144  
4751.15 of the Revised Code, in order to fill a vacancy in the 81145  
position of nursing home administrator at the nursing home 81146  
resulting from a death, illness, or other unexpected cause. An 81147  
individual issued a license under division (B) of this section 81148  
shall submit to the board, not later than one hundred eighty 81149  
days after a license is issued, satisfactory evidence that the 81150  
individual has passed the licensing examination administered 81151  
under section 4751.15 of the Revised Code. 81152

(C) A nursing home administrator license shall certify 81153  
that the individual to whom it was issued has met the applicable 81154  
requirements of this chapter and any applicable rules adopted 81155  
under section 4751.04 of the Revised Code and is authorized to 81156  
practice nursing home administration while the license is valid. 81157

**Sec. 4751.24.** (A) Subject to section 4751.32 of the 81158  
Revised Code, a nursing home administrator license is valid for 81159  
two years and may be renewed and reinstated in accordance with 81160  
this section. 81161

(B) If a licensed nursing home administrator intends to 81162  
continue to practice nursing home administration without 81163  
interruption after the administrator's license expires, the 81164  
administrator shall apply to the board of executives of long- 81165  
term services and supports for a renewed nursing home 81166  
administrator license. Subject to section 4751.32 of the Revised 81167  
Code, the board shall renew the license if the administrator 81168

does all of the following before the license expires: 81169

(1) Submits to the board a completed application for 81170  
license renewal in accordance with rules adopted under section 81171  
4751.04 of the Revised Code; 81172

(2) Pays to the board the license renewal fee of ~~six~~eight 81173  
hundred dollars; 81174

(3) Submits to the board satisfactory evidence of having 81175  
attended such continuing education programs or courses of study 81176  
as may be prescribed in rules adopted under section 4751.04 of 81177  
the Revised Code; 81178

(4) Satisfies any other requirements as may be prescribed 81179  
in rules adopted under section 4751.04 of the Revised Code. 81180

(C) If a nursing home administrator license issued under 81181  
section 4751.20 or 4751.201 of the Revised Code is not renewed 81182  
before it expires, the individual who held the license may apply 81183  
to the board for the license's reinstatement. Subject to section 81184  
4751.32 of the Revised Code, the board shall reinstate the 81185  
license if the individual does all of the following not later 81186  
than one year after the date the license expired: 81187

(1) Submits to the board the completed application for 81188  
license reinstatement in accordance with rules adopted under 81189  
section 4751.04 of the Revised Code; 81190

(2) Pays to the board the license reinstatement fee equal 81191  
to the sum of the following: 81192

(a) ~~Three~~Eight hundred dollars; 81193

(b) Fifty dollars for each calendar quarter that occurs 81194  
during the period beginning on the date the license expires and 81195  
ending on the last day of the calendar quarter during which the 81196

individual applies for license reinstatement, up to a maximum of 81197  
two hundred dollars. 81198

(3) Submits to the board satisfactory evidence of having 81199  
attended such continuing education programs or courses of study 81200  
as may be prescribed in rules adopted by the board under section 81201  
4751.04 of the Revised Code; 81202

(4) Satisfies any other requirements as may be prescribed 81203  
in rules adopted under section 4751.04 of the Revised Code. 81204

(D) A licensed nursing home administrator who determines 81205  
to temporarily abandon the practice of nursing home 81206  
administration shall notify the board in writing immediately. 81207  
The former administrator may thereafter resume the practice of 81208  
nursing home administration within the state upon complying with 81209  
the requirements of this section regarding biennial license 81210  
renewal or license reinstatement, whichever is applicable. 81211

**Sec. 4751.25.** (A) Subject to section 4751.32 of the 81212  
Revised Code, a health services executive license is valid for 81213  
one year and may be renewed and reinstated in accordance with 81214  
this section. 81215

(B) A licensed health services executive may apply to the 81216  
board of executives of long-term services and supports for a 81217  
renewed license. Subject to section 4751.32 of the Revised Code, 81218  
the board shall renew the license if the licensed health 81219  
services executive does all of the following before the license 81220  
expires: 81221

(1) Submits to the board the completed application for 81222  
license renewal in accordance with rules adopted under section 81223  
4751.04 of the Revised Code; 81224

(2) Pays to the board the license renewal fee of ~~fifty~~one 81225

hundred dollars; 81226

(3) Submits to the board satisfactory evidence of having 81227  
attended such continuing education programs or courses of study 81228  
as may be prescribed in rules adopted under section 4751.04 of 81229  
the Revised Code. 81230

(C) (1) If a health services executive license is not 81231  
renewed before it expires, the individual who held the license 81232  
may apply to the board for the license's reinstatement. Subject 81233  
to section 4751.32 of the Revised Code, the board shall 81234  
reinstate the license if the individual does all of the 81235  
following not later than one year after the date the license 81236  
expired: 81237

(a) Submits to the board the completed application for 81238  
license reinstatement in accordance with rules adopted under 81239  
section 4751.04 of the Revised Code; 81240

(b) Pays to the board the license reinstatement fee 81241  
specified in division (C) (2) of this section; 81242

(c) Submits to the board satisfactory evidence of having 81243  
attended such continuing education programs or courses of study 81244  
as may be prescribed in rules adopted under section 4751.04 of 81245  
the Revised Code. 81246

(2) The fee to reinstate a health services executive 81247  
license under division (C) (1) of this section is the following: 81248

(a) If the individual applying for reinstatement has, at 81249  
the same time, applied for reinstatement of a nursing home 81250  
administrator license under division (C) of section 4751.24 of 81251  
the Revised Code and paid the reinstatement fee required by 81252  
division (C) (2) of that section, one hundred dollars; 81253

(b) If division (C) (2) (a) of this section does not apply 81254  
to the individual, the sum of the following: 81255

(i) One hundred dollars; 81256

(ii) Twenty-five dollars for each calendar quarter that 81257  
occurs during the period beginning on the date the license 81258  
expired and ending on the last day of the calendar quarter 81259  
during which the individual applies for license reinstatement, 81260  
up to a maximum of one hundred dollars. 81261

**Sec. 4757.41.** (A) This chapter shall not apply to the 81262  
following: 81263

(1) A person certified by the state board of education 81264  
under Chapter 3319. of the Revised Code while performing any 81265  
services within the person's scope of employment by a board of 81266  
education or by a private school meeting the standards 81267  
prescribed by the director of education and workforce under 81268  
division (D) of section 3301.07 of the Revised Code or in a 81269  
program operated under Chapter 5126. of the Revised Code for 81270  
training individuals with developmental disabilities; 81271

(2) Psychologists, independent school psychologists, or 81272  
school psychologists licensed under Chapter 4732. of the Revised 81273  
Code; 81274

(3) Members of other professions licensed, certified, or 81275  
registered by this state while performing services within the 81276  
recognized scope, standards, and ethics of their respective 81277  
professions; 81278

(4) Rabbis, priests, Christian science practitioners, 81279  
clergy, or members of religious orders and other individuals 81280  
participating with them in pastoral counseling when the 81281  
counseling activities are within the scope of the performance of 81282

their regular or specialized ministerial duties and are 81283  
performed under the auspices or sponsorship of an established 81284  
and legally cognizable church, denomination, or sect or an 81285  
integrated auxiliary of a church as defined in federal tax 81286  
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 81287  
when the individual rendering the service remains accountable to 81288  
the established authority of that church, denomination, sect, or 81289  
integrated auxiliary; 81290

(5) Any person who is not licensed under this chapter as a 81291  
licensed professional clinical counselor, licensed professional 81292  
counselor, independent social worker, or social worker and is 81293  
employed in the civil service as defined in section 124.01 of 81294  
the Revised Code while engaging in professional counseling or 81295  
social work as a civil service employee, if on July 10, 2014, 81296  
the person has at least two years of service in that capacity; 81297

(6) A student in an accredited educational institution 81298  
while carrying out activities that are part of the student's 81299  
prescribed course of study if the activities are supervised as 81300  
required by the educational institution and if the student does 81301  
not hold herself or himself out as a person licensed or 81302  
registered under this chapter; 81303

(7) An individual who holds a license or certificate under 81304  
Chapter 4758. of the Revised Code who is acting within the scope 81305  
of the individual's license or certificate as a member of the 81306  
profession of ~~chemical dependency~~ substance use disorder 81307  
~~counseling or~~, prevention services, or peer support services; 81308

(8) Any person employed by the American red cross while 81309  
engaging in activities relating to services for military 81310  
families and veterans and disaster relief, as described in the 81311  
"American National Red Cross Act," 33 Stat. 599 (1905), 36 81312

U.S.C.A. 1, as amended; 81313

(9) Members of labor organizations who hold union 81314  
counselor certificates while performing services in their 81315  
official capacity as union counselors; 81316

(10) Any person employed in a hospital as defined in 81317  
section 3727.01 of the Revised Code or in a nursing home as 81318  
defined in section 3721.01 of the Revised Code while providing 81319  
as a hospital employee or nursing home employee, respectively, 81320  
social services other than counseling and the use of 81321  
psychosocial interventions and social psychotherapy; 81322

(11) A vocational rehabilitation professional who is 81323  
providing rehabilitation services to individuals under section 81324  
3304.17 of the Revised Code, or holds certification by the 81325  
commission on rehabilitation counselor certification and is 81326  
providing rehabilitation counseling services consistent with the 81327  
commission's standards; 81328

(12) A caseworker not licensed under this chapter as an 81329  
independent social worker or social worker who is employed by a 81330  
public children services agency under section 5153.112 of the 81331  
Revised Code; 81332

(13) A person completing supervised experience to qualify 81333  
for a license as an art therapist or music therapist, provided 81334  
that experience is completed under the supervision of a licensed 81335  
art therapist or music therapist, as applicable. 81336

(B) Divisions (A) (5) and (10) of this section do not 81337  
prevent a person described in those divisions from obtaining a 81338  
license or certificate of registration under this chapter. 81339

(C) Except as provided in divisions (A) and (D) of this 81340  
section, no employee in the service of the state, including 81341



public employees as defined by Chapter 4117. of the Revised 81342  
Code, shall engage in the practice of professional counseling, 81343  
social work, or marriage and family therapy without the 81344  
appropriate license issued by the board. Failure to comply with 81345  
this division constitutes nonfeasance under section 124.34 of 81346  
the Revised Code or just cause under a collective bargaining 81347  
agreement. Nothing in this division restricts the director of 81348  
administrative services from developing new classifications 81349  
related to this division or from reassigning affected employees 81350  
to appropriate classifications based on the employee's duties 81351  
and qualifications. 81352

(D) Except as provided in division (A) of this section, an 81353  
employee who was engaged in the practice of professional 81354  
counseling, social work, or marriage and family therapy in the 81355  
service of the state prior to July 10, 2014, including public 81356  
employees as defined by Chapter 4117. of the Revised Code, shall 81357  
comply with division (C) of this section within two years after 81358  
July 10, 2014. Any such employee who fails to comply shall be 81359  
removed from employment. 81360

(E) Nothing in this chapter prevents a public children 81361  
services agency from employing as a caseworker a person not 81362  
licensed under this chapter as an independent social worker or 81363  
social worker who has the qualifications specified in section 81364  
5153.112 of the Revised Code. 81365

**Sec. 4758.01.** As used in this chapter: 81366

(A) "Accredited educational institution" means an 81367  
educational institution accredited by an accrediting agency 81368  
accepted by the ~~Ohio board~~ department of regents higher 81369  
education. 81370

~~(B) (1) "Alcohol and other drug clinical counseling principles, methods, or procedures" means an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through all of the following:~~ 81371  
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~~(a) Analyzing background and current information;~~ 81376

~~(b) Exploring possible solutions;~~ 81377

~~(c) Developing and providing a treatment plan;~~ 81378

~~(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III only, diagnosing chemical dependency conditions.~~ 81379  
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~~(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.~~ 81383  
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~~(C) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after December 23, 2002.~~ 81387  
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~~(D) "Chemical dependency counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.~~ 81394  
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~~(E)~~(B) "Developmental disability" has the same meaning as 81400  
in section 5123.01 of the Revised Code. 81401

(C) "Family peer support services" means services that 81402  
promote resiliency and recovery, self-determination, advocacy, 81403  
well-being, and skill development for caregivers and families of 81404  
individuals with a mental illness or substance use disorder, or 81405  
both, and who may also have a co-occurring developmental 81406  
disability. 81407

(D) "Gambling disorder" means a persistent and recurring 81408  
maladaptive gambling behavior that is classified in accepted 81409  
nosologies, including the diagnostic and statistical manual of 81410  
mental disorders and the international classification of 81411  
diseases, and in editions of those nosologies published after 81412  
September 15, 2014. 81413

~~(F)~~(E) "Peer recovery support services" means services 81414  
that promote resiliency and recovery, self-determination, 81415  
advocacy, well-being, and skill development for individuals with 81416  
a mental illness or substance use disorder, or both, and who may 81417  
also have a co-occurring developmental disability, or the 81418  
caregivers or families of the foregoing. 81419

(F) "Peer supporter" includes a peer recovery supporter, a 81420  
youth peer supporter, or a family peer supporter certified under 81421  
this chapter. 81422

(G) "Peer support services" means services that promote 81423  
resiliency and recovery, self-determination, advocacy, well- 81424  
being, and skill development for individuals, caregivers of, and 81425  
families of individuals with a mental illness or substance use 81426  
disorder, or both, and who may also have a co-occurring 81427  
developmental disability. 81428

(H) "Prevention services" means ~~a comprehensive, multi-~~ 81429  
~~system set of individual and environmental approaches that~~ 81430  
~~maximizes physical health, promotes safety, and precludes the~~ 81431  
~~onset of behavioral health disorders~~ services that are a planned 81432  
sequence of culturally relevant, evidenced-based strategies 81433  
designed to reduce the likelihood of, or delay the onset of, 81434  
mental, emotional, and behavioral disorders. 81435

~~(G)~~ (I) Unless the context provides otherwise, "scope of 81436  
practice" means the services, methods, and techniques in which 81437  
and the areas for which a person who holds a license, 81438  
certificate, or endorsement under this chapter is trained and 81439  
qualified. 81440

~~(H)~~ (J) "Substance abuse professional" has the same meaning 81441  
as in 49 C.F.R. 40.3. 81442

~~(I)~~ (K) "Substance use disorder clinical counseling 81443  
principles, methods, or procedures" means counseling, assessing, 81444  
treatment planning, crisis intervention, and referral as they 81445  
relate to substance use disorder conditions. 81446

(L) "Substance use disorder conditions" means those 81447  
conditions relating to the abuse of or dependency on alcohol or 81448  
other drugs that are classified in accepted nosologies, 81449  
including the diagnostic and statistical manual of mental 81450  
disorders and the international classification of diseases. 81451

(M) "Substance use disorder counseling" means rendering or 81452  
offering to render to individuals, groups, or the public a 81453  
counseling service involving the application of substance use 81454  
disorder clinical counseling principles, methods, or procedures. 81455

(N) "U.S. United States department of transportation drug 81456  
and alcohol testing program" means a transportation workplace 81457

drug and alcohol testing program governed by 49 C.F.R. part 40. 81458

(O) "Youth peer support services" means services that 81459  
promote resiliency and recovery, self-determination, advocacy, 81460  
well-being, and skill development primarily for individuals who 81461  
are thirty years of age or younger with a mental illness or 81462  
substance use disorder, or both, and who may also have a co- 81463  
occurring developmental disability, as well as the individuals' 81464  
caregivers or families. 81465

**Sec. 4758.02.** ~~(A)~~ Except as provided in section 4758.03 of 81466  
the Revised Code, no person shall do any of the following: 81467

~~(1)~~ (A) Engage in or represent to the public that the 81468  
person engages in ~~chemical dependency~~ substance use disorder 81469  
counseling for a fee, salary, or other consideration unless the 81470  
person holds a valid independent chemical dependency counselor- 81471  
clinical supervisor license, independent chemical dependency 81472  
counselor license, chemical dependency counselor III license, 81473  
chemical dependency counselor II license, or chemical dependency 81474  
counselor assistant certificate issued under this chapter; 81475

~~(2)~~ (B) Use the title "licensed independent chemical 81476  
dependency counselor-clinical supervisor," "LICDC-CS," "licensed 81477  
independent chemical dependency counselor," "LICDC," "licensed 81478  
chemical dependency counselor III," "LCDC III," "licensed 81479  
chemical dependency counselor II," "LCDC II," "chemical 81480  
dependency counselor assistant," "CDCA," or any other title or 81481  
description incorporating the ~~word~~ words "chemical dependency 81482  
counselor" or any other initials used to identify persons acting 81483  
in those capacities unless currently authorized under this 81484  
chapter to act in the capacity indicated by the title or 81485  
initials; 81486

~~(3)~~ (C) Represent to the public that the person holds a gambling disorder endorsement unless the person holds a valid gambling disorder endorsement issued under this chapter;

~~(4)~~ (D) Represent to the public that the person is a registered applicant unless the person holds a valid registered applicant certificate issued under this chapter;

~~(5)~~ (E) Use the title "~~certified licensed prevention consultant,~~" "~~CPC,~~" "~~certified licensed prevention specialist,~~" "~~CPS,~~" "~~certified prevention specialist assistant,~~" "~~CPSA,~~" "~~registered applicant,~~" "~~RA,~~" or any other title, description, or initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials.

~~(B) No person shall engage in or represent to the public that the person engages in chemical dependency counseling as a chemical dependency counselor I;~~

(F) Beginning one year after the effective date of this amendment, engage in or represent to the public that the person engages in the provision of peer recovery support services, youth peer support services, or family peer support services for a fee, salary, or other consideration unless the person holds a valid peer recovery supporter certificate, youth peer supporter certificate, or family peer supporter certificate issued under this chapter;

(G) Beginning one year after the effective date of this amendment, use the title "certified peer supporter," "certified peer recovery supporter," "certified youth peer supporter," "certified family peer supporter," "licensed peer supporter," "licensed peer recovery supporter, "licensed youth peer

supporter, "licensed family peer supporter," "peer supporter," 81516  
or any other title or initials used to identify persons acting 81517  
in those capacities unless currently authorized under this 81518  
chapter to act in the capacity indicated by the title or 81519  
initials; 81520

(H) Beginning one year after the effective date of this 81521  
amendment, represent to the public that the person holds a peer 81522  
support supervisor endorsement unless the person holds a valid 81523  
peer support supervisor endorsement issued under this chapter. 81524

**Sec. 4758.03.** ~~Division (A) of section~~ Section 4758.02 of 81525  
the Revised Code does not apply to any of the following: 81526

(A) An individual who holds a valid license, registration, 81527  
certificate, or credentials issued under another chapter of the 81528  
Revised Code while performing services within the recognized 81529  
scope, standards, and ethics of the individual's profession; 81530

(B) An individual who is a rabbi, priest, Christian 81531  
Science practitioner, clergy, or member of a religious order and 81532  
other individuals participating with them in pastoral counseling 81533  
when the ~~chemical dependency~~ substance use disorder counseling 81534  
activities are within the scope of the performance of their 81535  
regular or specialized ministerial duties and are performed 81536  
under the auspices or sponsorship of an established and legally 81537  
cognizable church, denomination, or sect or an integrated 81538  
auxiliary of a church as defined in paragraph (h) of 26 Code of 81539  
Federal Regulations 1.6033-2 (2000) as amended, and the 81540  
individual rendering the service remains accountable to the 81541  
established authority of that church, denomination, sect, or 81542  
integrated auxiliary; 81543

(C) A student in an accredited educational institution 81544

while carrying out activities that are part of the student's 81545  
prescribed course of study if the activities are supervised as 81546  
required by the educational institution and the student is not 81547  
represented as an individual who holds a license or certificate 81548  
issued under this chapter. 81549

**Sec. 4758.10.** (A) There is hereby created the chemical 81550  
dependency professionals board. 81551

(B) The governor shall appoint all of the following voting 81552  
members of the board with the advice and consent of the senate: 81553

(1) Four individuals who hold a valid independent chemical 81554  
dependency counselor-clinical supervisor license or independent 81555  
chemical dependency counselor license issued under this chapter, 81556  
including at least two of whom have received ~~at least a~~ master's 81557  
degree or higher in a field related to ~~chemical dependency~~ 81558  
substance abuse counseling from an accredited educational 81559  
institution; 81560

(2) Two individuals who hold a valid chemical dependency 81561  
counselor III license issued under this chapter; 81562

(3) One individual who holds a valid chemical dependency 81563  
counselor II license issued under this chapter; 81564

(4) One individual who holds a valid chemical dependency 81565  
counselor assistant certificate issued under this chapter; 81566

(5) Two individuals who hold a valid prevention consultant 81567  
certificate-license or prevention specialist certificate-license 81568  
issued under this chapter; 81569

~~(5)~~ (6) One individual who holds a valid peer recovery 81570  
supporter certificate, youth peer supporter certificate, or 81571  
family peer supporter certificate issued under this chapter; 81572



(7) One individual who is ~~authorized under Chapter 4731.~~ 81573  
~~of the Revised Code to practice medicine and surgery or~~ 81574  
~~osteopathic medicine and surgery and has experience practicing~~ 81575  
~~in a field related to chemical dependency counseling;~~ 81576

~~(6) any of the following employed by, or contracted to work~~ 81577  
~~for, a community addiction services provider or community mental~~ 81578  
~~health services provider as defined in section 5119.01 of the~~ 81579  
~~Revised Code:~~ 81580

(a) A psychiatrist as defined in section 5122.01 of the 81581  
Revised Code; 81582

(b) A clinical nurse specialist licensed under Chapter 81583  
4723. of the Revised Code who is certified as a psychiatric- 81584  
mental health clinical nurse specialist by a national certifying 81585  
organization approved by the board of nursing under section 81586  
4723.46 of the Revised Code; 81587

(c) A certified nurse practitioner licensed under Chapter 81588  
4723. of the Revised Code who is certified as a psychiatric- 81589  
mental health nurse practitioner by a national certifying 81590  
organization approved by the board of nursing under section 81591  
4723.46 of the Revised Code; 81592

(d) A psychologist licensed under Chapter 4732. of the 81593  
Revised Code; 81594

(e) Any of the following licensed under Chapter 4757. of 81595  
the Revised Code: a licensed professional clinical counselor, 81596  
professional counselor, independent social worker, social 81597  
worker, independent marriage and family therapist, or marriage 81598  
and family therapist. 81599

(8) Two individuals who represent the public and have not 81600  
practiced ~~chemical dependency substance use disorder~~ counseling- 81601

~~or, prevention services, or peer support services~~ and have not 81602  
been involved in the delivery of ~~chemical dependency substance~~ 81603  
~~use disorder counseling services or, prevention services, or~~ 81604  
~~peer support services~~. At least one of these individuals shall 81605  
be at least fifty years of age. During their terms, the public 81606  
members shall not practice ~~chemical dependency substance use~~ 81607  
~~disorder counseling or, prevention services, or peer support~~ 81608  
~~services~~ or be involved in the delivery of ~~chemical dependency-~~ 81609  
~~substance use disorder counseling services or, prevention~~ 81610  
~~services, or peer support services~~. 81611

(C) ~~Not later than ninety days after December 23, 2002,~~ 81612  
~~the~~ The director of mental health and addiction services shall 81613  
appoint an individual who represents the department of mental 81614  
health and addiction services to serve as an ex officio member 81615  
of the chemical dependency professionals board. 81616

(D) Not more than one-half of the voting members of the 81617  
board may be of the same gender or members of the same political 81618  
party. At least two voting members of the board shall be of 81619  
African, Native American, Hispanic, or Asian descent. 81620

**Sec. 4758.11.** ~~Of the initial appointees to the chemical-~~ 81621  
~~dependency professionals board appointed by the governor under~~ 81622  
~~division (B) of section 4758.10 of the Revised Code, four shall~~ 81623  
~~be appointed for terms ending one year after December 23, 2002,~~ 81624  
~~four shall be appointed for terms ending two years after~~ 81625  
~~December 23, 2002, and four shall be appointed for terms ending~~ 81626  
~~three years after December 23, 2002. After the initial-~~ 81627  
~~appointments, terms~~ Terms of office of members of the chemical 81628  
dependency professional board appointed by the governor under 81629  
section 4758.10 of the Revised Code shall be three years, with 81630  
each term ending on the same day of the same month of the year 81631

as the term it succeeds. 81632

A voting member of the board shall hold office from the 81633  
date of appointment until the end of the term for which the 81634  
member was appointed. A voting member appointed to fill a 81635  
vacancy occurring prior to the expiration of the term for which 81636  
the member's predecessor was appointed shall hold office for the 81637  
remainder of that term. A voting member shall continue in office 81638  
after the expiration date of the member's term until the 81639  
member's successor takes office or until a period of sixty days 81640  
has elapsed, whichever occurs first. Voting members may be 81641  
reappointed, except that an individual who has held office for 81642  
two consecutive full terms shall not be reappointed sooner than 81643  
one year after the expiration of the second full term. 81644

The ex officio member of the board appointed by the 81645  
director of mental health and addiction services under division 81646  
(C) of section 4758.10 of the Revised Code shall serve at the 81647  
pleasure of the director. 81648

**Sec. 4758.13.** The chemical dependency professionals board 81649  
shall meet to discuss matters relating to the administration and 81650  
operation of the board and the regulation of the practices of 81651  
~~chemical dependency~~ substance use disorder counseling, peer 81652  
support services, and prevention services. The board shall hold 81653  
at least one regular meeting every three months. Additional 81654  
meetings may be held at such times as the board determines, on 81655  
the call of the chairperson, or on the written request to the 81656  
executive director of three or more voting board members. If 81657  
three or more voting members request a meeting, the executive 81658  
director shall call a meeting, which shall be held not later 81659  
than seven days after the request is received. 81660

~~Seven~~ Nine voting members of the board constitute a quorum 81661

to conduct business. Except as provided in section 4758.32 of 81662  
the Revised Code, no action shall be taken without the 81663  
concurrence of at least a quorum. 81664

At its first meeting each year, the board shall elect a 81665  
chairperson from among its voting members. No member shall serve 81666  
more than two consecutive terms as chairperson. 81667

The board shall keep any records and minutes necessary to 81668  
fulfill the duties established by this chapter and rules adopted 81669  
under it. 81670

**Sec. 4758.20.** (A) The chemical dependency professionals 81671  
board shall adopt rules to establish, specify, or provide for 81672  
all of the following: 81673

(1) Fees for the purposes authorized by section 4758.21 of 81674  
the Revised Code; 81675

(2) If the board, pursuant to section 4758.221 of the 81676  
Revised Code, elects to administer examinations for individuals 81677  
seeking to act as substance abuse professionals in a U.S.-United 81678  
States department of transportation drug and alcohol testing 81679  
program, the board's administration of the examinations; 81680

(3) For the purpose of section 4758.23 of the Revised 81681  
Code, codes of ethical practice and professional conduct for 81682  
individuals who hold a license, certificate, or endorsement 81683  
issued under this chapter; 81684

(4) For the purpose of section 4758.24 of the Revised 81685  
Code, all of the following: 81686

(a) The documents that an individual seeking such a 81687  
license, certificate, or endorsement must submit to the board; 81688

(b) Requirements to obtain the license, certificate, or 81689

endorsement that are in addition to the requirements established 81690  
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 81691  
4758.44, 4758.45, 4758.46, 4758.47, ~~and 4758.48,~~ 4758.49, and 81692  
4758.491 of the Revised Code. The additional requirements may 81693  
include ~~preceptorships~~ internships and practicums. 81694

(c) Requirements for criminal records checks of applicants 81695  
under section 4776.03 of the Revised Code; 81696

(d) The period of time that an individual whose registered 81697  
applicant certificate has expired must wait before applying for 81698  
a new registered applicant certificate. 81699

(5) For the purpose of section 4758.28 of the Revised 81700  
Code, requirements for approval of ~~continuing education courses~~ 81701  
~~of study for individuals who hold a license, certificate, or~~ 81702  
~~endorsement issued under this chapter~~ programs; 81703

(6) For the purpose of section 4758.30 of the Revised 81704  
Code, all of the following: 81705

(a) The intervention for and treatment of an individual 81706  
holding a license, certificate, or endorsement issued under this 81707  
chapter whose abilities to practice are impaired due to abuse of 81708  
or dependency on alcohol or other drugs or other physical or 81709  
mental condition; 81710

~~(7)~~ (b) Requirements governing reinstatement of a suspended 81711  
or revoked license, certificate, or endorsement ~~under division~~ 81712  
~~(C) of section 4758.30 of the Revised Code,~~ including 81713  
requirements for determining the amount of time an individual 81714  
must wait to apply for reinstatement; 81715

~~(8)~~ (c) For the purpose of determining the amount of a fine 81716  
to be imposed, a graduated system of fines based on the scope 81717  
and severity of violations and the history of compliance, not to 81718

exceed five hundred dollars per incident. 81719

(7) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation; 81720  
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~~(9)~~(8) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code; 81724  
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~~(10)~~(9) For the purpose of division ~~(A)(1)~~(A) of section 4758.39 ~~and,~~ division ~~(A)(1)~~(A) of section 4758.40, and division (A) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing that may include specific content areas and minimum hours for course requirements; 81727  
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~~(11)~~(10) For the purpose of division ~~(A)(2)~~(B) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience; 81733  
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~~(12)~~(11) For the purpose of division ~~(A)(3)~~(C) of section 4758.39, division ~~(A)(3)~~(C) of section 4758.40, division ~~(A)(3)~~(C) of section 4758.41, and ~~divisions~~division (A)(3) ~~and (D)(3)~~ of section 4758.42 of the Revised Code, both of the following: 81738  
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(a) The number of hours of training in ~~chemical dependency~~ substance use disorders an individual must have; 81742  
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(b) Training requirements for ~~chemical dependency~~ substance use disorders that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training. 81744  
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~~(13)~~(12) For the purpose of division ~~(A)(2)(B)~~ of section 4758.40, division ~~(A)(2)(B)~~ of section 4758.41, and division (A) (2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;

~~(14) For the purpose of division (B)(2)(b) of section 4758.40 and division (B)(2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;~~

~~(15) For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;~~

~~(16)~~(13) For the purpose of ~~division (C)(2)~~ of section 4758.42 of the Revised Code, ~~education~~ both of the following:

(a) Education requirements for chemical dependency substance use disorders;

~~(17) For the purpose of division (C)(3) of section 4758.42 of the Revised Code, requirements~~ (b) Requirements for programs that provide practicum experience in ~~chemical dependency;~~

~~(18)~~ substance use disorders.

(14) For the purpose of ~~division (A)~~ of section 4758.43 of the Revised Code, ~~both~~ all of the following:

(a) The number of hours of training or education in ~~chemical dependency~~ substance use disorder counseling that an individual must have; 81776  
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(b) Training requirements for ~~chemical dependency~~ substance use disorder counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training; 81779  
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(c) Requirements for obtaining a chemical dependency counselor preliminary certificate. 81783  
81784

~~(19)~~ (15) For the purpose of ~~division (A) (1) of section~~ 4758.44 of the Revised Code, ~~the~~ all of the following: 81785  
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(a) The number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services; 81787  
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~~(20) For the purpose of division (A) (2) of section 4758.44 of the Revised Code, the~~ (b) The field of study in which an individual must obtain at least a bachelor's degree or higher; 81791  
81792  
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~~(21)~~ (c) The number of hours of administrative or supervisory education that an individual must have. 81794  
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(16) For the purpose of division ~~(A) (3)~~ (C) of section 4758.44, division ~~(A) (3)~~ (C) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, both of the following: 81796  
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(a) The number of hours of prevention-related education that an individual must have; 81799  
81800

(b) Requirements for prevention-related education. 81801

~~(22) For the purpose of division (A) (4) of section 4758.44~~ 81802



~~of the Revised Code, the number of hours of administrative or~~ 81803  
~~supervisory education that an individual must have;~~ 81804

~~(23)~~(17) For the purpose of ~~division (A) (1) of section~~ 81805  
4758.45 of the Revised Code, ~~the~~ both of the following: 81806

(a) The number of hours of compensated or volunteer work, 81807  
field placement, intern, or practicum experience in prevention 81808  
services that an individual must have and the number of those 81809  
hours that must be in planning or delivering the services; 81810

~~(24) For the purpose of division (A) (2) of section 4758.45~~ 81811  
~~of the Revised Code, the~~ (b) The field of study in which an 81812  
individual must obtain ~~at least an~~ associate's degree; 81813

~~(25)~~ or higher. 81814

(18) For the purpose of division (C) of section 4758.46 of 81815  
the Revised Code, the number of hours of compensated or 81816  
volunteer work, field placement, intern, or practicum experience 81817  
in prevention services that an individual must have; 81818

~~(26)~~(19) Standards for the one hundred hours of 81819  
compensated work or supervised internship in gambling disorder 81820  
direct clinical experience required by division (B) (2) of 81821  
section 4758.48 of the Revised Code; 81822

~~(27)~~(20) For the purpose of section 4758.49 of the Revised 81823  
Code, both of the following: 81824

(a) The equivalent of a high school diploma acceptable for 81825  
certification; 81826

(b) Standards and number of required hours for the 81827  
competency-based peer services training. 81828

(21) For the purpose of section 4758.491 of the Revised 81829

<u>Code, both of the following:</u>	81830
<u>(a) The number of hours of online learning that an individual is required to complete;</u>	81831
<u>(b) Standards for the supervising peers training program that an individual is required to complete.</u>	81833
<u>(22) For the purpose of section 4758.51 of the Revised Code, continuing both of the following:</u>	81835
<u>(a) Continuing education requirements for individuals who hold a license, certificate, or endorsement issued under this chapter;</u>	81837
<u>(28) For the purpose of section 4758.51 of the Revised Code, the (b) The number of hours of continuing education that an individual must complete to have an expired license, certificate, or endorsement restored under section 4758.26 of the Revised Code;</u>	81838
<u>(29) For the purpose of divisions (A) and (B) of section 4758.52 of the Revised Code, training requirements for chemical dependency counseling;</u>	81839
<u>(30).</u>	81840
<u>(23) The duties, which may differ, of all of the following:</u>	81841
<u>(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code;</u>	81842
<u>(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or</u>	81843
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chemical dependency counselor III licensed under this chapter 81857  
who supervises a chemical dependency counselor assistant under 81858  
section 4758.59 of the Revised Code; 81859

(c) A prevention consultant or prevention specialist 81860  
~~certified~~licensed under this chapter who supervises a 81861  
prevention specialist assistant or registered applicant under 81862  
section 4758.61 of the Revised Code. 81863

~~(31)~~(24) The duties of an independent chemical dependency 81864  
counselor licensed under this chapter who holds the gambling 81865  
disorder endorsement who supervises a chemical dependency 81866  
counselor III with the gambling disorder endorsement under 81867  
section 4758.62 of the Revised Code. 81868

~~(32)~~(25) For the purpose of sections 4758.60 and 4758.61 81869  
of the Revised Code, standards for the practice of prevention 81870  
services, including specifications that require prevention 81871  
services to be all of the following: 81872

(a) Intentionally designed to reduce risk or promote 81873  
health before the onset of a disorder; 81874

(b) Population-focused and targeted to specific levels of 81875  
risk; 81876

(c) Reserved for interventions designed to reduce the 81877  
occurrence of new cases of mental, emotional, and behavioral 81878  
disorders, and not be used for clinical assessment, treatment, 81879  
relapse and recovery support services, or medications of any 81880  
type. 81881

(26) For the purpose of section 4758.65 of the Revised 81882  
Code, both of the following: 81883

(a) Any additional competencies that may be promoted by a 81884

peer supporter; 81885

(b) Any additional tasks within a peer supporter's scope of practice. 81886  
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(27) For the purposes of section 4758.651 of the Revised Code, training requirements for supervisors of peer supporters who do not hold a peer support supervisor endorsement issued under this chapter; 81888  
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(28) Anything else the board considers necessary to administer this chapter. 81892  
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(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations. 81894  
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(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in ~~chemical dependency substance use disorder counseling or,~~ prevention services, or peer support services. 81897  
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**Sec. 4758.21.** (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged for the following: 81902  
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(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code; 81907  
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(2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical 81909  
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dependency counselor assistant certificate, <u>peer recovery</u>	81913
<u>supporter certificate, youth peer supporter certificate, family</u>	81914
<u>peer supporter certificate, prevention consultant</u>	81915
<del>certificate</del> <u>license</u> , prevention specialist <del>certificate</del> <u>license</u> ,	81916
prevention specialist assistant certificate, or registered	81917
applicant certificate;	81918
(3) Issuing <del>an initial</del> <u>a</u> gambling disorder endorsement;	81919
(4) <u>Issuing a peer support supervisor endorsement;</u>	81920
<u>(5) Renewing an independent chemical dependency counselor-</u>	81921
<u>clinical supervisor license, independent chemical dependency</u>	81922
<u>counselor license, chemical dependency counselor III license,</u>	81923
<u>chemical dependency counselor II license, chemical dependency</u>	81924
<u>counselor assistant certificate, peer recovery supporter</u>	81925
<u>certificate, youth peer supporter certificate, family peer</u>	81926
<u>supporter certificate, prevention consultant <del>certificate</del>license,</u>	81927
<u>prevention specialist <del>certificate</del>license, or prevention</u>	81928
<u>specialist assistant certificate;</u>	81929
<del>(5)</del> <u>(6) Renewing a gambling disorder endorsement;</u>	81930
<del>(6)</del> <u>(7) Renewing a peer support supervisor endorsement;</u>	81931
<u>(8) Approving <del>continuing</del> education <del>courses</del> <u>programs</u> under</u>	81932
<u>section 4758.28 of the Revised Code, <u>except for online learning</u></u>	81933
<u>courses administered by the department of mental health and</u>	81934
<u>addiction services for the purposes of section 4758.49 of the</u>	81935
<u>Revised Code;</u>	81936
<del>(7)</del> <u>(9) Doing anything else the board determines necessary</u>	81937
to administer this chapter.	81938
(B) The fees established under division (A) of this	81939
section are nonrefundable. They shall be in amounts sufficient	81940

to cover the necessary expenses of the board in administering 81941  
this chapter and rules adopted under it. The fees for a license, 81942  
certificate, or endorsement and the renewal of a license, 81943  
certificate, or endorsement may differ for the various types of 81944  
licenses, certificates, or endorsements, but shall not exceed 81945  
one hundred seventy-five dollars each, unless the board 81946  
determines that amounts in excess of one hundred seventy-five 81947  
dollars are needed to cover its necessary expenses in 81948  
administering this chapter and rules adopted under it and the 81949  
amounts in excess of one hundred seventy-five dollars are 81950  
approved by the controlling board. 81951

(C) All vouchers of the board shall be approved by the 81952  
chairperson or executive director of the board, or both, as 81953  
authorized by the board. 81954

**Sec. 4758.22.** The chemical dependency professionals board 81955  
shall prepare, cause to be prepared, or procure the use of, and 81956  
grade, cause to be graded, or procure the grading of, 81957  
examinations to determine the competence of individuals seeking 81958  
an independent chemical dependency counselor-clinical supervisor 81959  
license, independent chemical dependency counselor license, 81960  
chemical dependency counselor III license, chemical dependency 81961  
counselor II license, peer recovery supporter certificate, 81962  
youth peer supporter certificate, family peer supporter 81963  
certificate, prevention consultant ~~certificate~~ license, or 81964  
prevention specialist ~~certificate~~ license. The board may develop 81965  
the examinations or use examinations prepared by state or 81966  
national organizations that represent the interests of those 81967  
involved in ~~chemical dependency~~ substance use disorder 81968  
~~counseling or~~, prevention services, or peer support services. 81969  
The board shall conduct examinations at least twice each year 81970  
and shall determine the level of competence necessary for a 81971

passing score. 81972

An individual may not sit for an examination administered 81973  
pursuant to this section unless the individual meets the 81974  
requirements to obtain the license or certificate the individual 81975  
seeks, other than the requirement to have passed the 81976  
examination, and pays the fee established under section 4758.21 81977  
of the Revised Code. An individual who is denied admission to 81978  
the examination may appeal the denial in accordance with Chapter 81979  
119. of the Revised Code. 81980

**Sec. 4758.221.** In accordance with rules adopted under 81981  
section 4758.20 of the Revised Code, the chemical dependency 81982  
professionals board may administer examinations for individuals 81983  
seeking to act as substance abuse professionals in a U.S.-United 81984  
States department of transportation drug and alcohol testing 81985  
program. If it elects to administer the examinations, the board 81986  
shall use examinations that comprehensively cover all the 81987  
elements of substance abuse professional qualification training 81988  
listed in 49 C.F.R. 40.281(c)(1) and are prepared by a 81989  
nationally recognized professional or training organization that 81990  
represents the interests of those involved in ~~chemical-~~ 81991  
~~dependency~~ substance use disorder counseling services. 81992

**Sec. 4758.23.** (A) In rules adopted under section 4758.20 81993  
of the Revised Code, the chemical dependency professionals board 81994  
shall establish codes of ethical practice and professional 81995  
conduct for the following: 81996

(1) Individuals who hold a valid independent chemical 81997  
dependency counselor-clinical supervisor license, independent 81998  
chemical dependency counselor license, chemical dependency 81999  
counselor III license, chemical dependency counselor II license, 82000  
or chemical dependency counselor assistant certificate issued 82001

under this chapter;	82002
(2) <u>Individuals who hold a valid peer recovery supporter certificate, youth peer supporter certificate, or family peer supporter certificate issued under this chapter;</u>	82003 82004 82005
(3) <u>Individuals who hold a valid prevention consultant certificate license, prevention specialist certificate license, prevention specialist assistant certificate, or registered applicant certificate issued under this chapter;</u>	82006 82007 82008 82009
<del>(3)</del> (4) <u>Individuals who hold a valid peer support supervisor endorsement;</u>	82010 82011
(5) <u>Individuals who hold a valid gambling disorder endorsement.</u>	82012 82013
(B) The codes for individuals identified under division <del>(A) (1)</del> (A) of this section shall define unprofessional conduct, which shall include engaging in a <del>dual relationship</del> <u>multiple relationships</u> with a client, former client, consumer, or former consumer; committing an act of sexual abuse, misconduct, or exploitation of a client, former client, consumer, or former consumer; and, except as permitted by law, violating client or consumer confidentiality.	82014 82015 82016 82017 82018 82019 82020 82021
<del>(C)</del> The codes for individuals identified under <del>division (A) (1)</del> <u>divisions (A) (1) to (4)</u> of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in <del>chemical dependency</del> <u>substance use disorder counseling, peer support services, or prevention services</u> . <del>The codes for individuals identified under division (A) (2) of this section may be based on any codes of ethical practice and professional conduct developed by national</del>	82022 82023 82024 82025 82026 82027 82028 82029 82030



~~associations or other organizations representing the interests~~ 82031  
~~of those involved in prevention services.~~ The board may 82032  
establish standards in the codes that are more stringent than 82033  
those established by the national associations or other 82034  
organizations. 82035

**Sec. 4758.24.** (A) The chemical dependency professionals 82036  
board shall issue a license, certificate, or endorsement under 82037  
this chapter to an individual who meets all of the following 82038  
requirements: 82039

(1) ~~Except as provided in section 4758.241 of the Revised~~ 82040  
~~Code, submits~~ Submits a properly completed application and all 82041  
other documentation specified in rules adopted under section 82042  
4758.20 of the Revised Code; 82043

(2) ~~Except as provided in section 4758.241 of the Revised~~ 82044  
~~Code, pays~~ Pays the fee established under section 4758.21 of the 82045  
Revised Code for the license, certificate, or endorsement that 82046  
the individual seeks; 82047

(3) Meets the requirements to obtain the license, 82048  
certificate, or endorsement that the individual seeks as 82049  
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 82050  
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~or~~ 4758.48, 82051  
4758.49, or 4758.491 of the Revised Code; 82052

(4) Meets any additional requirements specified in rules 82053  
adopted under section 4758.20 of the Revised Code to obtain the 82054  
license, certificate, or endorsement that the individual seeks. 82055

(B) In addition to any other eligibility requirement set 82056  
forth in this chapter, each applicant for an initial license, 82057  
certificate, or endorsement issued under this chapter shall 82058  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 82059

board shall not grant a license, certificate, or endorsement to 82060  
an applicant for an initial license, certificate, or endorsement 82061  
issued under this chapter unless the applicant complies with 82062  
sections 4776.01 to 4776.04 of the Revised Code. 82063

(C) The board shall not ~~do either of the following:~~ 82064

~~(1) Issue a certificate to practice as a chemical~~ 82065  
~~dependency counselor I;~~ 82066

~~(2) Issue~~ issue a new registered applicant certificate to 82067  
an individual whose previous registered applicant certificate 82068  
has been expired for less than the period of time specified in 82069  
rules adopted under section 4758.20 of the Revised Code. 82070

**Sec. 4758.26.** (A) Subject to section 4758.30 of the 82071  
Revised Code, a license, certificate, or endorsement issued 82072  
under this chapter expires the following period of time after it 82073  
is issued: 82074

(1) In the case of ~~an initial~~ a chemical dependency 82075  
counselor assistant preliminary certificate or registered 82076  
applicant, thirteen months; 82077

(2) In the case of any other license, certificate, or 82078  
endorsement, two years. 82079

(B) Subject to section 4758.30 of the Revised Code and 82080  
except as provided in section 4758.27 of the Revised Code, the 82081  
chemical dependency professionals board shall renew a license, 82082  
certificate, or endorsement issued under this chapter in 82083  
accordance with the standard renewal procedure established under 82084  
Chapter 4745. of the Revised Code if the individual seeking the 82085  
renewal pays the renewal fee established under section 4758.21 82086  
of the Revised Code and ~~does the following:~~ 82087

~~(1) In the case of an individual seeking renewal of an initial chemical dependency counselor assistant certificate, satisfies the additional training requirement established under section 4758.52 of the Revised Code;~~ 82088  
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~~(2) In the case of any other individual,~~ satisfies the 82092  
continuing education requirements established under section 82093  
4758.51 of the Revised Code. 82094

(C) Subject to section 4758.30 of the Revised Code and 82095  
except as provided in section 4758.27 of the Revised Code, a 82096  
license, certificate, or endorsement issued under this chapter 82097  
that has expired may be restored if the individual seeking the 82098  
restoration, not later than one year after the license, 82099  
certificate, or endorsement expires, applies for restoration of 82100  
the license, certificate, or endorsement. The board shall issue 82101  
a restored license, certificate, or endorsement to the 82102  
individual if the individual pays the renewal fee established 82103  
under section 4758.21 of the Revised Code and ~~does the~~ 82104  
~~following:~~ 82105

~~(1) In the case of an individual whose initial chemical dependency counselor assistant certificate expired, satisfies the additional training requirement established under section 4758.52 of the Revised Code;~~ 82106  
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~~(2) In the case of any other individual,~~ satisfies the 82110  
continuing education requirements established under section 82111  
4758.51 of the Revised Code for restoring the license, 82112  
certificate, or endorsement. 82113

The board shall not require an individual to take an 82114  
examination as a condition of having an expired license, 82115  
certificate, or endorsement restored under this section. 82116

**Sec. 4758.27.** The chemical dependency professionals board 82117  
shall not renew or restore under section 4758.26 of the Revised 82118  
Code either of the following: 82119

(A) A ~~certificate to practice as a~~ chemical dependency 82120  
counselor assistant preliminary certificate; 82121

(B) A registered applicant certificate. 82122

**Sec. 4758.28.** The chemical dependency professionals board 82123  
shall approve, in accordance with rules adopted under section 82124  
4758.20 of the Revised Code and subject to payment of the fee 82125  
established under section 4758.21 of the Revised Code, 82126  
~~continuing education courses of study for individuals who hold~~ 82127  
programs that may be completed to meet the requirements to 82128  
receive an initial license, certificate, or endorsement issued 82129  
under this chapter or the renewal of a license, certificate, or 82130  
endorsement issued under this chapter. Programs that may be 82131  
approved under this section include degree and certificate 82132  
training programs offered by accredited educational 82133  
institutions, other training programs selected by the board, and 82134  
continuing education courses. 82135

**Sec. 4758.30.** (A) The chemical dependency professionals 82136  
board, in accordance with Chapter 119. of the Revised Code, may, 82137  
except as provided in division (B) of this section, refuse to 82138  
issue a license, certificate, or endorsement applied for under 82139  
this chapter; refuse to renew or restore a license, certificate, 82140  
or endorsement issued under this chapter; suspend, revoke, or 82141  
otherwise restrict a license, certificate, or endorsement issued 82142  
under this chapter; ~~or~~ reprimand an individual holding a 82143  
license, certificate, or endorsement issued under this chapter; 82144  
or impose a fine, in an amount determined in accordance with 82145  
rules adopted under section 4758.20 of the Revised Code, against 82146

an individual holding a license, certificate, or endorsement 82147  
under this chapter. These actions may be taken by the board 82148  
regarding the applicant for a license, certificate, or 82149  
endorsement or the individual holding a license, certificate, or 82150  
endorsement for one or more of the following reasons: 82151

(1) Violation of any provision of this chapter or rules 82152  
adopted under it; 82153

(2) Knowingly making a false statement on an application 82154  
for a license, certificate, or endorsement or for renewal, 82155  
restoration, or reinstatement of a license, certificate, or 82156  
endorsement; 82157

(3) Acceptance of a commission or rebate for referring an 82158  
individual to a person who holds a license or certificate issued 82159  
by, or who is registered with, an entity of state government, 82160  
including persons practicing ~~chemical dependency~~ substance use 82161  
disorder counseling, peer support services, prevention services, 82162  
gambling disorder counseling, or fields related to ~~chemical-~~ 82163  
~~dependency counseling, prevention services, or gambling disorder~~ 82164  
~~counseling~~ any of the foregoing; 82165

(4) Conviction in this state or any other ~~state-~~ 82166  
jurisdiction of any crime that is a felony in this state; 82167

(5) Conviction in this state or any other ~~state-~~ 82168  
jurisdiction of a misdemeanor committed in the course of 82169  
practice as an independent chemical dependency counselor- 82170  
clinical supervisor, independent chemical dependency counselor, 82171  
chemical dependency counselor III, chemical dependency counselor 82172  
II, chemical dependency counselor assistant, peer recovery 82173  
supporter, youth peer supporter, family peer supporter, 82174  
prevention consultant, gambling disorder endorsee, prevention 82175

specialist, prevention specialist assistant, or registered applicant;	82176 82177
(6) Inability to practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor assistant, <u>peer recovery supporter, youth peer supporter, family peer supporter, gambling disorder endorsee, prevention consultant, prevention specialist, prevention specialist assistant, or registered applicant due to abuse of or dependency on alcohol or other drugs or <del>other physical or</del> by reason of mental <del>condition</del> illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or <u>perceptive skills</u>;</u>	82178 82179 82180 82181 82182 82183 82184 82185 82186 82187 82188 82189
(7) Practicing outside the individual's scope of practice;	82190
(8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, 4758.61, <del>or</del> <u>4758.62, or 4758.65</u> of the Revised Code;	82191 82192 82193
(9) Violation of the code of ethical practice and professional conduct for <del>chemical dependency substance use disorder</del> <u>counseling, peer support services, prevention services, or gambling disorder counseling</u> adopted by the board pursuant to section 4758.23 of the Revised Code;	82194 82195 82196 82197 82198
(10) Revocation of a license, certificate, or endorsement or voluntary surrender of a license, certificate, or endorsement in another state or jurisdiction for an offense that would be a violation of this chapter.	82199 82200 82201 82202
(B) The board shall not refuse to issue a license, certificate, or endorsement to an applicant because of a	82203 82204

criminal conviction unless the refusal is in accordance with 82205  
section 9.79 of the Revised Code. 82206

(C) An individual whose license, certificate, or 82207  
endorsement has been suspended or revoked under this section may 82208  
apply to the board for reinstatement after an amount of time the 82209  
board shall determine in accordance with rules adopted under 82210  
section 4758.20 of the Revised Code. The board may accept or 82211  
refuse an application for reinstatement. The board may require 82212  
an examination for reinstatement of a license, certificate, or 82213  
endorsement that has been suspended or revoked. 82214

**Sec. 4758.31.** The chemical dependency professionals board 82215  
shall investigate alleged violations of this chapter or the 82216  
rules adopted under it and alleged irregularities in the 82217  
delivery of ~~chemical dependency~~ substance use disorder 82218  
counseling services, peer support services, prevention services, 82219  
or gambling disorder counseling services by individuals who hold 82220  
a license, certificate, or endorsement issued under this 82221  
chapter. As part of an investigation, the board may issue 82222  
subpoenas, examine witnesses, and administer oaths. 82223

The board may receive any information necessary to conduct 82224  
an investigation under this section that has been obtained in 82225  
accordance with federal laws and regulations. If the board is 82226  
investigating the provision of ~~chemical dependency~~ substance use 82227  
disorder counseling services or gambling disorder counseling 82228  
services to a couple or group, it is not necessary for both 82229  
members of the couple or all members of the group to consent to 82230  
the release of information relevant to the investigation. 82231

The board shall ensure, in accordance with rules adopted 82232  
under section 4758.20 of the Revised Code, that all records it 82233  
holds pertaining to an investigation remain confidential during 82234

the investigation. After the investigation, the records are 82235  
public records except as otherwise provided by federal or state 82236  
law. 82237

**Sec. 4758.35.** (A) An individual seeking a license, 82238  
certificate, or endorsement issued under this chapter shall ~~file~~ 82239  
~~with~~ submit an application to the chemical dependency 82240  
professionals board ~~a written application on a form prescribed~~ 82241  
~~by~~ in a manner that the board shall prescribe. Each ~~form~~ 82242  
application shall state that a false statement made on the ~~form~~ 82243  
application is the crime of falsification under section 2921.13 82244  
of the Revised Code. 82245

(B) The board shall require an individual or individuals 82246  
employed by the board under section 4758.15 of the Revised Code 82247  
to do both of the following in accordance with criteria 82248  
established by rules adopted under section 4758.20 of the 82249  
Revised Code: 82250

(1) Receive and review all applications submitted to the 82251  
board; 82252

(2) Submit to the board all applications the individual or 82253  
individuals recommend the board review based on the criteria 82254  
established in the rules. 82255

(C) The board shall review all applications submitted to 82256  
the board pursuant to division (B) (2) of this section. 82257

**Sec. 4758.36.** As part of the review process under division 82258  
(C) of section 4758.35 of the Revised Code of an application 82259  
submitted by an applicant whose education or experience in 82260  
~~chemical dependency substance use disorder counseling, peer~~ 82261  
support services, prevention services, or gambling disorder 82262  
counseling was obtained outside the United States, or whose 82263



education and experience both were obtained outside the United States, the chemical dependency professionals board shall determine whether the applicant's command of the English language and education or experience meet the standards required by this chapter and rules adopted under it.

**Sec. 4758.39.** An individual seeking an independent chemical dependency counselor-clinical supervisor license shall meet the requirements of division (A) or (B) of this section.

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~

~~(1) (A) Hold from an accredited educational institution at least a master's degree or higher in either a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;~~

~~(2) (B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience, including at least the number of hours specified in those rules of clinical supervisory experience, in any of the following, not less than twenty per cent of which are in chemical dependency substance use disorder counseling:~~

~~(a) Chemical dependency services, substance abuse services, or both types of services~~ (1) The provision of services in substance use disorder treatment within a scope of practice that the board considers appropriate for an individual seeking an independent chemical dependency counselor-clinical supervisor license;

~~(b) (2) The practice of psychology, as defined in section 4732.01 of the Revised Code;~~

~~(e)~~(3) The practice of professional counseling, the 82293  
practice of social work, or the practice of marriage and family 82294  
therapy, all as defined in section 4757.01 of the Revised Code. 82295

~~(3)~~(C) Have a minimum of the number of hours specified in 82296  
rules adopted under section 4758.20 of the Revised Code of 82297  
training in ~~chemical dependency substance use disorders~~ that 82298  
meets the requirements specified in those rules; 82299

~~(4)~~(D) Unless the individual holds a valid license, 82300  
registration, certificate, or credentials issued under another 82301  
chapter of the Revised Code that authorizes the individual to 82302  
engage in a profession whose scope of practice includes the 82303  
clinical supervision of ~~chemical dependency substance use~~ 82304  
~~disorder counseling, chemical dependency substance use disorder~~ 82305  
counseling, and diagnosing and treating ~~chemical dependency~~ 82306  
~~substance use disorder~~ conditions, pass one or more examinations 82307  
administered pursuant to section 4758.22 of the Revised Code for 82308  
the purpose of determining competence to practice as an 82309  
independent chemical dependency counselor-clinical supervisor. 82310

~~(B) To meet the requirement of this division, an~~ 82311  
~~individual must hold, on March 22, 2013, a valid independent~~ 82312  
~~chemical dependency counselor license.~~ 82313

**Sec. 4758.40.** An individual seeking an independent 82314  
chemical dependency counselor license shall ~~meet the~~ 82315  
~~requirements of division (A) or (B) of this section.~~ 82316

~~(A) To meet the requirements of this division, an~~ 82317  
~~individual must meet all of the following requirements:~~ 82318

~~(1)~~(A) Hold from an accredited educational institution ~~at~~ 82319  
~~least~~ a master's degree or higher in a behavioral science or 82320  
nursing that meets the course requirements specified in rules 82321

adopted under section 4758.20 of the Revised Code; 82322

~~(2)~~(B) Have not less than the number of hours specified in 82323  
rules adopted under section 4758.20 of the Revised Code of 82324  
compensated work or supervised internship experience in any of 82325  
the following, not less than twenty per cent of which are in 82326  
~~chemical dependency substance use disorder counseling:~~ 82327

~~(a) Chemical dependency services, substance abuse~~ 82328  
~~services, or both types of services~~(1) The provision of services 82329  
in substance use disorder treatment within a scope of practice 82330  
that the board considers appropriate for an individual seeking 82331  
an independent chemical dependency counselor license; 82332

~~(b)~~(2) The practice of psychology, as defined in section 82333  
4732.01 of the Revised Code; 82334

~~(c)~~(3) The practice of professional counseling, the 82335  
practice of social work, or the practice of marriage and family 82336  
therapy, all as defined in section 4757.01 of the Revised Code. 82337

~~(3)~~(C) Have a minimum of the number of hours specified in 82338  
rules adopted under section 4758.20 of the Revised Code of 82339  
training in ~~chemical dependency substance use disorders~~ that 82340  
meets the requirements specified in those rules; 82341

~~(4)~~(D) Unless the individual holds a valid license, 82342  
registration, certificate, or credentials issued under another 82343  
chapter of the Revised Code that authorizes the individual to 82344  
engage in a profession whose scope of practice includes ~~chemical~~ 82345  
~~dependency substance use disorder~~ counseling and diagnosing and 82346  
treating ~~chemical dependency substance use disorder~~ conditions, 82347  
pass one or more examinations administered pursuant to section 82348  
4758.22 of the Revised Code for the purpose of determining 82349  
competence to practice as an independent chemical dependency 82350

counselor. 82351

~~(B) To meet the requirements of this division, an individual must meet both of the following requirements:~~ 82352  
82353

~~(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;~~ 82354  
82355  
82356  
82357  
82358

~~(2) Meet one of the following requirements:~~ 82359

~~(a) Hold the degree described in division (A) (1) of this section;~~ 82360  
82361

~~(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A) (1) of this section may provide the portion of the training on chemical dependency conditions.~~ 82362  
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**Sec. 4758.41.** An individual seeking a chemical dependency counselor III license shall ~~meet the requirements of division~~ 82378  
82379

~~(A), (B), or (C) of this section.~~ 82380

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~ 82381  
82382

~~(1)(A) Hold from an accredited educational institution at least a bachelor's degree or higher in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;~~ 82383  
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82386

~~(2)(B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in chemical dependency substance use disorder counseling:~~ 82387  
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82391

~~(a) Chemical dependency services, substance abuse services, or both types of services~~ 82392  
(1) The provision of services in substance use disorder treatment within a scope of practice that the board considers appropriate for an individual seeking a chemical dependency counselor III license; 82393  
82394  
82395  
82396

~~(b)(2) The practice of psychology, as defined in section 4732.01 of the Revised Code;~~ 82397  
82398

~~(c)(3) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.~~ 82399  
82400  
82401

~~(3)(C) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency substance use disorders that meets the requirements specified in those rules;~~ 82402  
82403  
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82405

~~(4)(D) Unless the individual holds a valid license, registration, certificate, or credentials issued under another~~ 82406  
82407

chapter of the Revised Code that authorizes the individual to 82408  
engage in a profession whose scope of practice includes ~~chemical~~ 82409  
~~dependency~~ substance use disorder counseling and diagnosing and 82410  
treating ~~chemical dependency~~ substance use disorder conditions, 82411  
pass one or more examinations administered pursuant to section 82412  
4758.22 of the Revised Code for the purpose of determining 82413  
competence to practice as a chemical dependency counselor III. 82414

~~(B) To meet the requirements of this division, an 82415  
individual must meet both of the following requirements: 82416~~

~~(1) Hold, on December 23, 2002, a certificate or 82417  
credentials that were accepted under former section 3793.07 of 82418  
the Revised Code as authority to practice as a certified 82419  
chemical dependency counselor III or certified chemical 82420  
dependency counselor III-E; 82421~~

~~(2) Have not less than forty clock hours of training on 82422  
the version of the diagnostic and statistical manual of mental 82423  
disorders that is current at the time of the training. The 82424  
training must meet the requirements specified in rules adopted 82425  
under section 4758.20 of the Revised Code. An individual 82426  
authorized under Chapter 4731. of the Revised Code to practice 82427  
medicine and surgery or osteopathic medicine and surgery, a 82428  
psychologist licensed under Chapter 4732. of the Revised Code, 82429  
or a licensed professional clinical counselor or independent 82430  
social worker licensed under Chapter 4757. of the Revised Code 82431  
may provide any portion of the training. An independent chemical 82432  
dependency counselor licensed under this chapter who holds the 82433  
degree described in division (A) (1) of section 4758.40 of the 82434  
Revised Code may provide the portion of the training on chemical 82435  
dependency conditions. 82436~~

~~(C) To meet the requirements of this division, an 82437~~

~~individual must meet all of the following requirements:~~ 82438

~~(1) Hold, on December 23, 2002, a certificate or 82439  
credentials that were accepted under former section 3793.07 of 82440  
the Revised Code as authority to practice as a certified 82441  
chemical dependency counselor II;~~ 82442

~~(2) Meet the requirement of division (B) (2) of this 82443  
section;~~ 82444

~~(3) Hold a bachelor's degree in a behavioral science. 82445~~

**Sec. 4758.42.** An individual seeking a chemical dependency 82446  
counselor II license shall meet the requirements of division 82447  
(A) ~~or~~ (B) ~~or~~ (C) of this section ~~or, until three years after~~ 82448  
~~the effective date of this amendment, division (A), (B), (C), or~~ 82449  
~~(D) of this section.~~ 82450

(A) To meet the requirements of this division, an 82451  
individual must meet all of the following requirements: 82452

(1) Hold from an accredited educational institution an 82453  
associate's degree in a behavioral science or nursing or a 82454  
bachelor's degree in any field; 82455

(2) Have not less than the number of hours specified in 82456  
rules adopted under section 4758.20 of the Revised Code of 82457  
compensated work or supervised internship experience in any of 82458  
the following, not less than twenty per cent of which are in 82459  
~~chemical dependency substance use disorder counseling:~~ 82460

(a) ~~Chemical dependency services, substance abuse 82461  
services, or both types of services~~The provision of services in 82462  
substance use disorder treatment within a scope of practice that 82463  
the board considers appropriate for an individual seeking a 82464  
chemical dependency counselor II license; 82465

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code; 82466  
82467

(c) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code. 82468  
82469  
82470

(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in ~~chemical dependency~~ substance use disorders that meets the requirements specified in those rules; 82471  
82472  
82473  
82474

(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II. 82475  
82476  
82477  
82478

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II.~~ 82479  
82480  
82481  
82482  
82483

~~(C)~~ To meet the requirements of this division, an individual must meet all of the following requirements: 82484  
82485

(1) Hold from an accredited educational institution an associate's or bachelor's degree in either of the following with a specialization in ~~chemical dependency~~ substance use disorder counseling: 82486  
82487  
82488  
82489

(a) A behavioral science; 82490

(b) Nursing. 82491

(2) Have a minimum of one hundred eighty hours of education in ~~chemical dependency~~ substance use disorders that 82492  
82493



meets the requirements specified in rules adopted under section 82494  
4758.20 of the Revised Code; 82495

(3) While holding a valid chemical dependency counselor 82496  
assistant certificate, have successfully completed, over the 82497  
course of not more than any two semesters, at least two hundred 82498  
forty hours of supervised practicum experience in ~~chemical-~~ 82499  
~~dependency~~ substance use disorder treatment through a program 82500  
that meets all of the following requirements: 82501

(a) The program includes at least two hours per week of 82502  
supervised practicum experience; 82503

(b) The program provides intensive outpatient treatment or 82504  
a higher level of care, or another level of care if specified in 82505  
rules adopted under section 4758.20 of the Revised Code; 82506

(c) The program meets other requirements specified in 82507  
rules adopted under that section. 82508

(4) Have at least one thousand hours of compensated work 82509  
experience as a chemical dependency counselor assistant; 82510

(5) Provide to the chemical dependency professionals board 82511  
a written recommendation from an individual who supervised the 82512  
individual's practice of ~~chemical dependency~~ substance use 82513  
disorder counseling as a chemical dependency counselor assistant 82514  
as required by division (B) of section 4758.59 of the Revised 82515  
Code; 82516

(6) Pass one or more examinations administered pursuant to 82517  
section 4758.22 of the Revised Code for the purpose of 82518  
determining competence to practice as a chemical dependency 82519  
counselor II. 82520

~~(D) To meet the requirements of this division, an-~~ 82521

~~individual must meet all of the following requirements:~~ 82522

~~(1) Since at least December 31, 2008, continuously have done both of the following:~~ 82523

~~(a) Held a valid chemical dependency counselor assistant certificate;~~ 82524

~~(a) Held a valid chemical dependency counselor assistant certificate;~~ 82525

~~(a) Held a valid chemical dependency counselor assistant certificate;~~ 82526

~~(b) Practiced chemical dependency counseling while under supervision as required by division (B) of section 4758.59 of the Revised Code.~~ 82527

~~(b) Practiced chemical dependency counseling while under supervision as required by division (B) of section 4758.59 of the Revised Code.~~ 82528

~~(b) Practiced chemical dependency counseling while under supervision as required by division (B) of section 4758.59 of the Revised Code.~~ 82529

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~ 82530

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~ 82531

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~ 82532

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~ 82533

~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~ 82534

~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~ 82535

~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~ 82536

~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~ 82537

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~ 82538

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~ 82539

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~ 82540

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~ 82541

**Sec. 4758.43.** An individual seeking a chemical dependency counselor assistant certificate shall meet either all of the following requirements: 82542

(A) Be at least eighteen years of age; 82543

(B) Hold a high school diploma, a certificate of high school equivalence, or a higher degree; 82544

(C) Have at least the number of hours in training or 82545

(C) Have at least the number of hours in training or 82546

(C) Have at least the number of hours in training or 82547

(C) Have at least the number of hours in training or 82548

education specified in rules adopted under section 4758.20 of 82549  
the Revised Code ~~of training in chemical dependency related to~~ 82550  
substance use disorder counseling that meets the requirements 82551  
specified in those rules; 82552

~~(B) Hold, on December 23, 2002, a certificate or~~ 82553  
~~credentials that were accepted under former section 3793.07 of~~ 82554  
~~the Revised Code as authority to practice as a registered~~ 82555  
~~candidate~~ (D) Obtain a chemical dependency counselor preliminary 82556  
certificate in accordance with rules adopted under section 82557  
4758.20 of the Revised Code. 82558

**Sec. 4758.44.** An individual seeking a prevention 82559  
consultant certificate license shall ~~meet the requirements of~~ 82560  
~~division (A) or (B) of this section.~~ 82561

~~(A) To meet the requirements of this division, an~~ 82562  
~~individual must meet all of the following requirements:~~ 82563

~~(1)~~ (A) Have at least the number of hours specified in 82564  
rules adopted under section 4758.20 of the Revised Code of 82565  
compensated work experience in prevention services, including at 82566  
least the number of hours specified in those rules of 82567  
administering or supervising the services; 82568

~~(2)~~ (B) Hold from an accredited educational institution ~~at~~ 82569  
~~least~~ a bachelor's degree or higher in a field of study 82570  
specified in rules adopted under section 4758.20 of the Revised 82571  
Code; 82572

~~(3)~~ (C) Have at least the number of hours specified in 82573  
rules adopted under section 4758.20 of the Revised Code of 82574  
prevention-related education that meets the requirements 82575  
specified in those rules; 82576

~~(4)~~ (D) Have at least the number of hours specified in 82577

rules adopted under section 4758.20 of the Revised Code of 82578  
administrative or supervisory education; 82579

~~(5)(E)~~ Pass one or more examinations administered pursuant 82580  
to section 4758.22 of the Revised Code for the purpose of 82581  
determining competence to practice as a prevention consultant. 82582

~~(B) To meet the requirement of this division, an 82583  
individual must hold, on December 23, 2002, a certificate or 82584  
credentials that were accepted under former section 3793.07 of 82585  
the Revised Code as authority to practice as a certified 82586  
prevention specialist II. 82587~~

**Sec. 4758.45.** An individual seeking a prevention 82588  
specialist certificate license shall ~~meet the requirements of 82589  
division (A) or (B) of this section. 82590~~

~~(A) To meet the requirements of this division, an 82591  
individual must meet all of the following requirements: 82592~~

~~(1)(A) Have at least the number of hours specified in 82593  
rules adopted under section 4758.20 of the Revised Code of 82594  
compensated or volunteer work, field placement, intern, or 82595  
practicum experience in prevention services, including at least 82596  
the number of hours specified in those rules of planning or 82597  
delivering the services; 82598~~

~~(2)(B) Hold from an accredited educational institution at 82599  
least an associate's degree or higher in a field of study 82600  
specified in rules adopted under section 4758.20 of the Revised 82601  
Code; 82602~~

~~(3)(C) Have at least the number of hours specified in 82603  
rules adopted under section 4758.20 of the Revised Code of 82604  
prevention-related education that meets the requirements 82605  
specified in those rules; 82606~~

~~(4)(D)~~ Pass one or more examinations administered pursuant 82607  
to section 4758.22 of the Revised Code for the purpose of 82608  
determining competence to practice as a prevention specialist. 82609

~~(B) To meet the requirement of this division, an 82610  
individual must hold, on December 23, 2002, a certificate or 82611  
credentials that were accepted under former section 3793.07 of 82612  
the Revised Code as authority to practice as a certified 82613  
prevention specialist I. 82614~~

**Sec. 4758.46.** An individual seeking a prevention 82615  
specialist assistant certificate shall meet all of the following 82616  
requirements: 82617

(A) Be at least eighteen years of age; 82618

(B) Have ~~at least a high school diploma or~~, a certificate 82619  
of high school equivalence, or a higher degree; 82620

(C) Have at least the number of hours specified in rules 82621  
adopted under section 4758.20 of the Revised Code of compensated 82622  
or volunteer work, field placement, intern, or practicum 82623  
experience in prevention services; 82624

(D) Have at least the number of hours specified in rules 82625  
adopted under section 4758.20 of the Revised Code of prevention- 82626  
related education that meets the requirements specified in those 82627  
rules. 82628

**Sec. 4758.47.** An individual seeking a registered applicant 82629  
certificate shall meet all of the following requirements: 82630

(A) Be at least eighteen years of age; 82631

(B) Have ~~at least a high school diploma or~~, a certificate 82632  
of high school equivalence, or a higher degree; 82633

(C) Submit to the chemical dependency professionals board 82634  
a professional development plan that is acceptable to the board. 82635

Sec. 4758.49. (A) An individual seeking a peer recovery 82636  
supporter certificate shall meet all of the following 82637  
requirements: 82638

(1) Be at least eighteen years of age; 82639

(2) Hold a high school diploma, the equivalent of a high 82640  
school diploma as determined by the board in rules adopted under 82641  
section 4758.20 of the Revised Code, or a higher degree; 82642

(3) Attest that the individual has direct lived experience 82643  
with mental illness or substance use disorder and is in recovery 82644  
from a mental illness or substance use disorder; 82645

(4) Complete at least the number of hours of competency- 82646  
based peer services training specified in rules adopted under 82647  
section 4758.20 of the Revised Code; 82648

(5) Pass one or more examinations administered pursuant to 82649  
section 4758.22 of the Revised Code for the purpose of 82650  
determining competence to practice as a peer recovery supporter; 82651

(6) Attest to having read and understood the code of 82652  
ethical practice and professional conduct established under 82653  
section 4758.23 of the Revised Code for peer recovery 82654  
supporters. 82655

(B) An individual seeking a youth peer supporter 82656  
certificate shall meet all of the following requirements: 82657

(1) Be at least eighteen years of age but not more than 82658  
thirty years of age; 82659

(2) Hold a high school diploma, the equivalent of a high 82660

school diploma as determined by the board in rules adopted under 82661  
section 4758.20 of the Revised Code, or a higher degree; 82662

(3) Attest that the individual has direct lived experience 82663  
with the behavioral health system and other child or youth 82664  
services systems; 82665

(4) Complete at least the number of hours of competency- 82666  
based peer services training, including training specific to 82667  
youth peer support services, specified in rules adopted under 82668  
section 4758.20 of the Revised Code; 82669

(5) Pass one or more examinations administered pursuant to 82670  
section 4758.22 of the Revised Code for the purpose of 82671  
determining competence to practice as a youth peer supporter; 82672

(6) Attest to having read and understood the code of 82673  
ethical practice and professional conduct established under 82674  
section 4758.23 of the Revised Code for youth peer supporters. 82675

(C) An individual seeking a family peer supporter 82676  
certificate shall meet all of the following requirements: 82677

(1) Be at least twenty-one years of age; 82678

(2) Hold a high school diploma, the equivalent of a high 82679  
school diploma as determined by the board in rules adopted under 82680  
section 4758.20 of the Revised Code, or a higher degree; 82681

(3) Attest that the individual has direct lived experience 82682  
as the caregiver of an individual with mental illness or 82683  
substance use disorder and has successfully navigated service 82684  
systems for at least one year on behalf of the individual; 82685

(4) Complete at least the number of hours of competency- 82686  
based peer services training, including training specific to 82687  
family peer support services, specified in rules adopted under 82688

<u>section 4758.20 of the Revised Code;</u>	82689
<u>(5) Pass one or more examinations administered pursuant to</u>	82690
<u>section 4758.22 of the Revised Code for the purpose of</u>	82691
<u>determining competence to practice as a family peer supporter;</u>	82692
<u>(6) Attest to having read and understood the code of</u>	82693
<u>ethical practice and professional conduct established under</u>	82694
<u>section 4758.23 of the Revised Code for family peer supporters.</u>	82695
<u><b>Sec. 4758.491.</b> An individual seeking a peer support</u>	82696
<u>supervisor endorsement shall meet all of the following</u>	82697
<u>requirements:</u>	82698
<u>(A) Hold an active independent chemical dependency</u>	82699
<u>counselor, chemical dependency counselor III, or chemical</u>	82700
<u>dependency counselor II license, or peer recovery supporter,</u>	82701
<u>youth peer supporter, or family peer supporter certificate</u>	82702
<u>issued under this chapter;</u>	82703
<u>(B) Have provided services under either of the following</u>	82704
<u>for at least two years:</u>	82705
<u>(1) An active license or certification described in</u>	82706
<u>division (A) of this section;</u>	82707
<u>(2) A peer recovery supporter, youth peer supporter, or</u>	82708
<u>family peer supporter certificate issued by the department of</u>	82709
<u>mental health and addiction services prior to one year after the</u>	82710
<u>effective date of this section.</u>	82711
<u>(C) Complete the number of hours of online learning</u>	82712
<u>specified in rules adopted under section 4758.20 of the Revised</u>	82713
<u>Code;</u>	82714
<u>(D) Complete a supervising peers training program that</u>	82715
<u>meets the standards established in rules adopted under section</u>	82716



4758.20 of the Revised Code. 82717

**Sec. 4758.51.** (A) Except as provided in division (C) of 82718  
this section and in accordance with rules adopted under section 82719  
4758.20 of the Revised Code, each individual who holds a 82720  
license, certificate, or endorsement issued under this chapter, 82721  
other than ~~an initial~~ a chemical dependency counselor assistant\_ 82722  
preliminary certificate or registered applicant certificate, 82723  
shall complete during the period that the license, certificate, 82724  
or endorsement is in effect not less than the following number 82725  
of clock hours of continuing education as a condition of 82726  
receiving a renewed license, certificate, or endorsement: 82727

(1) In the case of an individual holding a prevention 82728  
specialist assistant certificate, twenty; 82729

(2) In the case of an individual holding a gambling 82730  
disorder endorsement, six; 82731

(3) In the case of any other individual, thirty, except as 82732  
follows: 82733

(a) If the individual is age sixty-five years or older, 82734  
twenty; 82735

(b) If the individual holds an international certificate 82736  
from the international certification and reciprocity consortium, 82737  
the number of clock hours required by the consortium. 82738

(B) Except as provided in division (C) of this section, an 82739  
individual whose license, certificate, or endorsement issued 82740  
under this chapter, other than ~~an initial~~ a chemical dependency 82741  
counselor assistant preliminary certificate or registered 82742  
applicant certificate, has expired shall complete the number of 82743  
hours of continuing education specified in rules adopted under 82744  
section 4758.20 of the Revised Code as a condition of receiving 82745

a restored license, certificate, or endorsement. 82746

(C) The chemical dependency professionals board may waive 82747  
the continuing education requirements established under this 82748  
section for individuals who are unable to fulfill them because 82749  
of military service, illness, residence outside the United 82750  
States, or any other reason the board considers acceptable. 82751

**Sec. 4758.54.** In addition to practicing ~~chemical-~~ 82752  
~~dependency~~ substance use disorder counseling, an individual 82753  
holding a valid independent chemical dependency counselor- 82754  
clinical supervisor license may do all of the following: 82755

(A) Diagnose and treat ~~chemical dependency~~ substance use 82756  
disorder conditions; 82757

(B) Perform treatment planning, assessment, crisis 82758  
intervention, individual and group counseling, case management, 82759  
and education services as they relate to ~~abuse of and dependency~~ 82760  
~~on alcohol and other drugs~~ behavioral health conditions related 82761  
to substance use disorder; 82762

(C) Provide clinical supervision of ~~chemical dependency-~~ 82763  
substance use disorder counseling; 82764

~~(D) Refer individuals with nonchemical dependency-~~ 82765  
~~conditions to appropriate sources of help.~~ 82766

**Sec. 4758.55.** In addition to practicing ~~chemical-~~ 82767  
~~dependency~~ substance use disorder counseling, an individual 82768  
holding a valid independent chemical dependency counselor 82769  
license may do all of the following: 82770

(A) Diagnose and treat ~~chemical dependency~~ substance use 82771  
disorder conditions; 82772

(B) Perform treatment planning, assessment, crisis 82773

intervention, individual and group counseling, case management, 82774  
and education services as they relate to ~~abuse of and dependency~~ 82775  
~~on alcohol and other drugs~~ behavioral health conditions related 82776  
to substance use disorder; 82777

(C) Provide clinical supervision of ~~chemical dependency~~ 82778  
substance use disorder counseling under the supervision of any 82779  
of the following: 82780

(1) An independent chemical dependency counselor-clinical 82781  
supervisor licensed under this chapter; 82782

(2) An individual authorized under Chapter 4731. of the 82783  
Revised Code to practice medicine and surgery or osteopathic 82784  
medicine and surgery; 82785

(3) A psychologist licensed under Chapter 4732. of the 82786  
Revised Code; 82787

(4) A registered nurse licensed under Chapter 4723. of the 82788  
Revised Code or licensed professional clinical counselor, 82789  
independent social worker, or independent marriage and family 82790  
therapist licensed under Chapter 4757. of the Revised Code if 82791  
such supervision is consistent with the scope of practice of the 82792  
registered nurse, licensed professional clinical counselor, 82793  
independent social worker, or independent marriage and family 82794  
therapist; 82795

(5) An individual authorized to practice as a certified 82796  
nurse practitioner or clinical nurse specialist under Chapter 82797  
4723. of the Revised Code. 82798

~~(D) Refer individuals with nonchemical dependency~~ 82799  
~~conditions to appropriate sources of help.~~ 82800

**Sec. 4758.56.** (A) In addition to practicing ~~chemical~~ 82801

~~dependency~~ substance use disorder counseling, an individual 82802  
holding a valid chemical dependency counselor III license may do 82803  
all of the following: 82804

(1) Diagnose ~~chemical dependency~~ substance use disorder 82805  
conditions under the supervision of any of the professionals 82806  
listed in section 4758.561 of the Revised Code; 82807

(2) Treat ~~chemical dependency~~ substance use disorder 82808  
conditions; 82809

(3) Perform treatment planning, assessment, crisis 82810  
intervention, individual and group counseling, case management, 82811  
and education services as they relate to ~~abuse of and dependency~~ 82812  
~~on alcohol and other drugs~~ behavioral health conditions related 82813  
to substance use disorder; 82814

(4) Provide clinical supervision of ~~chemical dependency~~ 82815  
substance use disorder counseling under the supervision of any 82816  
of the professionals listed in section 4758.561 of the Revised 82817  
Code; 82818

~~(5) Refer individuals with nonchemical dependency~~ 82819  
~~conditions to appropriate sources of help.~~ 82820

(B) A chemical dependency counselor III may not practice 82821  
as an individual practitioner. 82822

**Sec. 4758.57.** (A) In addition to practicing ~~chemical~~ 82823  
~~dependency~~ substance use disorder counseling, an individual 82824  
holding a valid chemical dependency counselor II license may ~~do~~ 82825  
~~both of the following~~: 82826

~~(1) Perform~~ perform treatment planning, assessment, crisis 82827  
intervention, individual and group counseling, case management, 82828  
and education services as they relate to ~~abuse of and dependency~~ 82829

~~on alcohol and other drugs;~~ 82830

~~(2) Refer individuals with nonchemical dependency~~ 82831  
~~conditions to appropriate sources of help~~behavioral health 82832  
conditions related to substance use disorder. 82833

(B) A chemical dependency counselor II may not practice as 82834  
an individual practitioner. 82835

**Sec. 4758.59.** (A) Subject to division (B) of this section, 82836  
an individual holding a valid chemical dependency counselor 82837  
assistant certificate ~~may do both of the following,~~ in addition 82838  
to practicing chemical dependency counseling;— 82839

~~(1) Perform,~~ may perform treatment planning, assessment, 82840  
crisis intervention, individual and group counseling, case 82841  
management, and education services as they relate to ~~abuse of or~~ 82842  
~~dependency on alcohol and other drugs;~~ 82843

~~(2) Refer individuals with nonchemical dependency~~ 82844  
~~conditions to appropriate sources of help~~behavioral health 82845  
conditions related to substance use disorder. 82846

(B) An individual holding a valid chemical dependency 82847  
counselor assistant certificate may practice ~~chemical dependency~~ 82848  
substance use disorder counseling and perform the tasks 82849  
specified in division (A) of this section only while under the 82850  
supervision of any of the following: 82851

(1) An independent chemical dependency counselor-clinical 82852  
supervisor, independent chemical dependency counselor, or 82853  
chemical dependency counselor III licensed under this chapter; 82854

(2) An individual authorized under Chapter 4731. of the 82855  
Revised Code to practice medicine and surgery or osteopathic 82856  
medicine and surgery; 82857

(3) A psychologist licensed under Chapter 4732. of the Revised Code; 82858  
82859

(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist; 82860  
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(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code. 82868  
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(C) A chemical dependency counselor assistant may not practice as an individual practitioner. 82871  
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**Sec. 4758.60.** An individual who holds a valid prevention consultant ~~certificate~~ license or prevention specialist ~~certificate~~ license issued under this chapter may engage in the practice of prevention services as specified in rules adopted under section 4758.20 of the Revised Code. 82873  
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**Sec. 4758.61.** An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of prevention services, as specified in rules adopted under section 4758.20 of the Revised Code, under the supervision of any of the following: 82878  
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(A) A prevention consultant or prevention specialist ~~certified~~ licensed under this chapter; 82884  
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(B) An individual authorized under Chapter 4731. of the 82886

Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	82887 82888
(C) A psychologist licensed under Chapter 4732. of the Revised Code;	82889 82890
(D) A registered nurse licensed under Chapter 4723. of the Revised Code;	82891 82892
(E) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;	82893 82894 82895 82896 82897
(F) A school counselor licensed by the state board of education pursuant to section 3319.22 of the Revised Code;	82898 82899
(G) A health education specialist certified by the national commission for health education credentialing;	82900 82901
(H) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.	82902 82903 82904
<b>Sec. 4758.62.</b> An individual who holds an independent chemical dependency counselor license and a gambling disorder endorsement may do all of the following:	82905 82906 82907
(A) Diagnose and treat gambling disorder conditions;	82908
(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders;	82909 82910 82911 82912
(C) Supervise gambling disorder counseling; <del>and</del>	82913

~~(D) Refer individuals with other gambling conditions to appropriate sources of help.~~ 82914  
82915

**Sec. 4758.63.** An individual who holds a chemical 82916  
dependency counselor III license and a gambling disorder 82917  
endorsement may do all of the following: 82918

(A) Treat gambling disorder conditions; 82919

(B) Diagnose gambling disorder conditions under 82920  
supervision; 82921

(C) Perform treatment planning, assessment, crisis 82922  
intervention, individual and group counseling, case management, 82923  
and educational services insofar as those functions relate to 82924  
gambling disorders; 82925

(D) Supervise gambling disorder counseling under 82926  
supervision; ~~and~~ 82927

~~(E) Refer individuals with other gambling conditions to appropriate sources of help.~~ 82928  
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The supervision required by divisions (B) and (D) of this 82930  
section shall be provided by an independent chemical dependency 82931  
counselor licensed under this chapter; an individual authorized 82932  
to practice medicine and surgery or osteopathic medicine and 82933  
surgery under Chapter 4731. of the Revised Code; a psychologist 82934  
licensed under Chapter 4732. of the Revised Code; an individual 82935  
authorized to practice as a certified nurse practitioner or 82936  
clinical nurse specialist under Chapter 4723. of the Revised 82937  
Code; a registered nurse licensed under Chapter 4723. of the 82938  
Revised Code; or a professional clinical counselor, independent 82939  
social worker, or independent marriage and family therapist 82940  
licensed under Chapter 4757. of the Revised Code. 82941



An individual holding a chemical dependency counselor III license shall not practice as an individual practitioner. 82942  
82943

**Sec. 4758.64.** (A) An individual who holds a chemical dependency counselor II license and a gambling disorder endorsement may do ~~all~~ both of the following: 82944  
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82946

~~(A)(1)~~ Treat gambling disorder conditions; 82947

~~(B)(2)~~ Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders, ~~and~~ 82948  
82949  
82950  
82951

~~(C) Refer individuals with other gambling conditions to appropriate sources of help.~~ 82952  
82953

(B) An individual holding a chemical dependency II license shall not practice as an individual practitioner. 82954  
82955

**Sec. 4758.65.** (A) The activities described in division (B) of this section may be performed only under the supervision of an individual described in section 4758.651 of the Revised Code. 82956  
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(B) (1) A peer supporter certified under this chapter may work with the following populations: 82959  
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(a) In the case of a peer recovery supporter, individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, as well as the individuals' caregivers or families; 82961  
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(b) In the case of a youth peer supporter, individuals who primarily are thirty years of age or younger with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability, as well as the individuals' caregivers or families; 82965  
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(c) In the case of a family peer supporter, caregivers or families of individuals with a mental illness or substance use disorder, or both, and who may also have a co-occurring developmental disability. 82970  
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(2) A peer supporter certified under this chapter may promote any of the following competencies for the populations within the peer supporter's scope of practice as specified in division (B) (1) of this section: 82974  
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82976  
82977

(a) Resiliency and recovery; 82978

(b) Self-determination; 82979

(c) Advocacy; 82980

(d) Well-being; 82981

(e) Skill development; 82982

(f) Any other competencies specified in rules adopted pursuant to section 4758.20 of the Revised Code. 82983  
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(3) A peer supporter may perform any other tasks within the peer supporter's scope of practice as established in rules adopted pursuant to section 4758.20 of the Revised Code. 82985  
82986  
82987

(C) A peer supporter may not practice as an individual practitioner. 82988  
82989

**Sec. 4758.651.** For purposes of section 4758.65 of the Revised Code, any of the following may supervise a peer supporter certified under this chapter: 82990  
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(A) A peer recovery supporter, youth peer supporter, or family peer supporter certified under this chapter who holds a peer support supervisor endorsement issued under this chapter; 82993  
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(B) A chemical dependency counselor II, chemical 82996

dependency counselor III, or independent chemical dependency 82997  
counselor licensed under this chapter who holds a peer support 82998  
supervisor endorsement issued under this chapter; 82999

(C) Any of the following who has completed the training 83000  
requirements specified in rules adopted under section 4758.20 of 83001  
the Revised Code to supervise peer supporters without holding a 83002  
peer support supervisor endorsement issued under this chapter: 83003

(1) A social worker, independent social worker, 83004  
professional counselor, professional clinical counselor, 83005  
marriage and family therapist, or independent marriage and 83006  
family therapist licensed under Chapter 4757. of the Revised 83007  
Code, if such supervision is consistent with the scope of 83008  
practice of the social worker, independent social worker, 83009  
professional counselor, professional clinical counselor, 83010  
marriage and family therapist, or independent marriage and 83011  
family therapist; 83012

(2) A psychologist licensed under Chapter 4732. of the 83013  
Revised Code; 83014

(3) A psychiatrist, as defined in section 5122.01 of the 83015  
Revised Code. 83016

**Sec. 4758.70.** (A) Except to the extent of providing 83017  
services authorized by this chapter, this chapter does not 83018  
authorize any individual to engage in either of the following: 83019

~~(A)~~ (1) The practice of psychology as defined in section 83020  
4732.01 of the Revised Code; 83021

~~(B)~~ (2) The practice of professional counseling, practice 83022  
of social work, or practice of marriage and family therapy, as 83023  
those terms are defined in section 4757.01 of the Revised Code. 83024

(B) Peer recovery supporters, youth peer supporters, or family peer supporters certified under this chapter are not authorized to engage in the practice of substance use disorder counseling or prevention services.

**Sec. 4758.80.** An independent chemical dependency counselor, peer recovery supporter, youth peer supporter, or family peer supporter may provide telehealth services in accordance with section 4743.09 of the Revised Code.

**Sec. 4758.99.** Whoever violates ~~division (A) or (B) of~~ section 4758.02 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the third degree.

**Sec. 4765.11.** (A) The state board of emergency medical, fire, and transportation services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish all of the following:

(1) Procedures for its governance and the control of its actions and business affairs;

(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;

(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;

- (4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee; 83054  
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- (5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (E) of section 4765.30 of the Revised Code; 83057  
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- (6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice; 83064  
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- (7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic; 83067  
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- (8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic; 83071  
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- (9) Standards for certificates of accreditation and certificates of approval; 83073  
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- (10) Qualifications for certificates to teach; 83075
- (11) Requirements for a certificate to practice; 83076
- (12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs; 83077  
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- (13) Procedures for conducting courses in recognizing 83082  
symptoms of life-threatening allergic reactions and in 83083  
calculating proper dosage levels and administering injections of 83084  
epinephrine to adult and pediatric patients who suffer life- 83085  
threatening allergic reactions; 83086
- (14) Examinations for certificates to practice; 83087
- (15) Procedures for administering examinations for 83088  
certificates to practice; 83089
- (16) Procedures for approving examinations that 83090  
demonstrate competence to have a certificate to practice renewed 83091  
without completing an emergency medical services continuing 83092  
education program; 83093
- (17) Procedures for granting extensions and exemptions of 83094  
emergency medical services continuing education requirements; 83095
- (18) Specifications of the emergency medical services that 83096  
first responders are authorized to perform under section 4765.35 83097  
of the Revised Code, that EMTs-basic are authorized to perform 83098  
under section 4765.37 of the Revised Code, that EMTs-I are 83099  
authorized to perform under section 4765.38 of the Revised Code, 83100  
and that paramedics are authorized to perform under section 83101  
4765.39 of the Revised Code; 83102
- (19) Standards and procedures for implementing the 83103  
requirements of section 4765.06 of the Revised Code, including 83104  
designations of the persons who are required to report 83105  
information to the board and the types of information to be 83106  
reported; 83107
- (20) Procedures for administering the emergency medical 83108  
services grant program established under section 4765.07 of the 83109  
Revised Code; 83110

- (21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board; 83111  
83112
- (22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel, including, subject to division (B) of section 4765.42 of the Revised Code, qualifications for a physician to be eligible to serve as the medical director of an emergency medical service organization or a member of its cooperating physician advisory board; 83113  
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- (23) The manner in which a patient, or a patient's parent, guardian, or custodian, may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code; 83120  
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- (24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code; 83124  
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83126  
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- (25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates; 83129  
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- (26) Procedures by which the holder of a certificate to practice who intends to retire may request the emergency medical service organization for which the holder performs services to direct the board to designate the holder as "retired" in the board's records when the holder retires. 83135  
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(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish any of the following:

(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;

(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code;

(3) Procedures and requirements for conducting background checks on applicants for the issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice in accordance with section 109.578 of the Revised Code;

(4) Any other rules necessary to implement this chapter.

(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional advisory boards appointed under section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.

(D) On and after April 6, 2023, the executive director shall not issue to any new applicant a certificate to practice as an emergency medical services assistant instructor. Any emergency medical services assistant instructor certificate that was issued in accordance with rules adopted under division (A) of this section prior to April 6, 2023, remains valid, subject to any conditions or responsibilities of retaining the validity



of that certificate, until the holder of the certificate allows 83169  
it to expire or lapse. The certificate may be renewed by the 83170  
holder of that certificate. The board shall adopt, amend, or 83171  
rescind rules in accordance with Chapter 119. of the Revised 83172  
Code in order to effectuate this division. 83173

(E) Except as otherwise provided in this division, before 83174  
adopting, amending, or rescinding any rule under this chapter, 83175  
the board shall submit the proposed rule to the director of 83176  
public safety for review. The director may review the proposed 83177  
rule for not more than sixty days after the date it is 83178  
submitted. If, within this sixty-day period, the director 83179  
approves the proposed rule or does not notify the board that the 83180  
rule is disapproved, the board may adopt, amend, or rescind the 83181  
rule as proposed. If, within this sixty-day period, the director 83182  
notifies the board that the proposed rule is disapproved, the 83183  
board shall not adopt, amend, or rescind the rule as proposed 83184  
unless at least twelve members of the board vote to adopt, 83185  
amend, or rescind it. 83186

This division does not apply to an emergency rule adopted 83187  
in accordance with section 119.03 of the Revised Code. 83188

(F) Notwithstanding any requirement for a certificate 83189  
issued in accordance with rules adopted by the board under this 83190  
section, the board, in accordance with Chapter 4796. of the 83191  
Revised Code, shall issue a certificate that is a license as 83192  
defined in section 4796.01 of the Revised Code to an individual 83193  
if either of the following applies: 83194

(1) The individual holds a license or certificate in 83195  
another state. 83196

(2) The individual has satisfactory work experience, a 83197

government certification, or a private certification as 83198  
described in that chapter as a first responder, emergency 83199  
medical technician-basic, emergency medical technician- 83200  
intermediate, or emergency medical technician-paramedic in a 83201  
state that does not issue that license or certificate. 83202

(G) Notwithstanding any provision of section 121.95 of the 83203  
Revised Code to the contrary, a regulatory restriction contained 83204  
in a rule adopted under division (A) (26) of this section is not 83205  
subject to sections 121.95 to 121.953 of the Revised Code. 83206

**Sec. 4765.55.** (A) The executive director of the state 83207  
board of emergency medical, fire, and transportation services, 83208  
with the advice and counsel of the firefighter and fire safety 83209  
inspector training committee of the state board of emergency 83210  
medical, fire, and transportation services, shall assist in the 83211  
establishment and maintenance by any state agency, or any 83212  
county, township, city, village, school district, or educational 83213  
service center of a fire service training program for the 83214  
training of all persons in positions of any fire training 83215  
certification level approved by the executive director, 83216  
including full-time paid firefighters, part-time paid 83217  
firefighters, volunteer firefighters, and fire safety inspectors 83218  
in this state. The executive director, with the advice and 83219  
counsel of the committee, shall adopt rules to regulate those 83220  
firefighter and fire safety inspector training programs, and 83221  
other training programs approved by the executive director. The 83222  
rules may include, but need not be limited to, training 83223  
curriculum, certification examinations, training schedules, 83224  
minimum hours of instruction, attendance requirements, required 83225  
equipment and facilities, basic physical requirements, and 83226  
methods of training for all persons in positions of any fire 83227  
training certification level approved by the executive director, 83228

including full-time paid firefighters, part-time paid 83229  
firefighters, volunteer firefighters, and fire safety 83230  
inspectors. The rules adopted to regulate training programs for 83231  
volunteer firefighters shall not require more than thirty-six 83232  
hours of training. 83233

The executive director, with the advice and counsel of the 83234  
committee, shall provide for the classification and chartering 83235  
of fire service training programs in accordance with rules 83236  
adopted under division (B) of this section, and may take action 83237  
against any chartered training program or applicant, in 83238  
accordance with rules adopted under divisions (B)(4) and (5) of 83239  
this section, for failure to meet standards set by the adopted 83240  
rules. 83241

(B) The executive director, with the advice and counsel of 83242  
the firefighter and fire safety inspector training committee of 83243  
the state board of emergency medical, fire, and transportation 83244  
services, shall adopt, and may amend or rescind, rules under 83245  
Chapter 119. of the Revised Code that establish all of the 83246  
following: 83247

(1) Requirements for, and procedures for chartering, the 83248  
training programs regulated by this section; 83249

(2) Requirements for, and requirements and procedures for 83250  
obtaining and renewing, an instructor certificate to teach the 83251  
training programs and continuing education classes regulated by 83252  
this section; 83253

(3) Requirements for, and requirements and procedures for 83254  
obtaining and renewing, any of the fire training certificates 83255  
regulated by this section; 83256

(4) Grounds and procedures for suspending, revoking, 83257

restricting, or refusing to issue or renew any of the 83258  
certificates or charters regulated by this section, which 83259  
grounds shall be limited to one of the following: 83260

(a) Failure to satisfy the education or training 83261  
requirements of this section; 83262

(b) Conviction of a felony offense; 83263

(c) Conviction of a misdemeanor involving moral turpitude; 83264

(d) Conviction of a misdemeanor committed in the course of 83265  
practice; 83266

(e) In the case of a chartered training program or 83267  
applicant, failure to meet standards set by the rules adopted 83268  
under this division. 83269

(5) Grounds and procedures for imposing and collecting 83270  
fines, not to exceed one thousand dollars, in relation to 83271  
actions taken under division (B) (4) of this section against 83272  
persons holding certificates and charters regulated by this 83273  
section, the fines to be deposited into the trauma and emergency 83274  
medical services fund established under section 4513.263 of the 83275  
Revised Code; 83276

(6) Continuing education requirements for certificate 83277  
holders, including a requirement that credit shall be granted 83278  
for in-service training programs conducted by local entities. 83279  
The continuing education requirements shall not require more 83280  
than thirty-six hours of continuing education every three-year 83281  
certification cycle. Local entities may require additional 83282  
continuing education, provided that completion of such 83283  
additional continuing education is not required for renewal of 83284  
certification. 83285

(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;

(8) Certification cycles for which the certificates and charters regulated by this section are valid;

(9) If determined necessary by the executive director, procedures and requirements for conducting background checks on applicants for the issuance and renewal of certification as a fire safety inspector in accordance with section 109.578 of the Revised Code;

(10) Procedures by which a firefighter or fire safety inspector who intends to retire may request the department for which the firefighter or inspector performs services to direct the executive director of the state board of emergency medical, fire, and transportation services to designate the firefighter or inspector as "retired" in the board's records when the firefighter or inspector retires.

(C) (1) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against an instructor certificate holder or applicant in accordance with rules adopted under division (B) of this section.

(2) On and after April 6, 2023, the executive director

shall not issue to any new applicant a certificate to practice  
as an assistant fire instructor. Any assistant fire instructor  
certificate that was issued in accordance with rules adopted  
under division (B) of this section prior to April 6, 2023,  
remains valid, subject to any conditions or responsibilities of  
retaining the validity of that certificate, until the holder of  
the certificate allows it to expire or lapse. The certificate  
may be renewed by the holder of that certificate. The executive  
director shall adopt, amend, or rescind rules in accordance with  
Chapter 119. of the Revised Code in order to effectuate division  
(C) (2) of this section.

(3) The executive director, with the advice and counsel of  
the committee, shall charter or renew the charter of any  
training program that the executive director determines meets  
the qualifications established in rules adopted under division  
(B) of this section, and may take disciplinary action against  
the holder of a charter in accordance with rules adopted under  
division (B) of this section.

(D) The executive director shall issue or renew a fire  
training certificate for a firefighter, a fire safety inspector,  
or another position of any fire training certification level  
approved by the executive director, to any applicant that the  
executive director determines meets the qualifications  
established in rules adopted under division (B) of this section  
and may take disciplinary actions against a certificate holder  
or applicant in accordance with rules adopted under division (B)  
of this section.

(E) Certificates issued under this section shall be on a  
form prescribed by the executive director, with the advice and  
counsel of the firefighter and fire safety inspector training

committee of the state board of emergency medical, fire, and 83345  
transportation services. 83346

(F) (1) The executive director, with the advice and counsel 83347  
of the firefighter and fire safety inspector training committee 83348  
of the state board of emergency medical, fire, and 83349  
transportation services, shall establish criteria for evaluating 83350  
the standards maintained by the branches of the United States 83351  
military for firefighter, fire safety inspector, and fire 83352  
instructor training programs, and other training programs 83353  
recognized by the executive director, to determine whether the 83354  
standards are equivalent to those established under this section 83355  
and shall establish requirements and procedures for issuing a 83356  
certificate to each person who presents proof to the executive 83357  
director of having satisfactorily completed a training program 83358  
that meets those standards. 83359

(2) The executive director, with the committee's advice 83360  
and counsel, shall adopt rules establishing requirements and 83361  
procedures for issuing a fire training certificate in lieu of 83362  
completing a chartered training program. 83363

(G) Notwithstanding any requirement for a certificate 83364  
issued under this section, the executive director shall issue a 83365  
certificate in accordance with Chapter 4796. of the Revised Code 83366  
to an individual if either of the following applies: 83367

(1) The individual holds a license or certificate in 83368  
another state. 83369

(2) The individual has satisfactory work experience, a 83370  
government certification, or a private certification as 83371  
described in that chapter as a firefighter or fire safety 83372  
inspector in a state that does not issue that license or 83373

certificate. 83374

(H) Nothing in this section invalidates any other section 83375  
of the Revised Code relating to the fire training academy. 83376  
Section 4765.11 of the Revised Code does not affect any powers 83377  
and duties granted to the executive director under this section. 83378

(I) Notwithstanding any provision of division (B) (4) of 83379  
this section to the contrary, the executive director shall not 83380  
adopt rules for refusing to issue any of the certificates or 83381  
charters regulated by this section to an applicant because of a 83382  
criminal conviction unless the rules establishing grounds and 83383  
procedures for refusal are in accordance with section 9.79 of 83384  
the Revised Code. 83385

(J) Notwithstanding any provision of section 121.95 of the 83386  
Revised Code to the contrary, a regulatory restriction contained 83387  
in a rule adopted under division (A) (10) of this section is not 83388  
subject to sections 121.95 to 121.953 of the Revised Code. 83389

**Sec. 4767.10.** (A) The division of real estate in the 83390  
department of commerce shall use one dollar six dollars of each 83391  
burial permit fee collected pursuant to section 3705.17 of the 83392  
Revised Code and paid into the state treasury to the credit of 83393  
the cemetery registration fund created under section 4767.03 of 83394  
the Revised Code to advance grants to cemeteries registered with 83395  
the division to defray the costs of exceptional cemetery 83396  
maintenance or training cemetery personnel in the maintenance 83397  
and operation of cemeteries. The division may not provide a 83398  
grant to a corporation or association that operates a cemetery 83399  
for profit. Grants provided under this section shall not exceed 83400  
five thousand dollars. An operator of five or more cemeteries 83401  
registered with the division may apply for and receive one grant 83402  
per year. All other operators of cemeteries registered with the 83403



division may apply for and receive one grant every other year. 83404  
The division shall advance grants from the cemetery registration 83405  
fund in accordance with rules adopted by the Ohio cemetery 83406  
dispute resolution commission under Chapter 119. of the Revised 83407  
Code. 83408

(B) The director of commerce may increase, by rule adopted 83409  
under Chapter 119. of the Revised Code, the amount of total 83410  
grants the division may advance in a fiscal year if the director 83411  
determines the total amount of funds generated exceeds the 83412  
amount of funds the division needs to carry out its powers and 83413  
duties under this section. If the director determines the 83414  
increased amount depletes the amount of funds the division needs 83415  
to carry out its powers and duties under this section, the 83416  
director may decrease the amount not below the amount specified 83417  
in division (A) of this section. 83418

**Sec. 4776.01.** As used in this chapter: 83419

(A) "License" means an authorization evidenced by a 83420  
license, certificate, registration, permit, card, or other 83421  
authority that is issued or conferred by a licensing agency to a 83422  
licensee or to an applicant for an initial license by which the 83423  
licensee or initial license applicant has or claims the 83424  
privilege to engage in a profession, occupation, or occupational 83425  
activity, or, except in the case of the state dental board, to 83426  
have control of and operate certain specific equipment, 83427  
machinery, or premises, over which the licensing agency has 83428  
jurisdiction. 83429

(B) Except as provided in section 4776.20 of the Revised 83430  
Code, "licensee" means the person to whom the license is issued 83431  
by a licensing agency. "Licensee" includes a person who, for 83432  
purposes of section 3796.13 of the Revised Code, has complied 83433

with sections 4776.01 to 4776.04 of the Revised Code and has 83434  
been determined by the division of marijuana control, as the 83435  
applicable licensing agency, to meet the requirements for 83436  
employment. 83437

(C) Except as provided in section 4776.20 of the Revised 83438  
Code, "licensing agency" means any of the following: 83439

(1) The board authorized by Chapters 4701., 4717., 4725., 83440  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 83441  
4753., 4755., 4757., 4758., 4759., 4760., 4761., 4762., 4772., 83442  
4774., 4778., 4779., and 4783. of the Revised Code to issue a 83443  
license to engage in a specific profession, occupation, or 83444  
occupational activity, or to have charge of and operate certain 83445  
specific equipment, machinery, or premises. 83446

(2) The state dental board, relative to its authority to 83447  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 83448  
or 4715.27 of the Revised Code; 83449

(3) The division of marijuana control, relative to its 83450  
authority under Chapter 3796. of the Revised Code and any rules 83451  
adopted under that chapter with respect to a person who is 83452  
subject to section 3796.13 of the Revised Code; 83453

(4) The director of agriculture, relative to the 83454  
director's authority to issue licenses under Chapter 928. of the 83455  
Revised Code. 83456

(D) "Applicant for an initial license" includes persons 83457  
seeking a license for the first time and persons seeking a 83458  
license by reciprocity, endorsement, or similar manner of a 83459  
license issued in another state. "Applicant for an initial 83460  
license" also includes a person who, for purposes of section 83461  
3796.13 of the Revised Code, is required to comply with sections 83462

4776.01 to 4776.04 of the Revised Code. 83463

(E) "Applicant for a restored license" includes persons 83464  
seeking restoration of a license under section 4730.14, 4730.28, 83465  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 83466  
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 83467  
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 83468  
"Applicant for a restored license" does not include a person 83469  
seeking restoration of a license under section 4751.33 of the 83470  
Revised Code. 83471

(F) "Criminal records check" has the same meaning as in 83472  
section 109.572 of the Revised Code. 83473

**Sec. 4776.20.** (A) As used in this section: 83474

(1) "Licensing agency" means, in addition to each board 83475  
identified in division (C) of section 4776.01 of the Revised 83476  
Code, the board or other government entity authorized to issue a 83477  
license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 83478  
4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 83479  
4747., 4749., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 83480  
4766., 4771., 4773., and 4781. of the Revised Code. "Licensing 83481  
agency" includes an administrative officer that has authority to 83482  
issue a license. 83483

(2) "Licensee" means, in addition to a licensee as 83484  
described in division (B) of section 4776.01 of the Revised 83485  
Code, the person to whom a license is issued by the board or 83486  
other government entity authorized to issue a license under 83487  
Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 83488  
4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 83489  
4751., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 83490  
4771., 4773., and 4781. of the Revised Code. 83491

(3) "Prosecutor" has the same meaning as in section 83492  
2935.01 of the Revised Code. 83493

(B) On a licensee's conviction of, plea of guilty to, 83494  
judicial finding of guilt of, or judicial finding of guilt 83495  
resulting from a plea of no contest to the offense of 83496  
trafficking in persons in violation of section 2905.32 of the 83497  
Revised Code, the prosecutor in the case shall promptly notify 83498  
the licensing agency of the conviction, plea, or finding and 83499  
provide the licensee's name and residential address. On receipt 83500  
of this notification, the licensing agency shall immediately 83501  
suspend the licensee's license. 83502

(C) If there is a conviction of, plea of guilty to, 83503  
judicial finding of guilt of, or judicial finding of guilt 83504  
resulting from a plea of no contest to the offense of 83505  
trafficking in persons in violation of section 2905.32 of the 83506  
Revised Code and all or part of the violation occurred on the 83507  
premises of a facility that is licensed by a licensing agency, 83508  
the prosecutor in the case shall promptly notify the licensing 83509  
agency of the conviction, plea, or finding and provide the 83510  
facility's name and address and the offender's name and 83511  
residential address. On receipt of this notification, the 83512  
licensing agency shall immediately suspend the facility's 83513  
license. 83514

(D) Notwithstanding any provision of the Revised Code to 83515  
the contrary, the suspension of a license under division (B) or 83516  
(C) of this section shall be implemented by a licensing agency 83517  
without a prior hearing. After the suspension, the licensing 83518  
agency shall give written notice to the subject of the 83519  
suspension of the right to request a hearing under Chapter 119. 83520  
of the Revised Code. After a hearing is held, the licensing 83521

agency shall either revoke or permanently revoke the license of 83522  
the subject of the suspension, unless it determines that the 83523  
license holder has not been convicted of, pleaded guilty to, 83524  
been found guilty of, or been found guilty based on a plea of no 83525  
contest to the offense of trafficking in persons in violation of 83526  
section 2905.32 of the Revised Code. 83527

**Sec. 4785.041.** (A) The division of industrial compliance 83528  
within the department of commerce may renew a license issued 83529  
under section 4785.04 of the Revised Code if the licensee does 83530  
all of the following: 83531

(1) Submits an application for license renewal on a form 83532  
prescribed by the division; 83533

(2) Pays the license renewal fee established by the 83534  
division; 83535

(3) If the licensee is an elevator mechanic, submits 83536  
evidence that the applicant has completed the continuing 83537  
education coursework described in division (B) of this section; 83538

(4) If the license is an elevator contractor's license, 83539  
submits proof that the applicant is in compliance with the 83540  
insurance requirements prescribed in section 4785.07 of the 83541  
Revised Code. 83542

(B) The continuing education courses described in division 83543  
(A) (3) of this section shall: 83544

(1) Instruct licensees on new and existing rules and 83545  
standards adopted by the division; 83546

(2) Consist of not less than eight hours of instruction; 83547

(3) Be attended and completed within one year immediately 83548  
preceding the scheduled date for the license renewal; 83549

(4) Be taught by instructors through continuing education providers approved by the division. 83550  
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(C) A continuing education instructor who holds a license under this chapter is exempt from the continuing education requirement prescribed in division (A) (3) of this section, provided that any such applicant was qualified as an instructor at any time during the year immediately preceding the scheduled date for the license renewal. 83552  
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(D) (1) A licensee who is unable to complete the continuing education coursework required under this section before the expiration of the licensee's license due to a temporary disability may apply for a temporary continuing education waiver from the division. 83558  
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(2) An application for a temporary continuing education waiver shall be made in a form prescribed by the division, which shall be signed by the applicant ~~under the penalty of perjury~~ and accompanied by a ~~certified~~ statement from a competent physician attesting to the temporary disability. If the division grants the waiver, the licensee's license does not expire but is placed on inactive status. 83563  
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(3) On the termination of the temporary disability, the licensee shall submit to the division a ~~certified~~ statement from the same physician, if practicable, attesting to the termination of the temporary disability. The division shall then take the licensee's license off inactive status and shall issue a waiver sticker, valid for ninety days, to the licensee and affix the sticker to the license. The licensee may then perform the tasks the license authorizes the licensee to perform but the licensee shall meet the continuing education requirement during this ninety-day period or be considered to have not met the 83570  
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continuing education requirement and the license shall be deemed 83580  
to be expired. 83581

(E) (1) Approved continuing education providers shall keep 83582  
uniform records, for a period of ten years, of attendance of 83583  
licensees in a format approved by the division. Such records 83584  
shall be available for inspection by the division on request. 83585

(2) Approved training providers are responsible for the 83586  
security of all attendance records and certificates of 83587  
completion, provided, however, that falsifying or knowingly 83588  
allowing another to falsify such attendance records or 83589  
certificates of completion constitutes grounds for suspension or 83590  
revocation of a continuing education provider's division 83591  
approval. 83592

(F) The division shall not renew the license of an 83593  
individual or entity if the individual or entity would be denied 83594  
an initial license for a reason listed in division (E) of 83595  
section 4785.04 of the Revised Code. 83596

**Sec. 4903.10.** After any order has been made by the public 83597  
utilities commission, any party who has entered an appearance in 83598  
person or by counsel in the proceeding may apply for a rehearing 83599  
in respect to any matters determined in the proceeding. Such 83600  
application shall be filed within thirty days after the entry of 83601  
the order upon the journal of the commission. 83602

Notwithstanding the preceding paragraph, in any 83603  
uncontested proceeding or, by leave of the commission first had 83604  
in any other proceeding, any affected person, firm, or 83605  
corporation may make an application for a rehearing within 83606  
thirty days after the entry of any final order upon the journal 83607  
of the commission. Leave to file an application for rehearing 83608

shall not be granted to any person, firm, or corporation who did 83609  
not enter an appearance in the proceeding unless the commission 83610  
first finds: 83611

(A) The applicant's failure to enter an appearance prior 83612  
to the entry upon the journal of the commission of the order 83613  
complained of was due to just cause; and, 83614

(B) The interests of the applicant were not adequately 83615  
considered in the proceeding. 83616

Every applicant for rehearing or for leave to file an 83617  
application for rehearing shall give due notice of the filing of 83618  
such application to all parties who have entered an appearance 83619  
in the proceeding in the manner and form prescribed by the 83620  
commission. 83621

Such application shall be in writing and shall set forth 83622  
specifically the ground or grounds on which the applicant 83623  
considers the order to be unreasonable or unlawful. No party 83624  
shall in any court urge or rely on any ground for reversal, 83625  
vacation, or modification not so set forth in the application. 83626

Where such application for rehearing has been filed before 83627  
the effective date of the order as to which a rehearing is 83628  
sought, the effective date of such order, unless otherwise 83629  
ordered by the commission, shall be postponed or stayed pending 83630  
disposition of the matter by the commission or by operation of 83631  
law. In all other cases the making of such an application shall 83632  
not excuse any person from complying with the order, or operate 83633  
to stay or postpone the enforcement thereof, without a special 83634  
order of the commission. 83635

Where such application for rehearing has been filed, the 83636  
commission may grant and hold such rehearing on the matter 83637



specified in such application, if in its judgment sufficient 83638  
reason therefor is made to appear. Notice of such rehearing 83639  
shall be given by regular mail to all parties who have entered 83640  
an appearance in the proceeding. 83641

If the commission does not grant or deny such application 83642  
for rehearing within thirty days from the date of filing 83643  
thereof, it is denied by operation of law. 83644

If the commission grants such rehearing, it shall specify 83645  
in the notice of such granting the purpose for which it is 83646  
granted. The commission shall also specify the scope of the 83647  
additional evidence, if any, that will be taken, but it shall 83648  
not upon such rehearing take any evidence that, with reasonable 83649  
diligence, could have been offered upon the original hearing. 83650

If, after such rehearing, the commission is of the opinion 83651  
that the original order or any part thereof is in any respect 83652  
unjust or unwarranted, or should be changed, the commission may 83653  
abrogate or modify the same; otherwise such order shall be 83654  
affirmed. An order made after such rehearing, abrogating or 83655  
modifying the original order, shall have the same effect as an 83656  
original order, but shall not affect any right or the 83657  
enforcement of any right arising from or by virtue of the 83658  
original order prior to the receipt of notice by the affected 83659  
party of the filing of the application for rehearing. 83660

If the commission does not affirm, abrogate, or modify the 83661  
original order within ninety days from the date granting such 83662  
rehearing, the order is affirmed by operation of law. 83663

No cause of action arising out of any order of the 83664  
commission, other than in support of the order, shall accrue in 83665  
any court to any person, firm, or corporation unless such 83666

person, firm, or corporation has made a proper application to 83667  
the commission for a rehearing. 83668

**Sec. 4905.40.** (A) A public utility or a railroad may, when 83669  
authorized by order of the public utilities commission, issue 83670  
stocks, bonds, notes, and other evidences of indebtedness, 83671  
payable at periods of more than twelve months after their date 83672  
of issuance, when necessary: 83673

(1) For the acquisition of property, the construction, 83674  
completion, extension, renewal, or improvement of its 83675  
facilities, or the improvement of its service; or 83676

(2) For reorganization or readjustment of its indebtedness 83677  
and capitalization, for the discharge or lawful refunding of its 83678  
obligation, or for the reimbursement of moneys actually expended 83679  
for such purposes from income or from any other moneys in the 83680  
treasury of the public utility or railroad not secured or 83681  
obtained from the issue of stocks, bonds, notes, or other 83682  
evidences of indebtedness of such public utility or railroad. No 83683  
reimbursement of moneys expended for such purposes from income 83684  
or other moneys in the treasury shall be authorized unless the 83685  
applicant has kept its accounts and vouchers of such 83686  
expenditures in such manner as to enable the commission to 83687  
ascertain the amount and purposes of such expenditures. 83688

(B) Any public utility, subject to the jurisdiction of the 83689  
commission, may, when authorized by the commission, issue shares 83690  
of common capital stock to acquire or pay for shares of common 83691  
capital stock of a public utility of this or an adjoining state 83692  
whose property is so located as to permit the operation of the 83693  
properties of such utilities as an integrated system if the 83694  
applicant owns, or by this issue will acquire, not less than 83695  
sixty-five per cent of the issued and outstanding common capital 83696

shares of the company whose shares are to be acquired, and if 83697  
the consideration to be capitalized by the acquiring company 83698  
does not exceed the par or stated value at which the shares so 83699  
acquired were issued. 83700

(C) Any bonds, notes, or other evidences of indebtedness 83701  
payable at periods of more than twelve months after their date 83702  
may be issued as provided in sections 4905.40 to 4905.43 of the 83703  
Revised Code, regardless of the amount of the capital stock of 83704  
the public utility or railroad, subject to the approval of the 83705  
commission of the excess of such bonds, notes, or other 83706  
evidences of indebtedness above the amount of the capital stock 83707  
of such public utility or railroad. 83708

(D) The commission shall authorize on the best terms 83709  
obtainable such issues of stocks, bonds, and other evidences of 83710  
indebtedness as are necessary to enable any public utility to 83711  
comply with any contract made between such public utility and 83712  
any municipal corporation prior to June 30, 1911. 83713

(E) The commission may authorize a public utility that is 83714  
an electric light company to issue equity securities, or debt 83715  
securities having a term of more than twelve months from the 83716  
date of issuance, for the purpose of yielding to the company the 83717  
capacity to acquire a facility that produces fuel for the 83718  
generation of electricity. 83719

(F) In any proceeding under division (A) (1) of this 83720  
section initiated by a public utility, the commission shall 83721  
determine and set forth in its order: 83722

(1) Whether the purpose to which the issue or any proceeds 83723  
of it shall be applied was or is reasonably required by the 83724  
utility to meet its present and prospective obligations to 83725

provide utility service; 83726

(2) Whether the amount of the issue and the probable cost 83727  
of such stocks, bonds, notes, or other evidences of indebtedness 83728  
is just and reasonable; 83729

(3) What effect, if any, the issuance of such stocks, 83730  
bonds, notes, or other evidences of indebtedness and the cost 83731  
thereof will have upon the present and prospective revenue 83732  
requirements of the utility. 83733

(G) Sections 4905.40 to 4905.42 of the Revised Code do not 83734  
apply to stocks, bonds, notes, or other evidence of indebtedness 83735  
issued for the purpose of financing oil or natural gas drilling, 83736  
producing, gathering, and associated activities and facilities 83737  
by a producer which supplies to no more than twenty purchasers 83738  
only such gas as is produced, gathered, or purchased by such 83739  
producer within this state. 83740

(H) Each public utility seeking authorization from the 83741  
commission for the issuance of securities to finance the 83742  
installation, construction, extension, or improvement of an air 83743  
quality facility, as defined in section 3706.01 of the Revised 83744  
Code, shall consider the availability of financing therefor from 83745  
the ~~Ohio office of air quality development authority~~ and shall 83746  
demonstrate to the commission that the proposed financing will 83747  
be obtained on the best terms obtainable. 83748

(I) This section does not apply to a telephone company. 83749

Sec. 4925.11. (A) As used in sections 4925.11 to 4925.13 83750  
of the Revised Code: 83751

(1) "Authorized adult" means a parent, legal guardian, 83752  
resource caregiver, or another individual over the age of 83753  
twenty-one who acts in loco parentis of an unaccompanied rider. 83754

(2) "Authorized transportation" means transportation to and from a school, school-related activities, school-sanctioned activities, or other pre-established location. 83755  
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(3) "Eligible transportation network company" means a transportation network company that holds a permit under this chapter and uses eligible transportation network company drivers for authorized transportation of unaccompanied riders. 83758  
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(4) "Eligible transportation network company driver" means a transportation network company driver that meets the qualifications specified under both sections 4925.04 and 4925.12 of the Revised Code. 83762  
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(5) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 83766  
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(6) "School" means all of the following: 83768

(a) A city, exempted village, local, or joint vocational school district; 83769  
83770

(b) A community school established under Chapter 3314. of the Revised Code; 83771  
83772

(c) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; 83773  
83774

(d) A chartered nonpublic school; 83775

(e) An educational service center, on behalf of a school or district. 83776  
83777

(7) "Unaccompanied rider" means an individual who is under eighteen years of age using authorized transportation through an eligible transportation network company when an authorized adult is not riding with that individual. 83778  
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(B) (1) The board of education or governing authority of a school may contract with an eligible transportation network company for regular authorized transportation of unaccompanied riders in accordance with sections 4925.11 to 4925.13 of the Revised Code. Any eligible transportation network company that contracts with a board of education or governing authority of a school shall provide an annual safety report to that board or governing authority. 83782  
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(2) An authorized adult may request authorized transportation from an eligible transportation network company driver for an unaccompanied rider through an eligible transportation network company. 83790  
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**Sec. 4925.12.** (A) A transportation network company shall not authorize a person to act as an eligible transportation network driver for purposes of authorized transportation of unaccompanied riders if any of the following apply: 83794  
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(1) The person does not meet the minimum requirements for a transportation network company driver under section 4925.04 of the Revised Code. 83798  
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(2) The person is under twenty-one years of age. 83801

(3) The person has less than two years of driving experience. 83802  
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(4) The person has been convicted of or pleaded guilty to a violation of section 4511.19 of the Revised Code, or a substantially equivalent municipal ordinance, within the prior ten years. 83804  
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(5) The person has more than six points on the person's driver's license within the prior two years. 83808  
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(6) The person does not successfully complete a criminal records check in accordance with section 109.572 of the Revised Code prior to transporting unaccompanied riders. 83810  
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(7) The person does not successfully complete a pre-service training course in accordance with division (C) of this section. 83813  
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(8) The person does not have an automobile insurance policy that either meets the requirements of sections 3942.02 to 3942.04 of the Revised Code or is provided by the transportation network company as a part of its contract with a board of education or governing authority of a school under division (B) (1) of section 4925.11 of the Revised Code. 83816  
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(B) A transportation network company shall do all of the following in order to qualify as an eligible transportation network company: 83822  
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(1) Be in compliance with the requirements for a transportation network company under this chapter; 83825  
83826

(2) Obtain and review the motor vehicle driving records of its eligible transportation network company drivers not less than every six months and maintain those records for not less than six years; 83827  
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(3) Maintain an automobile insurance policy that meets the requirements of sections 3942.02 to 3942.04 of the Revised Code and, if under contract with a board of education or governing authority of a school, names that board or governing authority as a covered entity under that policy; 83831  
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(4) Authorize only eligible transportation network company drivers to provide authorized transportation to unaccompanied riders. 83836  
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(C) (1) An eligible transportation network company shall 83839  
either provide or shall approve a pre-service training course 83840  
for its transportation network company drivers. The course may 83841  
be completed in one or multiple sessions. 83842

(2) Except as provided under division (C) (3) of this 83843  
section, the pre-service training course shall include all of 83844  
the following topics: 83845

(a) Public and staff relations and conflict resolution; 83846

(b) Transporting preschool and special needs children; 83847

(c) Equipment and care, including the operation of all 83848  
adaptive equipment needed to safely transport preschool and 83849  
special needs students; 83850

(d) Defensive driving; 83851

(e) Student management, including bullying behaviors; 83852

(f) Safety and emergency procedures; 83853

(g) Motor vehicle laws and student transportation 83854  
operation and safety rules; 83855

(h) Signs, signals, and pavement markings; 83856

(i) Fuel conservation; 83857

(j) Safe radio and electronic wireless communications 83858  
device use while operating a vehicle. 83859

(3) The company may waive one or more of the topics as 83860  
part of the course if the transportation network company driver 83861  
being trained clearly demonstrates sufficient knowledge of the 83862  
topic in advance of the course. 83863

**Sec. 4925.13. (A) An eligible transportation network** 83864



company driver operating a vehicle for the transportation of 83865  
unaccompanied riders in accordance with section 4925.11 of the 83866  
Revised Code shall do all of the following: 83867

(1) Operate a vehicle that is originally designed and 83868  
manufactured for not more than nine passengers, not including 83869  
the driver; 83870

(2) Transport not more than the maximum number of 83871  
passengers permitted based on the manufacturer's stated capacity 83872  
of and passenger rating for the vehicle; 83873

(3) Load and unload passengers in a safe location that is 83874  
not on the roadway; 83875

(4) Comply with and ensure all passengers comply with the 83876  
requirements of sections 4511.81 and 4513.263 of the Revised 83877  
Code, as applicable; 83878

(5) Perform a daily pre-trip inspection before 83879  
transporting unaccompanied riders in accordance with division 83880  
(B) of this section and document that inspection; 83881

(6) Use a global positioning system device to allow for 83882  
real-time monitoring of the transportation of the unaccompanied 83883  
riders in accordance with division (C) of this section. 83884

(B) (1) A daily pre-trip inspection report shall include 83885  
all of the following: 83886

(a) Identification of the vehicle and a safety check of 83887  
any parts of the vehicle required to be a part of the inspection 83888  
documented on a paper or electronic form provided by the 83889  
eligible transportation network company; 83890

(b) Identification and listing of any defects or 83891  
deficiencies, discovered by or reported to the driver, that 83892

would affect the safety or operation of the vehicle; 83893

(c) An indication if no defects or deficiencies were found 83894  
during the inspection; 83895

(d) The signature or certification, documented on a paper 83896  
or electronic form, of the driver and date and time of the 83897  
inspection. 83898

(2) The pre-trip inspection report shall be submitted to 83899  
the eligible transportation network company and retained by the 83900  
company for not less than three months after the date the 83901  
inspection report was completed. 83902

(3) If a pre-trip inspection identifies defects or 83903  
deficiencies, the transportation network company driver shall 83904  
not use that vehicle to transport unaccompanied riders until the 83905  
vehicle has been inspected by a mechanic or other reliable 83906  
source for vehicle repair and maintenance and the mechanic or 83907  
other reliable source either repairs the defects or deficiencies 83908  
or certifies that a repair is unnecessary. 83909

(C) An eligible transportation network company shall use 83910  
and provide to its eligible transportation network company 83911  
drivers transporting unaccompanied riders a technology-enabled 83912  
integrated method or service that provides start-to-finish 83913  
visibility for the company, the authorized adult, and the 83914  
school, as applicable. The method or service shall incorporate 83915  
global positioning system monitoring of all rides provided by 83916  
the eligible transportation network company drivers in real- 83917  
time, including for safety-related anomalies. 83918

**Sec. 4928.06.** (A) Beginning on the starting date of 83919  
competitive retail electric service, the public utilities 83920  
commission shall ensure that the policy specified in section 83921

4928.02 of the Revised Code is effectuated. To the extent 83922  
necessary, the commission shall adopt rules to carry out this 83923  
chapter. Initial rules necessary for the commencement of the 83924  
competitive retail electric service under this chapter shall be 83925  
adopted within one hundred eighty days after the effective date 83926  
of this section. Except as otherwise provided in this chapter, 83927  
the proceedings and orders of the commission under the chapter 83928  
shall be subject to and governed by Chapter 4903. of the Revised 83929  
Code. 83930

(B) If the commission determines, on or after the starting 83931  
date of competitive retail electric service, that there is a 83932  
decline or loss of effective competition with respect to a 83933  
competitive retail electric service of an electric utility, 83934  
which service was declared competitive by commission order 83935  
issued pursuant to division (A) of section 4928.04 of the 83936  
Revised Code, the commission shall ensure that that service is 83937  
provided at compensatory, fair, and nondiscriminatory prices and 83938  
terms and conditions. 83939

(C) In addition to its authority under section 4928.04 of 83940  
the Revised Code and divisions (A) and (B) of this section, the 83941  
commission, on an ongoing basis, shall monitor and evaluate the 83942  
provision of retail electric service in this state for the 83943  
purpose of discerning any noncompetitive retail electric service 83944  
that should be available on a competitive basis on or after the 83945  
starting date of competitive retail electric service pursuant to 83946  
a declaration in the Revised Code, and for the purpose of 83947  
discerning any competitive retail electric service that is no 83948  
longer subject to effective competition on or after that date. 83949  
Upon such evaluation, the commission periodically shall report 83950  
its findings and any recommendations for legislation to the 83951  
standing committees of both houses of the general assembly that 83952

have primary jurisdiction regarding public utility legislation. 83953  
~~Until 2008, the commission and the consumer's counsel also shall 83954~~  
~~provide biennial reports to those standing committees, regarding 83955~~  
~~the effectiveness of competition in the supply of competitive 83956~~  
~~retail electric services in this state. In addition, until the 83957~~  
~~end of all market development periods as determined by the 83958~~  
~~commission under section 4928.40 of the Revised Code, those 83959~~  
~~standing committees shall meet at least biennially to consider 83960~~  
~~the effect on this state of electric service restructuring and 83961~~  
~~to receive reports from the commission, consumers' counsel, and 83962~~  
~~director of development. 83963~~

(D) In determining, for purposes of division (B) or (C) of 83964  
this section, whether there is effective competition in the 83965  
provision of a retail electric service or reasonably available 83966  
alternatives for that service, the commission shall consider 83967  
factors including, but not limited to, all of the following: 83968

(1) The number and size of alternative providers of that 83969  
service; 83970

(2) The extent to which the service is available from 83971  
alternative suppliers in the relevant market; 83972

(3) The ability of alternative suppliers to make 83973  
functionally equivalent or substitute services readily available 83974  
at competitive prices, terms, and conditions; 83975

(4) Other indicators of market power, which may include 83976  
market share, growth in market share, ease of entry, and the 83977  
affiliation of suppliers of services. 83978

The burden of proof shall be on any entity requesting, 83979  
under division (B) or (C) of this section, a determination by 83980  
the commission of the existence of or a lack of effective 83981

competition or reasonably available alternatives. 83982

(E) (1) Beginning on the starting date of competitive 83983  
retail electric service, the commission has authority under 83984  
Chapters 4901. to 4909. of the Revised Code, and shall exercise 83985  
that authority, to resolve abuses of market power by any 83986  
electric utility that interfere with effective competition in 83987  
the provision of retail electric service. 83988

(2) In addition to the commission's authority under 83989  
division (E) (1) of this section, the commission, beginning the 83990  
first year after the market development period of a particular 83991  
electric utility and after reasonable notice and opportunity for 83992  
hearing, may take such measures within a transmission 83993  
constrained area in the utility's certified territory as are 83994  
necessary to ensure that retail electric generation service is 83995  
provided at reasonable rates within that area. The commission 83996  
may exercise this authority only upon findings that an electric 83997  
utility is or has engaged in the abuse of market power and that 83998  
that abuse is not adequately mitigated by rules and practices of 83999  
any independent transmission entity controlling the transmission 84000  
facilities. Any such measure shall be taken only to the extent 84001  
necessary to protect customers in the area from the particular 84002  
abuse of market power and to the extent the commission's 84003  
authority is not preempted by federal law. The measure shall 84004  
remain in effect until the commission, after reasonable notice 84005  
and opportunity for hearing, determines that the particular 84006  
abuse of market power has been mitigated. 84007

(F) An electric utility, electric services company, 84008  
electric cooperative, or governmental aggregator subject to 84009  
certification under section 4928.08 of the Revised Code shall 84010  
provide the commission with such information, regarding a 84011

competitive retail electric service for which it is subject to 84012  
certification, as the commission considers necessary to carry 84013  
out this chapter. An electric utility shall provide the 84014  
commission with such information as the commission considers 84015  
necessary to carry out divisions (B) to (E) of this section. The 84016  
commission shall take such measures as it considers necessary to 84017  
protect the confidentiality of any such information. 84018

The commission shall require each electric utility to file 84019  
with the commission on and after the starting date of 84020  
competitive retail electric service an annual report of its 84021  
intrastate gross receipts and sales of kilowatt hours of 84022  
electricity, and shall require each electric services company, 84023  
electric cooperative, and governmental aggregator subject to 84024  
certification to file an annual report on and after that 84025  
starting date of such receipts and sales from the provision of 84026  
those retail electric services for which it is subject to 84027  
certification. For the purpose of the reports, sales of kilowatt 84028  
hours of electricity are deemed to occur at the meter of the 84029  
retail customer. 84030

**Sec. 4928.34.** (A) The public utilities commission shall 84031  
not approve or prescribe a transition plan under division (A) or 84032  
(B) of section 4928.33 of the Revised Code unless the commission 84033  
first makes all of the following determinations: 84034

(1) The unbundled components for the electric transmission 84035  
component of retail electric service, as specified in the 84036  
utility's rate unbundling plan required by division (A) (1) of 84037  
section 4928.31 of the Revised Code, equal the tariff rates 84038  
determined by the federal energy regulatory commission that are 84039  
in effect on the date of the approval of the transition plan 84040  
under sections 4928.31 to 4928.40 of the Revised Code, as each 84041

such rate is determined applicable to each particular customer 84042  
class and rate schedule by the commission. The unbundled 84043  
transmission component shall include a sliding scale of charges 84044  
under division (B) of section 4905.31 of the Revised Code to 84045  
ensure that refunds determined or approved by the federal energy 84046  
regulatory commission are flowed through to retail electric 84047  
customers. 84048

(2) The unbundled components for retail electric 84049  
distribution service in the rate unbundling plan equal the 84050  
difference between the costs attributable to the utility's 84051  
transmission and distribution rates and charges under its 84052  
schedule of rates and charges in effect on the effective date of 84053  
this section, based upon the record in the most recent rate 84054  
proceeding of the utility for which the utility's schedule was 84055  
established, and the tariff rates for electric transmission 84056  
service determined by the federal energy regulatory commission 84057  
as described in division (A) (1) of this section. 84058

(3) All other unbundled components required by the 84059  
commission in the rate unbundling plan equal the costs 84060  
attributable to the particular service as reflected in the 84061  
utility's schedule of rates and charges in effect on the 84062  
effective date of this section. 84063

(4) The unbundled components for retail electric 84064  
generation service in the rate unbundling plan equal the 84065  
residual amount remaining after the determination of the 84066  
transmission, distribution, and other unbundled components, and 84067  
after any adjustments necessary to reflect the effects of the 84068  
amendment of section 5727.111 of the Revised Code by Sub. S.B. 84069  
No. 3 of the 123rd general assembly. 84070

(5) All unbundled components in the rate unbundling plan 84071

have been adjusted to reflect any base rate reductions on file 84072  
with the commission and as scheduled to be in effect by December 84073  
31, 2005, under rate settlements in effect on the effective date 84074  
of this section. However, all earnings obligations, 84075  
restrictions, or caps imposed on an electric utility in a 84076  
commission order prior to the effective date of this section are 84077  
void. 84078

(6) Subject to division (A)(5) of this section, the total 84079  
of all unbundled components in the rate unbundling plan are 84080  
capped and shall equal during the market development period, 84081  
except as specifically provided in this chapter, the total of 84082  
all rates and charges in effect under the applicable bundled 84083  
schedule of the electric utility pursuant to section 4905.30 of 84084  
the Revised Code in effect on the day before the effective date 84085  
of this section, including the transition charge determined 84086  
under section 4928.40 of the Revised Code, adjusted for any 84087  
changes in the taxation of electric utilities and retail 84088  
electric service under Sub. S.B. No. 3 of the 123rd General 84089  
Assembly, and the universal service percentage of income payment 84090  
plan rider authorized by section ~~4928.51-4928.52~~ of the Revised 84091  
Code, ~~and the temporary rider authorized by section 4928.61 of~~ 84092  
~~the Revised Code.~~ For the purpose of this division, the rate cap 84093  
applicable to a customer receiving electric service pursuant to 84094  
an arrangement approved by the commission under section 4905.31 84095  
of the Revised Code is, for the term of the arrangement, the 84096  
total of all rates and charges in effect under the arrangement. 84097  
For any rate schedule filed pursuant to section 4905.30 of the 84098  
Revised Code or any arrangement subject to approval pursuant to 84099  
section 4905.31 of the Revised Code, the initial tax-related 84100  
adjustment to the rate cap required by this division shall be 84101  
equal to the rate of taxation specified in section 5727.81 of 84102



the Revised Code and applicable to the schedule or arrangement. 84103  
To the extent such total annual amount of the tax-related 84104  
adjustment is greater than or less than the comparable amount of 84105  
the total annual tax reduction experienced by the electric 84106  
utility as a result of the provisions of Sub. S.B. No. 3 of the 84107  
123rd general assembly, such difference shall be addressed by 84108  
the commission through accounting procedures, refunds, or an 84109  
annual surcharge or credit to customers, or through other 84110  
appropriate means, to avoid placing the financial responsibility 84111  
for the difference upon the electric utility or its 84112  
shareholders. Any adjustments in the rate of taxation specified 84113  
in section 5727.81 of the Revised Code ~~section~~ shall not occur 84114  
without a corresponding adjustment to the rate cap for each such 84115  
rate schedule or arrangement. The department of taxation shall 84116  
advise the commission and self-assessors under section 5727.81 84117  
of the Revised Code prior to the effective date of any change in 84118  
the rate of taxation specified under that section, and the 84119  
commission shall modify the rate cap to reflect that adjustment 84120  
so that the rate cap adjustment is effective as of the effective 84121  
date of the change in the rate of taxation. This division shall 84122  
be applied, to the extent possible, to eliminate any increase in 84123  
the price of electricity for customers that otherwise may occur 84124  
as a result of establishing the taxes contemplated in section 84125  
5727.81 of the Revised Code. 84126

(7) The rate unbundling plan complies with any rules 84127  
adopted by the commission under division (A) of section 4928.06 84128  
of the Revised Code. 84129

(8) The corporate separation plan required by division (A) 84130  
(2) of section 4928.31 of the Revised Code complies with section 84131  
4928.17 of the Revised Code and any rules adopted by the 84132  
commission under division (A) of section 4928.06 of the Revised 84133

Code. 84134

(9) Any plan or plans the commission requires to address 84135  
operational support systems and any other technical 84136  
implementation issues pertaining to competitive retail electric 84137  
service comply with any rules adopted by the commission under 84138  
division (A) of section 4928.06 of the Revised Code. 84139

(10) The employee assistance plan required by division (A) 84140  
(4) of section 4928.31 of the Revised Code sufficiently provides 84141  
severance, retraining, early retirement, retention, 84142  
outplacement, and other assistance for the utility's employees 84143  
whose employment is affected by electric industry restructuring 84144  
under this chapter. 84145

(11) The consumer education plan required under division 84146  
(A) (5) of section 4928.31 of the Revised Code complies with 84147  
former section 4928.42 of the Revised Code and any rules adopted 84148  
by the commission under division (A) of section 4928.06 of the 84149  
Revised Code. 84150

(12) The transition revenues for which an electric utility 84151  
is authorized a revenue opportunity under sections 4928.31 to 84152  
4928.40 of the Revised Code are the allowable transition costs 84153  
of the utility as such costs are determined by the commission 84154  
pursuant to section 4928.39 of the Revised Code, and the 84155  
transition charges for the customer classes and rate schedules 84156  
of the utility are the charges determined pursuant to section 84157  
4928.40 of the Revised Code. 84158

(13) Any independent transmission plan included in the 84159  
transition plan filed under section 4928.31 of the Revised Code 84160  
reasonably complies with section 4928.12 of the Revised Code and 84161  
any rules adopted by the commission under division (A) of 84162

section 4928.06 of the Revised Code, unless the commission, for 84163  
good cause shown, authorizes the utility to defer compliance 84164  
until an order is issued under division (G) of section 4928.35 84165  
of the Revised Code. 84166

(14) The utility is in compliance with sections 4928.01 to 84167  
4928.11 of the Revised Code and any rules or orders of the 84168  
commission adopted or issued under those sections. 84169

(15) All unbundled components in the rate unbundling plan 84170  
have been adjusted to reflect the elimination of the tax on 84171  
gross receipts imposed by section 5727.30 of the Revised Code. 84172

In addition, a transition plan approved by the commission 84173  
under section 4928.33 of the Revised Code but not containing an 84174  
approved independent transmission plan shall contain the express 84175  
conditions that the utility will comply with an order issued 84176  
under division (G) of section 4928.35 of the Revised Code. 84177

(B) Subject to division (E) of section 4928.17 of the 84178  
Revised Code, if the commission finds that any part of the 84179  
transition plan would constitute an abandonment under sections 84180  
4905.20 and 4905.21 of the Revised Code, the commission shall 84181  
not approve that part of the transition plan unless it makes the 84182  
finding required for approval of an abandonment application 84183  
under section 4905.21 of the Revised Code. Sections 4905.20 and 84184  
4905.21 of the Revised Code otherwise shall not apply to a 84185  
transition plan under sections 4928.31 to 4928.40 of the Revised 84186  
Code. 84187

**Sec. 4928.43.** (A) Each state agency that provides 84188  
employment assistance and job training programs, including the 84189  
~~bureau of employment department of job and family services and~~ 84190  
~~the department of development,~~ shall provide concentrated 84191

attention through those programs to assisting employees whose 84192  
employment is affected by electric industry restructuring under 84193  
this chapter. 84194

(B) To the extent not prohibited by federal law or any law 84195  
of this state and except as otherwise provided in a labor 84196  
contract or other agreement, no unencumbered money in a pension 84197  
fund for employees of electric utilities shall be used for any 84198  
purpose other than to pay allowable pensions or early retirement 84199  
buyouts for the employees. 84200

**Sec. 4928.51.** ~~(A)~~ There is hereby established in the state 84201  
treasury ~~a universal service~~ the electric partnership plan fund, 84202  
into which shall be deposited all ~~universal service~~ revenues 84203  
remitted to the director of ~~development~~ job and family services 84204  
under this section, for the exclusive purposes of providing 84205  
funding for the low-income customer assistance programs ~~and for~~ 84206  
~~the consumer education program authorized under section 4928.56~~ 84207  
~~of the Revised Code~~, and paying the administrative costs of the 84208  
low-income customer assistance programs and the consumer 84209  
education program. Interest on the fund shall be credited to the 84210  
fund. Disbursements from the fund shall be made to any supplier 84211  
that provides a competitive retail electric service or a 84212  
noncompetitive retail electric service to a customer who is 84213  
approved to receive assistance under a specified low-income 84214  
customer assistance program and to any authorized provider of 84215  
weatherization or energy efficiency service to a customer 84216  
approved to receive such assistance under a specified low-income 84217  
customer assistance program. 84218

~~(B) Universal service revenues~~ Revenues deposited in the 84219  
electric partnership plan fund shall include all ~~of the~~ 84220  
~~following:~~ 84221

~~(1) Revenues revenues remitted to the director after collection by an electric distribution utility beginning July 1, 2000, attributable to the collection from customers of the universal service rider prescribed under pursuant to division (C) of section 4928.52 of the Revised Code~~ 84222  
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~~(2) Revenues remitted to the director that have been collected by an electric distribution utility beginning July 1, 2000, as customer payments under the percentage of income payment plan program, including revenues remitted under division (C) of this section;~~ 84227  
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~~(3) Adequate revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state not earlier than July 1, 2000, upon the utility's or cooperative's decision to participate in the low-income customer assistance programs.~~ 84232  
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~~(C)(1) Beginning July 1, 2000, an electric distribution utility shall transfer to the director the right to collect all arrearage payments of a customer for percentage of income payment plan program debt owed to the utility on the day before that date or retain the right to collect that debt but remit to the director all program revenues received by the utility for that customer.~~ 84237  
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~~(2) A current or past percentage of income payment plan program customer is relieved of any payment obligation under the percentage of income payment program for any unpaid arrears accrued by the customer under the program as of the effective date of this section if the customer, as determined by the director, meets both of the following criteria:~~ 84244  
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~~(a) The customer as of that date has complied with~~ 84250

~~customer payment responsibilities under the program.~~ 84251

~~(b) The customer is permanently and totally disabled as defined in section 5117.01 of the Revised Code or is sixty-five years of age or older as defined in that section.~~ 84252  
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~~(D) The public utilities commission shall complete an audit of each electric utility by July 1, 2000, for the purpose of establishing a baseline for the percentage of income payment plan program component of the low-income assistance programs.~~ 84255  
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84258

**Sec. 4928.52.** ~~(A) Beginning July January 1, 2000, the 2026, the percentage of income payment plan rider shall replace, for each electric distribution utility, the universal service rider shall replace the percentage of income payment plan rider in existence on the effective date of the amendment of this section and any amount in the rates of an electric utility for the funding of low-income customer energy efficiency programs by this act. The universal service percentage of income payment plan rider shall be a rider on retail electric distribution service rates as such rates are determined by the public utilities commission pursuant to this chapter. The universal service percentage of income payment plan rider for the first five years after the starting date of competitive retail electric service shall be the sum of all of recover the following:~~ 84259  
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~~(1) The level of prudently incurred costs of providing the percentage of income payment plan program rider in existence on the effective date of this section for each electric distribution utility;~~ 84274  
84275  
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84277

~~(2) An amount equal to the level of funding for low-income customer energy efficiency programs provided through electric~~ 84278  
84279

~~utility rates in effect on the effective date of this section~~The 84280  
~~total of the electric distribution utilities' allocated shares,~~ 84281  
~~as determined by the public utilities commission, under division~~ 84282  
~~(B) (1) of this section;~~ 84283

(3) Any additional amount necessary and sufficient to fund 84284  
through the ~~universal service percentage of income payment plan~~ 84285  
rider the administrative costs of the low-income customer 84286  
assistance programs ~~and the consumer education program created~~ 84287  
~~in section 4928.56 of the Revised Code.~~ 84288

~~(B) (B) (1) If, during or after the five-year period~~ 84289  
~~specified in division (A) of this section, the director of~~ 84290  
~~development, after consultation with the public benefits~~ 84291  
~~advisory board created under section 4928.58 of the Revised~~ 84292  
~~Code, determines that revenues in the universal service fund and~~ 84293  
~~revenues from federal or other sources of funding for those~~ 84294  
~~programs, including general revenue fund appropriations for the~~ 84295  
~~Ohio energy credit program, will be insufficient to cover the~~ 84296  
~~administrative costs of the low-income customer assistance~~ 84297  
~~programs and the consumer education program and provide adequate~~ 84298  
~~funding for those programs, the director shall file a petition~~ 84299  
~~with the commission for an increase in the universal service~~ 84300  
~~rider. The commission, after reasonable notice and opportunity~~ 84301  
~~for hearing, may adjust the universal service rider by the~~ 84302  
~~minimum amount necessary to provide the additional revenues. The~~ 84303  
~~commission shall not decrease the universal service rider~~ 84304  
~~without the approval of the director, after consultation by the~~ 84305  
~~director with the advisory board~~allocate to each electric 84306  
distribution utility a share of the funding for low-income 84307  
customer assistance programs administered by the director of job 84308  
and family services according to each electric distribution 84309  
utility's annual distribution service revenues. 84310

(2) Each electric distribution utility's allocation 84311  
determined under division (B) (1) of this section shall include a 84312  
separately designated allocation equal to the electric 84313  
distribution utility's share of an amount not to exceed fifteen 84314  
million dollars annually for funding the consumer education 84315  
program administered by the department of job and family 84316  
services under section 4928.56 of the Revised Code. 84317

(C) On the thirtieth day of June of each year, each 84318  
electric distribution utility shall remit to the department for 84319  
deposit in the electric partnership plan fund the utility's 84320  
share of the following: 84321

(1) The utility's allocation determined under division (B) 84322  
(2) of this section for funding the consumer education program 84323  
administered by the department of job and family services under 84324  
section 4928.56 of the Revised Code; 84325

(2) The costs under division (A) (3) of this section for 84326  
the administration of the low-income customer assistance 84327  
programs administered by the director. 84328

~~(C)~~ (D) The universal service percentage of income payment 84329  
plan rider established under division (A) or (B) of this section 84330  
shall be set in such a manner so as not to shift among the 84331  
customer classes of electric distribution utilities the costs of 84332  
funding low-income customer assistance programs. 84333

**Sec. 4928.53.** (A) Beginning July 1, 20002026, the director 84334  
of development is hereby authorized to job and family services 84335  
shall administer the low-income customer assistance programs, 84336  
except for the percentage of income payment plan rider 84337  
established under section 4928.52 of the Revised Code. For that 84338  
purpose, the public utilities commission shall cooperate with 84339



~~and provide such assistance as the director requires for~~ 84340  
~~administration of the low-income customer assistance programs.~~ 84341

The director shall consolidate the administration of and 84342  
redesign and coordinate the operations of ~~these~~ the low-income 84343  
customer assistance programs within the department to provide, 84344  
to the maximum extent possible, for efficient program 84345  
administration and a one-stop application and eligibility 84346  
determination process at the local level for consumers. 84347

(B) (1) ~~Not later than March 1, 2000, the~~ The director, in 84348  
accordance with Chapter 119. of the Revised Code, shall adopt 84349  
rules to carry out sections 4928.51 to 4928.58 of the Revised 84350  
Code and ensure the effective and efficient administration and 84351  
operation of the low-income customer assistance programs. ~~The~~ 84352  
~~rules shall take effect on July 1, 2000.~~ 84353

(2) The director's authority to adopt rules under this 84354  
division for the Ohio energy credit program shall be subject to 84355  
such rule-making authority as is conferred on the director of 84356  
development by sections 5117.01 to 5117.12 of the Revised Code, 84357  
as amended by Sub. S.B. No. 3 of the 123rd general assembly, 84358  
except that rules initially adopted by the director of 84359  
development for the Ohio energy credit program shall incorporate 84360  
the substance of those sections as they exist on the effective 84361  
date of this section. 84362

(3) ~~The director's~~ Under the director of job and family 84363  
service's authority to adopt rules under this ~~division~~ section, 84364  
the director may adopt rules for the percentage of income 84365  
payment plan program ~~shall include authority to adopt,~~ including 84366  
rules prescribing criteria for customer eligibility and policies 84367  
regarding payment and crediting arrangements and 84368  
responsibilities, and procedures for verifying customer 84369

eligibility, ~~procedures for disbursing public funds to suppliers~~ 84370  
~~and otherwise administering funds under the director's~~ 84371  
~~jurisdiction, and requirements as to timely remittances of~~ 84372  
~~revenues described in division (B) of section 4928.51 of the~~ 84373  
~~Revised Code. The rules shall prohibit the imposition of a~~ 84374  
waiting period before enrolling an eligible customer in the 84375  
percentage of income payment plan. ~~The director's authority in~~ 84376  
~~division (B) (3) of this section excludes authority to prescribe~~ 84377  
~~service disconnection and customer billing policies and~~ 84378  
~~procedures and to address complaints against suppliers under the~~ 84379  
~~percentage of payment plan program, which excluded authority~~ 84380  
~~shall be exercised by the public utilities commission, in~~ 84381  
~~coordination with the director. Rules adopted by the director~~ 84382  
under this division for the percentage of income payment plan 84383  
program shall specify a level of payment responsibility to be 84384  
borne by an eligible customer based on a percentage of the 84385  
customer's income. ~~Rules initially adopted by the director for~~ 84386  
~~the percentage of income payment plan program shall incorporate~~ 84387  
~~the eligibility criteria and payment arrangement and~~ 84388  
~~responsibility policies set forth in rule 4901:1-18-04(B) of the~~ 84389  
~~Ohio Administrative Code in effect on the effective date of this~~ 84390  
~~section.~~ 84391

**Sec. 4928.54.** ~~The director of development services~~ public 84392  
utilities commission shall aggregate percentage of income 84393  
payment plan program customers for the purpose of establishing a 84394  
competitive procurement process for the supply of competitive 84395  
retail electric service for those customers. The process shall 84396  
be an auction. Only bidders certified under section 4928.08 of 84397  
the Revised Code may participate in the auction. 84398

**Sec. 4928.542.** The winning bid or bids selected through 84399  
the competitive procurement process established under section 84400

4928.54 of the Revised Code shall meet all of the following requirements: 84401  
84402

(A) Be designed to provide reliable competitive retail electric service to percentage of income payment plan program customers; 84403  
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(B) Reduce the cost of the percentage of income payment plan program relative to the otherwise applicable standard service offer established under sections 4928.141, 4928.142, and 4928.143 of the Revised Code; 84406  
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(C) Result in the best value for persons paying the ~~universal service~~ percentage of income payment plan rider under section 4928.52 of the Revised Code. 84410  
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**Sec. 4928.543.** ~~The director of development services public utilities commission shall adopt rules in accordance with Chapter 119. of the Revised Code to~~ implement sections 4928.54, 4928.541, and 4928.542 of the Revised Code. The rules shall ensure a fair and unbiased auction process and the performance of the winning bidder or bidders. 84413  
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**Sec. 4928.544.** ~~(A) For the purpose of facilitating compliance with sections 4928.54, 4928.541, and 4928.542 of the Revised Code, and upon written request by the director of development services,~~ the public utilities commission shall design, manage, and supervise the competitive procurement process required by section 4928.54 of the Revised Code. To the extent reasonably possible, and to minimize costs, the process may be designed based on any existing competitive procurement process for the establishment of the default generation supply price for electric distribution utilities. 84419  
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This ~~division~~ section does not preclude a process design 84429

that is based on a competitive procurement process that applies 84430  
to the combined certified territories of electric distribution 84431  
utilities subject to common ownership. 84432

~~(B) The director of development services shall reimburse 84433  
the commission for its costs incurred under division (A) of this 84434  
section. The reimbursements constitute administrative costs of 84435  
the low-income customer assistance programs for the purpose of 84436  
division (A) of section 4928.51 of the Revised Code. 84437~~

**Sec. 4928.545.** The public utilities commission shall 84438  
administer the percentage of income payment plan rider 84439  
established under section 4928.52 of the Revised Code, including 84440  
by performing periodic audits of each electric distribution 84441  
utility's percentage of income payment plan rider. 84442

The commission shall adopt rules for the administration of 84443  
the percentage of income payment plan rider and shall cooperate 84444  
with, and provide such assistance to, the director of job and 84445  
family services as the director requires for administration of 84446  
the low-income customer assistance programs. 84447

**Sec. 4928.55.** The director of ~~development~~ job and family 84448  
services shall establish an energy efficiency and weatherization 84449  
program targeted, to the extent practicable, to high-cost, high- 84450  
volume use structures occupied by customers eligible for the 84451  
percentage of income payment plan program, with the goal of 84452  
reducing the energy bills of the occupants. Acceptance of energy 84453  
efficiency and weatherization services provided by the program 84454  
shall be a condition for the eligibility of any such customer to 84455  
participate in the percentage of income payment plan program. 84456

**Sec. 4928.56.** The director of ~~development~~ job and family 84457  
services may adopt rules in accordance with Chapter 119. of the 84458

Revised Code establishing an education program for consumers 84459  
eligible to participate in the low-income customer assistance 84460  
programs. The education program shall provide information to 84461  
consumers regarding energy efficiency and energy conservation. 84462

**Sec. 4928.58.** (A) There is hereby created the public 84463  
benefits advisory board, which has the purpose of ensuring that 84464  
energy services be provided to low-income consumers in this 84465  
state in an affordable manner consistent with the policy 84466  
specified in section 4928.02 of the Revised Code. The advisory 84467  
board shall consist of twenty-one members as follows: the 84468  
director of ~~development~~job and family services, the chairperson 84469  
of the public utilities commission, the consumers' counsel, and 84470  
the ~~director of the~~office of air quality development ~~authority~~, 84471  
each serving ex officio and represented by a designee at the 84472  
official's discretion; two members of the house of 84473  
representatives appointed by the speaker of the house of 84474  
representatives, neither of the same political party, and two 84475  
members of the senate appointed by the president of the senate, 84476  
neither of the same political party; and thirteen members 84477  
appointed by the governor with the advice and consent of the 84478  
senate, consisting of one representative of suppliers of 84479  
competitive retail electric service; one representative of the 84480  
residential class of electric utility customers; one 84481  
representative of the industrial class of electric utility 84482  
customers; one representative of the commercial class of 84483  
electric utility customers; one representative of agricultural 84484  
or rural customers of an electric utility; two customers 84485  
receiving assistance under one or more of the low-income 84486  
customer assistance programs, to represent customers eligible 84487  
for any such assistance, including senior citizens; one 84488  
representative of the general public; one representative of 84489

local intake agencies; one representative of a community-based 84490  
organization serving low-income customers; one representative of 84491  
environmental protection interests; one representative of 84492  
lending institutions; and one person considered an expert in 84493  
energy efficiency or renewables technology. Initial appointments 84494  
shall be made not later than November 1, 1999. 84495

(B) Initial terms of six of the appointed members shall 84496  
end on June 30, 2003, and initial terms of the remaining seven 84497  
appointed members shall end on June 30, 2004. Thereafter, terms 84498  
of appointed members shall be for three years, with each term 84499  
ending on the same day of the same month as the term it 84500  
succeeds. Each member shall hold office from the date of the 84501  
member's appointment until the end of the term for which the 84502  
member was appointed. Members may be reappointed. 84503

Vacancies shall be filled in the manner provided for 84504  
original appointments. Any member appointed to fill a vacancy 84505  
occurring prior to the expiration date of the term for which the 84506  
member's predecessor was appointed shall hold office as a member 84507  
for the remainder of that term. A member shall continue in 84508  
office after the expiration date of the member's term until the 84509  
member's successor takes office or until a period of sixty days 84510  
has elapsed, whichever occurs first. 84511

(C) Board members shall be reimbursed for their actual and 84512  
necessary expenses incurred in the performance of board duties. 84513  
The reimbursements constitute, as applicable, administrative 84514  
costs of the low-income customer assistance programs for the 84515  
purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 84516  
of the Revised Code ~~or administrative costs of the advanced-~~ 84517  
~~energy program for the purpose of division (A) of section-~~ 84518  
~~4528.61 of the Revised Code.~~ 84519

(D) The advisory board shall select a chairperson from 84520  
among its members. Only board members appointed by the governor 84521  
with the advice and consent of the senate shall be voting 84522  
members of the board; each shall have one vote in all 84523  
deliberations of the board. A majority of the voting members 84524  
constitute a quorum. 84525

(E) ~~The duties of the advisory board shall be as follows:~~ 84526

~~(1) Advise advise the director of job and family services 84527  
in the administration of ~~the universal service fund and the low-~~ 84528  
~~income customer assistance programs and advise the director on-~~ 84529  
~~the director's recommendation to the commission regarding the-~~ 84530  
~~appropriate level of the universal service rider;~~ 84531~~

~~(2) Advise the director on the administration of the 84532  
advanced energy program and the advanced energy fund under 84533  
sections 4928.61 to 4928.63 of the Revised Code. 84534~~

(F) The advisory board is not an agency for purposes of 84535  
sections 101.82 to 101.87 of the Revised Code. 84536

**Sec. 4928.61.** (A) There is hereby established in the state 84537  
treasury the advanced energy fund, into which shall be deposited 84538  
all advanced energy revenues remitted to the director of 84539  
development under division (B) of this section, for the 84540  
exclusive purposes of funding the advanced energy program 84541  
created under section 4928.62 of the Revised Code and paying the 84542  
program's administrative costs. Interest on the fund shall be 84543  
credited to the fund. 84544

(B) Advanced energy revenues shall include all of the 84545  
following: 84546

~~(1) Revenues remitted to the director after collection by 84547  
each electric distribution utility in this state of a temporary 84548~~

~~rider on retail electric distribution service rates as such~~ 84549  
~~rates are determined by the public utilities commission pursuant~~ 84550  
~~to this chapter. The rider shall be a uniform amount statewide,~~ 84551  
~~determined by the director of development, after consultation~~ 84552  
~~with the public benefits advisory board created by section~~ 84553  
~~4928.58 of the Revised Code. The amount shall be determined by~~ 84554  
~~dividing an aggregate revenue target for a given year as~~ 84555  
~~determined by the director, after consultation with the advisory~~ 84556  
~~board, by the number of customers of electric distribution~~ 84557  
~~utilities in this state in the prior year. Such aggregate~~ 84558  
~~revenue target shall not exceed more than fifteen million~~ 84559  
~~dollars in any year through 2005 and shall not exceed more than~~ 84560  
~~five million dollars in any year after 2005. The rider shall be~~ 84561  
~~imposed beginning on the effective date of the amendment of this~~ 84562  
~~section by Sub. H.B. 251 of the 126th general assembly, January~~ 84563  
~~4, 2007, and shall terminate at the end of ten years following~~ 84564  
~~the starting date of competitive retail electric service or~~ 84565  
~~until the advanced energy fund, including interest, reaches one~~ 84566  
~~hundred million dollars, whichever is first.~~ 84567

~~(2)~~ Revenues from payments, repayments, and collections 84568  
under the advanced energy program and from program income; 84569

~~(3)~~ (2) Revenues remitted to the director after collection 84570  
by a municipal electric utility or electric cooperative in this 84571  
state upon the utility's or cooperative's decision to 84572  
participate in the advanced energy fund; 84573

~~(4)~~ (3) Revenues from renewable energy compliance payments 84574  
as provided under division (C) (2) of section 4928.64 of the 84575  
Revised Code; 84576

~~(5)~~ (4) Revenue from forfeitures under division (C) of 84577  
section 4928.66 of the Revised Code; 84578



~~(6)-(5) Funds transferred pursuant to division (B) of~~ 84579  
~~Section 512.10 of S.B. 315 of the 129th general assembly;~~ 84580

~~(7)-(6) Interest earnings on the advanced energy fund.~~ 84581

~~(C)(1) Each electric distribution utility in this state~~ 84582  
~~shall remit to the director on a quarterly basis the revenues~~ 84583  
~~described in divisions (B)(1) and (2) of this section. Such~~ 84584  
~~remittances shall occur within thirty days after the end of each~~ 84585  
~~calendar quarter.~~ 84586

~~(2) Each participating electric cooperative and~~ 84587  
~~participating municipal electric utility shall remit to the~~ 84588  
~~director on a quarterly basis the revenues described in division~~ 84589  
~~(B)(3) of this section. Such remittances shall occur within~~ 84590  
~~thirty days after the end of each calendar quarter. For the~~ 84591  
~~purpose of division (B)(3) of this section, the participation of~~ 84592  
~~an electric cooperative or municipal electric utility in the~~ 84593  
~~energy efficiency revolving loan program as it existed~~ 84594  
~~immediately prior to the effective date of the amendment of this~~ 84595  
~~section by Sub. H.B. 251 of the 126th general assembly, January~~ 84596  
~~4, 2007, does not constitute a decision to participate in the~~ 84597  
~~advanced energy fund under this section as so amended.~~ 84598

~~(3) All remittances under divisions (C)(1) and (2) of this~~ 84599  
~~section shall continue only until the end of ten years following~~ 84600  
~~the starting date of competitive retail electric service or~~ 84601  
~~until the advanced energy fund, including interest, reaches one~~ 84602  
~~hundred million dollars, whichever is first.~~ 84603

~~(D) Any moneys collected in rates for non-low income~~ 84604  
~~customer energy efficiency programs, as of October 5, 1999, and~~ 84605  
~~not contributed to the energy efficiency revolving loan fund~~ 84606  
~~authorized under this section prior to the effective date of its~~ 84607

~~amendment by Sub. H.B. 251 of the 126th general assembly, 84608  
January 4, 2007, shall be used to continue to fund cost- 84609  
effective, residential energy efficiency programs, be 84610  
contributed into the universal service fund as a supplement to 84611  
that required under section 4928.53 of the Revised Code, or be 84612  
returned to ratepayers in the form of a rate reduction at the 84613  
option of the affected electric distribution utility. 84614~~

**Sec. 4928.62.** (A) There is hereby created the advanced 84615  
energy program, which shall be administered by the director of 84616  
development. Under the program, the director may authorize the 84617  
use of moneys in the advanced energy fund for financial, 84618  
technical, and related assistance for advanced energy projects 84619  
in this state or for economic development assistance, in 84620  
furtherance of the purposes set forth in section 4928.63 of the 84621  
Revised Code. 84622

(1) To the extent feasible given approved applications for 84623  
assistance, the assistance shall be distributed among the 84624  
certified territories of electric distribution utilities and 84625  
participating electric cooperatives, and among the service areas 84626  
of participating municipal electric utilities, in amounts 84627  
proportionate to the remittances of each utility and cooperative 84628  
under ~~divisions (B) (1) and (3)~~division (B) (2) of section 4928.61 84629  
of the Revised Code. 84630

(2) The funds described in division ~~(B) (6)~~(B) (5) of 84631  
section 4928.61 of the Revised Code shall not be subject to the 84632  
territorial requirements of division (A) (1) of this section. 84633

(3) The director shall not authorize financial assistance 84634  
for an advanced energy project under the program unless the 84635  
director first determines that the project will create new jobs 84636  
or preserve existing jobs in this state or use innovative 84637

technologies or materials. 84638

(B) In carrying out sections 4928.61 to 4928.63 of the 84639  
Revised Code, the director may do all of the following to 84640  
further the public interest in advanced energy projects and 84641  
economic development: 84642

(1) Award grants, contracts, loans, loan participation 84643  
agreements, linked deposits, and energy production incentives; 84644

(2) Acquire in the name of the director any property of 84645  
any kind or character in accordance with this section, by 84646  
purchase, purchase at foreclosure, or exchange, on such terms 84647  
and in such manner as the director considers proper; 84648

(3) Make and enter into all contracts and agreements 84649  
necessary or incidental to the performance of the director's 84650  
duties and the exercise of the director's powers under sections 84651  
4928.61 to 4928.63 of the Revised Code; 84652

(4) Employ or enter into contracts with financial 84653  
consultants, marketing consultants, consulting engineers, 84654  
architects, managers, construction experts, attorneys, technical 84655  
monitors, energy evaluators, or other employees or agents as the 84656  
director considers necessary, and fix their compensation; 84657

(5) Adopt rules prescribing the application procedures for 84658  
financial assistance under the advanced energy program; the 84659  
fees, charges, interest rates, payment schedules, local match 84660  
requirements, and other terms and conditions of any grants, 84661  
contracts, loans, loan participation agreements, linked 84662  
deposits, and energy production incentives; criteria pertaining 84663  
to the eligibility of participating lending institutions; and 84664  
any other matters necessary for the implementation of the 84665  
program; 84666

(6) Do all things necessary and appropriate for the 84667  
operation of the program. 84668

(C) The department of development may hold ownership to 84669  
any unclaimed energy efficiency and renewable energy emission 84670  
allowances provided for in Chapter 3745-14 of the Administrative 84671  
Code or otherwise, that result from advanced energy projects 84672  
that receive funding from the advanced energy fund, and it may 84673  
use the allowances to further the public interest in advanced 84674  
energy projects or for economic development. 84675

(D) Financial statements, financial data, and trade 84676  
secrets submitted to or received by the director from an 84677  
applicant or recipient of financial assistance under sections 84678  
4928.61 to 4928.63 of the Revised Code, or any information taken 84679  
from those statements, data, or trade secrets for any purpose, 84680  
are not public records for the purpose of section 149.43 of the 84681  
Revised Code. 84682

(E) Nothing in the amendments of sections 4928.61, 84683  
4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 84684  
126th general assembly shall affect any pending or effected 84685  
assistance, pending or effected purchases or exchanges of 84686  
property made, or pending or effected contracts or agreements 84687  
entered into pursuant to division (A) or (B) of this section as 84688  
the section existed prior to the effective date of those 84689  
amendments, January 4, 2007, or shall affect the exemption 84690  
provided under division (C) of this section as the section 84691  
existed prior to that effective date. 84692

(F) Any assistance a school district receives for an 84693  
advanced energy project, including a geothermal heating, 84694  
ventilating, and air conditioning system, shall be in addition 84695  
to any assistance provided under Chapter 3318. of the Revised 84696

Code and shall not be included as part of the district or state 84697  
portion of the basic project cost under that chapter. 84698

**Sec. 4928.63.** The director of development ~~and the public~~ 84699  
~~benefits advisory board have~~ has the powers and duties provided 84700  
in sections 4928.61 and 4928.62 of the Revised Code, in order to 84701  
promote the welfare of the people of this state; stabilize the 84702  
economy; assist in the improvement and development within this 84703  
state of not-for-profit entity, industrial, commercial, 84704  
distribution, residential, and research buildings and activities 84705  
required for the people of this state; improve the economic 84706  
welfare of the people of this state by reducing energy costs and 84707  
by reducing energy usage in a cost-efficient manner using, as 84708  
determined by the director, both the most appropriate national, 84709  
federal, or other standards for products and the best practices 84710  
for the use of technology, products, or services in the context 84711  
of a total facility or building; and assist in the lowering of 84712  
energy demand to reduce air, water, or thermal pollution. It is 84713  
hereby determined that the accomplishment of those purposes is 84714  
essential so that the people of this state may maintain their 84715  
present high standards in comparison with the people of other 84716  
states and so that opportunities for improving the economic 84717  
welfare of the people of this state, for improving the housing 84718  
of residents of this state, and for favorable markets for the 84719  
products of this state's natural resources, agriculture, and 84720  
manufacturing shall be improved; and that it is necessary for 84721  
this state to establish the program authorized pursuant to 84722  
sections 4928.61 and 4928.62 of the Revised Code. 84723

**Sec. 4928.66.** (A) (1) (a) Beginning in 2009, an electric 84724  
distribution utility shall implement energy efficiency programs 84725  
that achieve energy savings equivalent to at least three-tenths 84726  
of one per cent of the total, annual average, and normalized 84727

kilowatt-hour sales of the electric distribution utility during 84728  
the preceding three calendar years to customers in this state. 84729  
An energy efficiency program may include a combined heat and 84730  
power system placed into service or retrofitted on or after the 84731  
effective date of the amendment of this section by S.B. 315 of 84732  
the 129th general assembly, September 10, 2012, or a waste 84733  
energy recovery system placed into service or retrofitted on or 84734  
after September 10, 2012, except that a waste energy recovery 84735  
system described in division (A) (38) (b) of section 4928.01 of 84736  
the Revised Code may be included only if it was placed into 84737  
service between January 1, 2002, and December 31, 2004. For a 84738  
waste energy recovery or combined heat and power system, the 84739  
savings shall be as estimated by the public utilities 84740  
commission. The savings requirement, using such a three-year 84741  
average, shall increase to an additional five-tenths of one per 84742  
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 84743  
of one per cent in 2012, nine-tenths of one per cent in 2013, 84744  
and one per cent in 2014. In 2015 and 2016, an electric 84745  
distribution utility shall achieve energy savings equal to the 84746  
result of subtracting the cumulative energy savings achieved 84747  
since 2009 from the product of multiplying the baseline for 84748  
energy savings, described in division (A) (2) (a) of this section, 84749  
by four and two-tenths of one per cent. If the result is zero or 84750  
less for the year for which the calculation is being made, the 84751  
utility shall not be required to achieve additional energy 84752  
savings for that year, but may achieve additional energy savings 84753  
for that year. The annual savings requirements shall be, for 84754  
years 2017, 2018, 2019, and 2020, an additional one per cent of 84755  
the baseline. For purposes of a waste energy recovery or 84756  
combined heat and power system, an electric distribution utility 84757  
shall not apply more than the total annual percentage of the 84758  
electric distribution utility's industrial-customer load, 84759

relative to the electric distribution utility's total load, to 84760  
the annual energy savings requirement. 84761

(b) Beginning in 2009, an electric distribution utility 84762  
shall implement peak demand reduction programs designed to 84763  
achieve a one per cent reduction in peak demand in 2009 and an 84764  
additional seventy-five hundredths of one per cent reduction 84765  
each year through 2014. In 2015 and 2016, an electric 84766  
distribution utility shall achieve a reduction in peak demand 84767  
equal to the result of subtracting the cumulative peak demand 84768  
reductions achieved since 2009 from the product of multiplying 84769  
the baseline for peak demand reduction, described in division 84770  
(A) (2) (a) of this section, by four and seventy-five hundredths 84771  
of one per cent. If the result is zero or less for the year for 84772  
which the calculation is being made, the utility shall not be 84773  
required to achieve an additional reduction in peak demand for 84774  
that year, but may achieve an additional reduction in peak 84775  
demand for that year. In 2017 and each year thereafter through 84776  
2020, the utility shall achieve an additional seventy-five 84777  
hundredths of one per cent reduction in peak demand. 84778

(2) For the purposes of divisions (A) (1) (a) and (b) of 84779  
this section: 84780

(a) The baseline for energy savings under division (A) (1) 84781  
(a) of this section shall be the average of the total kilowatt 84782  
hours the electric distribution utility sold in the preceding 84783  
three calendar years. The baseline for a peak demand reduction 84784  
under division (A) (1) (b) of this section shall be the average 84785  
peak demand on the utility in the preceding three calendar 84786  
years, except that the commission may reduce either baseline to 84787  
adjust for new economic growth in the utility's certified 84788  
territory. Neither baseline shall include the load and usage of 84789

any of the following customers: 84790

(i) Beginning January 1, 2017, a customer for which a 84791  
reasonable arrangement has been approved under section 4905.31 84792  
of the Revised Code; 84793

(ii) A customer that has opted out of the utility's 84794  
portfolio plan under section 4928.6611 of the Revised Code; 84795

(iii) A customer that has opted out of the utility's 84796  
portfolio plan under Section 8 of S.B. 310 of the 130th general 84797  
assembly. 84798

(b) The commission may amend the benchmarks set forth in 84799  
division (A) (1) (a) or (b) of this section if, after application 84800  
by the electric distribution utility, the commission determines 84801  
that the amendment is necessary because the utility cannot 84802  
reasonably achieve the benchmarks due to regulatory, economic, 84803  
or technological reasons beyond its reasonable control. 84804

(c) Compliance with divisions (A) (1) (a) and (b) of this 84805  
section shall be measured by including the effects of all 84806  
demand-response programs for mercantile customers of the subject 84807  
electric distribution utility, all waste energy recovery systems 84808  
and all combined heat and power systems, and all such mercantile 84809  
customer-sited energy efficiency, including waste energy 84810  
recovery and combined heat and power, and peak demand reduction 84811  
programs, adjusted upward by the appropriate loss factors. Any 84812  
mechanism designed to recover the cost of energy efficiency, 84813  
including waste energy recovery and combined heat and power, and 84814  
peak demand reduction programs under divisions (A) (1) (a) and (b) 84815  
of this section may exempt mercantile customers that commit 84816  
their demand-response or other customer-sited capabilities, 84817  
whether existing or new, for integration into the electric 84818



distribution utility's demand-response, energy efficiency, 84819  
including waste energy recovery and combined heat and power, or 84820  
peak demand reduction programs, if the commission determines 84821  
that that exemption reasonably encourages such customers to 84822  
commit those capabilities to those programs. If a mercantile 84823  
customer makes such existing or new demand-response, energy 84824  
efficiency, including waste energy recovery and combined heat 84825  
and power, or peak demand reduction capability available to an 84826  
electric distribution utility pursuant to division (A) (2) (c) of 84827  
this section, the electric utility's baseline under division (A) 84828  
(2) (a) of this section shall be adjusted to exclude the effects 84829  
of all such demand-response, energy efficiency, including waste 84830  
energy recovery and combined heat and power, or peak demand 84831  
reduction programs that may have existed during the period used 84832  
to establish the baseline. The baseline also shall be normalized 84833  
for changes in numbers of customers, sales, weather, peak 84834  
demand, and other appropriate factors so that the compliance 84835  
measurement is not unduly influenced by factors outside the 84836  
control of the electric distribution utility. 84837

(d) (i) Programs implemented by a utility may include the 84838  
following: 84839

(I) Demand-response programs; 84840

(II) Smart grid investment programs, provided that such 84841  
programs are demonstrated to be cost-beneficial; 84842

(III) Customer-sited programs, including waste energy 84843  
recovery and combined heat and power systems; 84844

(IV) Transmission and distribution infrastructure 84845  
improvements that reduce line losses; 84846

(V) Energy efficiency savings and peak demand reduction 84847

that are achieved, in whole or in part, as a result of funding 84848  
provided from the ~~universal service~~ electric partnership plan 84849  
fund established by section 4928.51 of the Revised Code to 84850  
benefit low-income customers through programs that include, but 84851  
are not limited to, energy audits, the installation of energy 84852  
efficiency insulation, appliances, and windows, and other 84853  
weatherization measures. 84854

(ii) No energy efficiency or peak demand reduction 84855  
achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 84856  
section shall qualify for shared savings. 84857

(iii) Division (A) (2) (c) of this section shall be applied 84858  
to include facilitating efforts by a mercantile customer or 84859  
group of those customers to offer customer-sited demand- 84860  
response, energy efficiency, including waste energy recovery and 84861  
combined heat and power, or peak demand reduction capabilities 84862  
to the electric distribution utility as part of a reasonable 84863  
arrangement submitted to the commission pursuant to section 84864  
4905.31 of the Revised Code. 84865

(e) No programs or improvements described in division (A) 84866  
(2) (d) of this section shall conflict with any statewide 84867  
building code adopted by the board of building standards. 84868

(B) In accordance with rules it shall adopt, the public 84869  
utilities commission shall produce and docket at the commission 84870  
an annual report containing the results of its verification of 84871  
the annual levels of energy efficiency and of peak demand 84872  
reductions achieved by each electric distribution utility 84873  
pursuant to division (A) of this section. A copy of the report 84874  
shall be provided to the consumers' counsel. 84875

(C) If the commission determines, after notice and 84876

opportunity for hearing and based upon its report under division 84877  
(B) of this section, that an electric distribution utility has 84878  
failed to comply with an energy efficiency or peak demand 84879  
reduction requirement of division (A) of this section, the 84880  
commission shall assess a forfeiture on the utility as provided 84881  
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 84882  
Code, either in the amount, per day per undercompliance or 84883  
noncompliance, relative to the period of the report, equal to 84884  
that prescribed for noncompliances under section 4905.54 of the 84885  
Revised Code, or in an amount equal to the then existing market 84886  
value of one renewable energy credit per megawatt hour of 84887  
undercompliance or noncompliance. Revenue from any forfeiture 84888  
assessed under this division shall be deposited to the credit of 84889  
the advanced energy fund created under section 4928.61 of the 84890  
Revised Code. 84891

(D) The commission may establish rules regarding the 84892  
content of an application by an electric distribution utility 84893  
for commission approval of a revenue decoupling mechanism under 84894  
this division. Such an application shall not be considered an 84895  
application to increase rates and may be included as part of a 84896  
proposal to establish, continue, or expand energy efficiency or 84897  
conservation programs. The commission by order may approve an 84898  
application under this division if it determines both that the 84899  
revenue decoupling mechanism provides for the recovery of 84900  
revenue that otherwise may be forgone by the utility as a result 84901  
of or in connection with the implementation by the electric 84902  
distribution utility of any energy efficiency or energy 84903  
conservation programs and reasonably aligns the interests of the 84904  
utility and of its customers in favor of those programs. 84905

(E) The commission additionally shall adopt rules that 84906  
require an electric distribution utility to provide a customer 84907

upon request with two years' consumption data in an accessible form. 84908  
84909

(F) (1) As used in divisions (F) (2), (3), and (4) of this section, "portfolio plan" has the same meaning as in division (C) (1) of section 4928.6610 of the Revised Code. 84910  
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(2) If an electric distribution utility has a portfolio plan in effect as of October 22, 2019, and that plan expires before December 31, 2020, the commission shall extend the plan through that date. All portfolio plans shall terminate on that date. 84913  
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(3) If a portfolio plan is extended beyond its commission approved term by division (F) (2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of October 22, 2019. 84918  
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(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F) (2) of this section shall remain the same unless changes are authorized by the commission. 84924  
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(G) (1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following: 84928  
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(a) Include energy savings that were estimated by the commission to be achieved as of December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code; 84933  
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(b) Use an energy savings baseline that is the average of 84936

the total kilowatt hours sold by all electric distribution 84937  
utilities in this state in the calendar years 2018, 2019, and 84938  
2020. The baseline shall exclude the load and usage described in 84939  
division (A) (2) (a) (i), (ii), and (iii) of this section. That 84940  
baseline may also be reduced for new economic growth in the 84941  
utility's certified territory as provided in division (A) (2) (a) 84942  
of this section and adjusted and normalized as provided in 84943  
division (A) (2) (c) of this section. 84944

(2) (a) If the cumulative energy savings collectively 84945  
achieved as determined by the commission under division (G) (1) 84946  
of this section is at least seventeen and one-half per cent of 84947  
the baseline described in division (G) (1) (b) of this section, 84948  
then full compliance with division (A) (1) (a) of this section 84949  
shall be deemed to have been achieved notwithstanding any 84950  
provision of this section to the contrary. 84951

(b) If the cumulative energy savings collectively achieved 84952  
as determined by the commission under division (G) (1) of this 84953  
section is less than seventeen and one-half per cent of the 84954  
baseline described in division (G) (1) (b) of this section, then 84955  
both of the following shall apply: 84956

(i) The commission shall determine the manner in which 84957  
further implementation of energy efficiency programs shall occur 84958  
as may be reasonably necessary for collective achievement of 84959  
cumulative energy savings equal to seventeen and one-half per 84960  
cent, and not more, of the baseline described in division (G) (1) 84961  
(b) of this section. 84962

(ii) Full compliance with division (A) (1) (a) of this 84963  
section shall be deemed to be achieved as of a date certain 84964  
established by the commission notwithstanding any provision of 84965  
this section to the contrary. 84966

(3) Upon the date that full compliance with division (A) 84967  
(1) (a) of this section is deemed achieved under division (G) (2) 84968  
(a) or (b) of this section, any electric distribution utility 84969  
cost recovery mechanisms authorized by the commission for 84970  
compliance with this section shall terminate except as may be 84971  
necessary to reconcile the difference between revenue collected 84972  
and the allowable cost of compliance associated with compliance 84973  
efforts occurring prior to December 31, 2021, for programs re- 84974  
established under section 4928.661 of the Revised Code, and 84975  
prior to the date upon which full compliance with division (A) 84976  
(1) (a) of this section is deemed achieved, for all other 84977  
compliance efforts. No such cost recovery mechanism shall be 84978  
authorized by the commission beyond the period of time required 84979  
to complete this final reconciliation. 84980

~~Sec. 4928.75. Beginning in fiscal year 2021 and each~~ 84981  
~~fiscal year thereafter, the~~ The director of ~~development-job and~~ 84982  
family services shall, in each fiscal year, submit a completed 84983  
waiver request in accordance with section 96.83 of Title 45 of 84984  
the Code of Federal Regulations to the United States department 84985  
of health and human services and any other applicable federal 84986  
agencies for the state to expend twenty-five per cent of federal 84987  
low-income home energy assistance programs funds from the home 84988  
energy assistance block grants for weatherization services 84989  
allowed by section 96.83(a) of Title 45 of the Code of Federal 84990  
Regulations to the United States department of health and human 84991  
services. 84992

Sec. 4933.51. As used in sections 4933.51 to 4933.59 of 84993  
the Revised Code: 84994

(A) "Area of last resort" means an area within an electric 84995  
distribution utility's designated service territory that is 84996

located in a county of this state with a population of not more 84997  
than fifty thousand, but excluding any areas of the county that 84998  
are within a ten-mile radius of another publicly available 84999  
electric vehicle charging station or any areas of the county 85000  
that are within one mile of an alternative fuel corridor 85001  
designated by the federal highway administration. 85002

(B) "Direct current fast charging station" means an 85003  
electric vehicle charging system capable of distributing 85004  
electricity at fifty kilowatts or more of direct current to an 85005  
electric vehicle's rechargeable battery at a voltage of two 85006  
hundred volts or more. 85007

(C) "Electric distribution utility" has the same meaning 85008  
as in section 4928.01 of the Revised Code. 85009

(D) "Electric vehicle" means a vehicle that is powered 85010  
wholly by a system that can be recharged via an external source 85011  
of electricity, including a vehicle for public or private use 85012  
that is a passenger car, commercial car or truck, a vehicle used 85013  
for public transit, a vehicle used in a vehicle fleet, a vehicle 85014  
used in construction work, and a vehicle used in industrial or 85015  
warehouse work. 85016

(E) "Electric vehicle charging provider" means the owner 85017  
or operator of an electric vehicle charging station. "Electric 85018  
vehicle charging provider" excludes either of the following that 85019  
owns or operates an electric vehicle charging station: 85020

(1) An electric distribution utility; 85021

(2) An affiliate or subsidiary of an electric distribution 85022  
utility. 85023

(F) "Electric vehicle charging station" means any 85024  
nonresidential electric vehicle charging system that is both of 85025

the following: 85026

(1) Capable of distributing electricity from a source 85027  
outside an electric vehicle to the electric vehicle; 85028

(2) A direct current fast charging station or level two 85029  
charging station. 85030

(G) "Level two charging station" means any electric 85031  
vehicle charging system capable of distributing electricity at a 85032  
minimum of three or a maximum of twenty kilowatts of alternating 85033  
current to an electric vehicle's rechargeable battery at a 85034  
voltage of two hundred volts or more. 85035

(H) "Make-ready infrastructure" means electrical 85036  
infrastructure required to accommodate the electric load of an 85037  
electric vehicle charging station. "Make-ready infrastructure" 85038  
excludes an electric vehicle charging station. 85039

**Sec. 4933.53.** (A) No electric distribution utility may own 85040  
or operate publicly available electric vehicle charging stations 85041  
except through a separate affiliate or subsidiary that is not 85042  
subject to public utilities commission jurisdiction, except as 85043  
provided in division (C) of this section and notwithstanding 85044  
section 4933.55 of the Revised Code. This division does not 85045  
prohibit the commission from approving a program, funded by 85046  
revenues from electric distribution utility rates, to promote 85047  
the creation of electric vehicle charging stations by electric 85048  
vehicle charging providers or the purchase of any equipment used 85049  
to charge an electric vehicle by residential customers. 85050

(B) (1) No electric distribution utility may charge its 85051  
affiliate or subsidiary a subsidized rate, fee, or charge for 85052  
electric service distributed to the affiliate's or subsidiary's 85053  
publicly available electric vehicle charging stations. 85054



(2) An electric distribution utility affiliate or subsidiary that owns or operates an electric vehicle charging station shall be subject to the same rates, terms, and conditions that apply to electric vehicle charging providers located in the electric distribution utility's certified territory. 85055  
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(C) (1) If, five or more years after the effective date of this section, an electric distribution utility is able to demonstrate that there is not at least one publicly available electric vehicle charging station in an area of last resort, the electric distribution utility may petition the commission for approval of the installation and ownership of a publicly available electric vehicle charging station solely in the area of last resort. 85061  
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The commission may approve, modify and approve, or reject an electric distribution utility's installation and ownership of such a charging station in an area of last resort, provided that any approval shall include a finding that the requirements of this section and section 4933.54 of the Revised Code have been met. 85069  
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(2) No electric distribution utility shall be obligated to deploy equipment for a publicly available electric vehicle charging station without timely and adequate cost recovery. 85075  
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(D) (1) If an electric distribution utility files a petition under division (C) of this section, the electric distribution utility also shall file a proposal with the commission that includes a description of the area of last resort, a statement certifying that there is not at least one publicly available electric vehicle charging station in the area of last resort, and a description of the publicly available 85078  
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electric vehicle charging station it proposes to construct at 85085  
the location. 85086

(2) An electric distribution utility, concurrently with 85087  
the filing made under this division, shall provide conspicuous 85088  
public notice on the electric distribution utility's web site 85089  
and to each dealer of transportation fuel within a ten-mile 85090  
radius of the location of the electric distribution utility's 85091  
proposed publicly available electric vehicle charging station. 85092  
Such notice shall contain at least both of the following: 85093

(a) The date the electric distribution utility filed a 85094  
proposal with the commission to provide a publicly available 85095  
electric vehicle charging station under this division; 85096

(b) The date by which a person may file a proposal to 85097  
provide a publicly available electric vehicle charging station 85098  
within a ten-mile radius of the proposed location as described 85099  
in section 4933.54 of the Revised Code. 85100

(E) Prior to approving an electric distribution utility's 85101  
installation and ownership of an electric vehicle charging 85102  
station under division (C) of this section, the commission shall 85103  
conduct a right of first refusal process. The commission shall 85104  
not conduct a right of first refusal process if there is a 85105  
publicly available electric vehicle charging station within a 85106  
ten-mile radius of the site where an electric distribution 85107  
utility proposes to locate such a charging station. 85108

(F) If, within ninety days after notice is provided under 85109  
division (D) of this section, no electric vehicle charging 85110  
providers are identified within ten miles of the location 85111  
proposed by an electric distribution utility in a proposal filed 85112  
under division (D) of this section, an electric distribution 85113

utility may submit to the commission a notice of intent to 85114  
proceed with installation of a publicly available electric 85115  
vehicle charging station. 85116

(G) Not earlier than one hundred eighty days after the 85117  
commission's finding of public interest and approval of the 85118  
proposal and installation, an electric distribution utility may 85119  
proceed with the construction and operation of its proposed 85120  
publicly available electric vehicle charging station. The 85121  
construction and operation of the charging station shall not 85122  
proceed if the commission determines that the construction and 85123  
operation unreasonably duplicates a publicly available electric 85124  
vehicle charging station operated, or under construction, by 85125  
another person. 85126

**Sec. 4933.54.** Not later than ninety days after the filing 85127  
and notice described in division (D) of section 4933.53 of the 85128  
Revised Code, any person, except an electric distribution 85129  
utility, an electric cooperative, or a municipal electric 85130  
utility, may submit a notice to the public utilities commission 85131  
stating that it intends to provide a publicly available electric 85132  
vehicle charging station within a ten-mile radius of the 85133  
location proposed by an electric distribution utility under 85134  
section 4933.53 of the Revised Code and intends to request the 85135  
necessary make-ready infrastructure from the electric 85136  
distribution utility. The notice shall include the person's firm 85137  
commitment to place the charging station into service before the 85138  
later of the following dates: 85139

(A) Eighteen months after the date the person submits the 85140  
notice to the commission; 85141

(B) Twelve months after the date of completion of the 85142  
installation of the necessary make-ready infrastructure. 85143

Sec. 4933.55. Revenues received by an electric 85144  
distribution utility for providing electric distribution service 85145  
shall not, directly or indirectly, subsidize investments in the 85146  
ownership or operation of electric vehicle charging stations, 85147  
except as part of a program approved by the public utilities 85148  
commission consistent with sections 4933.51 to 4933.59 of the 85149  
Revised Code. 85150

Sec. 4933.57. Nothing in sections 4933.51 to 4933.59 of 85151  
the Revised Code prohibits an electric distribution utility from 85152  
recovering the costs of make-ready infrastructure through rates 85153  
or charges authorized under the electric distribution utility's 85154  
distribution rate case under section 4909.18 of the Revised 85155  
Code, so long as such subsidies for make-ready infrastructure 85156  
are offered to electric vehicle charging providers on a 85157  
nondiscriminatory basis. 85158

Sec. 4933.59. Nothing in sections 4933.51 to 4933.59 of 85159  
the Revised Code shall be construed to prohibit an electric 85160  
distribution utility from operating, leasing, installing, or 85161  
otherwise procuring service from an electric vehicle charging 85162  
station on its own premises for the sole purpose of serving its 85163  
own electric vehicles. 85164

**Sec. 5101.101.** (A) This section establishes the order of 85165  
priority to be followed by the department of job and family 85166  
services when distributing funds for the purpose of providing 85167  
family planning services, including funds the department 85168  
receives through Title XX of the "Social Security Act," 88 Stat. 85169  
2337 (1974), 42 U.S.C. 1397, as amended, and funds the 85170  
department receives through Title IV-A of the "Social Security 85171  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be 85172  
used for purposes of providing Title XX social services. This 85173

section does not apply to payments made under the medicaid program. 85174  
85175

(B) With respect to each period during which funds from a particular source are distributed for the purpose of providing family planning services, the department is subject to both of the following when distributing the funds to applicants seeking those funds: 85176  
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85178  
85179  
85180

(1) Foremost priority shall be given to public entities that are operated by state or local government entities and that provide or are able to provide family planning services. 85181  
85182  
85183

(2) If any funds remain after the department distributes funds to public entities under division (B) (1) of this section, the department may distribute funds to nonpublic entities. If funds are distributed to nonpublic entities, the department shall distribute the funds in the following order of descending priority: 85184  
85185  
85186  
85187  
85188  
85189

(a) Nonpublic entities that are federally qualified health centers or federally qualified health center look-alikes, both as defined in section 3701.047 of the Revised Code, or community action agencies, as defined in section ~~122.66~~ 5101.311 of the Revised Code; 85190  
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(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services; 85195  
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(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services. 85198  
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85200

**Sec. 5101.211.** The director of job and family services or the director of children and youth may provide for a grant 85201  
85202

agreement entered into under section 5101.21 of the Revised Code 85203  
to have a retroactive effective date of the first day of July of 85204  
an odd-numbered year if both of the following are the case: 85205

(A) The agreement is entered into after that date and 85206  
before the last day of that July. 85207

(B) The board of county commissioners requests the 85208  
retroactive effective date and provides the director good cause 85209  
satisfactory to the director for the reason the agreement was 85210  
not entered into on or before the first day of that July. 85211

**Sec. 5101.212.** The department of job and family services 85212  
or the director of children and youth shall publish in a manner 85213  
accessible to the public all of the following that concern 85214  
family services duties for which grants included in grant 85215  
agreements entered into under section 5101.21 of the Revised 85216  
Code are awarded: state plans for receipt of federal financial 85217  
participation, agreements between the department and a federal 85218  
agency, and executive orders issued by the governor. The 85219  
department may publish the materials electronically or 85220  
otherwise. 85221

**Sec. 5101.215.** If the director of job and family services 85222  
or the director of children and youth enters into an agreement 85223  
or contracts with, or issues a grant to, a religious 85224  
organization under section 5101.214 of the Revised Code, the 85225  
religious organization shall comply with section 104 of the 85226  
Personal Responsibility and Work Opportunity and Reconciliation 85227  
Act of 1996 (P.L. 104-193). 85228

**Sec. 5101.222.** The director of job and family services or 85229  
the director of children and youth may adopt rules in accordance 85230  
with section 111.15 of the Revised Code to implement sections 85231

5101.22 to 5101.222 of the Revised Code. If the director adopts 85232  
the rules, the director shall adopt the rules as if they were 85233  
internal management rules. 85234

**Sec. 5101.242.** The department of job and family services 85235  
or the director of children and youth may certify a claim to the 85236  
attorney general under section 131.02 of the Revised Code for 85237  
the attorney general to take action under that section against a 85238  
responsible county grantee or responsible entity to recover any 85239  
funds that the department determines the responsible county 85240  
grantee or responsible entity owes the department for actions 85241  
taken under division (C) (2), (3), (4), or (5) of section 5101.24 85242  
or 5101.241 of the Revised Code. 85243

**Sec. 5101.26.** As used in this section and in sections 85244  
5101.27 to 5101.30 of the Revised Code: 85245

(A) "Community control sanction" has the same meaning as 85246  
in section 2929.01 of the Revised Code. 85247

(B) "County agency" means a county department of job and 85248  
family services or a public children services agency. 85249

(C) "Fugitive felon" means an individual who is fleeing to 85250  
avoid prosecution, or custody or confinement after conviction, 85251  
under the laws of the place from which the individual is 85252  
fleeing, for a crime or an attempt to commit a crime that is a 85253  
felony under the laws of the place from which the individual is 85254  
fleeing or, in the case of New Jersey, a high misdemeanor, 85255  
regardless of whether the individual has departed from the 85256  
individual's usual place of residence. 85257

(D) "Information" means records as defined in section 85258  
149.011 of the Revised Code, any other documents in any format, 85259  
and data derived from records and documents that are generated, 85260

acquired, or maintained by the department of job and family services, the department of children and youth, a county agency, or an entity performing duties on behalf of the department or a county agency.

(E) "Law enforcement agency" has the same meaning as in section 109.573 of the Revised Code.

(F) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(G) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services, department of children and youth, or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. "Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code.

(H) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

(I) "Publicly funded child care" has the same meaning as in section 5104.01 of the Revised Code.

(J) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of community commissioners under that section.

**Sec. 5101.272.** (A) For the purposes of section 5101.27 of the Revised Code, an authorization shall be made on a form that



uses language understandable to the average person and contains 85290  
all of the following: 85291

(1) A description of the information to be used or 85292  
disclosed that identifies the information in a specific and 85293  
meaningful fashion; 85294

(2) The name or other specific identification of the 85295  
person or class of persons authorized to make the requested use 85296  
or disclosure; 85297

(3) The name or other specific identification of the 85298  
person or governmental entity to which the information may be 85299  
released; 85300

(4) A description of each purpose of the requested use or 85301  
disclosure of the information; 85302

(5) The date on which the authorization expires or an 85303  
event related either to the individual who is the subject of the 85304  
request or to the purposes of the requested use or disclosure, 85305  
the occurrence of which will cause the authorization to expire; 85306

(6) A statement that the information used or disclosed 85307  
pursuant to the authorization may be disclosed by the recipient 85308  
of the information and may no longer be protected from 85309  
disclosure; 85310

(7) The signature of the individual or the individual's 85311  
authorized representative and the date on which the 85312  
authorization was signed; 85313

(8) If signed by an authorized representative, a 85314  
description of the representative's authority to act for the 85315  
individual; 85316

(9) A statement of the individual or authorized 85317

representative's right to prospectively revoke the written 85318  
authorization in writing, along with one of the following: 85319

(a) A description of how the individual or authorized 85320  
representative may revoke the authorization; 85321

(b) If the department of job and family services' or 85322  
department of children and youth's privacy notice contains a 85323  
description of how the individual or authorized representative 85324  
may revoke the authorization, a reference to that privacy 85325  
notice. 85326

(10) A statement that treatment, payment, enrollment, or 85327  
eligibility for public assistance cannot be conditioned on 85328  
signing the authorization unless the authorization is necessary 85329  
for determining eligibility for the public assistance program. 85330

(B) When an individual requests information pursuant to 85331  
section 5101.27 of the Revised Code regarding the individual's 85332  
receipt of public assistance and does not wish to provide a 85333  
statement of purpose, the statement "at request of the 85334  
individual" is a sufficient description for purposes of division 85335  
(A) (4) of this section. 85336

**Sec. 5101.273.** The department of job and family services 85337  
or the department of children and youth shall enter into any 85338  
necessary agreements with the United States department of health 85339  
and human services and neighboring states to join and 85340  
participate as an active member in the public assistance 85341  
reporting information system. The department may disclose 85342  
information regarding a public assistance recipient to the 85343  
extent necessary to participate as an active member in the 85344  
public assistance reporting information system. 85345

**Sec. 5101.28.** (A) (1) On request of the department of job 85346

and family services, the department of children and youth, or a 85347  
county agency, a law enforcement agency shall provide 85348  
information regarding public assistance recipients to enable the 85349  
department of job and family services, department of children 85350  
and youth, or county agency to determine, for eligibility 85351  
purposes, whether a recipient or a member of a recipient's 85352  
assistance group is a fugitive felon or violating a condition of 85353  
probation, a community control sanction, parole, or a post- 85354  
release control sanction imposed under state or federal law. 85355

(2) A county agency may enter into a written agreement 85356  
with a local law enforcement agency establishing procedures 85357  
concerning access to information and providing for compliance 85358  
with this section. 85359

(B) To the extent permitted by federal law, the department 85360  
of job and family services, department of children and youth, 85361  
and county agencies shall provide information regarding 85362  
recipients of public assistance to a law enforcement agency on 85363  
request for use in the performance of the law enforcement 85364  
agency's official duties. 85365

(C) Information about a public assistance recipient shall 85366  
be exchanged, obtained, or shared only if the department of job 85367  
and family services, department of children and youth, county 85368  
agency, or law enforcement agency requesting the information 85369  
gives sufficient information to specifically identify the 85370  
recipient. In addition to the recipient's name, identifying 85371  
information may include the recipient's current or last known 85372  
address, social security number, other identifying number, age, 85373  
gender, physical characteristics, any information specified in 85374  
an agreement entered into under division (A) of this section, or 85375  
any information considered appropriate by the department of job 85376

and family services, department of children and youth or agency. 85377

(D) (1) The department of job and family services, 85378  
department of children and youth, and ~~its~~ each department's 85379  
officers and employees are not liable in damages in a civil 85380  
action for any injury, death, or loss to person or property that 85381  
allegedly arises from the release of information in accordance 85382  
with divisions (A), (B), and (C) of this section. This section 85383  
does not affect any immunity or defense that the department of 85384  
job and family services, department of children and youth, and 85385  
~~its~~ each department's officers and employees may be entitled to 85386  
under another section of the Revised Code or the common law of 85387  
this state, including section 9.86 of the Revised Code. 85388

(2) The county agencies and their employees are not liable 85389  
in damages in a civil action for any injury, death, or loss to 85390  
person or property that allegedly arises from the release of 85391  
information in accordance with divisions (A), (B), and (C) of 85392  
this section. "Employee" has the same meaning as in division (B) 85393  
of section 2744.01 of the Revised Code. This section does not 85394  
affect any immunity or defense that the county agencies and 85395  
their employees may be entitled to under another section of the 85396  
Revised Code or the common law of this state, including section 85397  
2744.02 and division (A) (6) of section 2744.03 of the Revised 85398  
Code. 85399

(E) To the extent permitted by federal law, the department 85400  
of job and family services, department of children and youth, 85401  
and county agencies shall provide access to information to the 85402  
auditor of state acting pursuant to Chapter 117. or sections 85403  
5101.181 and 5101.182 of the Revised Code and to any other 85404  
government entity authorized by federal law to conduct an audit 85405  
of, or similar activity involving, a public assistance program. 85406

(F) To the extent permitted by law, nothing in this 85407  
section prohibits the department of job and family services, the 85408  
department of children and youth, county departments of job and 85409  
family services, and employees of the departments from reporting 85410  
to a public children services agency or other appropriate agency 85411  
information on known or suspected physical or mental injury, 85412  
sexual abuse or exploitation, or negligent treatment or 85413  
maltreatment, of a child. 85414

**Sec. 5101.30.** (A) The director of job and family services 85415  
and the director of children and youth shall adopt rules in 85416  
accordance with Chapter 119. of the Revised Code implementing 85417  
sections 5101.26 to 5101.30 of the Revised Code and governing 85418  
the custody, use, disclosure, and preservation of the 85419  
information generated or received by the department of job and 85420  
family services, the department of children and youth, county 85421  
agencies, other state and county entities, contractors, 85422  
grantees, private entities, or officials participating in the 85423  
administration of public assistance programs. The rules shall 85424  
comply with applicable federal statutes and regulations. 85425

(1) The rules shall specify conditions and procedures for 85426  
the release of information which may include, among other 85427  
conditions and procedures, both of the following: 85428

(a) Permitting providers of services or assistance under 85429  
public assistance programs limited access to information that is 85430  
essential for the providers to render services or assistance or 85431  
to bill for services or assistance rendered. The department of 85432  
aging, when investigating a complaint under section 173.20 of 85433  
the Revised Code, shall be granted any limited access permitted 85434  
in the rules pursuant to division (A)(1) of this section. 85435

(b) Permitting a contractor, grantee, or other state or 85436

county entity limited access to information that is essential 85437  
for the contractor, grantee, or entity to perform administrative 85438  
or other duties on behalf of the department or county agency. A 85439  
contractor, grantee, or entity given access to information 85440  
pursuant to division (A)(2) of this section is bound by the 85441  
director's rules, and disclosure of the information by the 85442  
contractor, grantee, or entity in a manner not authorized by the 85443  
rules is a violation of section 5101.27 of the Revised Code. 85444

(2) The rules may define who is an "authorized 85445  
representative" for purposes of sections 5101.27 and 5101.272 of 85446  
the Revised Code. 85447

(B) Whenever names, addresses, or other information 85448  
relating to public assistance recipients is held by any agency 85449  
other than the department or a county agency, that other agency 85450  
shall adopt rules consistent with sections 5101.26 to 5101.30 of 85451  
the Revised Code to prevent the publication or disclosure of 85452  
names, lists, or other information concerning those recipients. 85453

**Sec. ~~122.66~~ 5101.311.** As used in sections ~~122.66~~ 5101.311 85454  
to ~~122.702~~ 5101.318 of the Revised Code: 85455

(A) "Poverty line" means the official poverty line 85456  
established by the director of the United States office of 85457  
management and budget and as revised by the secretary of health 85458  
and human services in accordance with section 673(2) of the 85459  
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 85460  
9902. 85461

(B) "Low-income person" means a person whose adjusted 85462  
gross income as defined in division (A) of section 5747.01 of 85463  
the Revised Code is below the poverty line as defined in 85464  
division (A) of this section. 85465

(C) "Advocacy" means the act of pleading for, supporting, 85466  
or recommending actions on behalf of low-income persons. 85467

(D) "Community action agency" means a community-based and 85468  
operated private nonprofit agency or organization incorporated 85469  
under Chapter 1702. of the Revised Code that includes or is 85470  
designed to include a sufficient number of projects or 85471  
components to provide a range of services and activities having 85472  
a measurable and potentially major impact on the causes of 85473  
poverty in the community or those areas of the community where 85474  
poverty is a particularly acute problem and is designated as a 85475  
community action agency by the ~~community services division~~ 85476  
department of job and family services pursuant to sections 85477  
~~122.68-5101.313~~ and ~~122.69-5101.315~~ of the Revised Code. A 85478  
"community action agency" is not a state agency or public 85479  
office. 85480

(E) "Community" means a city, village, county, multicity 85481  
or multicounty unit, a neighborhood or other area, disregarding 85482  
boundaries or political subdivisions, which provides a suitable 85483  
organizational base and possesses a commonality of needs and 85484  
interests for a community action program suitable to be served 85485  
by a community action agency. 85486

(F) "Service area" means the geographical area served by a 85487  
community action agency. 85488

**Sec. ~~122.67~~ 5101.312.** ~~There is hereby created in the~~ 85489  
~~development services agency the community services division.~~ The 85490  
director of ~~development services~~ job and family services shall 85491  
employ and fix the compensation of professional and technical 85492  
unclassified personnel as necessary to carry out the provisions 85493  
of sections ~~122.66-5101.311~~ to ~~122.701-5101.317~~ of the Revised 85494  
Code. 85495

**Sec. ~~122.68~~ 5101.313.** The ~~community services division~~ department of job and family services shall:

(A) Administer all federal funds appropriated to the state from the "Community Services Block Grant Act," 95 Stat. 511, 42 U.S.C.A. 9901, and comply with requirements imposed by that act in its application for, and administration of, the funds;

(B) Designate community action agencies to receive community services block grant funds;

(C) (1) Subject to division (C) (2) of this section, disburse at least ninety-one per cent of the funds received in the state from the "Community Services Block Grant Act" to community action agencies that comply with the requirements of section ~~122.69~~ 5101.315 of the Revised Code and migrant and seasonal farm worker organizations that are not designated community action agencies but which provide the services described in division (B) (1) of section ~~122.69~~ 5101.315 of the Revised Code;

(2) Disburse at least four and one-half per cent of the funds received in the state from the "Community Services Block Grant Act" to one or more nonprofit organizations to which both of the following apply:

(a) The organization or organizations were incorporated under the laws of this state before January 1, 2015.

(b) The primary purpose of the organization or organizations is to provide training and technical assistance to community action agencies that comply with the requirements of section ~~122.69~~ 5101.315 of the Revised Code.

(D) Provide technical assistance to community action agencies to improve program planning, development, and



administration; 85525

(E) Conduct yearly performance assessments, according to 85526  
criteria determined by ~~development services agency department of~~ 85527  
job and family services rule, to determine whether community 85528  
action agencies are in compliance with section ~~122.69~~ 5101.315 85529  
of the Revised Code; 85530

(F) Annually prepare and submit to the United States 85531  
secretary of health and human services, the governor, the 85532  
president of the Ohio senate, and the speaker of the Ohio house 85533  
of representatives, a comprehensive report that includes: 85534

(1) Certification that all community action agencies 85535  
designated to receive funds from the "Community Services Block 85536  
Grant Act" are in compliance with section ~~122.69~~ 5101.315 of the 85537  
Revised Code; 85538

(2) A program plan for the next federal fiscal year that 85539  
has been made available for public inspection and that details 85540  
how community services block grant funds will be disbursed and 85541  
used during that fiscal year; 85542

(3) Information detailing how funds were expended for the 85543  
current fiscal year; 85544

(4) An audit of community services block grant 85545  
expenditures for the preceding federal fiscal year that is 85546  
conducted in accordance with generally accepted accounting 85547  
principles by an independent auditing firm that has no 85548  
connection with any community action agency receiving community 85549  
services block grant funds or with any employee of the division. 85550

(G) Serve as a statewide advocate for social and economic 85551  
opportunities for low-income persons. 85552

Sec. ~~122.681~~ 5101.314. (A) Except as permitted by this 85553  
section, or when required by federal law, no person or 85554  
government entity shall solicit, release, disclose, receive, 85555  
use, or knowingly permit or participate in the use of any 85556  
information regarding an individual receiving assistance 85557  
pursuant to a ~~community services division~~ department of job and 85558  
family services program under sections ~~122.66~~ 5101.311 to 85559  
~~122.702~~ 5101.318 of the Revised Code for any purpose not 85560  
directly related to the administration of a ~~division~~ department 85561  
assistance program. 85562

(B) To the extent permitted by federal law, the 85563  
~~division~~ department, and any entity that receives ~~division~~ 85564  
department funds to administer a ~~division~~ department program to 85565  
assist individuals, shall release information regarding an 85566  
individual assistance recipient to the following: 85567

(1) A government entity responsible for administering the 85568  
assistance program for purposes directly related to the 85569  
administration of the program; 85570

(2) A law enforcement agency for the purpose of any 85571  
investigation, prosecution, or criminal or civil proceeding 85572  
relating to the administration of the assistance program; 85573

(3) A government entity responsible for administering a 85574  
children's protective services program, for the purpose of 85575  
protecting children; 85576

(4) Any appropriate person in compliance with a search 85577  
warrant, subpoena, or other court order. 85578

(C) To the extent permitted by federal law and section 85579  
1347.08 of the Revised Code, the ~~division~~ department, and any 85580  
entity administering a ~~division~~ department program, shall 85581

provide access to information regarding an individual assistance recipient to all of the following: 85582  
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(1) The individual assistance recipient; 85584

(2) The authorized representative of the individual assistance recipient; 85585  
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(3) The legal guardian of the individual assistance recipient; 85587  
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(4) The attorney of the individual assistance recipient. 85589

(D) To the extent permitted by federal law, the ~~division~~department, and any entity administering a ~~division~~department program, may do either of the following: 85590  
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85592

(1) Release information about an individual assistance recipient if the recipient gives voluntary, written authorization; 85593  
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(2) Release information regarding an individual assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need. 85596  
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(E) The ~~community services division~~department of job and family services, or an entity administering a ~~division~~department program, shall provide, at no cost, a copy of each written authorization to the individual who signed it. 85600  
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(F) The ~~development services agency~~department may adopt rules defining who may serve as an individual assistance recipient's authorized representative for purposes of division (C) (2) of this section. 85604  
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85607

**Sec. ~~122.69~~ 5101.315.** (A) Any nonprofit agency or 85608

organization seeking designation as a community action agency by 85609  
the ~~community services division~~ department of job and family 85610  
services shall obtain the endorsement of the chief elected 85611  
officials of at least two-thirds of the municipal corporations 85612  
and the counties within the community to be served by the agency 85613  
or organization. 85614

(B) Any nonprofit agency or organization that receives the 85615  
endorsement provided for in division (A) of this section shall 85616  
be designated by the ~~division~~ department as the community action 85617  
agency for the community it serves and shall receive community 85618  
services block grant funds for any period of time that the 85619  
nonprofit agency or organization: 85620

(1) Provides a range of services and opportunities having 85621  
a measurable and potentially major impact on the causes of 85622  
poverty in the community or those areas of the community where 85623  
poverty is a particularly acute problem. These activities may 85624  
include but shall not be limited to: 85625

(a) Providing activities designed to assist low-income 85626  
persons, including low-income persons who are elderly and who 85627  
have disabilities, to: 85628

(i) Secure and maintain meaningful employment, training, 85629  
work experience, and unsubsidized employment; 85630

(ii) Attain an adequate education; 85631

(iii) Make better use of available income; 85632

(iv) Obtain and maintain adequate housing and a suitable 85633  
living environment; 85634

(v) Obtain emergency assistance through loans or grants to 85635  
meet immediate and urgent individual and family needs, including 85636

the need for health services, nutritious food, housing, and 85637  
employment-related assistance; 85638

(vi) Remove obstacles and solve personal and family 85639  
problems that block the achievement of self-sufficiency; 85640

(vii) Achieve greater participation in the affairs of the 85641  
community; 85642

(viii) Undertake family planning, consistent with personal 85643  
and family goals and religious and moral convictions; 85644

(ix) Obtain energy assistance, conservation, and 85645  
weatherization services. 85646

(b) Providing, on an emergency basis, supplies and 85647  
services, nutritious foodstuffs, and related services necessary 85648  
to counteract conditions of starvation and malnutrition among 85649  
low-income persons; 85650

(c) Coordinating and establishing links between government 85651  
and other social services programs to assure the effective 85652  
delivery of services to low-income individuals; 85653

(d) Providing child care services, nutrition and health 85654  
services, transportation services, alcoholism and narcotic 85655  
addiction prevention and rehabilitation services, youth 85656  
development services, and community services to persons who are 85657  
elderly and who have disabilities; 85658

(e) Encouraging entities in the private sector to 85659  
participate in efforts to ameliorate poverty in the community. 85660

(2) Annually submits to the ~~division~~department a program 85661  
plan and budget for use of community services block grant funds 85662  
for the next federal fiscal year. At least ten days prior to its 85663  
submission to the ~~division~~department, a copy of the program plan 85664

and budget shall be made available to the chief elected officials of the municipal corporations and counties within the service area in order to provide them the opportunity to review and comment upon such plan and budget.

(3) Composes its board of directors in compliance with ~~section (c) (3) of section 675 of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904~~ U.S.C. 9910, except that the board shall consist of not less than fifteen nor more than thirty-three members;

(4) Complies with the prohibitions against discrimination and political activity, as provided in the "Community Services Block Grant Act";

(5) Complies with fiscal and program requirements established by ~~development services agency department~~ rule.

**Sec. ~~122.70~~ 5101.316**. The board of directors of a community action agency shall:

(A) Select, appoint, and may remove the executive director of the community action agency;

(B) Approve contracts, annual program budgets, and policies of the community action agency;

(C) Advise the elected officials of any political subdivision located within its service area, and state and federal elected officials who represent its service area, of the nature and extent of poverty within its community, and advise them of any needed changes;

(D) Convene public meetings to provide community members the opportunity to comment on public policies and programs to reduce poverty;

- (E) Annually evaluate the policies and programs of the community action agency according to criteria determined by ~~department of development~~ department of job and family services rule; 85693  
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- (F) Submit the results of the evaluation required by division (E) of this section, along with recommendations for improved administration of the community action agency, to the ~~community services division~~ department; 85697  
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- (G) Adopt a code of ethics for the board of directors and the employees of the community action agency; 85701  
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- (H) Adopt written policies describing all of the following: 85703  
85704
- (1) How the community action agency is to expend and distribute the community services block grant funds that it receives from the division under sections ~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code; 85705  
85706  
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- (2) The salary, benefits, travel expenses, and any other compensation that persons are to receive for serving on the community action agency's board of directors; 85709  
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- (3) The operating procedures to be used by the board to conduct its meetings, to vote on all official business it considers, and to provide notice of its meetings. 85712  
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- The written operating procedures described in this division shall specify the methods by which the board may conduct meetings using virtual electronic technology, and shall specify that the board may provide notice of its meetings by any means deemed appropriate to the board. 85715  
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- (I) Provide for the posting of notices in a conspicuous 85720

place indicating that the code of ethics described in division 85721  
(G) of this section and the policies described in division (H) 85722  
of this section are available for public inspection at the 85723  
community action agency during normal business hours. 85724

**Sec. ~~122.701~~ 5101.317.** (A) Prior to designating a new 85725  
community action agency or rescinding a community action 85726  
agency's designation, the ~~community services division~~ department 85727  
of job and family services shall: 85728

(1) Determine whether a community action agency is in 85729  
compliance with section ~~122.69~~ 5101.315 of the Revised Code; 85730

(2) Consult with the chief elected officials of political 85731  
subdivisions located within a community action agency's service 85732  
area, and, in designating a new community action agency, obtain 85733  
their endorsement of the agency in accordance with division (A) 85734  
of section ~~122.69~~ 5101.315 of the Revised Code; 85735

(3) Hold at least one public meeting within a community 85736  
action agency's service area for the purpose of allowing 85737  
citizens to comment on the community action agency's delivery of 85738  
services; 85739

(4) Evaluate the proposed service area of the community 85740  
action agency, and, as may be necessary, modify the boundaries 85741  
of the service area so that low-income persons in the area are 85742  
adequately and efficiently served. 85743

(B) After providing notice and hearing pursuant to 85744  
sections 119.01 to 119.13 of the Revised Code, the director of 85745  
~~development~~ job and family services: 85746

(1) May rescind the designation of a community action 85747  
agency after finding that the agency is not in compliance with 85748  
any or all of the provisions of section ~~122.69~~ 5101.315 of the 85749



Revised Code; 85750

(2) Shall rescind the designation of a community action agency upon notification from the chief elected officials of more than one-half of the municipal corporations and the counties within a community currently served by a community action agency that such agency is not endorsed by them and after finding that the agency is not in compliance with section ~~122.69~~ 5101.315 of the Revised Code. 85751  
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Any agency whose designation is rescinded pursuant to this section may appeal from an order rescinding such designation pursuant to section 119.12 of the Revised Code. 85758  
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**Sec. ~~122.702~~ 5101.318.** The general assembly shall conduct public hearings ~~each year on the proposed use and distribution of~~ community services block grant funds, as required by section ~~675(b) 676~~ of the "Community Services Block Grant Act," ~~95 Stat. 1609, 42 U.S.C.A. 9904~~ U.S.C. 9908. 85761  
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**Sec. 5101.33.** (A) As used in this section, "benefits" means any of the following: 85766  
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(1) Cash assistance paid under Chapter 5107. of the Revised Code; 85768  
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(2) Supplemental nutrition assistance program benefits provided under section 5101.54 of the Revised Code; 85770  
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(3) Any other program administered by the department of job and family services or the department of children and youth under which assistance is provided or service rendered; 85772  
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(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit 85775  
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85777

transfer. 85778

(B) The department of job and family services or 85779  
department of children and youth may make any payment or 85780  
delivery of benefits to eligible individuals through the medium 85781  
of electronic benefit transfer by doing all of the following: 85782

(1) Contracting with an agent to supply debit cards to the 85783  
department of job and family services or the department of 85784  
children and youth for use by such individuals in accessing 85785  
their benefits and to credit such cards electronically with the 85786  
amounts specified by the director of job and family services or 85787  
the director of children and youth pursuant to law; 85788

(2) Informing such individuals about the use of the 85789  
electronic benefit transfer system and furnishing them with 85790  
debit cards and information that will enable them to access 85791  
their benefits through the system; 85792

(3) Arranging with specific financial institutions or 85793  
vendors, county departments of job and family services, or 85794  
persons or government entities for individuals to have their 85795  
cards credited electronically with the proper amounts at their 85796  
facilities; 85797

(4) Periodically preparing vouchers for the payment of 85798  
such benefits by electronic benefit transfer; 85799

(5) Satisfying any applicable requirements of federal and 85800  
state law. 85801

(C) The department may enter into a written agreement with 85802  
any person or government entity to provide benefits administered 85803  
by that person or entity through the medium of electronic 85804  
benefit transfer. A written agreement may require the person or 85805  
government entity to pay to the department either or both of the 85806

following: 85807

(1) A charge that reimburses the department for all costs 85808  
the department incurs in having the benefits administered by the 85809  
person or entity provided through the electronic benefit 85810  
transfer system; 85811

(2) A fee for having the benefits provided through the 85812  
electronic benefit transfer system. 85813

(D) The department may designate which counties will 85814  
participate in the medium of electronic benefit transfer, 85815  
specify the date a designated county will begin participation, 85816  
and specify which benefits will be provided through the medium 85817  
of electronic benefit transfer in a designated county. 85818

(E) The department of job and family services or the 85819  
department of children and youth may adopt rules in accordance 85820  
with Chapter 119. of the Revised Code for the efficient 85821  
administration of this section. 85822

**Sec. 5101.35.** (A) As used in this section: 85823

(1) (a) "Agency" means the following entities that 85824  
administer a family services program: 85825

(i) The department of job and family services; 85826

(ii) The department of children and youth; 85827

(iii) A county department of job and family services; 85828

(iv) A public children services agency; 85829

(v) A private or government entity administering, in whole 85830  
or in part, a family services program for or on behalf of the 85831  
department of job and family services, the department of 85832  
children and youth, or a county department of job and family 85833

services or public children services agency. 85834

(b) If the department of medicaid contracts with the 85835  
department of job and family services to hear appeals authorized 85836  
by section 5160.31 of the Revised Code regarding medical 85837  
assistance programs, "agency" includes the department of 85838  
medicaid. 85839

(2) "Appellant" means an applicant, participant, former 85840  
participant, recipient, or former recipient of a family services 85841  
program who is entitled by federal or state law to a hearing 85842  
regarding a decision or order of the agency that administers the 85843  
program. 85844

(3) (a) "Family services program" means all of the 85845  
following: 85846

(i) A Title IV-A program as defined in section 5101.80 of 85847  
the Revised Code; 85848

(ii) Programs that provide assistance under Chapter 5104. 85849  
of the Revised Code; 85850

(iii) Programs that provide assistance under section 85851  
~~5101.141~~, 5101.461, 5101.54, 5119.41, 5153.163, ~~or~~ 5153.165, or 85852  
5180.42 of the Revised Code; 85853

(iv) Title XX social services provided under section 85854  
5101.46 of the Revised Code, other than such services provided 85855  
by the department of mental health and addiction services, the 85856  
department of developmental disabilities, a board of alcohol, 85857  
drug addiction, and mental health services, or a county board of 85858  
developmental disabilities. 85859

(b) If the department of medicaid contracts with the 85860  
department of job and family services to hear appeals authorized 85861

by section 5160.31 of the Revised Code regarding medical 85862  
assistance programs, "family services program" includes medical 85863  
assistance programs. 85864

(4) "Medical assistance program" has the same meaning as 85865  
in section 5160.01 of the Revised Code. 85866

(B) Except as provided by divisions (G) and (H) of this 85867  
section, an appellant who appeals under federal or state law a 85868  
decision or order of an agency administering a family services 85869  
program shall, at the appellant's request, be granted a state 85870  
hearing by the department of job and family services or the 85871  
department of children and youth, as appropriate. This state 85872  
hearing shall be conducted in accordance with rules adopted 85873  
under this section. The state hearing shall be recorded, but 85874  
neither the recording nor a transcript of the recording shall be 85875  
part of the official record of the proceeding. Except as 85876  
provided in section 5160.31 of the Revised Code, a state hearing 85877  
decision is binding upon the agency and department, unless it is 85878  
reversed or modified on appeal to the director of job and family 85879  
services, director of children and youth, or a court of common 85880  
pleas. 85881

(C) Except as provided by division (G) of this section, an 85882  
appellant who disagrees with a state hearing decision may make 85883  
an administrative appeal to the director of job and family 85884  
services or director of children and youth in accordance with 85885  
rules adopted under this section. This administrative appeal 85886  
does not require a hearing, but the director or the director's 85887  
designee shall review the state hearing decision and previous 85888  
administrative action and may affirm, modify, remand, or reverse 85889  
the state hearing decision. An administrative appeal decision is 85890  
the final decision of the department and, except as provided in 85891

section 5160.31 of the Revised Code, is binding upon the 85892  
department and agency, unless it is reversed or modified on 85893  
appeal to the court of common pleas. 85894

(D) An agency shall comply with a decision issued pursuant 85895  
to division (B) or (C) of this section within the time limits 85896  
established by rules adopted under this section. If a county 85897  
department of job and family services or a public children 85898  
services agency fails to comply within these time limits, the 85899  
department may take action pursuant to section 5101.24 of the 85900  
Revised Code. If another agency, other than the department of 85901  
medicaid, fails to comply within the time limits, the department 85902  
may force compliance by withholding funds due the agency or 85903  
imposing another sanction established by rules adopted under 85904  
this section. 85905

(E) An appellant who disagrees with an administrative 85906  
appeal decision of the director of job and family services, the 85907  
director of children and youth, or either director's designee 85908  
issued under division (C) of this section may appeal from the 85909  
decision to the court of common pleas pursuant to section 119.12 85910  
of the Revised Code. The appeal shall be governed by section 85911  
119.12 of the Revised Code except that: 85912

(1) The person may apply to the court for designation as 85913  
an indigent and, if the court grants this application, the 85914  
appellant shall not be required to furnish the costs of the 85915  
appeal. 85916

(2) The appellant shall mail the notice of appeal to the 85917  
department of job and family services or director of children 85918  
and youth, as appropriate, and file notice of appeal with the 85919  
court within thirty days after the department mails the 85920  
administrative appeal decision to the appellant. For good cause 85921

shown, the court may extend the time for mailing and filing 85922  
notice of appeal, but such time shall not exceed six months from 85923  
the date the department mails the administrative appeal 85924  
decision. Filing notice of appeal with the court shall be the 85925  
only act necessary to vest jurisdiction in the court. 85926

(3) The department shall be required to file a transcript 85927  
of the testimony of the state hearing with the court only if the 85928  
court orders the department to file the transcript. The court 85929  
shall make such an order only if it finds that the department 85930  
and the appellant are unable to stipulate to the facts of the 85931  
case and that the transcript is essential to a determination of 85932  
the appeal. The department shall file the transcript not later 85933  
than thirty days after the day such an order is issued. 85934

(F) The department of job and family service and 85935  
department of children and youth, as applicable, shall adopt 85936  
rules in accordance with Chapter 119. of the Revised Code to 85937  
implement this section, including rules governing the following: 85938

(1) State hearings under division (B) of this section. The 85939  
rules shall include provisions regarding notice of eligibility 85940  
termination and the opportunity of an appellant appealing a 85941  
decision or order of a county department of job and family 85942  
services to request a county conference with the county 85943  
department before the state hearing is held. 85944

(2) Administrative appeals under division (C) of this 85945  
section; 85946

(3) Time limits for complying with a decision issued under 85947  
division (B) or (C) of this section; 85948

(4) Sanctions that may be applied against an agency under 85949  
division (D) of this section. 85950

(G) The department of job and family services and the department of children and youth, as applicable, may adopt rules in accordance with Chapter 119. of the Revised Code establishing an appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A) (4) (c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process.

(H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.



**Sec. 5101.351.** The department of job and family services 85981  
or the department of children and youth may employ or contract 85982  
with hearing officers to draft and recommend state hearing 85983  
decisions under division (B) of section 5101.35 of the Revised 85984  
Code. The department may employ or contract with hearing 85985  
authorities to issue state hearing decisions under division (B) 85986  
of section 5101.35 of the Revised Code. A hearing authority 85987  
employed or contracted with under this section is not required 85988  
to have been admitted to the practice of law in this state. 85989

**Sec. 5101.38.** The department of job and family services or 85990  
the department of children and youth may appoint and commission 85991  
any competent officer, employee, agency, or person to serve as a 85992  
special agent, investigator, or representative to perform a 85993  
designated duty for and in behalf of the department. Specific 85994  
credentials shall be given by the department to each person so 85995  
designated, and each credential shall state: 85996

- (A) The person's name; 85997
- (B) Agency with which such person is connected; 85998
- (C) Purpose of appointment; 85999
- (D) Date of expiration of appointment, if appropriate; 86000
- (E) Such information as the department considers proper. 86001

**Sec. 5101.461.** (A) As used in this section: 86002

(1) "Title IV-A" means Title IV-A of the "Social Security 86003  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 86004

(2) "Title XX" has the same meaning as in section 5101.46 86005  
of the Revised Code. 86006

- (B) To the extent authorized by federal law, the 86007

department of job and family services or the department of 86008  
children and youth may use funds received through the Title IV-A 86009  
temporary assistance for needy families block grant for purposes 86010  
of providing Title XX social services. The amount used under 86011  
this section shall not exceed the maximum amount permitted by 86012  
federal law. The funds and provision of Title XX social services 86013  
with the funds are not subject to section 5101.46 of the Revised 86014  
Code. 86015

Funds distributed under this section for the purpose of 86016  
providing family planning services shall be distributed by a 86017  
county department of job and family services according to the 86018  
same order of priority that applies to the department of job and 86019  
family services under section 5101.101 of the Revised Code. 86020

(C) The department and any county department of job and 86021  
family services may require an entity under contract to provide 86022  
Title XX social services with funds used under this section to 86023  
submit to an audit on the basis of alleged misuse or improper 86024  
accounting of funds. If an audit is required, the social 86025  
services provider shall reimburse the state department or county 86026  
department for the cost it incurred in conducting the audit or 86027  
having the audit conducted. 86028

If an audit demonstrates that a social services provider 86029  
is responsible for one or more adverse findings, the provider 86030  
shall reimburse the state department or county department the 86031  
amount of the adverse findings. The amount shall not be 86032  
reimbursed with funds received under this section. The state 86033  
department and county departments may terminate or refuse to 86034  
enter into a contract with a social services provider to provide 86035  
services with funds available pursuant to this section if there 86036  
are adverse findings in an audit that are the responsibility of 86037

the provider.

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(D) The state department of job and family services or the department of children and youth may adopt rules to implement and carry out the purposes of this section. Rules governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules in accordance with section 111.15 of the Revised Code. Rules governing eligibility for services, program participation, and other matters pertaining to applicants and participants shall be adopted in accordance with Chapter 119. of the Revised Code.

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Sec. 5101.546. To the maximum extent permitted by federal law and notwithstanding any provision of law to the contrary, the department of job and family services shall require a household receiving supplemental nutrition assistance program benefits to report, not later than thirty days after the change becomes known to the household, the changes in circumstances enumerated for certified change reporting households under 7 C.F.R. 273.12(a)(1). The department shall not exercise the option under 7 C.F.R. 273.12(a)(5) and (6) to establish a system of quarterly or simplified reporting in lieu of the change reporting requirements specified under 7 C.F.R. 273.12(a)(1).

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Sec. 5101.548. (A) The department of job and family services shall not implement the option available under section 6(o)(6) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o)(6).

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(B) The department of job and family services shall not request, apply for, or renew a waiver authorized by section 6(o)(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o)(4).

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Sec. 5101.612. (A) As used in this section, "federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 86068  
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(B) Within available funds, the department of job and family services shall distribute funds to the counties not later than thirty days after the beginning of each calendar quarter for a part of the counties' costs for protective services. Funds provided to a county under this section shall be deposited into the public assistance fund created under section 5101.161 of the Revised Code. 86071  
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(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows: 86078  
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(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section; 86081  
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(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section; 86087  
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(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C) (2) of this section as a base allocation, plus a percentage of the 86093  
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amount that exceeds the amount initially appropriated for the 86097  
immediately preceding fiscal year. The amount exceeding the 86098  
amount initially appropriated in the immediately preceding 86099  
fiscal year shall be allocated to the counties as follows: 86100

(a) Twelve per cent divided equally among all counties; 86101

(b) Forty-eight per cent in the ratio that the number of 86102  
residents of the county aged sixty or older bears to the total 86103  
number of such persons residing in this state; 86104

(c) Forty per cent in the ratio that the number of 86105  
residents of the county with incomes under the federal poverty 86106  
line bears to the total number of such persons in this state. 86107

(D) Not later than ninety days after the end of each state 86108  
fiscal biennium, each county shall return any unspent funds to 86109  
the department. 86110

(E) The director of job and family services may adopt 86111  
rules in accordance with section 111.15 of the Revised Code to 86112  
allocate funds under this section and prescribe reports on 86113  
expenditures to be submitted by the counties as necessary for 86114  
the implementation of this section. 86115

**Sec. 5101.80.** (A) As used in this section and in section 86116  
5101.801 of the Revised Code: 86117

(1) "County family services agency" has the same meaning 86118  
as in section 307.981 of the Revised Code. 86119

(2) "State agency" has the same meaning as in section 9.82 86120  
of the Revised Code. 86121

(3) "Title IV-A administrative agency" means both of the 86122  
following: 86123

- (a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services or the department of children and youth; 86124  
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- (b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code. 86128  
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- (4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended: 86132  
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- (a) The Ohio works first program established under Chapter 5107. of the Revised Code; 86137  
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- (b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; 86139  
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- (c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services or department of children and youth pursuant to section 5101.801 of the Revised Code; 86141  
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- (d) The kinship permanency incentive program created under section ~~5101.802~~5180.52 of the Revised Code; 86146  
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- (e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code; 86148  
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- (f) The Ohio parenting and pregnancy program created under section ~~5101.804~~5180.71 of the Revised Code; 86150  
86151

(g) Fatherhood programs recommended by the Ohio commission 86152  
on fatherhood under section ~~5101.805~~5180.704 of the Revised 86153  
Code; 86154

(h) A component of a Title IV-A program identified under 86155  
divisions (A) (4) (a) to (g) of this section that the Title IV-A 86156  
state plan prepared under division (C) (1) of this section 86157  
identifies as a component. 86158

(B) The department of job and family services shall act as 86159  
the single state agency to administer and supervise the 86160  
administration of Title IV-A programs. The Title IV-A state plan 86161  
and amendments to the plan prepared under division (C) of this 86162  
section are binding on Title IV-A administrative agencies. No 86163  
Title IV-A administrative agency may establish, by rule or 86164  
otherwise, a policy governing a Title IV-A program that is 86165  
inconsistent with a Title IV-A program policy established, in 86166  
rule or otherwise, by the director of job and family services. 86167

(C) The department of job and family services shall do all 86168  
of the following: 86169

(1) Prepare and submit to the United States secretary of 86170  
health and human services a Title IV-A state plan for Title IV-A 86171  
programs; 86172

(2) Prepare and submit to the United States secretary of 86173  
health and human services amendments to the Title IV-A state 86174  
plan that the department determines necessary, including 86175  
amendments necessary to implement Title IV-A programs identified 86176  
in divisions (A) (4) (c) to (h) of this section; 86177

(3) Prescribe forms for applications, certificates, 86178  
reports, records, and accounts of Title IV-A administrative 86179  
agencies, and other matters related to Title IV-A programs; 86180

(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs;

(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program;

(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program;

(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, ~~5101.802~~, 5101.803, and ~~5101.804~~ 5180.52, and 5180.71 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;

(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;

(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:



- (a) Examine issues of process, practice, impact, and outcomes; 86210  
86211
- (b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient; 86212  
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- (c) Provide the department with reports at times the department specifies. 86220  
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- (11) Not later than the last day of each January and July, prepare a report containing information on the following: 86222  
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- (a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code. 86224  
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- (b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption. 86227  
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- (D) The department shall provide copies of the reports it receives under division (C) (10) of this section and prepares under division (C) (11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request. 86230  
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- (E) An authorized representative of the department or a county family services agency or state agency administering a 86237  
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Title IV-A program shall have access to all records and 86239  
information bearing thereon for the purposes of investigations 86240  
conducted pursuant to this section. An authorized representative 86241  
of a government entity or private, not-for-profit entity 86242  
administering a project funded in whole or in part with funds 86243  
provided under the Title IV-A demonstration program shall have 86244  
access to all records and information bearing on the project for 86245  
the purpose of investigations conducted pursuant to this 86246  
section. 86247

**Sec. 5101.801.** (A) Except as otherwise provided by the law 86248  
enacted by the general assembly or executive order issued by the 86249  
governor establishing the Title IV-A program, a Title IV-A 86250  
program identified under division (A)(4)(c), (d), (e), (f), (g), 86251  
or (h) of section 5101.80 of the Revised Code shall provide 86252  
benefits and services that are not "assistance" as defined in 45 86253  
C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 86254  
260.31(b) excludes from the definition of assistance. 86255

(B)(1) Except as otherwise provided by the law enacted by 86256  
the general assembly or executive order issued by the governor 86257  
establishing the Title IV-A program, the department of job and 86258  
family services or the department of children and youth, as 86259  
appropriate, shall do either of the following regarding a Title 86260  
IV-A program identified under division (A)(4)(c), (d), (e), (f), 86261  
(g), or (h) of section 5101.80 of the Revised Code: 86262

(a) Administer the program or supervise a county family 86263  
services agency's administration of the program; 86264

(b) Enter into an interagency agreement with a state 86265  
agency for the state agency to administer the program under the 86266  
department's supervision. 86267

(2) The department of job and family services and the department of children and youth may enter into an agreement with a government entity and, to the extent permitted by federal law, a private, not-for-profit entity for the entity to receive funding for a project under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(3) To the extent permitted by federal law, the department of children and youth may enter into an agreement with a private, not-for-profit entity for the entity to receive funds under the Ohio parenting and pregnancy program created under section ~~5101.804~~5180.71 of the Revised Code.

(4) To the extent permitted by federal law, the department of children and youth may enter into an agreement with a private, not-for-profit entity for the entity to receive funds as recommended by the Ohio commission on fatherhood under section ~~5101.805~~5180.704 of the Revised Code.

(C) The department of job and family services and the department of children and youth, may adopt rules governing Title IV-A programs identified under divisions (A) (4) (c), (d), (e), (f), (g), and (h) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of either department or between either department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department of job and family services or the department of children and youth, enters into an agreement regarding a Title IV-A program identified under division (A) (4) (c), (e), (f), (g), or (h) of section 5101.80 of the Revised

Code pursuant to division (B) (1) (b) or (2) of this section, the 86298  
agreement shall include at least all of the following: 86299

(1) A requirement that the state agency or entity comply 86300  
with the requirements for the program or project, including all 86301  
of the following requirements established by federal statutes 86302  
and regulations, state statutes and rules, the United States 86303  
office of management and budget, and the Title IV-A state plan 86304  
prepared under section 5101.80 of the Revised Code: 86305

(a) Eligibility; 86306

(b) Reports; 86307

(c) Benefits and services; 86308

(d) Use of funds; 86309

(e) Appeals for applicants for, and recipients and former 86310  
recipients of, the benefits and services; 86311

(f) Audits. 86312

(2) A complete description of all of the following: 86313

(a) The benefits and services that the program or project 86314  
is to provide; 86315

(b) The methods of program or project administration; 86316

(c) The appeals process under section 5101.35 of the 86317  
Revised Code for applicants for, and recipients and former 86318  
recipients of, the program or project's benefits and services; 86319

(d) Other requirements that the department of job and 86320  
family services or the department of children and youth, as 86321  
applicable, requires be included. 86322

(3) Procedures for the department of job and family 86323

services or the department of children and youth, as applicable, 86324  
to approve a policy, established by rule or otherwise, that the 86325  
state agency or entity establishes for the program or project 86326  
before the policy is established; 86327

(4) Provisions regarding how the department of job and 86328  
family services or the department of children and youth, as 86329  
applicable, is to reimburse the state agency or entity for 86330  
allowable expenditures under the program or project that the 86331  
applicable department approves, including all of the following: 86332

(a) Limitations on administrative costs; 86333

(b) The department of job and family services or the 86334  
department of children and youth, as applicable, at its 86335  
discretion, doing either of the following: 86336

(i) Withholding no more than five per cent of the funds 86337  
that the department of job and family services or the department 86338  
of children and youth, as applicable, would otherwise provide to 86339  
the state agency or entity for the program or project; 86340

(ii) Charging the state agency or entity for the costs to 86341  
the department of job and family services or the department of 86342  
children and youth, as applicable, of performing, or contracting 86343  
for the performance of, audits and other administrative 86344  
functions associated with the program or project. 86345

(5) If the state agency or entity arranges by contract, 86346  
grant, or other agreement for another entity to perform a 86347  
function the state agency or entity would otherwise perform 86348  
regarding the program or project, the state agency or entity's 86349  
responsibilities for both of the following: 86350

(a) Ensuring that the other entity complies with the 86351  
agreement between the state agency or entity and the department 86352

of job and family services or the department of children and youth, as applicable and federal statutes and regulations and state statutes and rules governing the use of funds for the program or project;

(b) Auditing the other entity in accordance with requirements established by the United States office of management and budget.

(6) The state agency or entity's responsibilities regarding the prompt payment, including any interest assessed, of any adverse audit finding, final disallowance of federal funds, or other sanction or penalty imposed by the federal government, auditor of state, department of job and family services or the department of children and youth, as applicable, a court, or other entity regarding funds for the program or project;

(7) Provisions for the department of job and family services or the department of children and youth, as applicable, to terminate the agreement or withhold reimbursement from the state agency or entity if either of the following occur:

(a) The federal government disapproves the program or project or reduces federal funds for the program or project;

(b) The state agency or entity fails to comply with the terms of the agreement.

(8) Provisions for both of the following:

(a) The department of job and family services or the department of children and youth, as applicable, and state agency or entity determining the performance outcomes expected for the program or project;

(b) An evaluation of the program or project to determine 86381  
its success in achieving the performance outcomes determined 86382  
under division (D) (8) (a) of this section. 86383

(E) To the extent consistent with the law enacted by the 86384  
general assembly or executive order issued by the governor 86385  
establishing the Title IV-A program and subject to the approval 86386  
of the director of budget and management, the director of job 86387  
and family services or the director of children and youth, as 86388  
applicable, may terminate a Title IV-A program identified under 86389  
division (A) (4) (c), (d), (e), (f), (g), or (h) of section 86390  
5101.80 of the Revised Code or reduce funding for the program if 86391  
the applicable director determines that federal or state funds 86392  
are insufficient to fund the program. If the director of budget 86393  
and management approves the termination or reduction in funding 86394  
for such a program, the director of job and family services or 86395  
the department of children and youth, as applicable, shall issue 86396  
instructions for the termination or funding reduction. If a 86397  
Title IV-A administrative agency is administering the program, 86398  
the agency is bound by the termination or funding reduction and 86399  
shall comply with the applicable director's instructions. 86400

(F) The director of job and family services and the 86401  
director of children and youth may adopt internal management 86402  
rules in accordance with section 111.15 of the Revised Code as 86403  
necessary to implement this section. The rules are binding on 86404  
each Title IV-A administrative agency. 86405

**Sec. 5101.89.** As used in sections 5101.89 to 5101.899 of 86406  
the Revised Code: 86407

(A) "Youth" means a person who is any of the following: 86408

(1) Less than eighteen years of age; 86409

(2) An emancipated young adult; 86410

(3) Is in the temporary or permanent custody of a public 86411  
children services agency, a planned permanent living 86412  
arrangement, or in the Title-IV-E-eligible care and placement 86413  
responsibility of a juvenile court or other governmental agency 86414  
that provides Title IV-E reimbursable placement services. 86415

(B) "Emancipated young adult" has the same meaning as in 86416  
section ~~5101.141~~5180.42 of the Revised Code. 86417

**Sec. 5101.891.** (A) There is created a youth and family 86418  
~~ombudsman~~ombudsmen office under the department of job and 86419  
family services consisting of the following: 86420

(1) A family ombudsman, who shall be appointed by the 86421  
governor, to investigate complaints made by adults; 86422

(2) A youth ombudsman, who shall be appointed by the 86423  
governor with advice from the overcoming hurdles in Ohio youth 86424  
advisory board, to investigate complaints made by youth and to 86425  
advocate for the best interests of children involved in concerns 86426  
investigated by the office; 86427

(3) Not fewer than two regional ombudsmen; 86428

(4) Any necessary support staff. 86429

(B) The office shall investigate and resolve concerns made 86430  
by or on behalf of children and families involved with public 86431  
children services agencies, Title IV-E agencies, or private 86432  
provider agencies that administer or oversee foster care or 86433  
placement services for the children services system. The office 86434  
shall ensure the independent and impartial review of youth, 86435  
family, and community complaints or concerns. 86436

**Sec. 5101.892.** The youth and family ~~ombudsman~~ombudsmen 86437



office shall perform all of the following duties: 86438

(A) Receive, investigate, and attempt to resolve 86439  
complaints from citizens, including children in the custody of a 86440  
public children services agency or in the care and placement of 86441  
a Title IV-E agency, related to government services regarding 86442  
child protective services, foster care, and adoption; 86443

(B) Establish procedures for receiving, investigating, and 86444  
resolving complaints, consistent with state and federal law; 86445

(C) Provide an annual report to the governor, speaker of 86446  
the house of representatives, president of the senate, minority 86447  
leadership of the house of representatives and senate, the 86448  
director of job and family services, the director of children 86449  
and youth, and representatives of the overcoming hurdles in Ohio 86450  
youth advisory board. 86451

**Sec. 5101.893.** Not later than sixty days after release of 86452  
the annual report described under section 5101.892 of the 86453  
Revised Code, the overcoming hurdles in Ohio youth advisory 86454  
board shall provide an evaluation of the report to the governor 86455  
and the youth ombudsman of the youth and family ~~ombudsman~~ 86456  
ombudsmen office. 86457

**Sec. 5101.894.** To the extent permitted by state or federal 86458  
law, a representative of the youth and family ~~ombudsman~~ 86459  
ombudsmen office may report to an appropriate authority any 86460  
suspected violation of state law discovered during the course of 86461  
a complaint review. 86462

**Sec. 5101.895.** The department of job and family services 86463  
shall be responsible for all administrative undertakings for the 86464  
youth and family ~~ombudsman~~ ombudsmen office, including the 86465  
provision of offices, equipment, and supplies, as necessary. 86466

**Sec. 5101.897.** (A) No employee of the youth and family ~~ombudsman~~ ombudsmen office shall do any of the following:

(1) Hold any office of trust or profit;

(2) Engage in any occupation or business interfering or inconsistent with the duties of the office;

(3) Serve on any committee of any political party;

(4) Have any interest that is, or may be, in conflict with the interests and concerns of the office.

(B) As used in this section, "office of trust or profit" means any of the following:

(1) A federal or state elective office or an elective office of a political subdivision of the state;

(2) A position on a board or commission of the state that is appointed by the governor;

(3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(4) An office of the government of the United States that is appointed by the president of the United States.

**Sec. 5101.899.** (A) The youth and family ~~ombudsman~~ ombudsmen office shall have access to ~~only~~ the records of the department of children and youth and the department of job and family services that are necessary for the administration of sections 5101.89 to 5101.899 of the Revised Code and in the performance of its official duties, including any records maintained in the uniform statewide automated child welfare information system under section ~~5101.13~~ 5180.40 of the Revised Code. The office has the right to request of the director of

children and youth and the director of job and family services 86494  
necessary information from any work unit of the department 86495  
having information. The collection, compilation, analysis, and 86496  
dissemination of information by the office shall be performed in 86497  
a manner that protects complainants, individuals providing 86498  
information about a complaint, public entities, and confidential 86499  
records. 86500

(B) The office shall have access to any necessary records 86501  
in the control of a public children services agency, a Title IV- 86502  
E agency, or a private provider agency that administers or 86503  
oversees foster care or placement services for the children 86504  
services system. 86505

(C) Files of the office and any records contained in those 86506  
files are not public records subject to inspection or copying 86507  
under section 149.43 of the Revised Code. Information contained 86508  
in investigative and other files maintained by the office shall 86509  
be disclosed only at the discretion of the office or if 86510  
disclosure is required by a court order. 86511

**Sec. 5101.99.** (A) Whoever violates division (A) of section 86512  
5101.27 of the Revised Code is guilty of a misdemeanor of the 86513  
first degree. 86514

(B) Whoever violates ~~section 5101.133,~~ division (A) of 86515  
section 5101.63~~7~~, or division (C) (2) of section 5101.631 of the 86516  
Revised Code is guilty of a misdemeanor of the fourth degree. 86517

**Sec. 5103.02.** As used in sections 5103.03 to 5103.181 of 86518  
the Revised Code: 86519

(A) (1) "Association" or "institution" includes all of the 86520  
following: 86521

(a) Any incorporated or unincorporated organization, 86522

society, association, or agency, public or private, that 86523  
receives or cares for children for two or more consecutive 86524  
weeks; 86525

(b) Any individual, including the operator of a foster 86526  
home, who, for hire, gain, or reward, receives or cares for 86527  
children for two or more consecutive weeks, unless the 86528  
individual is related to them by blood or marriage; 86529

(c) Any individual not in the regular employ of a court, 86530  
or of an institution or association certified in accordance with 86531  
section 5103.03 of the Revised Code, who in any manner becomes a 86532  
party to the placing of children in foster homes, unless the 86533  
individual is related to such children by blood or marriage or 86534  
is the appointed guardian of such children. 86535

(2) "Association" or "institution" does not include any of 86536  
the following: 86537

(a) Any organization, society, association, school, 86538  
agency, child guidance center, detention or rehabilitation 86539  
facility, or children's clinic licensed, regulated, approved, 86540  
operated under the direction of, or otherwise certified by the 86541  
department of education and workforce, a local board of 86542  
education, the department of youth services, the department of 86543  
mental health and addiction services, or the department of 86544  
developmental disabilities; 86545

(b) Any individual who provides care for only a single- 86546  
family group, placed there by their parents or other relative 86547  
having custody; 86548

(c) A private, nonprofit therapeutic wilderness camp; 86549

(d) A qualified organization as defined in section 2151.90 86550  
of the Revised Code. 86551

(B) "Family foster home" means a foster home that is not a specialized foster home. 86552  
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(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code. 86554  
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(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes. 86557  
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(E) "Kinship caregiver" has the same meaning as in section ~~5101.85~~5180.50 of the Revised Code. 86566  
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(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria: 86568  
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(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care. 86572  
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(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions. 86575  
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(3) The children require the services of a registered nurse on a daily basis. 86578  
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(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of children and youth take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

(3) Revoke a certificate.

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.

(J) "Resource family" means a foster home or the kinship caregiver family.

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 86607  
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(L) "Treatment foster home" means a foster home that 86609  
incorporates special rehabilitative services designed to treat 86610  
the specific needs of the children received in the foster home 86611  
and that receives and cares for children who are emotionally or 86612  
behaviorally disturbed, who are chemically dependent, who have 86613  
developmental disabilities, or who otherwise have exceptional 86614  
needs. 86615

**Sec. 5103.021.** (A) As used in this section, a "scholars 86616  
residential center" is a center that meets all of the following: 86617

(1) The center is a certified affiliate in good standing 86618  
of a national organization with a mission to help underserved 86619  
children in middle school and high school in a comprehensive 86620  
manner that is academically focused and service-oriented and in 86621  
a family-like setting. 86622

(2) The center is private and not-for-profit. 86623

(3) The center does not receive Title IV-E funding or any 86624  
associated Title IV funds related to child welfare. 86625

(4) The center only accepts children placed by their 86626  
parents or legal custodian. 86627

(5) The center is voluntary and uses a competitive 86628  
selection process. 86629

(B) The director of ~~job and family services~~ children and 86630  
youth shall adopt rules in accordance with Chapter 119. of the 86631  
Revised Code to implement standards regarding a scholars 86632  
residential center. The rules shall be substantially similar, as 86633  
determined by the director, to other similarly situated 86634

providers of residential care for children, including rules 86635  
provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative 86636  
Code, except that the rules shall reflect all of the following: 86637

(1) A center is not subject to any policy that is not 86638  
specific or relevant to the center. 86639

(2) A center is not required to provide discharge 86640  
summaries. 86641

(3) A center is permitted to request agency waivers. 86642

(4) A center is not required to implement case plans or 86643  
service plans. 86644

(5) Training requirements for center staff are limited to 86645  
completion of all of the following: 86646

(a) Orientation training; 86647

(b) Current American red cross, American heart 86648  
association, or equivalent first aid and cardiopulmonary 86649  
resuscitation certification; 86650

(c) One hour of annual trauma training. 86651

(6) A center is not subject to existing rules regarding: 86652

(a) Recreation and leisure activity requirements, provided 86653  
that the center has a recreation area available and permits 86654  
children to swim if a person who has completed life-saving or 86655  
water safety training is present; 86656

(b) Visiting and communications policies, provided that 86657  
the center ensures that children have contact with their family; 86658

(c) Qualified residential treatment program requirements; 86659

(d) Treatment-focused requirements established for 86660



residential agencies. 86661

(7) A center shall provide notification and documentation 86662  
of critical incidents to parents and legal custodians. 86663

(C) The director shall certify a scholars residential 86664  
center that submits an application to the director, on a form 86665  
prescribed by the director, that indicates to the director's 86666  
satisfaction that the center meets the standards set forth in 86667  
rules adopted under division (B) of this section. 86668

Sec. 5103.039. (A) The department of children and youth 86669  
may suspend, without a prior hearing, the certificate of an 86670  
institution or association, as defined in section 5103.02 of the 86671  
Revised Code, which includes a foster caregiver, if any of the 86672  
following occur: 86673

(1) A child dies or suffers a serious injury while placed 86674  
or residing with the institution or association, including a 86675  
foster home, as defined in section 5103.02 of the Revised Code. 86676

(2) A public children services agency receives a report 86677  
pursuant to section 2151.421 of the Revised Code, and the person 86678  
alleged to have inflicted abuse or neglect on the child who is 86679  
the subject of the report is any of the following: 86680

(a) A principal of the institution or association; 86681

(b) An employee or volunteer of the institution or 86682  
association who has not immediately been placed on 86683  
administrative leave or released from employment; 86684

(c) Any person who resides in the foster home. 86685

(3) One of the following is charged by an indictment, 86686  
information, or complaint with an offense relating to the death, 86687  
injury, abuse, or neglect of a child: 86688

(a) A principal of the institution or association; 86689

(b) An employee or volunteer of the institution or 86690  
association who has not immediately been placed on 86691  
administrative leave or released from employment. 86692

(4) The department, the recommending agency, a public 86693  
children services agency, or a county department of job and 86694  
family services determines that a principal, employee, or 86695  
volunteer of the institution or association, including a foster 86696  
caregiver, or a person residing in the foster home, created a 86697  
serious risk to the health or safety of a child placed therein 86698  
that resulted in or could have resulted in a child's death or 86699  
injury. 86700

(5) The department determines that the owner of the 86701  
institution or association or the foster caregiver does not meet 86702  
the requirements of section 2151.86, 5103.0310, or 5103.053 of 86703  
the Revised Code. 86704

(B) In suspending a license under division (A) of this 86705  
section, the department shall comply with section 119.07 of the 86706  
Revised Code. A principal of an institution or association, 86707  
including a foster caregiver, may request an adjudicatory 86708  
hearing before the department pursuant to sections 119.06 and 86709  
119.12 of the Revised Code. If a hearing is requested and the 86710  
department does not issue its final adjudication order within 86711  
one hundred twenty days after the suspension, the suspension is 86712  
void on the one hundred twenty-first day after the suspension, 86713  
unless the hearing on the suspension is continued on agreement 86714  
by the parties or for good cause. 86715

(C) A summary suspension imposed under this section shall 86716  
remain in effect until any of the following occurs: 86717

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated. 86718  
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(2) All criminal charges are disposed of through dismissal or a finding of not guilty. 86722  
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(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension. 86724  
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(D) An institution or association shall not have children placed in the institution or association while a summary suspension remains in effect. Upon the issuance of the order of suspension, the department shall place a hold on the certificate or indicate that the certificate is suspended in Ohio's statewide automated child welfare information system. 86726  
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(E) The director of children and youth may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of certificates. 86732  
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(F) This section does not limit the authority of the department to revoke a certificate pursuant to section 5103.03 of the Revised Code. 86736  
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(G) As used in this section, "principal" means any of the following: 86739  
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(1) The institution or association's administrator or director; 86741  
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(2) The institution or association's owners or partners; 86743

(3) Members of the institution or association's governing body; 86744  
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(4) A foster caregiver.

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**Sec. 5103.0329.** ~~(A)~~ A recommending agency may submit a request to the department of children and youth, on a case-by-case basis only, to waive any non-safety standards for a kinship caregiver seeking foster home certification. Non-safety standards include training hours and other requirements under sections 5103.031 and 5103.032 of the Revised Code and standards established by rules adopted under sections 5103.03 and 5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 (a) (10).—

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~~(B) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.~~

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**Sec. 5103.09.** (A) As used in this section, "Title IV-E agency" has the same meaning as in section 5101.132 of the Revised Code.

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(B) Upon receiving the care and placement of a child, a Title IV-E agency shall determine if the child is eligible for or receiving benefits administered by the United States social security administration, the United States department of veterans affairs, the Ohio public employee retirement system, the Ohio police and fire pension fund, the state teachers retirement system of Ohio, the school employees retirement system of Ohio, or the Ohio highway patrol retirement system. If the child is eligible for or receiving such benefits, the agency shall not use the child's benefits to pay for or reimburse the agency, county, or state for any cost of the child's care.

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(C) The director of children and youth may adopt rules in accordance with section 111.15 of the Revised Code to implement this section, including the establishment of new procedures

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necessary to assist a Title IV-E agency in complying with this 86775  
section. 86776

**Sec. 5103.15.** (A) (1) The parents, guardian, or other 86777  
persons having the custody of a child may enter into an 86778  
agreement with any public children services agency or private 86779  
child placing agency, whereby the child is placed without the 86780  
approval of the juvenile court in the temporary custody of the 86781  
agency for a period of time of up to thirty days, except that an 86782  
agreement for temporary custody can be for a period of time of 86783  
up to sixty days without court approval if the agreement is 86784  
executed solely for the purpose of obtaining the adoption of a 86785  
child who is less than six months of age on the date of the 86786  
execution of the agreement. 86787

(2) Except as provided in division (A) (3) of this section 86788  
for agreements entered into to obtain the adoption of a child 86789  
under the age of six months, any public children services agency 86790  
or private child placing agency that obtains, without court 86791  
approval, temporary custody of a child pursuant to an agreement 86792  
executed in accordance with this division may request the 86793  
juvenile court of the county in which the child has a residence 86794  
or legal settlement for an original thirty-day extension of the 86795  
temporary custody agreement. Upon the filing of a request for 86796  
the extension of the temporary custody agreement, the juvenile 86797  
court shall determine whether the extension is in the best 86798  
interest of the child and may extend the temporary custody 86799  
agreement for a period of thirty days beyond the initial thirty- 86800  
day period for which court approval is not required by this 86801  
division. The agency requesting the original extension shall 86802  
file a case plan, prepared pursuant to section 2151.412 of the 86803  
Revised Code, with the court at the same time that it files its 86804  
request for an extension. 86805

At the expiration of the original thirty-day extension 86806  
period, the agency may request the juvenile court to grant an 86807  
additional thirty-day extension of the temporary custody 86808  
agreement. Upon the filing of the request for the additional 86809  
extension, the juvenile court may extend the temporary custody 86810  
agreement for a period of thirty days beyond the original 86811  
thirty-day extension period if it determines that the additional 86812  
extension is in the best interest of the child. The agency shall 86813  
file an updated version of the child's case plan at the same 86814  
time that it files its request for an additional extension. 86815

At the expiration of an additional thirty-day extension 86816  
period and at the expiration of the original thirty-day 86817  
extension period if the agency does not request an additional 86818  
thirty-day extension, the agency shall either return the child 86819  
to the child's parents, guardian, or other person having custody 86820  
of the child or file a complaint with the court pursuant to 86821  
section 2151.27 of the Revised Code requesting temporary or 86822  
permanent custody of the child. The complaint shall be 86823  
accompanied by a case plan prepared in accordance with section 86824  
2151.412 of the Revised Code. 86825

(3) Any public children services agency or private child 86826  
placing agency that obtains, without court approval and solely 86827  
for the purpose of obtaining the adoption of the child, 86828  
temporary custody of a child who is under the age of six months 86829  
pursuant to an agreement executed in accordance with this 86830  
division may request the juvenile court in the county in which 86831  
the child has a residence or legal settlement to grant a thirty 86832  
day extension of the temporary custody agreement. Upon the 86833  
filing of the request, the court shall determine whether the 86834  
extension is in the best interest of the child and may extend 86835  
the temporary custody agreement for a period of thirty days 86836

beyond the sixty day period for which the court approval is not 86837  
required by this division. The agency requesting the extension 86838  
shall file a case plan, prepared pursuant to section 2151.412 of 86839  
the Revised Code, with the court at the same time that it files 86840  
its request for an extension. 86841

At the expiration of the thirty day extension, the agency 86842  
shall either return the child to the parents, guardian, or other 86843  
person having custody of the child or file a complaint with the 86844  
court pursuant to section 2151.27 of the Revised Code requesting 86845  
temporary or permanent custody of the child. The complaint shall 86846  
be accompanied by a case plan prepared in accordance with 86847  
section 2151.412 of the Revised Code. 86848

(B) (1) Subject to juvenile court approval, the following 86849  
may enter into an agreement with a public children services 86850  
agency or private child placing agency surrendering the child 86851  
into the permanent custody of that agency: 86852

(a) The parents, guardian, or other persons having custody 86853  
of the child; 86854

(b) The parents of a child who is in the temporary custody 86855  
of a public children services agency or private child placing 86856  
agency. 86857

(2) An agency that enters into an agreement under division 86858  
(B) (1) of this section may take and care for the child or place 86859  
the child in a family home. 86860

(3) A private child placing agency or public children 86861  
services agency that seeks permanent custody of a child pursuant 86862  
to division (B) (1) of this section shall file a request with the 86863  
juvenile court of the county in which the child has a residence 86864  
or legal settlement for approval of the agency's permanent 86865

surrender agreement with the parents, guardian, or other persons 86866  
having custody of the child. Not later than fourteen business 86867  
days after the request is filed, the juvenile court shall 86868  
determine whether the permanent surrender agreement is in the 86869  
best interest of the child. The court may approve the permanent 86870  
surrender agreement if it determines that the agreement is in 86871  
the best interest of the child and, in the case of an agreement 86872  
between a parent and an agency, the requirements of section 86873  
5103.151 of the Revised Code are met. The agency requesting the 86874  
approval of the permanent surrender agreement shall file with 86875  
the court an original or amended case plan, prepared pursuant to 86876  
section 2151.412 of the Revised Code, at the same time that it 86877  
files its request for the approval of the permanent surrender 86878  
agreement. 86879

(4) Notwithstanding division (B)(1) of this section, the 86880  
parents of a child less than six months of age may enter into an 86881  
agreement with a private child placing agency surrendering the 86882  
child into the permanent custody of the agency without juvenile 86883  
court approval if the agreement is executed solely for the 86884  
purpose of obtaining the adoption of the child. The agency 86885  
shall, not later than two business days after entering into the 86886  
agreement, notify the juvenile court. The agency also shall 86887  
notify the court not later than two business days after the 86888  
agency places the child for adoption. The court shall journalize 86889  
the notices it receives under division (B)(4) of this section. 86890

(C) The agreements provided for in this section shall be 86891  
in writing, on forms prescribed and furnished by the department\_ 86892  
of children and youth, and may contain any proper and legal 86893  
stipulations for proper care of the child, and may authorize the 86894  
public children services agency or private child placing agency 86895  
when such agreements are for permanent care and custody to 86896



appear in any proceeding for the legal adoption of the child, 86897  
and consent to the child's adoption, as provided in section 86898  
3107.06 of the Revised Code. If an agreement for permanent care 86899  
and custody of a child is executed, social and medical histories 86900  
shall be completed in relation to the child in accordance with 86901  
section 3107.09 of the Revised Code. The adoption order of the 86902  
probate court judge made upon the consent shall be binding upon 86903  
the child and the child's parents, guardian, or other person, as 86904  
if those persons were personally in court and consented to the 86905  
order, whether made party to the proceeding or not. 86906

(D) An agreement entered into under this section by a 86907  
parent under age eighteen is as valid as an agreement entered 86908  
into by a parent age eighteen or older. 86909

**Sec. 5103.155.** As used in this section, "children with 86910  
special needs" has the same meaning as in rules adopted under 86911  
section 5153.163 of the Revised Code. 86912

If the department of ~~job and family services~~ children and 86913  
youth determines that money in the putative father registry fund 86914  
created under section 2101.16 of the Revised Code is more than 86915  
is needed to perform its duties related to the putative father 86916  
registry, the department may ~~transfer~~ use surplus moneys in the 86917  
fund to ~~the department of children and youth~~ to promote adoption 86918  
of children with special needs. 86919

**Sec. 5103.18.** (A) (1) Prior to certification as a foster 86920  
home under section 5103.03 of the Revised Code, a recommending 86921  
agency shall obtain a summary report of a search of the uniform 86922  
statewide automated child welfare information system, 86923  
established under section ~~5101.13~~ 5180.40 of the Revised Code, 86924  
from an entity listed in section ~~5101.132~~ 5180.402 of the 86925  
Revised Code. 86926

(2) Whenever a prospective foster parent or any other person eighteen years of age or older who resides with a prospective foster parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the recommending agency shall request a check of the central registry of abuse and neglect of this state from the department of children and youth regarding the prospective foster parent or the person eighteen years of age or older who resides with the prospective foster parent to enable the agency to check any child abuse and neglect registry maintained by that other state. The recommending agency shall make the request and shall review the results of the check before the prospective foster parent may be finally approved for placement of a child. Information received pursuant to such a request shall be considered for purposes of this chapter as if it were a summary report required under division (A) of this section. The department of children and youth shall comply with any request to check the central registry that is similar to the request described in this division and that is received from any other state.

(B) (1) The summary report required under division (A) of this section shall contain, if applicable, a chronological list of abuse and neglect determinations or allegations of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency has done one of the following:

- (a) Determined that abuse or neglect occurred;
- (b) Initiated an investigation, and the investigation is ongoing;

(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred. 86957  
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(2) The summary report required under division (A) of this section shall not contain any of the following: 86959  
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(a) An abuse and neglect determination of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency determined that abuse or neglect did not occur; 86961  
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(b) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended; 86965  
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(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect. 86969  
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(C) (1) A foster home certification may be denied based on a summary report containing the information described under division (B) (1) (a) of this section, when considered within the totality of the circumstances. 86971  
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(2) A foster home certification shall not be denied solely based on a summary report containing the information described under division (B) (1) (b) or (c) of this section. 86975  
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(D) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section. 86978  
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**Sec. 5103.30.** The Ohio child welfare training program is hereby established in the department of children and youth as a statewide program. The program shall provide all of the following: 86981  
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(A) The training that section 3107.014 of the Revised Code requires an assessor to complete;	86985 86986
(B) The preplacement training that sections 5103.031 and 5103.033 of the Revised Code require a prospective foster caregiver to complete;	86987 86988 86989
(C) The continuing training that sections 5103.032 and 5103.033 of the Revised Code require a foster caregiver to complete;	86990 86991 86992
(D) The training that section 5153.122 of the Revised Code requires a PCSA caseworker to complete;	86993 86994
(E) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete;	86995 86996
(F) The training required under section <del>5101.1414</del> <u>5180.4211</u> of the Revised Code for a case manager and supervisor.	86997 86998
<b>Sec. 5103.32.</b> (A) As used in this section:	86999
(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended.	87000 87001
(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980).	87002 87003
(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.	87004 87005
(B) For purposes of adequately funding the Ohio child welfare training program, the department of children and youth may use any of the following:	87006 87007 87008
(1) The federal financial participation funds withheld pursuant to division (E) of section <del>5101.141</del> <u>5180.42</u> of the Revised Code in an amount determined by the department;	87009 87010 87011

(2) Funds available under Title XX, Title IV-B, and Title 87012  
IV-E to pay for training costs; 87013

(3) Other available state or federal funds; 87014

(4) Funds that a person, including a foundation, makes 87015  
available for the program. 87016

**Sec. 5103.41.** The department of ~~job and family~~ 87017  
~~services~~ children and youth, in consultation with the Ohio child 87018  
welfare training program steering committee, shall designate 87019  
training regions in the state. The department ~~of children and~~ 87020  
~~youth~~, at times it selects, shall review the composition of the 87021  
training regions. The committee, at times it selects, shall also 87022  
review the training regions' composition and provide the 87023  
department recommendations on changes. The department ~~of~~ 87024  
~~children and youth~~ may change the composition of the training 87025  
regions as the department considers necessary. 87026

The department may make a grant to a public children 87027  
services agency that establishes and maintains a regional 87028  
training center under this section for the purpose of wholly or 87029  
partially subsidizing the operation of the center. The 87030  
department shall specify in the grant all of the center's 87031  
duties, including the duties specified in section 5103.42 of the 87032  
Revised Code. 87033

**Sec. 5104.01.** As used in this chapter: 87034

(A) "Administrator" means the person responsible for the 87035  
daily operation of a center, type A home, or approved child day 87036  
camp. The administrator and the owner may be the same person. 87037

(B) "Approved child day camp" means a child day camp 87038  
approved pursuant to section 5104.22 of the Revised Code. 87039

(C) "Authorized representative" means an individual 87040  
employed by a center, type A home, or approved child day camp 87041  
that is owned by a person other than an individual and who is 87042  
authorized by the owner to do all of the following: 87043

(1) Communicate on the owner's behalf; 87044

(2) Submit on the owner's behalf applications for 87045  
licensure or approval; 87046

(3) Enter into on the owner's behalf provider agreements 87047  
for publicly funded child care. 87048

(D) "Border state child care provider" means a child care 87049  
provider that is located in a state bordering Ohio and that is 87050  
licensed, certified, or otherwise approved by that state to 87051  
provide child care funded by the child care block grant act. 87052

(E) "Career pathways model" means an alternative pathway 87053  
to meeting the requirements to be a child care staff member or 87054  
administrator that does both of the following: 87055

(1) Uses a framework approved by the director of children 87056  
and youth to document formal education, training, experience, 87057  
and specialized credentials and certifications; 87058

(2) Allows the child care staff member or administrator to 87059  
achieve a designation as an early childhood professional level 87060  
one, two, three, four, five, or six. 87061

(F) "Caretaker parent" means the father or mother of a 87062  
child whose presence in the home is needed as the caretaker of 87063  
the child, a person who has legal custody of a child and whose 87064  
presence in the home is needed as the caretaker of the child, a 87065  
guardian of a child whose presence in the home is needed as the 87066  
caretaker of the child, and any other person who stands in loco 87067

parentis with respect to the child and whose presence in the 87068  
home is needed as the caretaker of the child. 87069

(G) "Chartered nonpublic school" means a school that meets 87070  
standards for nonpublic schools prescribed by the director of 87071  
education and workforce for nonpublic schools pursuant to 87072  
section 3301.07 of the Revised Code. 87073

(H) "Child" includes an infant, toddler, preschool-age 87074  
child, or school-age child. 87075

(I) "Child care block grant act" means the "Child Care and 87076  
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 87077  
U.S.C. 9858, as amended. 87078

(J) "Child day camp" means a program in which only school- 87079  
age children attend or participate, that operates for no more 87080  
than twelve hours per day and no more than fifteen weeks during 87081  
the summer. For purposes of this division, the maximum twelve 87082  
hours of operation time does not include transportation time 87083  
from a child's home to a child day camp and from a child day 87084  
camp to a child's home. 87085

(K) "Child care" means all of the following: 87086

(1) Administering to the needs of infants, toddlers, 87087  
preschool-age children, and school-age children outside of 87088  
school hours; 87089

(2) By persons other than their parents, guardians, or 87090  
custodians; 87091

(3) For part of the twenty-four-hour day; 87092

(4) In a place other than a child's own home, except that 87093  
an in-home aide provides child care in the child's own home; 87094

(5) By a provider required by this chapter to be licensed 87095  
or approved by the department of children and youth, certified 87096  
by a county department of job and family services, or under 87097  
contract with the department to provide publicly funded child 87098  
care as described in section 5104.32 of the Revised Code. 87099

(L) "Child care center" and "center" mean any place that 87100  
is not the permanent residence of the licensee or administrator 87101  
in which child care or publicly funded child care is provided 87102  
for seven or more children at one time. "Child care center" and 87103  
"center" do not include any of the following: 87104

(1) A place located in and operated by a hospital, as 87105  
defined in section 3727.01 of the Revised Code, in which the 87106  
needs of children are administered to, if all the children whose 87107  
needs are being administered to are monitored under the on-site 87108  
supervision of a physician licensed under Chapter 4731. of the 87109  
Revised Code or a registered nurse licensed under Chapter 4723. 87110  
of the Revised Code, and the services are provided only for 87111  
children who, in the opinion of the child's parent, guardian, or 87112  
custodian, are exhibiting symptoms of a communicable disease or 87113  
other illness or are injured; 87114

(2) A child day camp; 87115

(3) A place that provides care, if all of the following 87116  
apply: 87117

(a) An organized religious body provides the care; 87118

(b) A parent, custodian, or guardian of at least one child 87119  
receiving care is on the premises and readily accessible at all 87120  
times; 87121

(c) The care is not provided for more than thirty days a 87122  
year; 87123



- (d) The care is provided only for preschool-age and school-age children. 87124  
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- (M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care. 87126  
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- (N) "Child care resource and referral services" means all of the following services: 87130  
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- (1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data; 87132  
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- (2) Provision of individualized consumer education to families seeking child care; 87135  
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- (3) Provision of timely referrals of available child care providers to families seeking child care; 87137  
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- (4) Recruitment of child care providers; 87139
- (5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community; 87140  
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- (6) Collection and analysis of data on the supply of and demand for child care in the community; 87144  
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- (7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs; 87146  
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- (8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher 87149  
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quality for their employees and for the community;	87151
(9) Provision of written educational materials to	87152
caretaker parents and informational resources to child care	87153
providers;	87154
(10) Coordination of services among child care resource	87155
and referral service organizations to assist in developing and	87156
maintaining a statewide system of child care resource and	87157
referral services if required by the department of children and	87158
youth;	87159
(11) Cooperation with the county department of job and	87160
family services in encouraging the establishment of parent	87161
cooperative child care centers and parent cooperative type A	87162
family child care homes.	87163
(O) "Child care staff member" means an employee of a child	87164
care center, type A family child care home, licensed type B	87165
family child care home, or approved child day camp who is	87166
primarily responsible for the care and supervision of children.	87167
The administrator, authorized representative, or owner may be a	87168
child care staff member when not involved in other duties.	87169
(P) "Drop-in child care center," "drop-in center," "drop-	87170
in type A family child care home," and "drop-in type A home"	87171
mean a center or type A home that provides child care or	87172
publicly funded child care for children on a temporary,	87173
irregular basis.	87174
(Q) <u>"Early learning and development program" has the same</u>	87175
<u>meaning as "licensed child care program."</u>	87176
<u>(R) "Employee" means a person who either:</u>	87177
(1) Receives compensation for duties performed in a child	87178

care center, type A family child care home, licensed type B 87179  
family child care home, or approved child day camp; 87180

(2) Is assigned specific working hours or duties in a 87181  
child care center, type A family child care home, licensed type 87182  
B family child care home, or approved child day camp. 87183

~~(R)~~(S) "Employer" means a person, firm, institution, 87184  
organization, or agency that operates a child care center, type 87185  
A family child care home, licensed type B family child care 87186  
home, or approved child day camp subject to licensure or 87187  
approval under this chapter. 87188

~~(S)~~(T) "Federal poverty line" means the official poverty 87189  
guideline as revised annually in accordance with section 673(2) 87190  
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 87191  
511, 42 U.S.C. 9902, as amended, for a family size equal to the 87192  
size of the family of the person whose income is being 87193  
determined. 87194

~~(T)~~(U) "Head start program" means a school-readiness 87195  
program that satisfies all of the following: 87196

(1) Is for children from birth to age five who are from 87197  
low-income families; 87198

(2) Receives funds distributed under the "Improving Head 87199  
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 87200  
amended; 87201

(3) Is licensed as a child care program. 87202

~~(U)~~(V) "Home education" has the same meaning as in section 87203  
3321.042 of the Revised Code. 87204

~~(V)~~(W) "Home education learning pod" means a voluntary 87205  
association of parents who direct their children's education 87206

through home education and includes the following 87207  
characteristics: 87208

(1) The parents choose to group their children together in 87209  
a home or other location at various times, which may include 87210  
hours when home education is not provided. 87211

(2) The pod includes only the parents' children who are 87212  
receiving home education, except that it also may include 87213  
siblings of those children, or other children who are under the 87214  
care of the parents, regardless of age. 87215

(3) At least one parent of any of the children 87216  
participating in the pod must be on the premises while the pod 87217  
is meeting. 87218

~~(W)~~(X) "Homeless child care" means child care provided to 87219  
a child who satisfies any of the following: 87220

(1) Is homeless as defined in 42 U.S.C. 11302; 87221

(2) Is a homeless child or youth as defined in 42 U.S.C. 87222  
11434a; 87223

(3) Resides temporarily with a caretaker in a facility 87224  
providing emergency shelter for homeless families or is 87225  
determined by a county department of job and family services to 87226  
be homeless. 87227

~~(X)~~(Y) "Income" means gross income, as defined in section 87228  
5107.10 of the Revised Code, less any amounts required by 87229  
federal statutes or regulations to be disregarded. 87230

~~(Y)~~(Z) "Indicator checklist" means an inspection tool, 87231  
used in conjunction with an instrument-based program monitoring 87232  
information system, that contains selected licensing 87233  
requirements that are statistically reliable indicators or 87234

predictors of a child care center's, type A family child care home's, or licensed type B family child care home's compliance with licensing requirements. 87235  
87236  
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~~(Z)~~ (AA) "Infant" means a child who is less than eighteen months of age. 87238  
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~~(AA)~~ (BB) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it. 87240  
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~~(BB)~~ (CC) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child care centers, type A family child care homes, and licensed type B family child care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist. 87246  
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~~(CC)~~ (DD) "License capacity" means the maximum number in each age category of children who may be cared for in a child care center, type A family child care home, or licensed type B family child care home at one time as determined by the director of children and youth considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. 87254  
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~~(DD)~~ (EE) "Licensed child care program" means any of the following: 87262  
87263

(1) A child care center licensed by the department of children and youth pursuant to this chapter; 87264  
87265

(2) A type A family child care home or type B family child care home licensed by the department of children and youth pursuant to this chapter; 87266  
87267  
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(3) A licensed preschool program or licensed school child program. 87269  
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~~(EE)~~(FF) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of children and youth pursuant to sections 3301.52 to 3301.59 of the Revised Code. 87271  
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~~(FF)~~(GG) "Licensed type B family child care home" and "licensed type B home" mean a type B family child care home for which there is a valid license issued by the director of children and youth pursuant to section 5104.03 of the Revised Code. 87276  
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~~(GG)~~(HH) "Licensee" means the owner of a child care center, type A family child care home, or type B family child care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter. 87281  
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~~(HH)~~(II) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 87286  
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~~(II)~~(JJ) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 87288  
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~~(JJ)~~(KK) "Parent cooperative child care center," "parent cooperative center," "parent cooperative type A family child 87290  
87291

care home," and "parent cooperative type A home" mean a 87292  
corporation or association organized for providing educational 87293  
services to the children of members of the corporation or 87294  
association, without gain to the corporation or association as 87295  
an entity, in which the services of the corporation or 87296  
association are provided only to children of the members of the 87297  
corporation or association, ownership and control of the 87298  
corporation or association rests solely with the members of the 87299  
corporation or association, and at least one parent-member of 87300  
the corporation or association is on the premises of the center 87301  
or type A home during its hours of operation. 87302

~~(KK)~~ (LL) "Part-time child care center," "part-time 87303  
center," "part-time type A family child care home," and "part- 87304  
time type A home" mean a center or type A home that provides 87305  
child care or publicly funded child care for not more than four 87306  
hours a day for any child or not more than fifteen consecutive 87307  
weeks per year, regardless of the number of hours per day. 87308

~~(LL)~~ (MM) "Place of worship" means a building where 87309  
activities of an organized religious group are conducted and 87310  
includes the grounds and any other buildings on the grounds used 87311  
for such activities. 87312

~~(MM)~~ (NN) "Preschool-age child" means a child who is three 87313  
years old or older but is not a school-age child. 87314

~~(NN)~~ (OO) "Protective child care" means publicly funded 87315  
child care for the direct care and protection of a child to whom 87316  
all of the following apply: 87317

(1) A case plan has been prepared and maintained for the 87318  
child pursuant to section 2151.412 of the Revised Code. 87319

(2) The case plan indicates a need for protective care. 87320

(3) The child resides with a parent, stepparent, guardian, 87321  
or another person who stands in loco parentis as defined in 87322  
rules adopted under section 5104.38 of the Revised Code. 87323

~~(OO)~~(PP) "Publicly funded child care" means administering 87324  
to the needs of infants, toddlers, preschool-age children, and 87325  
school-age children under age thirteen during any part of the 87326  
twenty-four-hour day by persons other than their caretaker 87327  
parents for remuneration wholly or in part with federal or state 87328  
funds, including funds available under the child care block 87329  
grant act, Title IV-A, and Title XX, distributed by the 87330  
department of children and youth. 87331

~~(PP)~~(QQ) "Religious activities" means any of the 87332  
following: worship or other religious services; religious 87333  
instruction; Sunday school classes or other religious classes 87334  
conducted during or prior to worship or other religious 87335  
services; youth or adult fellowship activities; choir or other 87336  
musical group practices or programs; meals; festivals; or 87337  
meetings conducted by an organized religious group. 87338

~~(QQ)~~(RR) "School-age child" means a child who is enrolled 87339  
in or is eligible to be enrolled in a grade of kindergarten or 87340  
above but is less than fifteen years old or, in the case of a 87341  
child who is receiving special needs child care, is less than 87342  
eighteen years old. 87343

~~(RR)~~(SS) "Serious risk noncompliance" means a licensure or 87344  
certification rule violation that leads to a great risk of harm 87345  
to, or death of, a child, and is observable, not inferable. 87346

~~(SS)~~(TT) "Special needs child care" means child care 87347  
provided to a child who is less than eighteen years of age and 87348  
either has one or more chronic health conditions or does not 87349



meet age appropriate expectations in one or more areas of 87350  
development, including social, emotional, cognitive, 87351  
communicative, perceptual, motor, physical, and behavioral 87352  
development and that may include on a regular basis such 87353  
services, adaptations, modifications, or adjustments needed to 87354  
assist in the child's function or development. 87355

~~(TT)~~(UU) "Title IV-A" means Title IV-A of the "Social 87356  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 87357

~~(UU)~~(VV) "Title XX" means Title XX of the "Social Security 87358  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 87359

~~(VV)~~(WW) "Toddler" means a child who is at least eighteen 87360  
months of age but less than three years of age. 87361

~~(WW)~~(XX) "Type A family child care home" and "type A home" 87362  
mean the permanent residence of the administrator in which child 87363  
care or publicly funded child care is provided for seven to 87364  
twelve children at one time or a permanent residence of the 87365  
administrator in which child care is provided for four to twelve 87366  
children at one time if four or more children at one time are 87367  
under two years of age. In counting children for the purposes of 87368  
this division, any children under six years of age who are 87369  
related to a licensee, administrator, or employee and who are on 87370  
the premises of the type A home shall be counted. "Type A family 87371  
child care home" and "type A home" do not include any child day 87372  
camp. 87373

~~(XX)~~(YY) "Type B family child care home" and "type B home" 87374  
mean a permanent residence of the provider in which care is 87375  
provided for one to six children at one time and in which no 87376  
more than three children are under two years of age at one time. 87377  
In counting children for the purposes of this division, any 87378

children under six years of age who are related to the provider 87379  
and who are on the premises of the type B home shall be counted. 87380  
"Type B family child care home" and "type B home" do not include 87381  
any child day camp. 87382

**Sec. 5104.12.** (A) (1) A county director of job and family 87383  
services may certify in-home aides to provide publicly funded 87384  
child care pursuant to this chapter and any rules adopted under 87385  
it. Any in-home aide who receives a certificate pursuant to this 87386  
section to provide publicly funded child care is an independent 87387  
contractor and is not an employee of the county department of 87388  
job and family services that issues the certificate. 87389

(2) Every person desiring to receive certification as an 87390  
in-home aide shall apply for certification to a county director 87391  
of job and family services on such forms as the director of 87392  
children and youth prescribes. A county director shall provide 87393  
at no charge to each applicant a copy of rules for certifying 87394  
in-home aides adopted pursuant to this chapter. 87395

(B) To be eligible for certification as an in-home aide, a 87396  
person shall not be either of the following: 87397

(1) The owner of a center or home whose license was 87398  
revoked pursuant to section 5104.04 of the Revised Code within 87399  
the previous five years; 87400

(2) An in-home aide whose certificate was revoked under 87401  
division (C) (2) of this section within the previous five years. 87402

(C) (1) If the county director of job and family services 87403  
determines that the applicant complies with this chapter and any 87404  
rules adopted under it, the county director shall certify the 87405  
person as an in-home aide and issue the person a certificate to 87406  
provide publicly funded child care ~~for twenty-four months~~. The 87407

county director shall furnish a copy of the certificate to the parent, custodian, or guardian. The certificate shall state the name and address of the in-home aide, ~~the expiration date of the certification,~~ and the name and telephone number of the county director who issued the certificate.

(2) The county director may revoke the certificate in either of the following circumstances:

(a) The county director determines, pursuant to rules adopted under Chapter 119. of the Revised Code, that revocation is necessary;

(b) The in-home aide does not comply with division (C) (2) of section 5104.32 of the Revised Code.

(D) (1) The county director of job and family services shall inspect every home of a child who is receiving publicly funded child care in the child's own home while the in-home aide is providing the services. Inspections may be unannounced. Upon receipt of a complaint, the county director shall investigate the in-home aide, shall investigate the home of a child who is receiving publicly funded child care in the child's own home, and division (D) (2) of this section applies regarding the complaint. The caretaker parent shall permit the county director to inspect any part of the child's home. The county director shall prepare a written inspection report and furnish one copy each to the in-home aide and the caretaker parent within a reasonable time after the inspection.

(2) Upon receipt of a complaint as described in division (D) (1) of this section, in addition to the investigations that are required under that division, both of the following apply:

(a) If the complaint alleges that a child suffered

physical harm while receiving publicly funded child care in the 87437  
child's own home from an in-home aide or that the noncompliance 87438  
with law or act alleged in the complaint involved, resulted in, 87439  
or poses a substantial risk of physical harm to a child 87440  
receiving publicly funded child care in the child's own home 87441  
from an in-home aide, the county director shall inspect the home 87442  
of the child. 87443

(b) If division (D) (2) (a) of this section does not apply 87444  
regarding the complaint, the county director may inspect the 87445  
home of the child. 87446

(3) Division (D) (2) of this section does not limit, 87447  
restrict, or negate any duty of the county director to inspect a 87448  
home of a child who is receiving publicly funded child care from 87449  
an in-home aide that otherwise is imposed under this section, or 87450  
any authority of the county director to inspect such a home that 87451  
otherwise is granted under this section when the county director 87452  
believes the inspection is necessary and it is permitted under 87453  
the grant. 87454

**Sec. 5104.29.** (A) ~~As used in this section, "early learning~~ 87455  
~~and development program" has the same meaning as "licensed child~~ 87456  
~~care program" as defined in section 5104.01 of the Revised Code.~~ 87457

~~(B)~~ There is hereby created in the department of children 87458  
and youth the step up to quality program, under which the 87459  
department of children and youth, in cooperation with the 87460  
department of education and workforce, shall develop a tiered 87461  
quality rating and improvement system for all early learning and 87462  
development programs in this state. The step up to quality 87463  
program shall include all of the following components: 87464

(1) Quality program standards for early learning and 87465

development programs; 87466

(2) Accountability measures that include tiered ratings 87467  
representing each program's level of quality; 87468

(3) Program and provider outreach and support to help 87469  
programs meet higher standards and promote participation in the 87470  
step up to quality program; 87471

(4) Financial incentives for early learning and 87472  
development programs that provide publicly funded child care and 87473  
are linked to achieving and maintaining quality standards; 87474

(5) Parent and consumer education to help parents learn 87475  
about program quality and ratings so they can make informed 87476  
choices on behalf of their children. 87477

~~(C)~~(B) The step up to quality program shall have the 87478  
following goals: 87479

(1) Increasing the number of low-income children, special 87480  
needs children, and children with limited English proficiency 87481  
participating in quality early learning and development 87482  
programs; 87483

(2) Providing families with an easy-to-use tool for 87484  
evaluating the quality of early learning and development 87485  
programs; 87486

(3) Recognizing and supporting early learning and 87487  
development programs that achieve higher levels of quality; 87488

(4) Providing incentives and supports to help early 87489  
learning and development programs implement continuous quality 87490  
improvement systems. 87491

~~(D)~~(C) Under the step up to quality program, participating 87492

early learning and development programs may be eligible for 87493  
grants, technical assistance, training, and other assistance. 87494  
Programs that maintain a quality rating may be eligible for 87495  
unrestricted monetary awards. 87496

~~(E)~~(D) The tiered ratings developed pursuant to this 87497  
section shall be based on an early learning and development 87498  
program's performance in meeting program standards in the 87499  
following four domains: 87500

- (1) Learning and development; 87501
- (2) Administration and leadership practices; 87502
- (3) Staff quality and professional development; 87503
- (4) Family and community partnerships. 87504

The ratings developed under this section shall not take 87505  
into consideration whether an administrator or employee of an 87506  
early learning and development program holds or obtains a 87507  
bachelor's, master's, or doctoral degree. 87508

~~(F)~~(E) The director of children and youth, in 87509  
collaboration with the director of education and workforce, 87510  
shall adopt rules in accordance with Chapter 119. of the Revised 87511  
Code to implement the step up to quality program described in 87512  
this section. 87513

**Sec. 5104.292.** (A) An early learning and development 87514  
program that applied to be rated in the step up to quality 87515  
program but was denied or that had its step up to quality rating 87516  
reduced or removed may appeal the decision of the director of 87517  
children and youth to refuse to rate the program or to reduce or 87518  
remove the program's rating. This section establishes standards 87519  
and procedures by which an appeal of such a decision is filed 87520

and heard and the director's determination following a hearing 87521  
is reviewed. 87522

(B) An early learning and development program that wishes 87523  
to appeal a decision described in division (A) of this section 87524  
shall file an appeal with the director not later than fifteen 87525  
days after the program receives notice of the decision. 87526

(C) The director shall hear the appeal not later than 87527  
forty-five days after its filing. The hearing shall be conducted 87528  
either in-person or through virtual means. During the hearing, 87529  
the program shall be allowed to participate, including by asking 87530  
and answering questions and offering evidence in support of the 87531  
program's position. 87532

(D) Not later than fifteen days after the hearing, the 87533  
director shall make an initial determination as to whether the 87534  
decision described in division (A) of this section is to be 87535  
upheld or reversed. As soon as practicable after making the 87536  
initial determination, the director shall convene a panel to 87537  
review both the initial determination and evidence presented at 87538  
the hearing. Neither of the following shall occur until after 87539  
the review panel convenes and makes a recommendation to the 87540  
director: 87541

(1) The determination is enforced. 87542

(2) The determination is made public. 87543

(E) A review panel shall consist of all of the following: 87544

(1) One individual representing the department of children 87545  
and youth, except that the individual shall be neither the 87546  
individual who recommended to the director that the program's 87547  
rating be refused, removed, or reduced nor that individual's 87548  
direct supervisor; 87549

(2) Two individuals, each representing an early learning and development program and each participating in the early childhood education and care advisory group of the department's children and youth advisory council. 87550  
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The review panel shall meet either in-person or through virtual means. 87554  
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(F) As soon as practicable after it convenes, the review panel shall make a recommendation to the director as to whether the director's initial determination should be enforced and made public. The director shall consider the review panel's recommendation before doing either of the following: 87556  
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(1) Making a final determination as to whether the decision in division (A) is to be upheld or reversed; 87561  
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(2) Making the final determination public. 87563

The actions described in divisions (F) (1) and (2) of this section shall occur as soon as practicable after the panel makes its recommendation. 87564  
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**Sec. 5104.30.** (A) The department of children and youth is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following: 87567  
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(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code; 87572  
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(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code; 87574  
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(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 87576  
87577



of the Revised Code and who continue to participate in a work 87578  
activity, developmental activity, or alternative work activity 87579  
pursuant to an assignment under section 5107.42 of the Revised 87580  
Code; 87581

(4) A family receiving publicly funded child care on 87582  
October 1, 1997, until the family's income reaches one hundred 87583  
fifty per cent of the federal poverty line; 87584

(5) Subject to available funds, other individuals 87585  
determined eligible in accordance with rules adopted under 87586  
section 5104.38 of the Revised Code. 87587

The department shall apply to the United States department 87588  
of health and human services for authority to operate a 87589  
coordinated program for publicly funded child care, if the 87590  
director of children and youth determines that the application 87591  
is necessary. For purposes of this section, the department of 87592  
children and youth may enter into agreements with other state 87593  
agencies that are involved in regulation or funding of child 87594  
care. The department shall consider the special needs of migrant 87595  
workers when it administers and coordinates publicly funded 87596  
child care and shall develop appropriate procedures for 87597  
accommodating the needs of migrant workers for publicly funded 87598  
child care. 87599

(B) The department of children and youth shall distribute 87600  
state and federal funds for publicly funded child care, 87601  
including appropriations of state funds for publicly funded 87602  
child care and appropriations of federal funds available under 87603  
the child care block grant act, Title IV-A, and Title XX. The 87604  
department may use any state funds appropriated for publicly 87605  
funded child care as the state share required to match any 87606  
federal funds appropriated for publicly funded child care. 87607

(C) In the use of federal funds available under the child care block grant act, all of the following apply: 87608  
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(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care. 87610  
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(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs. 87614  
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(3) The department shall allocate and use at least four per cent of the federal funds for the following: 87617  
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(a) Activities designed to provide comprehensive consumer education to parents and the public; 87619  
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(b) Activities that increase parental choice; 87621

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 87622  
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(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code. 87625  
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 87627  
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(D) The department shall encourage the development of 87635

suitable child care throughout the state, especially in areas 87636  
with high concentrations of recipients of public assistance and 87637  
families with low incomes. The department shall encourage the 87638  
development of suitable child care designed to accommodate the 87639  
special needs of migrant workers. On request, the department, 87640  
through its employees or contracts with state or community child 87641  
care resource and referral service organizations, shall provide 87642  
consultation to groups and individuals interested in developing 87643  
child care. The department of children and youth may enter into 87644  
interagency agreements with the department of education and 87645  
workforce, the chancellor of higher education, the department of 87646  
development, and other state agencies and entities whenever the 87647  
cooperative efforts of the other state agencies and entities are 87648  
necessary for the department of children and youth to fulfill 87649  
its duties and responsibilities under this chapter. 87650

The department shall develop and maintain a registry of 87651  
persons providing child care. The director shall adopt rules in 87652  
accordance with Chapter 119. of the Revised Code establishing 87653  
procedures and requirements for the registry's administration. 87654

(E) (1) The director shall adopt rules in accordance with 87655  
Chapter 119. of the Revised Code establishing both of the 87656  
following: 87657

(a) ~~Reimbursement~~ Payment rates for providers of publicly 87658  
funded child care not later than the first day of July in each 87659  
odd-numbered year; 87660

(b) A procedure for ~~reimbursing and~~ paying providers of 87661  
publicly funded child care. 87662

(2) In establishing ~~reimbursement~~ payment rates under 87663  
division (E) (1) (a) of this section, the director shall do all of 87664

the following: 87665

(a) Use the information obtained from the market rate 87666  
survey developed and conducted in accordance with 45 C.F.R. 87667  
98.45; 87668

(b) Establish an enhanced ~~reimbursement~~ payment rate for 87669  
providers who ~~provide child care for~~ enroll children whose 87670  
caretaker parents ~~who~~ work nontraditional hours; 87671

(c) With regard to the step up to quality program 87672  
established pursuant to section 5104.29 of the Revised Code, 87673  
establish enhanced ~~reimbursement~~ payment rates for child care 87674  
providers that participate in the program. 87675

(3) In establishing ~~reimbursement~~ payment rates under 87676  
division (E)(1)(a) of this section, the director may establish 87677  
different ~~reimbursement~~ payment rates based on any of the 87678  
following: 87679

(a) Geographic location of the provider; 87680

(b) Type of care provided; 87681

(c) Age of the child served; 87682

(d) Special needs of the child served; 87683

(e) Whether the expanded hours of service are provided; 87684

(f) Whether weekend service is provided; 87685

(g) Whether the provider has exceeded the minimum 87686  
requirements of state statutes and rules governing child care; 87687

(h) Any other factors the director considers appropriate. 87688

**Sec. 5104.302.** In addition to establishing payment rates 87689  
for publicly funded child care providers in each odd-numbered 87690

year, as required by section 5104.30 of the Revised Code, the 87691  
director of children and youth may contract with a third-party 87692  
entity to analyze information regarding the prices charged for 87693  
child care for the subsequent even-numbered year. 87694

**Sec. 5104.32.** (A) All purchases of publicly funded child 87695  
care shall be made under a contract entered into by a licensed 87696  
child care center, licensed type A family child care home, 87697  
licensed type B family child care home, certified in-home aide, 87698  
approved child day camp, licensed preschool program, licensed 87699  
school child program, or border state child care provider and 87700  
the department of children and youth. All contracts for publicly 87701  
funded child care shall be contingent upon the availability of 87702  
state and federal funds. The department shall prescribe a 87703  
standard form to be used for all contracts for the purchase of 87704  
publicly funded child care, regardless of the source of public 87705  
funds used to purchase the child care. To the extent permitted 87706  
by federal law and notwithstanding any other provision of the 87707  
Revised Code that regulates state contracts or contracts 87708  
involving the expenditure of state or federal funds, all 87709  
contracts for publicly funded child care shall be entered into 87710  
in accordance with the provisions of this chapter and are exempt 87711  
from any other provision of the Revised Code that regulates 87712  
state contracts or contracts involving the expenditure of state 87713  
or federal funds. 87714

(B) Each contract for publicly funded child care shall 87715  
specify at least the following: 87716

(1) That the provider of publicly funded child care agrees 87717  
to be paid ~~for rendering services at the lower of the rate~~ 87718  
~~customarily charged by the provider for children enrolled for~~ 87719  
~~child care or the reimbursement rate of payment established~~ 87720

pursuant to section 5104.30 of the Revised Code; 87721

~~(2) That, if a provider provides child care to an individual potentially eligible for publicly funded child care who is subsequently determined to be eligible, the department agrees to pay for all child care provided between the date the county department of job and family services receives the individual's completed application and the date the individual's eligibility is determined;~~ 87722  
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~~(3)~~ Whether the county department of job and family services, the provider, or a child care resource and referral service organization will make eligibility determinations, whether the provider or a child care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations; 87729  
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~~(4)~~(3) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification; 87740  
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~~(5)~~(4) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the 87746  
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provider's license, certificate, or other approval; 87751

~~(6)~~ (5) Whether the provider will be paid by the 87752  
department of children and youth or in some other manner as 87753  
prescribed by rules adopted under section 5104.42 of the Revised 87754  
Code; 87755

~~(7)~~ (6) That the contract is subject to the availability 87756  
of state and federal funds. 87757

(C) (1) The department shall establish an automated child 87758  
care system to track child attendance and enrollment and 87759  
calculate payments for publicly funded child care. Not later 87760  
than July 1, 2026, and thereafter, the department shall 87761  
calculate payments for publicly funded child care based on a 87762  
child's enrollment, as described in 45 C.F.R. 98.45(m), rather 87763  
than on a child's attendance. 87764

(2) Each eligible provider that provides publicly funded 87765  
child care shall participate in the automated child care system. 87766  
A provider participating in the system shall not do any of the 87767  
following: 87768

(a) Use or have possession of a personal identification 87769  
number or password issued to a caretaker parent under the 87770  
automated child care system; 87771

(b) Falsify child attendance or enrollment records; 87772

(c) Knowingly seek or accept payment for publicly funded 87773  
child care ~~that was not provided for a child not enrolled with~~ 87774  
the provider or for which the provider was not eligible; 87775

(d) Knowingly seek or accept payment for child care 87776  
~~provided to for~~ a child who resides in the provider's own home. 87777

(D) The department may withhold any money due under this 87778

chapter and may recover through any appropriate method any money 87779  
erroneously paid under this chapter if evidence demonstrates 87780  
that a provider of publicly funded child care failed to comply 87781  
with either of the following: 87782

(1) The terms of the contract entered into under this 87783  
section; 87784

(2) This chapter or any rules adopted under it. 87785

(E) If the department has evidence that a provider has 87786  
employed an individual who is ineligible for employment under 87787  
section 5104.013 of the Revised Code and the provider has not 87788  
released the individual from employment upon notice that the 87789  
individual is ineligible, the department may terminate 87790  
immediately the contract entered into under this section to 87791  
provide publicly funded child care. 87792

(F) Any decision by the department concerning publicly 87793  
funded child care, including the recovery of funds, overpayment 87794  
determinations, and contract terminations is final and is not 87795  
subject to appeal, hearing, or further review under Chapter 119. 87796  
of the Revised Code. 87797

**Sec. 5104.34.** (A) (1) Each county department of job and 87798  
family services shall implement procedures for making 87799  
determinations of eligibility for publicly funded child care. 87800  
Under those procedures, the eligibility determination for each 87801  
applicant shall be made no later than thirty calendar days from 87802  
the date the county department receives a completed application 87803  
for publicly funded child care. Each applicant shall be notified 87804  
promptly of the results of the eligibility determination. An 87805  
applicant aggrieved by a decision or delay in making an 87806  
eligibility determination may appeal the decision or delay to 87807



the department of children and youth in accordance with section 87808  
5101.35 of the Revised Code. The due process rights of 87809  
applicants shall be protected. 87810

To the extent permitted by federal law, the county 87811  
department may make all determinations of eligibility for 87812  
publicly funded child care, may contract with child care 87813  
providers or child care resource and referral service 87814  
organizations for the providers or resource and referral service 87815  
organizations to make all or any part of the determinations, and 87816  
may contract with child care providers or child care resource 87817  
and referral service organizations for the providers or resource 87818  
and referral service organizations to collect specified 87819  
information for use by the county department in making 87820  
determinations. If a county department contracts with a child 87821  
care provider or a child care resource and referral service 87822  
organization for eligibility determinations or for the 87823  
collection of information, the contract shall require the 87824  
provider or resource and referral service organization to make 87825  
each eligibility determination no later than thirty calendar 87826  
days from the date the provider or resource and referral 87827  
organization receives a completed application that is the basis 87828  
of the determination and to collect and transmit all necessary 87829  
information to the county department within a period of time 87830  
that enables the county department to make each eligibility 87831  
determination no later than thirty days after the filing of the 87832  
application that is the basis of the determination. 87833

The county department may station employees of the 87834  
department in various locations throughout the county to collect 87835  
information relevant to applications for publicly funded child 87836  
care and to make eligibility determinations. The county 87837  
department, child care provider, and child care resource and 87838

referral service organization shall make each determination of 87839  
eligibility for publicly funded child care no later than thirty 87840  
days after the filing of the application that is the basis of 87841  
the determination, shall make each determination in accordance 87842  
with any relevant rules adopted pursuant to section 5104.38 of 87843  
the Revised Code, and shall notify promptly each applicant for 87844  
publicly funded child care of the results of the determination 87845  
of the applicant's eligibility. 87846

The director of children and youth shall adopt rules in 87847  
accordance with Chapter 119. of the Revised Code for monitoring 87848  
the eligibility determination process. In accordance with those 87849  
rules, the state department shall monitor eligibility 87850  
determinations made by county departments of job and family 87851  
services and shall direct any entity that is not in compliance 87852  
with this division or any rule adopted under this division to 87853  
implement corrective action specified by the department. 87854

(2) (a) All eligibility determinations for publicly funded 87855  
child care shall be made in accordance with rules adopted 87856  
pursuant to division (A) of section 5104.38 of the Revised Code. 87857  
Except as otherwise provided in this section, all of the 87858  
following apply: 87859

(i) Publicly funded child care may be provided only to 87860  
eligible infants, toddlers, preschool-age children, school-age 87861  
children under age thirteen, or children receiving special needs 87862  
child care. 87863

(ii) For an applicant to be eligible for publicly funded 87864  
child care, the caretaker parent must be employed or 87865  
participating in a program of education or training for an 87866  
amount of time reasonably related to the time that the parent's 87867  
children are receiving publicly funded child care. This 87868

restriction does not apply to families whose children are 87869  
eligible for protective child care. 87870

(iii) The eligibility period for publicly funded child 87871  
care shall be at least twelve months. 87872

~~(b) In accordance with rules adopted under division (B) of 87873  
section 5104.38 of the Revised Code, an applicant may receive 87874  
publicly funded child care while the county department 87875  
determines eligibility. An applicant may receive publicly funded 87876  
child care while a county department determines eligibility only 87877  
once during a twelve-month period. If the county department 87878  
determines that an applicant is not eligible for publicly funded 87879  
child care, the child care provider shall be paid for providing 87880  
publicly funded child care for up to five days after that 87881  
determination if the county department received a completed 87882  
application with all required documentation. A program may 87883  
appeal a denial of payment under this division. 87884~~

~~(e) If a caretaker parent who has been determined eligible 87885  
to receive publicly funded child care no longer meets the 87886  
requirements of division (A) (2) (a) (ii) of this section, the 87887  
caretaker parent may continue to receive publicly funded child 87888  
care for a period of at least three but not more than four 87889  
months not to extend beyond the caretaker parent's eligibility 87890  
period. 87891~~

~~(d) (c) If a child turns thirteen, or if a child receiving 87892  
special needs child care turns eighteen, during the eligibility 87893  
period, the caretaker parent may continue to receive publicly 87894  
funded child care until the end of that eligibility period. 87895~~

Subject to available funds, the department of children and 87896  
youth shall allow a family to receive publicly funded child care 87897

unless the family's income exceeds the maximum income 87898  
eligibility limit. Initial and continued eligibility for 87899  
publicly funded child care is subject to available funds unless 87900  
the family is receiving child care pursuant to division (A) (1), 87901  
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 87902  
department must limit eligibility due to lack of available 87903  
funds, it shall give first priority for publicly funded child 87904  
care to an assistance group whose income is not more than the 87905  
maximum income eligibility limit that received transitional 87906  
child care in the previous month but is no longer eligible 87907  
because the eligibility period has expired. Such an assistance 87908  
group shall continue to receive priority for publicly funded 87909  
child care until its income exceeds the maximum income 87910  
eligibility limit. 87911

(3) An assistance group that ceases to participate in the 87912  
Ohio works first program established under Chapter 5107. of the 87913  
Revised Code is eligible for transitional child care at any time 87914  
during the immediately following twelve-month period that both 87915  
of the following apply: 87916

(a) The assistance group requires child care due to 87917  
employment; 87918

(b) The assistance group's income is not more than one 87919  
hundred fifty per cent of the federal poverty line. 87920

An assistance group ineligible to participate in the Ohio 87921  
works first program pursuant to section 5101.83 or section 87922  
5107.16 of the Revised Code is not eligible for transitional 87923  
child care. 87924

(B) To the extent permitted by federal law, the department 87925  
of children and youth may require a caretaker parent determined 87926

to be eligible for publicly funded child care to pay a fee 87927  
according to the schedule of fees established in rules adopted 87928  
under section 5104.38 of the Revised Code. The department shall 87929  
make protective child care services and homeless child care 87930  
services available to children without regard to the income or 87931  
assets of the caretaker parent of the child. 87932

(C) A caretaker parent receiving publicly funded child 87933  
care shall report to the entity that determined eligibility any 87934  
changes in status with respect to employment or participation in 87935  
a program of education or training not later than ten calendar 87936  
days after the change occurs. 87937

(D) If the department of children and youth determines 87938  
that available resources are not sufficient to provide publicly 87939  
funded child care to all eligible families who request it, the 87940  
department may establish a waiting list. The department may 87941  
establish separate waiting lists within the waiting list based 87942  
on income. 87943

(E) A caretaker parent shall not receive publicly funded 87944  
child care from more than one child care provider per child 87945  
during a week, unless a county department grants the family an 87946  
exemption for one of the following reasons: 87947

(1) The child needs additional care during non-traditional 87948  
hours; 87949

(2) The child needs to change providers in the middle of 87950  
the week and the hours of care provided by the providers do not 87951  
overlap; 87952

(3) The child's provider is closed on scheduled school 87953  
days off or on calamity days. 87954

(F) As used in this section, "maximum income eligibility 87955

limit" means the amount of income specified in rules adopted 87956  
under division (A) of section 5104.38 of the Revised Code. 87957

**Sec. 5104.36.** The licensee or administrator of a child 87958  
care center, type A family child care home, or licensed type B 87959  
family child care home, an in-home aide providing child care 87960  
services, the director or administrator of an approved child day 87961  
camp, and a border state child care provider shall keep a record 87962  
for each eligible child enrolled with the center, home, in-home 87963  
aide, camp, or provider, to be made available to the county 87964  
department of job and family services or the department of 87965  
children and youth on request. The record shall include all of 87966  
the following: 87967

(A) The name and date of birth of the child; 87968

(B) The name and address of the child's caretaker parent; 87969

(C) The name and address of the caretaker parent's place 87970  
of employment or program of education or training; 87971

(D) The hours for which the child has been enrolled with 87972  
the center, home, in-home aide, camp, or provider and the hours 87973  
for which child care services have been provided for the child; 87974

(E) Any other information required by the county 87975  
department of job and family services or the department of 87976  
children and youth. 87977

**Sec. 5104.37.** (A) In addition to the duties described in 87978  
division (D) of section 5104.30 of the Revised Code, the 87979  
director of ~~job and family services~~ children and youth shall 87980  
engage in activities to do the following: 87981

(1) Encourage the establishment and licensure of family 87982  
~~day-care~~ child care homes in this state, especially in areas 87983

with the greatest need for child care; 87984

(2) Connect families and caretaker parents in need of 87985  
child care with family ~~day-care~~ child care homes not meeting the 87986  
license capacity specified on their licenses, as described in 87987  
division (E) of section 5104.03 of the Revised Code. 87988

(B) The director may contract with one or more third-party 87989  
entities to assist the director in performing the duties 87990  
described in division (A) of this section. 87991

(C) Not later than May 30, 2023, and periodically 87992  
thereafter, the director shall submit to the general assembly a 87993  
report documenting any barriers that may prevent the 87994  
establishment or licensure of family ~~day-care~~ child care homes. 87995  
The director shall submit the required report in accordance with 87996  
section 101.68 of the Revised Code. 87997

**Sec. 5104.38.** In addition to any other rules adopted under 87998  
this chapter, the director of children and youth shall adopt 87999  
rules in accordance with Chapter 119. of the Revised Code 88000  
governing financial and administrative requirements for publicly 88001  
funded child care and establishing all of the following: 88002

(A) Procedures and criteria to be used in making 88003  
determinations of eligibility for publicly funded child care 88004  
that give priority to children of families with lower incomes 88005  
and procedures and criteria for eligibility for publicly funded 88006  
protective child care or homeless child care. The rules shall 88007  
specify the maximum amount of income a family may have for 88008  
initial and continued eligibility. The maximum amount shall not 88009  
exceed three hundred per cent of the federal poverty line. The 88010  
rules may specify exceptions to the eligibility requirements in 88011  
the case of a family that previously received publicly funded 88012

child care and is seeking to have the child care reinstated 88013  
after the family's eligibility was terminated. 88014

~~(B) Procedures under which an applicant for publicly 88015  
funded child care may receive publicly funded child care while 88016  
the county department of job and family services determines 88017  
eligibility and under which a child care provider may appeal a 88018  
denial of payment under division (A) (2) (b) of section 5104.34 of 88019  
the Revised Code; 88020~~

~~(C) A schedule of fees requiring all eligible caretaker 88021  
parents to pay a fee for publicly funded child care according to 88022  
income and family size, which shall be uniform for all types of 88023  
publicly funded child care, except as authorized by rule, and, 88024  
to the extent permitted by federal law, shall permit the use of 88025  
state and federal funds to pay the customary deposits and other 88026  
advance payments that a provider charges all children who 88027  
receive child care from that provider. 88028~~

~~(D) (C) A formula for determining the amount of state and 88029  
federal funds appropriated for publicly funded child care that 88030  
may be allocated to a county department to use for 88031  
administrative purposes; 88032~~

~~(E) (D) Procedures to be followed by the department and 88033  
county departments in recruiting individuals and groups to 88034  
become providers of child care; 88035~~

~~(F) (E) Procedures to be followed in establishing state or 88036  
local programs designed to assist individuals who are eligible 88037  
for publicly funded child care in identifying the resources 88038  
available to them and to refer the individuals to appropriate 88039  
sources to obtain child care; 88040~~

~~(G) (F) Procedures to deal with fraud and abuse committed 88041~~



by either recipients or providers of publicly funded child care; 88042

~~(H)~~ (G) Procedures for establishing a child care grant or 88043  
loan program in accordance with the child care block grant act; 88044

~~(I)~~ (H) Standards and procedures for applicants to apply 88045  
for grants and loans, and for the department to make grants and 88046  
loans; 88047

~~(J)~~ (I) A definition of "person who stands in loco 88048  
parentis" for the purposes of division ~~(NN)~~ ~~(3)~~ (OO) (3) of section 88049  
5104.01 of the Revised Code; 88050

~~(K)~~ (J) Procedures for a county department of job and 88051  
family services to follow in making eligibility determinations 88052  
and redeterminations for publicly funded child care available 88053  
through telephone, computer, and other means at locations other 88054  
than the county department; 88055

~~(L)~~ (K) If the director establishes a different 88056  
~~reimbursement~~ payment rate under division (E) (3) (d) of section 88057  
5104.30 of the Revised Code, standards and procedures for 88058  
determining the amount of the higher payment that is to be 88059  
issued to a child care provider based on the special needs of 88060  
the child being served; 88061

~~(M)~~ (L) To the extent permitted by federal law, procedures 88062  
for enrolling and paying for up to thirty days of child care for 88063  
a child whose caretaker parent is seeking employment, taking 88064  
part in employment orientation activities, or taking part in 88065  
activities in anticipation of enrolling in or attending an 88066  
education or training program or activity, if the employment or 88067  
the education or training program or activity is expected to 88068  
begin within the thirty-day period; 88069

~~(N)~~ (M) Any other rules necessary to carry out sections 88070

5104.30 to 5104.43 of the Revised Code. 88071

**Sec. 5104.41.** A child and the child's caretaker who are 88072  
otherwise ineligible for publicly funded child care are eligible 88073  
for homeless child care for ~~the lesser of the following:~~ 88074

~~(A) Not more than ninety days;~~ 88075

~~(B) The period of time they reside in a facility providing 88076  
emergency shelter for homeless families or the period of time in 88077  
which the county department determines they are homeless twelve 88078  
months. 88079~~

**Sec. 5104.53.** (A) As used in this section: 88080

(1) "IEP" has the same meaning as in section 3323.01 of 88081  
the Revised Code. 88082

(2) "Resource caregiver" has the same meaning as in 88083  
section 5103.02 of the Revised Code. 88084

(B) The early childhood education grant program is created 88085  
in the department of children and youth. Subject to available 88086  
funds, the program shall support and invest in early learning 88087  
and development programs operating in this state by awarding 88088  
grants to programs that meet the conditions of this section in 88089  
an amount that corresponds to the number of eligible children 88090  
served by the programs. 88091

(C) To be eligible for a grant under this section, an 88092  
early learning and development program shall meet each of the 88093  
following conditions: 88094

(1) The program is rated through the step up to quality 88095  
program established under section 5104.29 of the Revised Code at 88096  
the tiered rating specified by the department in rules adopted 88097  
under this section. 88098

(2) The program provides early learning and development services to one or more preschool-age children described in division (D) of this section. 88099  
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88101

(3) The program meets any other eligibility condition specified by the department in rules adopted under this section. 88102  
88103

(D) A preschool-age child who meets all of the following conditions, as determined by a county department of job and family services, is eligible to participate in the early childhood education grant program if a slot is available: 88104  
88105  
88106  
88107

(1) Either the amount of the child's family income does not exceed two hundred per cent of the federal poverty line or the child meets one of the following conditions: 88108  
88109  
88110

(a) An IEP has been developed for the child; 88111

(b) The child is placed with a resource caregiver as described in Chapter 5103. of the Revised Code, with such placement documented by either a family case plan or kinship permanency incentive payments; 88112  
88113  
88114  
88115

(c) The child is homeless as described in division (V) of section 5104.01 of the Revised Code. 88116  
88117

(2) The child is a citizen of the United States or a qualified alien. 88118  
88119

(3) The child meets any other eligibility condition specified by the department in rules adopted under this section. 88120  
88121

(E) Any funds appropriated to the department for purposes of the early childhood education grant program shall be used as follows: 88122  
88123  
88124

(1) In each fiscal year, not more than two per cent of 88125

appropriated funds shall be used for program support and 88126  
technical assistance. 88127

(2) Appropriated funds other than those described in 88128  
division (E) (1) of this section shall be distributed to grant 88129  
recipients. 88130

(F) In accordance with Chapter 119. of the Revised Code, 88131  
the director shall adopt rules to implement this section and 88132  
administer the early childhood education grant program, 88133  
including rules addressing all of the following topics: 88134

(1) Eligibility conditions and other requirements for 88135  
participation in the grant program by early learning and 88136  
development programs, including the tiered rating at which a 88137  
program becomes eligible to participate; 88138

(2) Eligibility conditions for children participating in 88139  
the early childhood education grant program if a slot is 88140  
available; 88141

(3) Standards, procedures, and requirements to apply for 88142  
and distribute funds to participating early learning and 88143  
development programs; 88144

(4) In the event funds are distributed in error under the 88145  
program, methods by which the department may recover those 88146  
funds. 88147

**Sec. 5104.54.** (A) The child care cred program is created 88148  
in the department of children and youth, under which the costs 88149  
of child care are shared by participating employees, their 88150  
employers, and, subject to available funds, the department. The 88151  
distribution of the costs shall be as follows: employees are 88152  
responsible for forty per cent; employers are responsible for 88153  
forty per cent; and, subject to available funds, the department 88154

is responsible for twenty per cent. The program has all of the 88155  
following goals: enabling employers to attract and retain 88156  
talent; assisting employees with child care costs; and 88157  
sustaining the businesses of child care providers. 88158

(B) To be eligible to participate in the program, all of 88159  
the following apply: 88160

(1) In the case of an employee, the employee shall reside 88161  
in this state and have been selected for participation by the 88162  
employee's employer. 88163

(2) In the case of an employer, the employer shall be 88164  
located in this state and have selected one or more of its 88165  
employees to participate in the program. 88166

(3) In the case of a child care provider, the provider 88167  
shall either hold a license issued under this chapter or be 88168  
certified by a county department of job and family services 88169  
under section 5104.12 of the Revised Code. The department shall 88170  
not require participation in the step up to quality program in 88171  
order to be an eligible provider for this program. 88172

(C) Each employee and employer seeking to participate in 88173  
the program shall together submit an application to the 88174  
department in a manner prescribed by the department. The 88175  
department shall review each application as soon as practicable 88176  
after it is received and shall determine if the employee and 88177  
employer are both eligible to participate. 88178

(D) After an employee and employer are both determined 88179  
eligible and agree to participate in the program, all of the 88180  
following apply: 88181

(1) The employee, with the assistance of the department, 88182  
shall select a child care provider for the employee's child and 88183

shall enroll the child with the provider. An employee may opt to 88184  
select the employee's existing child care provider so long as 88185  
that provider is licensed or certified as described in this 88186  
section. 88187

(2) In addition to the employer's share, the employer may 88188  
agree to contribute some or all of an employee's share of child 88189  
care costs. 88190

(3) As a condition of participation, the department may 88191  
require the employee, employer, and child care provider to each 88192  
sign a memorandum of understanding with the department. 88193

(4) The department is responsible for coordinating and 88194  
performing all administrative activities associated with the 88195  
sharing of child care costs and making payments to child care 88196  
providers. 88197

(E) An eligibility determination made under division (C) 88198  
of this section remains valid as long as the employee, employer, 88199  
and child care provider continue to satisfy the eligibility 88200  
conditions described in division (B) of this section. 88201

(F) If the department finds that an employee or employer 88202  
has committed fraud, misrepresentation, or deception in applying 88203  
to participate, or in participating, in the program, the 88204  
employee or employer is permanently ineligible to participate, 88205  
or continue to participate, in the program. 88206

(G) (1) The department may adopt rules as necessary to 88207  
implement this section. Any rules shall be adopted in accordance 88208  
with Chapter 119. of the Revised Code. 88209

(2) Notwithstanding any provision of section 121.95 of the 88210  
Revised Code to the contrary, a regulatory restriction contained 88211  
in a rule adopted under division (G) (1) of this section is not 88212

subject to sections 121.95 to 121.953 of the Revised Code. 88213

Sec. 5104.60. The director of children and youth shall 88214  
contract with a third-party entity to develop a registry 88215  
information system to provide, on an ongoing basis, training and 88216  
professional development opportunities to the employees of early 88217  
learning and development programs that receive funding under the 88218  
child care block grant act. The registry information system 88219  
shall be known as the Ohio professional registry. 88220

In developing the registry information system, the third- 88221  
party entity shall comply with requirements set forth in the 88222  
child care block grant act and 45 C.F.R. Part 98. 88223

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 88224  
Revised Code shall be punished as follows: 88225

(1) For each offense, the offender shall be fined not less 88226  
than one hundred dollars nor more than five hundred dollars 88227  
multiplied by the number of children receiving child care at the 88228  
child care center or type A family child care home that either 88229  
exceeds the number of children to which a type B family ~~day-care~~ 88230  
child care home may provide child care or, if the offender is a 88231  
licensed type A family child care home that is operating as a 88232  
child care center without being licensed as a center, exceeds 88233  
the license capacity of the type A home. 88234

(2) In addition to the fine specified in division (A) (1) 88235  
of this section, all of the following apply: 88236

(a) Except as provided in divisions (A) (2) (b), (c), and 88237  
(d) of this section, the court shall order the offender to 88238  
reduce the number of children to which it provides child care to 88239  
a number that does not exceed either the number of children to 88240  
which a type B family child care home may provide child care or, 88241

if the offender is a licensed type A family child care home that 88242  
is operating as a child care center without being licensed as a 88243  
center, the license capacity of the type A home. 88244

(b) If the offender previously has been convicted of or 88245  
pleaded guilty to one violation of section 5104.02 of the 88246  
Revised Code, the court shall order the offender to cease the 88247  
provision of child care to any person until it obtains a child 88248  
care center license or a type A family child care home license, 88249  
as appropriate, under section 5104.03 of the Revised Code. 88250

(c) If the offender previously has been convicted of or 88251  
pleaded guilty to two violations of section 5104.02 of the 88252  
Revised Code, the offender is guilty of a misdemeanor of the 88253  
first degree, and the court shall order the offender to cease 88254  
the provision of child care to any person until it obtains a 88255  
child care center license or a type A family child care home 88256  
license, as appropriate, under section 5104.03 of the Revised 88257  
Code. The court shall impose the fine specified in division (A) 88258  
(1) of this section and may impose an additional fine provided 88259  
that the total amount of the fines so imposed does not exceed 88260  
the maximum fine authorized for a misdemeanor of the first 88261  
degree under section 2929.28 of the Revised Code. 88262

(d) If the offender previously has been convicted of or 88263  
pleaded guilty to three or more violations of section 5104.02 of 88264  
the Revised Code, the offender is guilty of a felony of the 88265  
fifth degree, and the court shall order the offender to cease 88266  
the provision of child care to any person until it obtains a 88267  
child care center license or a type A family child care home 88268  
license, as appropriate, under section 5104.03 of the Revised 88269  
Code. The court shall impose the fine specified in division (A) 88270  
(1) of this section and may impose an additional fine provided 88271



that the total amount of the fines so imposed does not exceed 88272  
the maximum fine authorized for a felony of the fifth degree 88273  
under section 2929.18 of the Revised Code. 88274

(B) Whoever violates section 5104.09 of the Revised Code 88275  
is guilty of a misdemeanor of the third degree. 88276

**Sec. 5117.07.** (A) On or before the first day of October, 88277  
the director of development shall review all applications 88278  
submitted under division (C) of section 5117.03 of the Revised 88279  
Code and shall determine the eligibility of each applicant to 88280  
receive a credit or payment. The total income and current total 88281  
income amounts set forth in division (A) of this section are 88282  
subject to adjustment under section 5117.071 of the Revised 88283  
Code. 88284

(1) An applicant is eligible for a credit of thirty per 88285  
cent if the applicant is a head of household, has a total income 88286  
of five thousand dollars or less or a current total income of 88287  
two thousand five hundred dollars or less, owns and occupies or 88288  
rents and occupies a household receiving the source of energy 88289  
for its primary heating system from an energy company and such 88290  
energy is separately metered, and is either of the following: 88291

(a) Sixty-five years of age or older; 88292

(b) Permanently and totally disabled. 88293

(2) An applicant is eligible for a credit of twenty-five 88294  
per cent if the applicant is a head of household, has a total 88295  
income of more than five thousand dollars but not more than nine 88296  
thousand dollars or a current total income of more than two 88297  
thousand five hundred dollars but not more than four thousand 88298  
five hundred dollars, is sixty-five years of age or older or 88299  
permanently and totally disabled, and owns and occupies or rents 88300

and occupies a household receiving the source of energy for its 88301  
primary heating system from an energy company and such energy is 88302  
separately metered. 88303

(3) An applicant is eligible for a payment if either of 88304  
the following applies to the applicant: 88305

(a) The applicant would be eligible for the credit under 88306  
division (A) (1) or (2) of this section but for the fact that the 88307  
source of energy for the primary heating system of the 88308  
applicant's household is not separately metered; 88309

(b) The applicant is a head of household, has a total 88310  
income of no more than nine thousand dollars or a current total 88311  
income of no more than four thousand five hundred dollars, is 88312  
sixty-five years of age or older or permanently and totally 88313  
disabled, and owns and occupies or rents and occupies a 88314  
household receiving the source of energy for its primary heating 88315  
system from an energy dealer. 88316

(4) In the case of a multiple unit dwelling for which 88317  
separate metering for the source of energy for its primary 88318  
heating system is not provided, more than one applicant 88319  
occupying such dwelling may be determined eligible for a payment 88320  
under division (A) (3) (a) of this section. 88321

(B) Notwithstanding division (A) of this section: 88322

(1) No head of household who resides in public housing or 88323  
receives a rent subsidy from a government agency is eligible for 88324  
a credit or payment unless the person's rent subsidy does not 88325  
reflect the costs of that person's household receiving the 88326  
source of energy for its primary heating system; 88327

(2) A resident of a nursing home, hospital, or other 88328  
extended health care facility is not eligible for a credit or 88329

payment for the costs of providing the source of energy for the 88330  
primary heating system of the facility. 88331

(C) The director shall establish a procedure whereby the 88332  
director~~commissioner~~ can verify total income and current total 88333  
income for the calendar year in which an applicant is determined 88334  
eligible for a payment or credit. If a person receives a credit 88335  
or payment that the person is ineligible to receive under 88336  
division (A) of this section as determined by the director, that 88337  
person shall refund to the director the credit or payment, or 88338  
excess portion of a credit or payment, that person received. The 88339  
sum refunded shall be deposited in the state treasury to the 88340  
credit of the ~~universal service~~ electric partnership plan fund 88341  
created in section 4928.51 of the Revised Code. 88342

(D) The director may request an additional certification 88343  
of permanent and total disability for any applicant claiming 88344  
such status on an application renewal form submitted under 88345  
section 5117.03 of the Revised Code. Such certification shall be 88346  
requested from the person or agency named on the form pursuant 88347  
to division (B) (1) of section 5117.03 of the Revised Code. If 88348  
such additional certification is refused due to a conclusion by 88349  
the person or agency that the applicant is not permanently and 88350  
totally disabled, the director shall determine the applicant 88351  
ineligible for any credit or payment. If such additional 88352  
certification is unavailable or refused for any other reason, 88353  
the director may determine the applicant to be eligible for a 88354  
credit or payment provided the director~~commissioner~~ has good 88355  
cause to believe the applicant is permanently and totally 88356  
disabled. 88357

(E) On or before the first day of October, the director 88358  
shall notify each applicant of the disposition of the 88359

applicant's application under divisions (A) and (B) of this 88360  
section. At the same time, the director ~~tax commissioner~~ shall 88361  
notify the applicant, regardless of whether the applicant's 88362  
application is approved or disapproved, that the applicant may 88363  
be eligible to participate in a state or federal weatherization 88364  
program and should contact the applicant's community action 88365  
agency for further information. If an application is 88366  
disapproved, the applicant may appeal to the director for a 88367  
hearing on the matter. A notice of disapproval shall include a 88368  
detailed explanation of the applicant's right of appeal under 88369  
this chapter. Any such appeal shall be on an appeal form 88370  
prescribed by the director and shall be filed with the director 88371  
within twenty days of the receipt of the notice of disapproval. 88372

**Sec. 5119.01.** (A) As used in this chapter: 88373

(1) "Addiction" means the chronic and habitual use of 88374  
alcoholic beverages, the use of a drug of abuse as defined in 88375  
section 3719.011 of the Revised Code, or the use of gambling by 88376  
an individual to the extent that the individual no longer can 88377  
control the individual's use of alcohol, the individual becomes 88378  
physically or psychologically dependent on the drug, the 88379  
individual's use of alcohol or drugs endangers the health, 88380  
safety, or welfare of the individual or others, or the 88381  
individual's gambling causes psychological, financial, 88382  
emotional, marital, legal, or other difficulties endangering the 88383  
health, safety, or welfare of the individual or others. 88384

(2) "Addiction services" means services, including 88385  
intervention, for the treatment of persons with alcohol, drug, 88386  
or gambling addictions, and for the prevention of such 88387  
addictions. 88388

(3) "Alcohol and drug addiction services" means services, 88389

including intervention, for the treatment of persons with 88390  
alcohol use disorder or persons who abuse drugs of abuse and for 88391  
the prevention of alcohol use disorder and drug addiction. 88392

(4) "Alcohol use disorder" means a medical condition 88393  
characterized by an individual's impaired ability to stop or 88394  
control the individual's alcohol use despite adverse social, 88395  
occupational, or health consequences. An alcohol use disorder 88396  
may be classified as mild, moderate, or severe. 88397

(5) "Certifiable services and supports" means all of the 88398  
following: 88399

(a) Alcohol and drug addiction services; 88400

(b) Mental health services; 88401

(c) The types of recovery supports that are specified in 88402  
rules adopted under section 5119.36 of the Revised Code as 88403  
requiring certification under that section. 88404

(6) "Community addiction services provider" means an 88405  
agency, association, corporation or other legal entity, 88406  
individual, or program that provides one or more of the 88407  
following: 88408

(a) Alcohol and drug addiction services that are certified 88409  
by the director of ~~mental behavioral health and addiction~~ 88410  
~~services~~ under section 5119.36 of the Revised Code; 88411

(b) Gambling addiction services; 88412

(c) Recovery supports that are related to alcohol and drug 88413  
addiction services or gambling addiction services and paid for 88414  
with federal, state, or local funds administered by the 88415  
department of ~~mental behavioral health and addiction services~~ or 88416  
a board of alcohol, drug addiction, and mental health services. 88417

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

(a) Mental health services that are certified by the director of ~~mental-behavioral health and addiction services~~ under section 5119.36 of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

(18) "Recovery supports" means assistance that is intended to help an individual with alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcohol use

disorder, drug addiction, or mental illness. "Recovery supports" 88476  
does not mean alcohol and drug addiction services or mental 88477  
health services. 88478

(19) (a) "Residence," except when referring to a recovery 88479  
housing residence or the meaning of "residence" in section 88480  
5119.90 of the Revised Code, means a person's physical presence 88481  
in a county with intent to remain there, except in either of the 88482  
following circumstances: 88483

(i) If a person is receiving a mental health treatment 88484  
service at a facility that includes nighttime sleeping 88485  
accommodations, "residence" means that county in which the 88486  
person maintained the person's primary place of residence at the 88487  
time the person entered the facility; 88488

(ii) If a person is committed pursuant to section 2945.38, 88489  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 88490  
"residence" means the county where the criminal charges were 88491  
filed. 88492

(b) When the residence of a person is disputed, the matter 88493  
of residence shall be referred to the department of ~~mental~~ 88494  
behavioral health and addiction services for investigation and 88495  
determination. Residence shall not be a basis for a board of 88496  
alcohol, drug addiction, and mental health services to deny 88497  
services to any person present in the board's service district, 88498  
and the board shall provide services for a person whose 88499  
residence is in dispute while residence is being determined and 88500  
for a person in an emergency situation. 88501

(B) Any reference in this chapter to a board of alcohol, 88502  
drug addiction, and mental health services also refers to an 88503  
alcohol and drug addiction services board or a community mental 88504



health board in a service district in which an alcohol and drug 88505  
addiction services board or a community mental health board has 88506  
been established under section 340.021 or former section 340.02 88507  
of the Revised Code. 88508

**Sec. 5119.011.** (A) Whenever the term "~~department of mental~~ 88509  
~~health," the term "Ohio department of mental health," the term-~~ 88510  
~~"department of alcohol and drug addiction services," or the term~~ 88511  
~~"Ohio department of alcohol and drug addiction services"~~ 88512  
"department of mental health and addiction services" is used, 88513  
referred to, or designated in any statute, rule, contract, 88514  
grant, or other document, the use, reference, or designation 88515  
shall be construed to mean the department of mental behavioral 88516  
~~health and addiction services.~~ 88517

(B) Whenever the term "~~director of mental health" or the~~ 88518  
~~term "director of alcohol and drug addiction services"~~ "director 88519  
of mental health and addiction services" is used, referred to, 88520  
or designated in any statute, rule, contract, grant, or other 88521  
document, the use, reference, or designation shall be construed 88522  
to mean the director of mental behavioral health and addiction- 88523  
~~services.~~ 88524

**Sec. 5119.04.** The department of mental behavioral health 88525  
~~and addiction services~~ and any institutions under its 88526  
supervision or jurisdiction shall, where applicable, be in 88527  
substantial compliance with standards set forth for psychiatric 88528  
facilities by the joint commission or medical assistance 88529  
standards under Title XIX of the "Social Security Act," 49 Stat. 88530  
620 (1935), 42 U.S.C. 301, as amended, or other applicable 88531  
standards. 88532

The requirements of this section are in addition to any 88533  
other requirements established by the Revised Code and nothing 88534

in this section shall be construed to limit any rights, 88535  
privileges, protections, or immunities which may exist under the 88536  
constitution and laws of the United States or this state. 88537

**Sec. 5119.05.** Subject to the rules of the director of 88538  
~~mental behavioral health and addiction services~~, each 88539  
institution under the jurisdiction of the department shall be 88540  
under the management and control of a managing officer to be 88541  
known as a chief executive officer or by another appropriate 88542  
title. Such managing officer shall be appointed by the director 88543  
of ~~mental behavioral health and addiction services~~, and shall be 88544  
in the unclassified service and serve at the pleasure of the 88545  
director. Each managing officer shall be of good moral character 88546  
and have skill, ability, and experience in the managing 88547  
officer's profession. 88548

The managing officer, under the director, shall serve as 88549  
the appointing authority of the institution to which such 88550  
managing officer is appointed. Subject to civil service rules, 88551  
the managing officer shall have the power to appoint and remove 88552  
employees of the institution. On behalf of the institution, the 88553  
managing officer has the authority and responsibility for 88554  
entering into contracts and other agreements for the efficient 88555  
operations of the institution. 88556

**Sec. 5119.051.** The department of ~~mental behavioral health~~ 88557  
~~and addiction services~~ shall keep in its office a proper and 88558  
complete set of books and accounts with each institution, which 88559  
shall clearly show the nature and amount of every expenditure 88560  
authorized and made at such institution, and which shall contain 88561  
an account of all appropriations made by the general assembly 88562  
and of all other funds, together with the disposition of such 88563  
funds. 88564

The department shall prescribe the form of vouchers, 88565  
records, and methods of keeping accounts at each of the 88566  
institutions, which shall be as nearly uniform as possible. The 88567  
department may examine the records of each institution at any 88568  
time. 88569

The department may authorize any of its bookkeepers, 88570  
accountants, or employees to examine and check the records, 88571  
accounts, and vouchers or take an inventory of the property of 88572  
any institution, or do whatever is necessary, and pay the actual 88573  
and reasonable expenses incurred in such service when an 88574  
itemized account is filed and approved. 88575

**Sec. 5119.06.** The department of ~~mental-behavioral~~ health 88576  
~~and addiction services~~ shall keep in its office, accessible only 88577  
to its employees, except by the consent of the department or the 88578  
order of the judge of a court of record, a record showing the 88579  
name, residence, sex, age, nativity, occupation, condition, and 88580  
date of entrance or commitment of every patient in the 88581  
institutions governed by it, the date, cause, and terms of 88582  
discharge and the condition of such person at the time of 88583  
leaving, and also a record of all transfers from one institution 88584  
to another, and, if such person dies while in the care or 88585  
custody of the department, the date and cause of death. These 88586  
and such other facts as the department requires shall be 88587  
furnished by the managing officer of each institution within 88588  
twenty-four hours after the commitment, entrance, death, or 88589  
discharge of a patient. 88590

In case of an accident or injury or peculiar death of a 88591  
patient the managing officer shall make a special report to the 88592  
department within twenty-four hours thereafter, giving the 88593  
circumstances as fully as possible. 88594

**Sec. 5119.07.** A person, firm, or corporation may file a petition in the court of common pleas of the county in which a benevolent institution of the department of ~~mental~~ behavioral health and ~~addiction services~~ is located, in which petition the desire to erect or carry on at a less distance than that prescribed in section 3767.19 of the Revised Code shall be set forth, the business prohibited, the precise point of its establishment, and the reasons and circumstances, in its opinion, why the erection or carrying on of the business would not annoy or endanger the health, convenience, or recovery of the patients of such institution. The petitioner shall give notice in a newspaper of general circulation in the county of the pendency and prayer of the petition for at least six consecutive weeks before the day set for hearing the petition and serve a written notice upon the managing officer of the institution at least thirty days before the day set for hearing the petition.

If, upon the hearing of the petition, it appears that the notice has been given as required and the court is of the opinion that no good reason exists why such establishment may not be erected or such business carried on and that by the erection or carrying on of the business at the point named, the institution will sustain no detriment, the court may issue an order granting the prayer of the petitioner. Thereafter the petitioner may locate such establishment or carry on such business at the point named in the petition.

**Sec. 5119.08.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B) (1) Subject to division (C) of this section, upon the recommendation of the director of ~~mental~~ behavioral health ~~and~~

~~addiction services~~, the managing officer of an institution under 88625  
the jurisdiction of the department of ~~mental~~-behavioral health 88626  
~~and addiction services~~ may designate one or more employees to be 88627  
special police officers of the department. The special police 88628  
officers shall take an oath of office, wear the badge of office, 88629  
and give bond for the proper and faithful discharge of their 88630  
duties in an amount that the director requires. 88631

(2) In accordance with section 109.77 of the Revised Code, 88632  
the special police officers shall be required to complete 88633  
successfully a peace officer basic training program approved by 88634  
the Ohio peace officer training commission and to be certified 88635  
by the commission. The cost of the training shall be paid by the 88636  
department of ~~mental~~-behavioral health-~~and addiction services~~. 88637

(3) Special police officers, on the premises of 88638  
institutions under the jurisdiction of the department of ~~mental~~- 88639  
behavioral health ~~and addiction services~~ and subject to the 88640  
rules of the department, shall protect the property of the 88641  
institutions and the persons and property of patients in the 88642  
institutions, suppress riots, disturbances, and breaches of the 88643  
peace, and enforce the laws of the state and the rules of the 88644  
department for the preservation of good order. They may arrest 88645  
any person without a warrant and detain the person until a 88646  
warrant can be obtained under the circumstances described in 88647  
division (F) of section 2935.03 of the Revised Code. 88648

(C) (1) The managing officer of an institution under the 88649  
jurisdiction of the department of ~~mental~~-behavioral health ~~and~~ 88650  
~~addiction services~~ shall not designate an employee as a special 88651  
police officer of the department pursuant to division (B) (1) of 88652  
this section on a permanent basis, on a temporary basis, for a 88653  
probationary term, or on other than a permanent basis if the 88654

employee previously has been convicted of or has pleaded guilty to a felony. 88655  
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(2) (a) The managing officer of an institution under the jurisdiction of the department of ~~mental-behavioral health and addiction services~~ shall terminate the employment as a special police officer of the department of an employee designated as a special police officer under division (B) (1) of this section if that employee does either of the following: 88657  
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(i) Pleads guilty to a felony; 88663

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the employee agrees to surrender the certificate awarded to that employee under section 109.77 of the Revised Code. 88664  
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(b) The managing officer shall suspend from employment as a special police officer of the department an employee designated as a special police officer under division (B) (1) of this section if that employee is convicted, after trial, of a felony. If the special police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the special police officer does not file a timely appeal, the managing officer shall terminate the employment of that special police officer. If the special police officer files an appeal that results in that special police officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that special police officer, the managing officer shall reinstate that special police officer. A special police officer of the department who is reinstated under division (C) (2) (b) of this section shall not receive any back pay unless that special 88669  
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police officer's conviction of the felony was reversed on 88685  
appeal, or the felony charge was dismissed, because the court 88686  
found insufficient evidence to convict the special police 88687  
officer of the felony. 88688

(3) Division (C) of this section does not apply regarding 88689  
an offense that was committed prior to January 1, 1997. 88690

(4) The suspension from employment, or the termination of 88691  
the employment, of a special police officer under division (C) 88692  
(2) of this section shall be in accordance with applicable 88693  
collective bargaining agreements. 88694

**Sec. 5119.091.** The attorney general shall attend to all 88695  
claims instituted on behalf of or against the department of 88696  
~~mental-behavioral health and addiction services~~ or any 88697  
institution under the jurisdiction of the department and the 88698  
managing officer thereof, except such institutions as are 88699  
privately owned or operated under a license from the department 88700  
of ~~mental-behavioral health and addiction services~~, and shall 88701  
represent the public hospital in proceedings under section 88702  
5122.15 of the Revised Code. The department of ~~mental-behavioral~~ 88703  
~~health and addiction services~~ shall reimburse the attorney 88704  
general for the compensation of assistant attorneys general 88705  
required to represent the public hospital in proceedings under 88706  
section 5122.15 of the Revised ~~code~~Code and shall also pay the 88707  
costs of litigation incurred by the attorney general under that 88708  
section. 88709

If a writ of habeas corpus is applied for, the clerk of 88710  
the court shall give notice of the time and place of hearing to 88711  
the attorney general. 88712

**Sec. 5119.10.** (A) The director of ~~mental-behavioral~~ health 88713

~~and addiction services~~ is the chief executive and appointing 88714  
authority of the department of ~~mental behavioral health and~~ 88715  
~~addiction services~~. The director may organize the department for 88716  
its efficient operation, including creating divisions or offices 88717  
as necessary. The director may establish procedures for the 88718  
governance of the department, conduct of its employees and 88719  
officers, performance of its business, and custody, use, and 88720  
preservation of departmental records, papers, books, documents, 88721  
and property. Whenever the Revised Code imposes a duty upon or 88722  
requires an action of the department or any of its institutions, 88723  
the director or the director's designee shall perform the action 88724  
or duty in the name of the department, except that the medical 88725  
director appointed pursuant to section 5119.11 of the Revised 88726  
Code shall be responsible for decisions relating to medical 88727  
diagnosis, treatment, rehabilitation, quality assurance, and the 88728  
clinical aspects of the following: licensure of hospitals and 88729  
residential facilities, research, community addiction and mental 88730  
health plans, and certification and delivery of addiction 88731  
services and mental health services. 88732

(B) The director shall: 88733

(1) Adopt rules for the proper execution of the powers and 88734  
duties of the department with respect to the institutions under 88735  
its control, and require the performance of additional duties by 88736  
the officers of the institutions as necessary to fully meet the 88737  
requirements, intents, and purposes of this chapter. In case of 88738  
an apparent conflict between the powers conferred upon any 88739  
managing officer and those conferred by such sections upon the 88740  
department, the presumption shall be conclusive in favor of the 88741  
department. 88742

(2) Adopt rules for the nonpartisan management of the 88743



institutions under the department's control. An officer or 88744  
employee of the department or any officer or employee of any 88745  
institution under its control who, by solicitation or otherwise, 88746  
exerts influence directly or indirectly to induce any other 88747  
officer or employee of the department or any of its institutions 88748  
to adopt the exerting officer's or employee's political views or 88749  
to favor any particular person, issue, or candidate for office 88750  
shall be removed from the exerting officer's or employee's 88751  
office or position, by the department in case of an officer or 88752  
employee, and by the governor in case of the director. 88753

(3) Appoint such employees, including the medical 88754  
director, as are necessary for the efficient conduct of the 88755  
department, and prescribe their titles and duties; 88756

(4) Prescribe the forms of affidavits, applications, 88757  
medical certificates, orders of hospitalization and release, and 88758  
all other forms, reports, and records that are required in the 88759  
hospitalization or admission and release of all persons to the 88760  
institutions under the control of the department, or are 88761  
otherwise required under this chapter or Chapter 5122. of the 88762  
Revised Code; 88763

(5) Exercise the powers and perform the duties relating to 88764  
addiction and mental health facilities, addiction services, 88765  
mental health services, 9-8-8 suicide and crisis response, and 88766  
recovery supports that are assigned to the director under this 88767  
chapter and Chapter 340. of the Revised Code; 88768

(6) Develop and implement clinical evaluation and 88769  
monitoring of services that are operated by the department; 88770

(7) Adopt rules establishing standards for the performance 88771  
of evaluations by a forensic center or other psychiatric program 88772

or facility of the mental condition of defendants ordered by the 88773  
court under section 2919.271, or 2945.371 of the Revised Code, 88774  
and for the treatment of defendants who have been found 88775  
incompetent to stand trial and ordered by the court under 88776  
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 88777  
Code to receive treatment in facilities; 88778

(8) On behalf of the department, have the authority and 88779  
responsibility for entering into contracts and other agreements 88780  
with providers, agencies, institutions, and other entities, both 88781  
public and private, as necessary for the department to carry out 88782  
its duties under this chapter and Chapters 340., 2919., 2945., 88783  
and 5122. of the Revised Code. Chapter 125. of the Revised Code 88784  
does not apply to contracts the director enters into under this 88785  
section for addiction services, mental health services, or 88786  
recovery supports provided to individuals who have an addiction 88787  
or mental illness by providers, agencies, institutions, and 88788  
other entities not owned or operated by the department. 88789

(9) Adopt rules in accordance with Chapter 119. of the 88790  
Revised Code specifying the supplemental services that may be 88791  
provided through a trust authorized by section 5815.28 of the 88792  
Revised Code; 88793

(10) Adopt rules in accordance with Chapter 119. of the 88794  
Revised Code establishing standards for the maintenance and 88795  
distribution to a beneficiary of assets of a trust authorized by 88796  
section 5815.28 of the Revised Code. 88797

(C) The director may contract with hospitals licensed by 88798  
the department under section 5119.33 of the Revised Code for the 88799  
care and treatment of patients with mental illnesses, or with 88800  
persons, organizations, or agencies for the custody, evaluation, 88801  
supervision, care, or treatment of persons with mental illnesses 88802

receiving services elsewhere than within the enclosure of a 88803  
hospital operated under section 5119.14 of the Revised Code. 88804

**Sec. 5119.11.** (A) The director of ~~mental~~behavioral health 88805  
~~and addiction services~~ shall appoint a medical director who is 88806  
eligible or certified by the American board of psychiatry and 88807  
neurology or the American osteopathic board of neurology and 88808  
psychiatry, and has at least five years of clinical and two 88809  
years of administrative experience. The medical director shall 88810  
also have certification or substantial training and experience 88811  
in the field of addiction medicine or addiction psychiatry. The 88812  
medical director shall be responsible for decisions relating to 88813  
medical diagnosis, treatment, prevention, rehabilitation, 88814  
quality assurance, and the clinical aspects of addiction 88815  
services and mental health services involving all of the 88816  
following: 88817

(1) Licensure of hospitals, residential facilities, and 88818  
outpatient facilities; 88819

(2) Research; 88820

(3) Community addiction and mental health plans; 88821

(4) Certification and delivery of addiction and mental 88822  
health services. 88823

(B) The medical director shall also exercise clinical 88824  
supervision of the chief clinical officers of hospitals and 88825  
institutions under the jurisdiction of the department and shall 88826  
review and approve decisions relating to the employment of the 88827  
chief clinical officers. The medical director or the medical 88828  
director's designee shall advise the director on matters 88829  
relating to licensure, research, the certification and delivery 88830  
of addiction services and mental health services, and community 88831

addiction and mental health plans. The medical director shall 88832  
participate in the development of guidelines for community 88833  
addiction and mental health plans. The director of ~~mental-~~ 88834  
behavioral health and addiction services may establish other 88835  
duties of the medical director. 88836

**Sec. 5119.14.** (A) The department of ~~mental-behavioral~~ 88837  
health and ~~addiction services~~ shall maintain, operate, manage, 88838  
and govern state institutions and other services for the care 88839  
and treatment of persons with mental illnesses. 88840

(B) (1) The department of ~~mental-behavioral~~ health and 88841  
~~addiction services~~ may, with the approval of the governor, 88842  
designate the name and purpose of any institutions under its 88843  
jurisdiction and may change, with the approval of the governor, 88844  
the designation and name when necessary. 88845

(2) The department shall divide the state into districts 88846  
for the purpose of designating the institution in which persons 88847  
with mental illnesses are hospitalized and may change the 88848  
districts. 88849

~~(3)~~ (C) Subject to section 5139.08 and pursuant to Chapter 88850  
5122. of the Revised Code and on the agreement of the 88851  
~~departments~~ department of mental-behavioral health and addiction 88852  
~~services~~ and department of youth services, the department of 88853  
~~mental-behavioral health and addiction services~~ may receive from 88854  
the department of youth services for psychiatric observation, 88855  
diagnosis, or treatment any person eighteen years of age or 88856  
older in the custody of the department of youth services. The 88857  
departments may enter into a written agreement specifying the 88858  
procedures necessary to implement this division. 88859

~~(C)~~ (D) The department of ~~mental-behavioral~~ health and 88860

~~addiction services~~ shall designate hospitals, facilities, and 88861  
community mental health services providers for the custody, 88862  
care, and special treatment of, and authorize payment for such 88863  
custody, care, and special treatment provided to, persons who 88864  
are charged with a crime and who are found incompetent to stand 88865  
trial or not guilty by reason of insanity. 88866

~~(D)~~ (E) The department of ~~mental behavioral health and~~ 88867  
~~addiction services~~ may do any of the following: 88868

(1) Require reports from the managing officer of any 88869  
institution under the department's jurisdiction, relating to the 88870  
admission, examination, comprehensive evaluation, diagnosis, 88871  
release, or discharge of any patient; 88872

(2) Visit each institution regularly to review its 88873  
operations and to investigate complaints made by any patient or 88874  
by any person on behalf of a patient, provided these duties may 88875  
be performed by a person designated by the director. 88876

~~(E)~~ (F) The department of ~~mental behavioral health and~~ 88877  
~~addiction services~~ may provide or contract to provide addiction 88878  
services for offenders incarcerated in the state prison system. 88879

~~(F)~~ (G) In addition to the powers expressly conferred on 88880  
the department of behavioral health, the department ~~of mental~~ 88881  
~~health and addiction services~~ shall have all other powers and 88882  
authority necessary for the full and efficient exercise of the 88883  
executive, administrative, and fiscal supervision over the state 88884  
institutions described in this section. 88885

**Sec. 5119.141.** ~~The~~ In addition to the powers and duties 88886  
expressly conferred on the department of behavioral health, the 88887  
department ~~of mental health and addiction services~~ has all the 88888  
~~authority~~ may take any other action it considers necessary to 88889

carry out ~~its powers and duties under~~ the purposes of this 88890  
chapter and Chapters 340., 2919., 2945., and 5122. of the 88891  
Revised Code, ~~including~~. Actions authorized by this section 88892  
include the authority to adopt rules pursuant to Chapter 119. of 88893  
the Revised Code that may be necessary to carry out the purposes 88894  
of this chapter and Chapters 340., 2919., 2945., and 5122. of 88895  
the Revised Code. 88896

**Sec. 5119.15.** The department of ~~mental~~ behavioral health 88897  
~~and addiction services~~ may make such investigations as are 88898  
necessary in the performance of its duties and to that end the 88899  
director of ~~mental~~ behavioral health and addiction services 88900  
shall have the same power as a judge of a county court to 88901  
administer oaths and to enforce the attendance and testimony of 88902  
witnesses and the production of books or papers. 88903

The department shall keep a record of such investigations 88904  
stating the time, place, charges or subject, witnesses summoned 88905  
and examined, and its conclusions. 88906

In matters involving the conduct of an officer, a 88907  
stenographic report of the evidence shall be taken and a copy of 88908  
such report, with all documents introduced, kept on file at the 88909  
office of the department. 88910

The fees of witnesses for attendance and travel shall be 88911  
the same as in the court of common pleas, but no officer or 88912  
employee of the institution under investigation is entitled to 88913  
such fees. 88914

Any judge of the probate court or of the court of common 88915  
pleas, upon application of the department, may compel the 88916  
attendance of witnesses, the production of books or papers, and 88917  
the giving of testimony before the department, by a judgment for 88918

contempt or otherwise, in the same manner as in cases before 88919  
such courts. 88920

The department of ~~mental behavioral health and addiction~~ 88921  
~~services~~ may appoint and commission any competent agency or 88922  
person, to serve without compensation, as a special agent, 88923  
investigator, or representative to perform a designated duty for 88924  
the department. Specific credentials shall be given by the 88925  
department to each person so designated. Each credential shall 88926  
state the: 88927

(A) Name of the agent, investigator, or representative; 88928

(B) Agency with which such person is connected; 88929

(C) Purpose of appointment; 88930

(D) Date of expiration of appointment; 88931

(E) Such information as the department considers proper. 88932

**Sec. 5119.161.** The department of ~~mental behavioral health-~~ 88933  
~~and addiction services~~, in conjunction with the department of 88934  
job and family services, shall develop a joint state plan to 88935  
improve the accessibility and timeliness of alcohol and drug 88936  
addiction services for individuals identified by a public 88937  
children services agency as in need of those services. The plan 88938  
shall address the fact that Ohio works first participants may be 88939  
among the persons receiving services under section 340.15 of the 88940  
Revised Code and shall require the department of job and family 88941  
services to seek federal funds available under Title IV-A of the 88942  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 88943  
amended, for the provision of the services to Ohio works first 88944  
participants who are receiving services under section 340.15 of 88945  
the Revised Code. 88946

The departments shall review and amend the plan as 88947  
necessary. 88948

**Sec. 5119.17.** (A) The department of ~~mental~~-behavioral 88949  
~~health and addiction services,~~ in accordance with division (B) 88950  
of this section, shall give priority to developing, and promptly 88951  
shall develop, with available public and private resources a 88952  
program that does all of the following: 88953

(1) Provides a manner of identifying the aggregate number 88954  
of pregnant women in this state who are addicted to a drug of 88955  
abuse; 88956

(2) Provides for an effective means of intervention to 88957  
eliminate the addiction of pregnant women to drugs of abuse 88958  
prior to the birth of their children; 88959

(3) Gives priority to the treatment of pregnant women 88960  
addicted to drugs of abuse, including by requiring community 88961  
addiction services providers that receive public funds to give 88962  
priority to pregnant women referred for treatment; 88963

(4) Provides for the continued monitoring of women who 88964  
were addicted to a drug of abuse during their pregnancies, after 88965  
the birth of their children, and for the availability of 88966  
treatment and rehabilitation for those women; 88967

(5) Provides a manner of determining the aggregate number 88968  
of children who are born in this state to women who are 88969  
addicted, at the time of birth, to a drug of abuse, and of 88970  
children who are born in this state with an addiction to or a 88971  
dependency on a drug of abuse; 88972

(6) Provides for the continued monitoring of children who 88973  
are born in this state to women who are addicted, at the time of 88974  
birth, to a drug of abuse, or who are born in this state with an 88975



addiction to or dependency on a drug of abuse, after their 88976  
birth; 88977

(7) Provides for the treatment and rehabilitation of any 88978  
child who is born to a woman who is addicted, at the time of 88979  
birth, to a drug of abuse, and of any child who is born with an 88980  
addiction to or dependency on a drug of abuse. 88981

(B) In developing the program described in division (A) of 88982  
this section, the department may obtain information from the 88983  
department of health and the department of job and family 88984  
services, and those departments shall cooperate with the 88985  
department of ~~mental-behavioral health and addiction services~~ in 88986  
its development and implementation of the program. 88987

(C) Immediately upon its development of the program 88988  
described in division (A) of this section, the department shall 88989  
implement the program. 88990

(D) Any record or information that is obtained or 88991  
maintained by the department in connection with the program 88992  
described in division (A) of this section and could enable the 88993  
identification of any woman or child described in division (A) 88994  
(1) or (5) of this section is not a public record subject to 88995  
inspection or copying under section 149.43 of the Revised Code. 88996

(E) A community addiction services provider that receives 88997  
public funds shall not refuse to treat a person solely because 88998  
the person is pregnant if appropriate treatment is offered by 88999  
the provider. 89000

**Sec. 5119.18.** An appointing authority may appoint a person 89001  
who holds a certified or permanent position in the classified 89002  
service within the department of ~~mental-behavioral health and~~ 89003  
~~addiction services~~ to a position in the unclassified service 89004

within the department. A person appointed pursuant to this 89005  
section to a position in the unclassified service shall retain 89006  
the right to resume the position and status held by the person 89007  
in the classified service immediately prior to the person's 89008  
appointment to the position in the unclassified service, 89009  
pursuant to division (D) of section 124.11 of the Revised Code. 89010

A person who holds a position in the classified service 89011  
and who is appointed to a position in the unclassified service 89012  
on or after January 1, 2016, shall have the right to resume a 89013  
position in the classified service under this section only 89014  
within five years after the effective date of the person's 89015  
appointment in the unclassified service. 89016

**Sec. 5119.181.** (A) No appointing officer shall appoint a 89017  
person to fill a position in either the classified or 89018  
unclassified service of the department of ~~mental~~behavioral 89019  
~~health and addiction services~~ if the person has been convicted 89020  
of or pleaded guilty to a violation of the following: 89021

(1) Any felony contained in the Revised Code, if the 89022  
felony bears a direct and substantial relationship to the 89023  
position being filled; 89024

(2) Any crime contained in the Revised Code constituting a 89025  
misdemeanor of the first degree on the first offense and a 89026  
felony on subsequent offenses, if the crime bears a direct and 89027  
substantial relationship to the position being filled; 89028

(3) An existing or former law of this state, any other 89029  
state, or the United States, if the law violated is 89030  
substantially equivalent to any of the offenses described in 89031  
division (A) (1) or (2) of this section. 89032

(B) The director of ~~mental~~behavioral health and addiction 89033

~~services~~ shall adopt rules, in accordance with Chapter 119. of 89034  
the Revised Code, to implement this section. 89035

(C) The director or an appointing officer shall request 89036  
the bureau of criminal identification and investigation created 89037  
by section 109.51 of the Revised Code or, at the director's or 89038  
appointing officer's discretion, any other state or federal 89039  
agency, to supply the director or appointing officer with a 89040  
written report regarding the criminal records of any applicant. 89041  
For each investigation undertaken at the department's request 89042  
under this section, the department shall pay a reasonable fee to 89043  
the bureau or other state or federal agency conducting the 89044  
investigation. The amount of the fee shall be determined by the 89045  
bureau or other state or federal agency conducting the 89046  
investigation and shall be sufficient to cover the costs of 89047  
conducting the investigation. The report made by the bureau or 89048  
other state or federal agency is not a public record for 89049  
purposes of section 149.43 of the Revised Code and shall not be 89050  
made available to any person, except the applicant, the 89051  
director, the appointing officer or the appointing officer's 89052  
designees, or any hearing officer involved in a case denying 89053  
employment. 89054

(D) As used in this section, "applicant" means a person 89055  
who is under final consideration for appointment to a position 89056  
in the classified or unclassified service of the department of 89057  
~~mental behavioral health and addiction services.~~ 89058

**Sec. 5119.182.** The department of ~~mental behavioral health~~ 89059  
~~and addiction services~~ may require any of its employees and each 89060  
officer and employee of every institution under its control who 89061  
may be charged with custody or control of any money or property 89062  
belonging to the state or who is required to give bond, to give 89063

a surety company bond, properly conditioned, in a sum to be 89064  
fixed by the department which when approved by the department, 89065  
shall be filed in the office of the secretary of state. The cost 89066  
of such bonds, when approved by the department, shall be paid 89067  
from funds available for the department. The bonds required or 89068  
authorized by this section may, in the discretion of the 89069  
director of ~~mental-behavioral health and addiction services~~, be 89070  
individual, schedule, or blanket bonds. 89071

**Sec. 5119.184.** The department of ~~mental-behavioral health~~ 89072  
~~and addiction services~~ may provide educational grants or tuition 89073  
reimbursements to upgrade the education, training, and 89074  
professional achievement of its employees, whenever it 89075  
determines that provision of such grants or reimbursements is 89076  
essential to the achievement of its goals. The department may 89077  
enter into agreements with its employees for the purposes of 89078  
this section. The agreements may require, as a condition of each 89079  
grant or reimbursement, that the employee continue employment 89080  
with the department or with another federal, state, or local 89081  
public agency designated by the department for a period of time 89082  
stated in the agreement. If an employee does not fulfill the 89083  
employment requirement stated in the agreement, the department 89084  
may take action to recover the amount of all educational grants 89085  
or tuition reimbursements paid to the employee under this 89086  
section, plus interest at the rate of ten per cent per year 89087  
calculated from the date of payment of each grant or 89088  
reimbursement. 89089

**Sec. 5119.185.** (A) As used in this section: 89090

(1) "Advanced practice registered nurse" has the same 89091  
meaning as in section 4723.01 of the Revised Code. 89092

(2) "Clinician" means any of the following: 89093

- (a) An advanced practice registered nurse; 89094
- (b) A physician; 89095
- (c) A physician assistant. 89096
- (3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 89097  
89098  
89099
- (4) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code. 89100  
89101  
89102
- (B) The department of ~~mental-behavioral health and addiction services~~ may establish a clinician recruitment program under which the department agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a clinician who agrees to provide services to inpatients and outpatients of institutions under the department's administration. To be eligible to participate in the program, a clinician must have attended the following: 89103  
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- (1) In the case of a physician, a school that was, at the time of attendance, a medical school or osteopathic medical school in this country accredited by the ~~liason~~ liaison committee on medical education or the American osteopathic association, or a medical school or osteopathic medical school located outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction; 89111  
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- (2) In the case of a physician assistant, a school that was, at the time of attendance, accredited by the accreditation review commission on education for the physician assistant or a regional or specialized and professional accrediting agency 89119  
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89121  
89122

recognized by the council for higher education accreditation; 89123

(3) In the case of an advanced practice registered nurse,  
a school that was, at the time of attendance, accredited by a  
national or regional accrediting organization. 89124  
89125  
89126

(C) The department shall enter into a contract with each 89127  
clinician it recruits under this section. Each contract shall 89128  
include at least the following terms: 89129

(1) The clinician agrees to provide a specified scope of 89130  
health care services for a specified number of hours per week 89131  
and a specified number of years to patients of one or more 89132  
specified institutions administered by the department. 89133

(2) The department agrees to repay all or a specified 89134  
portion of the principal and interest of a government or other 89135  
educational loan taken by the clinician for the following 89136  
expenses if the clinician meets the service obligation agreed to 89137  
and the expenses were incurred while the clinician was enrolled 89138  
in, for up to a maximum of four years, a school that qualifies 89139  
the clinician to participate in the program: 89140

(a) Tuition; 89141

(b) Other educational expenses for specific purposes,  
including fees, books, and laboratory expenses, in amounts 89142  
determined to be reasonable in accordance with rules adopted 89143  
under division (D) of this section; 89144  
89145

(c) Room and board, in an amount determined to be 89146  
reasonable in accordance with rules adopted under division (D) 89147  
of this section. 89148

(3) The clinician agrees to pay the department a specified 89149  
amount, which shall be not less than the amount already paid by 89150

the department pursuant to its agreement, as damages if the 89151  
clinician fails to complete the service obligation agreed to or 89152  
fails to comply with other specified terms of the contract. The 89153  
contract may vary the amount of damages based on the portion of 89154  
the clinician's service obligation that remains uncompleted as 89155  
determined by the department. 89156

(4) Other terms agreed upon by the parties. 89157

(D) If the department elects to implement the clinician 89158  
recruitment program, it shall adopt rules in accordance with 89159  
Chapter 119. of the Revised Code that establish all of the 89160  
following: 89161

(1) Criteria for designating institutions for which 89162  
clinicians will be recruited; 89163

(2) Criteria for selecting clinicians for participation in 89164  
the program; 89165

(3) Criteria for determining the portion of a clinician's 89166  
loan that the department will agree to repay; 89167

(4) Criteria for determining reasonable amounts of the 89168  
expenses described in divisions (C) (2) (b) and (c) of this 89169  
section; 89170

(5) Procedures for monitoring compliance by clinicians 89171  
with the terms of their contracts; 89172

(6) Any other criteria or procedures necessary to 89173  
implement the program. 89174

**Sec. 5119.186.** (A) The director of mental-behavioral 89175  
~~health and addiction services~~ or the managing officer of an 89176  
institution of the department may enter into an agreement with 89177  
boards of trustees or boards of directors of one or more 89178

institutions of higher education or hospitals licensed pursuant 89179  
to section 5119.33 of the Revised Code to establish, manage, and 89180  
conduct collaborative training efforts for students enrolled in 89181  
courses of studies for occupations or professions that involve 89182  
the care and treatment for persons receiving addiction or mental 89183  
health services. 89184

(B) Such collaborative training efforts may include but 89185  
are not limited to programs in psychiatry, psychology, nursing, 89186  
social work, counseling professions, and others considered 89187  
appropriate by the director of ~~mental behavioral health and~~ 89188  
~~addiction services~~. Any such program shall be approved or 89189  
accredited by its respective professional organization or state 89190  
board having jurisdiction over the profession. 89191

(1) The department shall require that the following be 89192  
provided for in agreements between the department and 89193  
institutions of higher education or hospitals licensed pursuant 89194  
to section 5119.33 of the Revised Code: 89195

(a) Establishment of inter-disciplinary committees to 89196  
advise persons responsible for training programs. Each committee 89197  
shall have representation drawn from the geographical community 89198  
the institution of higher education or hospital serves and shall 89199  
include representatives of agencies, boards, targeted 89200  
populations as determined by the department, racial and ethnic 89201  
minority groups, and publicly funded programs; 89202

(b) Funding procedures; 89203

(c) Specific outcomes and accomplishments that are 89204  
expected or required of a program under such agreement; 89205

(d) The types of services to be provided under such 89206  
agreement. 89207



(2) The department may require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:

(a) Special arrangements for individual residents or trainees to encourage their employment in publicly funded settings upon completion of their training;

(b) Procedures for the selection of residents or trainees to promote the admission, retention, and graduation of women, minorities, and disabled persons;

(c) Cross-cultural training and other subjects considered necessary to enhance training efforts and the care and treatment of patients and clients;

(d) Funding of faculty positions oriented toward meeting the needs of publicly funded programs.

Subject to appropriations by the general assembly, the director of ~~mental-behavioral health and addiction services~~ has final approval of the funding of these collaborative training efforts.

**Sec. 5119.187.** The courses of study for the instruction and training of all persons in institutions under the control of the department of ~~mental-behavioral health and addiction services~~ shall be subject to the approval of the superintendent of public instruction.

All teachers employed in institutions under the control of the department of ~~mental-behavioral health and addiction services~~ shall possess such educator licenses or have such qualifications and approval as the superintendent of public instruction, after consulting with the officers in charge of the

institutions, prescribes for the various types of service in the 89237  
institutions. 89238

**Sec. 5119.188.** (A) As used in this section, "state 89239  
correctional institution" has the same meaning as in section 89240  
2967.01 of the Revised Code. 89241

(B) The department of ~~mental-behavioral health and~~ 89242  
~~addiction services~~ shall develop a program that is designed to 89243  
educate and train the employees of each state correctional 89244  
institution, the employees of each department of youth services 89245  
institution, and other persons associated by contract or 89246  
otherwise with each state correctional institution or each 89247  
department of youth services institution, who will be 89248  
responsible for the conduct of, or otherwise providing treatment 89249  
or rehabilitation services pursuant to, a substance abuse 89250  
treatment or rehabilitation program offered in the institution 89251  
to adult prisoners or juvenile offenders. Upon the development 89252  
of the educational and training program, the department of 89253  
~~mental-behavioral health and addiction services~~ promptly shall 89254  
commence its implementation. The department of ~~mental-behavioral~~ 89255  
~~health and addiction services~~ may charge to the department of 89256  
rehabilitation and correction and to the department of youth 89257  
services a reasonable annual fee that reflects the expenses 89258  
incurred by it during the immediately preceding calendar year in 89259  
preparing and offering the educational and training program 89260  
during that year to the respective employees and other 89261  
associated persons described in this division. 89262

The director of rehabilitation and correction and the 89263  
director of youth services shall require the respective 89264  
employees and other associated persons described in this 89265  
division to attend and successfully complete the educational and 89266

training program developed pursuant to this division as a 89267  
condition of their continuing to have responsibility for the 89268  
conduct of, or their continuing to provide treatment or 89269  
rehabilitation services pursuant to, any treatment or 89270  
rehabilitation program that is offered in a state correctional 89271  
institution or in a department of youth services institution to 89272  
adult prisoners or juvenile offenders. If the department of 89273  
~~mental behavioral health and addiction services~~ charges a 89274  
reasonable annual fee as described in this division, the 89275  
director involved shall cause that fee to be paid from any 89276  
available funds of the department of rehabilitation and 89277  
correction or any available funds of the department of youth 89278  
services. 89279

(C) The department of rehabilitation and correction and 89280  
the department of ~~mental behavioral health and addiction~~ 89281  
~~services~~ jointly shall develop program specifications for the 89282  
alcohol and drug addiction treatment programs offered in state 89283  
correctional institutions. 89284

**Sec. 5119.19.** (A) As used in this section: 89285

(1) "Community-based correctional facility" has the same 89286  
meaning as in section 2929.01 of the Revised Code. 89287

(2) "Drug used in medication-assisted treatment" means a 89288  
drug approved by the United States food and drug administration 89289  
for use in medication-assisted treatment, regardless of the 89290  
method the drug is administered or the form in which it is 89291  
dispensed, including an oral drug, an injectable drug, or a 89292  
long-acting or extended-release drug. "Drug used in medication- 89293  
assisted treatment" includes all of the following: 89294

(a) A full agonist; 89295

- (b) A partial agonist; 89296
- (c) An antagonist. 89297
- (3) "Drug used in withdrawal management or detoxification" 89298  
means a drug approved by the United States food and drug 89299  
administration for use in, or a drug in standard use for, 89300  
mitigating opioid or alcohol withdrawal symptoms or assisting 89301  
with detoxification, regardless of the method the drug is 89302  
administered or the form in which it is dispensed, including an 89303  
oral drug, an injectable drug, or a long-acting or extended- 89304  
release drug. "Drug used in withdrawal management or 89305  
detoxification" includes all of the following: 89306
  - (a) A full agonist; 89307
  - (b) A partial agonist; 89308
  - (c) An antagonist; 89309
  - (d) An alpha-2 adrenergic agonist. 89310
- (4) "Medication-assisted treatment" has the same meaning 89311  
as in section 340.01 of the Revised Code. 89312
- (5) "Prescribed drug" has the same meaning as in section 89313  
5164.01 of the Revised Code. 89314
- (6) (a) "Psychotropic drug" means, except as provided in 89315  
division (A) (6) (b) of this section, a drug that has the 89316  
capability of changing or controlling mental functioning or 89317  
behavior through direct pharmacological action. "Psychotropic 89318  
drug" includes all of the following: 89319
  - (i) Antipsychotic medications, including those 89320  
administered or dispensed in a long-acting injectable form; 89321
  - (ii) Antidepressant medications; 89322

(iii) Anti-anxiety medications; 89323

(iv) Mood stabilizing medications. 89324

(b) "Psychotropic drug" excludes a stimulant prescribed 89325  
for the treatment of attention deficit hyperactivity disorder. 89326

(7) "Withdrawal management or detoxification" means a set 89327  
of medical interventions aimed at managing the acute physical 89328  
symptoms of intoxication and withdrawal. Withdrawal management 89329  
seeks to minimize the physical harm caused by the intoxication 89330  
and withdrawal from a substance of abuse. Detoxification denotes 89331  
a clearing of toxins from the body of the patient who is acutely 89332  
intoxicated, dependent on a substance of abuse, or both. 89333

(B) There is hereby created a program to be known as the 89334  
behavioral health drug reimbursement ~~program. The program, which~~ 89335  
shall be administered by the department of ~~mental-behavioral~~ 89336  
~~health and addiction services.~~ 89337

The purpose of the program is to provide state 89338  
~~reimbursement~~ financial assistance to counties for the cost of 89339  
the following drugs that are administered or dispensed to 89340  
inmates of county jails in this state and individuals confined 89341  
in community-based correctional facilities in this state: 89342  
psychotropic drugs, drugs used in medication-assisted treatment, 89343  
and drugs used in withdrawal management or detoxification. 89344

Each county shall ensure that inmates of county jails and 89345  
individuals confined in community-based correctional facilities 89346  
have access to all behavioral health drugs specified in this 89347  
division that are prescribed drugs covered by the fee-for- 89348  
service component of the medicaid program. 89349

(C) The department, based on factors it considers 89350  
appropriate, shall allocate an amount to each county for 89351

~~reimbursement of drug costs that have been or will be incurred~~ 89352  
by the county pursuant to this section. 89353

(D) The director of ~~mental behavioral health and addiction~~ 89354  
~~services~~ may adopt rules as necessary to implement this section. 89355  
The rules, if adopted, shall be adopted in accordance with 89356  
Chapter 119. of the Revised Code. 89357

**Sec. 5119.20.** (A) As used in this section: 89358

"Electroencephalogram (EEG) combined transcranial magnetic 89359  
stimulation" means treatment in which transcranial magnetic 89360  
stimulation (TMS) frequency pulses are tuned to the patient's 89361  
physiology and biometric data. 89362

"First responder" has the meaning defined in section 89363  
2903.01 of the Revised Code. 89364

"Law enforcement officer" has the meaning defined in 89365  
section 9.69 of the Revised Code. 89366

(B) The director of ~~mental behavioral health and addiction~~ 89367  
~~services~~ shall establish a program to make electroencephalogram 89368  
(EEG) combined transcranial magnetic stimulation available for 89369  
veterans, first responders, and law enforcement officers. 89370  
Eligible individuals must have substance use disorders, mental 89371  
illness, sleep disorders, traumatic brain injuries, sexual 89372  
trauma, post traumatic stress disorder and accompanying 89373  
comorbidities, concussions or other brain trauma, or other 89374  
issues identified by the individual's qualified medical 89375  
practitioner as issues that would warrant treatment under the 89376  
program. The program shall be operated in conjunction with a 89377  
supplier selected under this section. 89378

(C) The director shall choose a location for the program 89379  
and for up to ten branch sites, and shall enter into a contract 89380

for the purchase of services related to the program. Each branch 89381  
site may operate one or more portable units or EEG combined 89382  
neuromodulation portable units if the director determines that 89383  
portable units or EEG combined neuromodulation portable units 89384  
are necessary to expand access to care. The contract shall 89385  
include provisions requiring the supplier to create and conduct 89386  
a clinical trial, to establish and operate a clinical practice, 89387  
to evaluate outcomes of the clinical trial and the clinical 89388  
practice, to expend payments received from the state as needed 89389  
for purposes of the program, and to report quarterly regarding 89390  
the program to the president of the senate and to the standing 89391  
committee of the senate that generally considers legislation 89392  
regarding veterans affairs. 89393

(D) There is the electroencephalogram (EEG) combined 89394  
transcranial magnetic stimulation fund in the state treasury. It 89395  
shall consist of moneys appropriated to it by the general 89396  
assembly. The director, with the approval of the controlling 89397  
board, may authorize a disbursement from the fund for services 89398  
rendered under the contract. 89399

(E) The director shall adopt rules under Chapter 119. of 89400  
the Revised Code as necessary to administer this section. 89401

(F) The supplier, in conducting the clinical trial and in 89402  
operating the clinical practice, shall adhere to all of the 89403  
following: 89404

(1) The United States food and drug administration 89405  
regulations governing the conduct of clinical practice and 89406  
clinical trials; 89407

(2) A peer-to-peer support network shall be made available 89408  
by the supplier to any individual receiving treatment under the 89409

program. 89410

(3) The program protocol shall use adapted stimulation 89411  
frequency and intensity modulation based on EEG and motor 89412  
threshold testing as well as clinical symptoms and signs, and 89413  
biometrics. 89414

(4) Each individual who receives treatment under the 89415  
program also shall receive neurophysiological monitoring, 89416  
monitoring for symptoms of substance use and mental health 89417  
disorders, and access to counseling and wellness programming. 89418  
Each individual also shall participate in the peer-to-peer 89419  
support network established by the supplier. 89420

(5) Clinical protocols and outcomes of the clinical trial, 89421  
and of any treatment provided by the clinical practice, shall be 89422  
collected and reported quarterly in a report provided by the 89423  
supplier to the director of ~~mental behavioral health and~~ 89424  
~~addiction services~~ and to the United States food and drug 89425  
administration. 89426

(6) Any individual who receives treatment at the clinical 89427  
practice shall be eligible for a minimum of two 89428  
electroencephalograms, plus an additional electroencephalogram 89429  
for every ten treatments, during the course of the individual's 89430  
treatment. 89431

(7) The report required by this section shall include a 89432  
thorough accounting of the use and expenditure of all funds 89433  
received from the state under this section. 89434

(G) Contracts entered into under this section are subject 89435  
to section 9.231 and Chapter 125. of the Revised Code. 89436

(H) Operation of the program established under this 89437  
section is contingent upon an appropriation by the general 89438



assembly designated for that purpose. 89439

**Sec. 5119.201.** (A) The director of ~~mental-behavioral~~ 89440  
~~health and addiction services~~ may acquire by purchase, lease, or 89441  
otherwise such real and personal property rights in the name of 89442  
the state as are necessary for the purposes of the department. 89443

(B) When it is necessary for a state institution under the 89444  
jurisdiction of the department to acquire any real estate, 89445  
right-of-way, or easement in real estate in order to accomplish 89446  
the purposes for which it was organized or is being conducted, 89447  
and the department is unable to agree with the owner of such 89448  
property upon the price to be paid for the property, such 89449  
property may be appropriated in the manner provided for the 89450  
appropriation of property for other state purposes. 89451

(C) The director may work with the department of 89452  
administrative services to sell, lease, or exchange portions of 89453  
real and personal property of the department when the sale, 89454  
lease, or exchange is advantageous to the state. Money received 89455  
from such sales, leases, or exchanges shall be credited to the 89456  
~~the~~ department of ~~mental-behavioral~~ health and ~~addiction-~~ 89457  
~~services~~ trust fund, created in section 5119.46 of the Revised 89458  
Code. 89459

(D) Any instrument by which real property is acquired 89460  
pursuant to this section shall identify the agency of the state 89461  
that has the use and benefit of the real property as specified 89462  
in section 5301.012 of the Revised Code. 89463

**Sec. 5119.21.** (A) The department of ~~mental-behavioral~~ 89464  
~~health and addiction services~~ shall: 89465

(1) To the extent the department has available resources 89466  
and in consultation with boards of alcohol, drug addiction, and 89467

mental health services, support the community-based continuum of 89468  
care that the boards are required by section 340.032 of the 89469  
Revised Code to establish. The department shall provide the 89470  
support on a district or multi-district basis. The department 89471  
shall assist in identifying resources, and may prioritize 89472  
support, for one or more of the elements of the community-based 89473  
continuum of care. For the purpose of division (A) (10) of 89474  
section 340.032 of the Revised Code and to the extent the 89475  
department determines is necessary, the department shall define 89476  
additional elements to be included in the community-based 89477  
continuum of care. 89478

(2) Provide training, consultation, and technical 89479  
assistance regarding addiction services, mental health services, 89480  
recovery supports, and appropriate prevention, recovery, and 89481  
mental health promotion activities, including those that are 89482  
culturally competent, to employees of the department, community 89483  
addiction services providers, community mental health services 89484  
providers, and boards of alcohol, drug addiction, and mental 89485  
health services; 89486

(3) To the extent the department has available resources, 89487  
promote and support a full range of addiction services, mental 89488  
health services, and recovery supports that are available and 89489  
accessible to all residents of this state, especially for 89490  
severely emotionally disturbed children and adolescents, adults 89491  
with severe mental disabilities, pregnant women, parents, 89492  
guardians or custodians of children at risk of abuse or neglect, 89493  
and other special target populations, including racial and 89494  
ethnic minorities, as determined by the department; 89495

(4) Develop standards and measures for both of the 89496  
following: 89497

- (a) Evaluating the effectiveness of addiction services, including opioid treatment programs, of mental health services, and of recovery supports; 89498  
89499  
89500
- (b) Increasing the accountability of community addiction services providers and community mental health services providers. 89501  
89502  
89503
- (5) Design and set criteria for the determination of priority populations; 89504  
89505
- (6) Promote, direct, conduct, and coordinate scientific research, taking ethnic and racial differences into consideration, concerning all of the following: 89506  
89507  
89508
- (a) The causes and prevention of mental illness and addiction; 89509  
89510
- (b) Methods of providing effective addiction services, mental health services, and recovery supports; 89511  
89512
- (c) Means of enhancing the mental health of and recovery from addiction of all residents of this state. 89513  
89514
- (7) Foster the establishment and availability of vocational rehabilitation services and the creation of employment opportunities for individuals with addiction and mental health needs, including members of racial and ethnic minorities; 89515  
89516  
89517  
89518  
89519
- (8) Establish a program to protect and promote the rights of persons receiving addiction services, mental health services, and recovery supports, including the issuance of guidelines on informed consent and other rights; 89520  
89521  
89522  
89523
- (9) Promote the involvement of persons who are receiving or have received addiction services, mental health services, and 89524  
89525

recovery supports including families and other persons having a close relationship to a person receiving those services and supports, in the planning, evaluation, delivery, and operation of addiction services, mental health services, and recovery supports;

(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of ~~mental behavioral health and addiction services~~. These constituencies shall include consumers of addiction services, mental health services, and recovery supports and the families of such consumers. These constituencies may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings under Chapter 119. The department shall adopt rules under Chapter 119. of the Revised Code that establish procedures for the notification and consultation required by this division.

(11) Provide consultation to the department of rehabilitation and correction concerning the delivery of addiction services and mental health services in state correctional institutions;

(12) Promote and coordinate efforts in the provision of addiction services by other state agencies, as defined in section 1.60 of the Revised Code; courts; hospitals; clinics; physicians in private practice; public health authorities; boards of alcohol, drug addiction, and mental health services; community addiction services providers; law enforcement

agencies; and related groups; 89556

(13) Provide to each court of record, and biennially 89557  
update, a list of the treatment and education programs within 89558  
that court's jurisdiction that the court may require an 89559  
offender, sentenced pursuant to section 4511.19 of the Revised 89560  
Code, to attend; 89561

(14) Make the warning sign described in sections 3313.752, 89562  
3345.41, and 3707.50 of the Revised Code available on the 89563  
department's internet web site; 89564

(15) Provide a program of gambling addiction services on 89565  
behalf of the state lottery commission, pursuant to an agreement 89566  
entered into with the director of the commission under division 89567  
(K) of section 3770.02 of the Revised Code, and provide a 89568  
program of gambling addiction services on behalf of the Ohio 89569  
casino control commission, under an agreement entered into with 89570  
the executive director of the commission under section 3772.062 89571  
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 89572  
Constitution, the department may enter into agreements with 89573  
boards of alcohol, drug addiction, and mental health services, 89574  
including boards with districts in which a casino facility is 89575  
not located, and nonprofit organizations to provide addiction 89576  
services, and with state institutions of higher education or 89577  
private nonprofit institutions that possess a certificate of 89578  
authorization issued under Chapter 1713. of the Revised Code to 89579  
perform related research. 89580

(B) The department may accept and administer grants from 89581  
public or private sources for carrying out any of the duties 89582  
enumerated in this section. 89583

(C) The department may adopt rules in accordance with 89584

Chapter 119. of the Revised Code as necessary to implement the requirements of this chapter.

Sec. 5119.211. The department of behavioral health may establish a process and standards for the state certification of certified community behavioral health clinics. The process and standards may be based on the provisions of section 223 of the "Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a note.

If the department establishes a process and standards for the state certification of certified community behavioral health clinics, the department may coordinate with local, state, and federal government entities for the development and establishment of the clinics.

The director of behavioral health may adopt rules as the director considers necessary to implement this section. If the director adopts rules, the rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5119.22. The director of ~~mental behavioral health and addiction services~~, with respect to all mental health and addiction facilities, addiction services, mental health services, and recovery supports established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.

(B) Review and evaluate the community-based continuum of care required by section 340.032 of the Revised Code to be established in each service district, taking into account the

findings and recommendations of the board of alcohol, drug 89614  
addiction, and mental health services of the district submitted 89615  
under division (A) (4) of section 340.03 of the Revised Code and 89616  
the priorities and plans of the department of ~~mental~~ behavioral 89617  
~~health and addiction services~~, including the needs of residents 89618  
of the district currently receiving services in state-operated 89619  
hospitals, and make recommendations for needed improvements to 89620  
boards of alcohol, drug addiction, and mental health services; 89621

(C) At the director's discretion, provide to boards of 89622  
alcohol, drug addiction, and mental health services state or 89623  
federal funds, in addition to those allocated under section 89624  
5119.23 of the Revised Code, for special programs or projects 89625  
the director considers necessary but for which local funds are 89626  
not available; 89627

(D) Establish criteria by which each board of alcohol, 89628  
drug addiction, and mental health services reviews and evaluates 89629  
the quality, effectiveness, and efficiency of the facility 89630  
services, addiction services, mental health services, and 89631  
recovery supports for which it contracts under section 340.036 89632  
of the Revised Code. The criteria shall include requirements 89633  
ensuring appropriate utilization of the services and supports. 89634  
The department shall assess each board's evaluation of the 89635  
services and supports and the compliance of each board with this 89636  
section, Chapter 340. of the Revised Code, and other state or 89637  
federal law and regulations. The department, in cooperation with 89638  
the board, periodically shall review and evaluate the quality, 89639  
effectiveness, and efficiency of the facility services, 89640  
addiction services, mental health services, and recovery 89641  
supports for which each board contracts under section 340.036 of 89642  
the Revised Code and the facilities, addiction services, and 89643  
mental health services that each board operates or provides 89644

under section 340.037 of the Revised Code. The department shall 89645  
collect information that is necessary to perform these 89646  
functions. 89647

(E) To the extent the director determines necessary and 89648  
after consulting with boards of alcohol, drug addiction, and 89649  
mental health services, community addiction services providers, 89650  
and community mental health services providers, develop and 89651  
operate, or contract for the operation of, a community 89652  
behavioral health information system or systems. The department 89653  
shall specify the information that must be provided by the 89654  
boards and providers for inclusion in the system or systems. 89655

Boards of alcohol, drug addiction, and mental health 89656  
services, community addiction services providers, and community 89657  
mental health services providers shall submit information 89658  
requested by the department in the form and manner and in 89659  
accordance with time frames prescribed by the department. 89660  
Information collected by the department may include all of the 89661  
following: 89662

(1) Information on addiction services, mental health 89663  
services, and recovery supports provided; 89664

(2) Financial information regarding expenditures of 89665  
federal, state, or local funds; 89666

(3) Information about persons served. 89667

The department shall not collect any personal information 89668  
from the boards or providers except as required or permitted by 89669  
state or federal law for purposes related to payment, health 89670  
care operations, program and service evaluation, reporting 89671  
activities, research, system administration, and oversight. 89672

(F) In consultation with representatives of boards of 89673



alcohol, drug addiction, and mental health services and after 89674  
consideration of recommendations made by the medical director 89675  
appointed under section 5119.11 of the Revised Code, establish 89676  
all of the following: 89677

(1) Guidelines, including a timetable, for the boards' 89678  
development and submission of proposed community addiction and 89679  
mental health plans, budgets, and lists of addiction services, 89680  
mental health services, and recovery supports under sections 89681  
340.03 and 340.08 of the Revised Code; 89682

(2) Procedures, including a timetable, for the director's 89683  
review and approval or disapproval of the plans, budgets, and 89684  
lists; 89685

(3) Procedures for corrective action regarding the plans, 89686  
budgets, and lists, including submission of revised or new 89687  
plans, budgets, and lists; 89688

(4) Procedures for the director to follow in offering 89689  
technical assistance to boards to assist them in making the 89690  
plans, budgets, and lists acceptable or in making proposed 89691  
amendments to approved plans, budgets, and lists meet criteria 89692  
for approval; 89693

(5) Procedures for issuing time-limited waivers under 89694  
section 5119.221 of the Revised Code. 89695

(G) Review each board's proposed community addiction and 89696  
mental health plan, budget, and list of addiction services, 89697  
mental health services, and recovery supports submitted pursuant 89698  
to sections 340.03 and 340.08 of the Revised Code and approve or 89699  
disapprove the plan, the budget, and the list in whole or in 89700  
part. The director shall disapprove a board's proposed budget in 89701  
whole or in part if the proposed budget would not make available 89702

in the board's service district the essential elements of the 89703  
community-based continuum of care required by section 340.032 of 89704  
the Revised Code, including, except as otherwise authorized by a 89705  
time-limited waiver issued under section 5119.221 of the Revised 89706  
Code, an array of addiction services and recovery supports for 89707  
all levels of opioid and co-occurring drug addiction. 89708

Prior to a final decision to disapprove a plan, budget, or 89709  
list in whole or in part, a representative of the director shall 89710  
meet with the board and discuss the reason for the action the 89711  
director proposes to take and any corrective action that should 89712  
be taken to make the plan, budget, or list acceptable to the 89713  
director. In addition, the director shall offer technical 89714  
assistance to the board to assist it to make the plan, budget, 89715  
or list acceptable. The director shall give the board a 89716  
reasonable time in which to revise the plan, budget, or list. 89717  
The board thereafter shall submit a revised plan, budget, or 89718  
list or a new plan, budget, or list. 89719

(H) Approve or disapprove all or part of proposed 89720  
amendments that a board of alcohol, drug addiction, or mental 89721  
health services submits under section 340.03 or 340.08 of the 89722  
Revised Code to an approved community addiction and mental 89723  
health plan, budget, or list of addiction services, mental 89724  
health services, and recovery supports. 89725

If the director disapproves of all or part of any proposed 89726  
amendment, the director shall provide the board an opportunity 89727  
to present its position. The director shall inform the board of 89728  
the reasons for the disapproval and of the criteria that must be 89729  
met before the proposed amendment may be approved. The director 89730  
shall give the board a reasonable time within which to meet the 89731  
criteria and shall offer technical assistance to the board to 89732

help it meet the criteria. 89733

**Sec. 5119.221.** (A) The director of ~~mental~~-behavioral  
~~health and addiction services~~, in accordance with procedures 89734  
established under division (F) (5) of section 5119.22 of the 89735  
Revised Code, may issue to a board of alcohol, drug addiction, 89736  
and mental health services a time-limited waiver of the 89737  
requirement of section 340.033 of the Revised Code that 89738  
ambulatory detoxification and medication-assisted treatment be 89739  
made available within the borders of the board's service 89740  
district if the director determines that both of the following 89741  
apply: 89742  
89743

(1) The board seeking the waiver has made reasonable 89744  
efforts to make ambulatory detoxification and medication- 89745  
assisted treatment available within the borders of the board's 89746  
service district; 89747

(2) Ambulatory detoxification and medication-assisted 89748  
treatment can be made available through one or more contracts 89749  
between the board seeking the waiver and community addiction 89750  
services providers that are located not more than thirty miles 89751  
beyond the borders of the board's service district. 89752

(B) Each waiver issued under this section shall specify 89753  
the amount of time for which it is in effect and whether it 89754  
applies to ambulatory detoxification, medication-assisted 89755  
treatment, or both. 89756

**Sec. 5119.23.** (A) The department of ~~mental~~-behavioral  
~~health and addiction services~~ shall establish a methodology for 89757  
allocating to boards of alcohol, drug addiction, and mental 89758  
health services the funds appropriated by the general assembly 89759  
to the department for the purpose of the community-based 89760  
89761

continuum of care that each board establishes under section 89762  
340.032 of the Revised Code. The department shall establish the 89763  
methodology after notifying and consulting with relevant 89764  
constituencies as required by division (A)(10) of section 89765  
5119.21 of the Revised Code. The methodology may provide for the 89766  
funds to be allocated to boards on a district or multi-district 89767  
basis. 89768

(B) Subject to section 5119.25 of the Revised Code, and to 89769  
required submissions and approvals under sections 340.08 and 89770  
5119.22 of the Revised Code, the department shall allocate the 89771  
funds to the boards in a manner consistent with the methodology, 89772  
this section, other state and federal laws, rules, and 89773  
regulations. 89774

(C) In consultation with boards, community addiction 89775  
services providers, community mental health services providers, 89776  
and persons receiving addiction services, mental health 89777  
services, and recovery supports, the department shall establish 89778  
guidelines for the use of funds allocated under this section. 89779

**Sec. 5119.24.** (A) As used in this section, "administrative 89780  
function" means a function related to one or more of the 89781  
following: 89782

(1) Continuous quality improvement; 89783

(2) Utilization review; 89784

(3) Resource development; 89785

(4) Fiscal administration; 89786

(5) General administration; 89787

(6) Any other function related to administration that is 89788  
required by Chapter 340. of the Revised Code. 89789

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental behavioral health and addiction services~~ specifying how the board used funds allocated to the board under section 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental behavioral health and addiction services~~ shall establish the date by which the report must be submitted each year.

**Sec. 5119.25.** (A) The director of ~~mental behavioral health and addiction services~~ may withhold funds, in whole or in part, that otherwise are to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The board fails to comply with Chapter 340. or 5119. of the Revised Code or rules of the department of ~~mental behavioral health and addiction services~~;

(2) The board denies available service on the basis of race, color, religion, ancestry, military status, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(B) The director shall withhold funds, in whole or in part, that otherwise are to be allocated to a board under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The director, under division (G) of section 5119.22 of the Revised Code, disapproves all or part of the board's proposed community addiction and mental health plan, budget, or list of addiction services, mental health services, and recovery supports;

(2) The board's use of state and federal funds fails to 89819  
comply with the board's approved budget, including approved 89820  
amendments to the budget. 89821

(C) The director shall issue a notice identifying the 89822  
areas of noncompliance and the action necessary to achieve 89823  
compliance. The director may offer technical assistance to the 89824  
board to achieve compliance. The board shall have thirty days 89825  
from receipt of the notice of noncompliance to present its 89826  
position that it is in compliance or to submit to the director 89827  
evidence of corrective action the board took to achieve 89828  
compliance. Before withholding funds, the director or the 89829  
director's designee shall hold a hearing within thirty days of 89830  
receipt of the board's position or evidence to determine if 89831  
there are continuing violations and that either assistance is 89832  
rejected or the board is unable, or has failed, to achieve 89833  
compliance. The director may appoint a representative from 89834  
another board of alcohol, drug addiction, and mental health 89835  
services to serve as a mentor for the board in developing and 89836  
executing a plan of corrective action to achieve compliance. Any 89837  
such representative shall be from a board that is in compliance 89838  
with Chapter 340. of the Revised Code, this chapter, and the 89839  
department's rules. Subsequent to the hearing process, if it is 89840  
determined that compliance has not been achieved, the director 89841  
may allocate all or part of the withheld funds to one or more 89842  
community mental health services providers or community 89843  
addiction services providers to provide the mental health 89844  
service, addiction service, or recovery support for which the 89845  
board is not in compliance until the time that there is 89846  
compliance. 89847

(D) The director shall adopt rules in accordance with 89848  
Chapter 119. of the Revised Code to implement this section. 89849

Sec. 5119.27. (A) As used in this section: 89850

(1) "Community control sanction" has the same meaning as 89851  
in section 2929.01 of the Revised Code. 89852

(2) "Federally assisted," "program," and "substance use 89853  
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 89854  
further described in 42 C.F.R. 2.12(b). 89855

(3) "Post-release control sanction" has the same meaning 89856  
as in section 2967.01 of the Revised Code. 89857

(B) In accordance with 42 U.S.C. 290dd-2, records or 89858  
information created or maintained by a federally assisted 89859  
program for the treatment of substance use disorders shall be 89860  
kept confidential and may be disclosed only for the purposes and 89861  
under the circumstances expressly authorized under 42 C.F.R. 89862  
Part 2. 89863

(C) When the person, with respect to whom any record or 89864  
information referred to in division (B) of this section is 89865  
maintained, gives consent in the form of a written release 89866  
signed by the person, the content of the record or information 89867  
may be disclosed if the written release conforms to all of the 89868  
requirements set forth in 42 C.F.R. 2.31. 89869

(D) In accordance with 42 C.F.R. 2.35, a person who is 89870  
subject to a community control sanction, a post-release control 89871  
sanction, is on parole, or is ordered to intervention in lieu of 89872  
conviction, and who has agreed to participate in a federally 89873  
assisted program for the treatment of substance use disorders as 89874  
a condition of the community control sanction, post-release 89875  
control sanction, parole, or intervention order, shall consent 89876  
to the release of records and information relating to the 89877  
progress of treatment, frequency of treatment, adherence to 89878

treatment requirements, and probable outcome of treatment. 89879  
Release of information and records under this division shall be 89880  
limited to the court or governmental personnel having the 89881  
responsibility for supervising the person's community control 89882  
sanction, post-release control sanction, parole, or intervention 89883  
order. A person, described in this division, who refuses to 89884  
allow disclosure may be considered in violation of the 89885  
conditions of the person's community control sanction, post- 89886  
release control sanction, parole, or intervention order. 89887

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure 89888  
of a person's record may be made without the person's consent to 89889  
qualified personnel for the purpose of conducting scientific 89890  
research, management, financial audits, or program evaluation, 89891  
but these personnel may not identify, directly or indirectly, 89892  
any particular person in any report of the research, audit, or 89893  
evaluation, or otherwise disclose a person's identity in any 89894  
manner. 89895

(F) In accordance with 42 C.F.R. 2.66, upon the request of 89896  
a prosecuting attorney or the director of mental-behavioral 89897  
~~health-and-addiction services~~, a court of competent jurisdiction 89898  
may order the disclosure of records or information referred to 89899  
in division (B) of this section if the court has reason to 89900  
believe that a federally assisted program for the treatment of 89901  
substance use disorders is being operated or used in a manner 89902  
contrary to law. The use of any information or record so 89903  
disclosed shall be limited to the prosecution of persons who are 89904  
or may be charged with any offense related to the illegal 89905  
operation or use of the program, or to the decision to withdraw 89906  
the authority of a the program to continue operation. For 89907  
purposes of this division the court shall do all of the 89908  
following: 89909



(1) Limit disclosure to those parts of the person's record 89910  
considered essential to fulfill the objective for which the 89911  
order was granted; 89912

(2) Require, where appropriate, that all information be 89913  
disclosed in chambers; 89914

(3) Include any other appropriate measures to keep 89915  
disclosure to a minimum, consistent with the protection of the 89916  
persons seeking or receiving services, the provider-client 89917  
relationship, and the administration of the program. 89918

**Sec. 5119.28.** (A) All records, and reports, other than 89919  
court journal entries or court docket entries, identifying a 89920  
person and pertaining to the person's mental health condition, 89921  
assessment, provision of care, treatment, or recovery supports, 89922  
or payment for assessment, care, treatment, or recovery supports 89923  
that are maintained in connection with any services certified by 89924  
the department of ~~mental behavioral health and addiction~~ 89925  
~~services~~, any recovery supports paid for with funds administered 89926  
by the department or a board of alcohol, drug addiction, and 89927  
mental health services, or any hospitals or facilities licensed 89928  
or operated by the department, shall be kept confidential and 89929  
shall not be disclosed by any person except: 89930

(1) If the person identified, or the person's legal 89931  
guardian, if any, or if the person is a minor, the person's 89932  
parent or legal guardian, consents; 89933

(2) When disclosure is provided for in this chapter or 89934  
Chapter 340. or 5122. of the Revised Code or in accordance with 89935  
other provisions of state or federal law authorizing such 89936  
disclosure; 89937

(3) That hospitals, boards of alcohol, drug addiction, and 89938

mental health services, licensed facilities, and community 89939  
mental health services providers may release necessary 89940  
information to insurers and other third-party payers, including 89941  
government entities responsible for processing and authorizing 89942  
payment, to obtain payment for goods and services furnished to 89943  
the person; 89944

(4) Pursuant to a court order signed by a judge; 89945

(5) That a person shall be granted access to the person's 89946  
own psychiatric and medical records, unless access specifically 89947  
is restricted in a person's treatment plan for clear treatment 89948  
reasons; 89949

(6) That the department of ~~mental~~behavioral health and 89950  
~~addiction services~~ may exchange psychiatric records and other 89951  
pertinent information with community mental health services 89952  
providers and boards of alcohol, drug addiction, and mental 89953  
health services relating to the person's care or services. 89954  
Records and information that may be exchanged pursuant to this 89955  
division shall be limited to medication history, physical health 89956  
status and history, financial status, summary of course of 89957  
treatment, summary of treatment needs, and a discharge summary, 89958  
if any. 89959

(7) That the department of ~~mental~~behavioral health and 89960  
~~addiction services~~, hospitals and community providers operated 89961  
by the department, hospitals licensed by the department under 89962  
section 5119.33 of the Revised Code, and community mental health 89963  
services providers may exchange psychiatric records and other 89964  
pertinent information with payers and other providers of 89965  
treatment and health services if the purpose of the exchange is 89966  
to facilitate continuity of care for the person or for the 89967  
emergency treatment of the person; 89968

(8) That the department of ~~mental behavioral health and~~ 89969  
~~addiction services~~ and community mental health services 89970  
providers may exchange psychiatric records and other pertinent 89971  
information with boards of alcohol, drug addiction, and mental 89972  
health services for purposes of any board function set forth in 89973  
Chapter 340. of the Revised Code. Boards of alcohol, drug 89974  
addiction, and mental health services shall not access any 89975  
personal information from the department or providers except as 89976  
required or permitted by this section, or Chapter 340. or 5122. 89977  
of the Revised Code for purposes related to payment, care 89978  
coordination, health care operations, program and service 89979  
evaluation, reporting activities, research, system 89980  
administration, oversight, or other authorized purposes. 89981

(9) That a person's family member who is involved in the 89982  
provision, planning, and monitoring of services to the person 89983  
may receive medication information, a summary of the person's 89984  
diagnosis and prognosis, and a list of the services and 89985  
personnel available to assist the person and the person's 89986  
family, if the person's treatment provider determines that the 89987  
disclosure would be in the best interests of the person. No such 89988  
disclosure shall be made unless the person is notified first and 89989  
receives the information and does not object to the disclosure. 89990

(10) That community mental health services providers may 89991  
exchange psychiatric records and certain other information with 89992  
the board of alcohol, drug addiction, and mental health services 89993  
and other providers in order to provide services to a person 89994  
involuntarily committed to a board. Release of records under 89995  
this division shall be limited to medication history, physical 89996  
health status and history, financial status, summary of course 89997  
of treatment, summary of treatment needs, and discharge summary, 89998  
if any. 89999

(11) That information may be disclosed to the executor or 90000  
the administrator of an estate of a deceased person when the 90001  
information is necessary to administer the estate; 90002

(12) That information may be disclosed to staff members of 90003  
the appropriate board or to staff members designated by the 90004  
director of ~~mental-behavioral health and addiction services~~ for 90005  
the purpose of evaluating the quality, effectiveness, and 90006  
efficiency of mental health services and recovery supports and 90007  
determining if the services and supports meet minimum standards. 90008  
Information obtained during such evaluations shall not be 90009  
retained with the name of any person. 90010

(13) That records pertaining to the person's diagnosis, 90011  
course of treatment, treatment needs, and prognosis shall be 90012  
disclosed and released to the appropriate prosecuting attorney 90013  
if the person was committed pursuant to section 2945.38, 90014  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 90015  
to the attorney designated by the board for proceedings pursuant 90016  
to involuntary commitment under Chapter 5122. of the Revised 90017  
Code; 90018

(14) That the department of ~~mental-behavioral health and~~ 90019  
~~addiction services~~ may exchange psychiatric hospitalization 90020  
records, other mental health treatment records, and other 90021  
pertinent information with the department of rehabilitation and 90022  
correction and with the department of youth services to ensure 90023  
continuity of care for inmates and offenders who are receiving 90024  
mental health services in an institution of the department of 90025  
rehabilitation and correction or the department of youth 90026  
services and may exchange psychiatric hospitalization records, 90027  
other mental health treatment records, and other pertinent 90028  
information with boards of alcohol, drug addiction, and mental 90029

health services and community mental health services providers 90030  
to ensure continuity of care for inmates or offenders who are 90031  
receiving mental health services in an institution and are 90032  
scheduled for release within six months. The release of records 90033  
under this division is limited to records regarding an inmate's 90034  
or offender's medication history, physical health status and 90035  
history, summary of course of treatment, summary of treatment 90036  
needs, and a discharge summary, if any. 90037

(15) That a community mental health services provider that 90038  
ceases to operate may transfer to either a community mental 90039  
health services provider that assumes its caseload or to the 90040  
board of alcohol, drug addiction, and mental health services of 90041  
the service district in which the person resided at the time 90042  
mental health services or recovery supports were most recently 90043  
provided any records concerning the services or supports that 90044  
have not been transferred elsewhere at the person's request; 90045

(16) That records and reports relating to a person who has 90046  
been deceased for fifty years or more are no longer considered 90047  
confidential. 90048

(B) Before records are disclosed pursuant to divisions (A) 90049  
(3), (6), and (10) of this section, the custodian of the records 90050  
shall attempt to obtain the person's consent for the disclosure. 90051

(C) No person shall reveal the content of a medical record 90052  
of a person that is confidential pursuant to this section, 90053  
except as authorized by law. 90054

**Sec. 5119.29.** The department of ~~mental-behavioral health-~~ 90055  
~~and addiction services,~~ in conjunction with boards of alcohol, 90056  
drug addiction, and mental health services and community mental 90057  
health boards, shall develop a coordinated system for tracking 90058

and monitoring persons found not guilty by reason of insanity 90059  
and committed pursuant to section 2945.40 of the Revised Code 90060  
who have been granted a conditional release and persons found 90061  
incompetent to stand trial and committed pursuant to section 90062  
2945.39 of the Revised Code who have been granted a conditional 90063  
release. The system shall do all of the following: 90064

(A) Centralize responsibility for the tracking of those 90065  
persons; 90066

(B) Develop uniformity in monitoring those persons; 90067

(C) Develop a mechanism to allow prompt rehospitalization, 90068  
reinstitutionalization, or detention when a violation of the 90069  
conditional release or decompensation occurs. 90070

**Sec. 5119.30.** The department of ~~mental-behavioral~~ health 90071  
~~and addiction services~~ promptly shall develop and maintain a 90072  
program that continually provides the courts of this state with 90073  
relevant information pertaining to addiction services and 90074  
programs available both within their jurisdictions and statewide 90075  
in order to facilitate the ability of the courts to utilize 90076  
treatment and rehabilitation alternatives in addition to or in 90077  
lieu of imposing sentences of imprisonment upon appropriate 90078  
offenders. 90079

**Sec. 5119.31.** The department of administrative services 90080  
shall purchase all supplies needed for the proper support and 90081  
maintenance of the institutions under the control of the 90082  
department of ~~mental-behavioral~~ health ~~and addiction services~~ in 90083  
accordance with the competitive selection procedures of Chapter 90084  
125. of the Revised Code and such rules as the department of 90085  
administrative services adopts. All bids shall be publicly 90086  
opened on the day and hour and at the place specified in the 90087

advertisement. 90088

Preference shall be given to bidders in localities wherein 90089  
the institution is located, if the price is fair and reasonable 90090  
and not greater than the usual price; but bids not meeting the 90091  
specifications shall be rejected. 90092

The department of administrative services may require such 90093  
security as it considers proper to accompany the bids and shall 90094  
fix the security to be given by the contractor. 90095

The department of administrative services may reject any 90096  
or all bids and secure new bids, if for any reason it is deemed 90097  
for the best interest of the state to do so, and it may 90098  
authorize the managing officer of any institution to purchase 90099  
perishable goods and supplies for use in cases of emergency, in 90100  
which cases such managing officer shall certify such fact in 90101  
writing and the department of administrative services shall 90102  
record the reasons for such purchase. 90103

**Sec. 5119.311.** The department of ~~mental~~behavioral health 90104  
~~and addiction services~~ may examine into, with or without expert 90105  
assistance, the question of the mental and physical condition of 90106  
any person committed to or involuntarily confined in any 90107  
hospital for persons with mental illnesses, or restrained of 90108  
liberty at any place within this state by reason of alleged 90109  
mental illness and may order and compel the discharge of any 90110  
such person who is not a person with a mental illness subject to 90111  
court order as defined in division (B) of section 5122.01 of the 90112  
Revised Code and direct what disposition shall be made of the 90113  
person. The order of discharge shall be signed by the director 90114  
of ~~mental~~behavioral health ~~and addiction services~~. Upon receipt 90115  
of such order by the superintendent or other person in charge of 90116  
the building in which the person named in such order is 90117

confined, such person shall forthwith be discharged or otherwise 90118  
disposed of according to the terms of said order, and any 90119  
further or other detention of such person is unlawful. No such 90120  
order shall be made in favor of any person committed and held 90121  
for trial on a criminal charge, in confinement by an order of a 90122  
judge or court made in a criminal proceeding, or in any case 90123  
unless notice is given to the superintendent or other person 90124  
having charge of the building in which the alleged person with a 90125  
mental illness is detained, and a reasonable opportunity is 90126  
allowed the person in charge to justify further detention of the 90127  
person confined. 90128

**Sec. 5119.32.** The department of ~~mental-behavioral~~ health 90129  
~~and addiction services~~ is hereby designated as the state 90130  
administrative agency for the substance abuse prevention 90131  
treatment block grant and the community mental health services 90132  
block grant authorized by the "Public Health Services Act," 95 90133  
Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, 90134  
drug abuse, or mental health programs that are specified in an 90135  
appropriations act. 90136

**Sec. 5119.33.** ~~(A)(1)~~ (A) The department of ~~mental-~~ 90137  
~~behavioral health and addiction services~~ shall inspect and 90138  
license all hospitals that receive persons with mental 90139  
illnesses, except those hospitals managed by the department. No 90140  
hospital may receive for care or treatment, either at public or 90141  
private expense, any person who is or appears to have a mental 90142  
illness, whether or not so adjudicated, unless the hospital has 90143  
received a license from the department authorizing it to receive 90144  
for care or treatment persons with mental illnesses or the 90145  
hospital is managed by the department. 90146

~~(2) No such license shall be granted to a hospital for the~~ 90147



~~treatment of persons with mental illnesses unless both of the~~ 90148  
~~following are the case:—~~ 90149

~~(a) The department is satisfied, after investigation, that~~ 90150  
~~the hospital is managed and operated by qualified persons, is~~ 90151  
~~adequately staffed and equipped to operate, and has on its staff~~ 90152  
~~one or more qualified physicians responsible for the medical~~ 90153  
~~care of the patients confined there. At least one such physician~~ 90154  
~~shall be a psychiatrist.—~~ 90155

~~(b) The department has not been notified under section~~ 90156  
~~5119.334 of the Revised Code or is not otherwise aware that the~~ 90157  
~~hospital, or any owner, sponsor, medical director,~~ 90158  
~~administrator, or principal of the hospital, has been the~~ 90159  
~~subject of an adverse action, as defined in that section, taken~~ 90160  
~~during the three-year period immediately preceding the date of~~ 90161  
~~application.—~~ 90162

(B) The department shall adopt rules under Chapter 119. of 90163  
the Revised Code prescribing minimum standards for the operation 90164  
of hospitals for the care and treatment of persons with mental 90165  
illnesses and establishing standards and procedures for the 90166  
issuance, renewal, or revocation of full, probationary, and 90167  
interim licenses. No license shall be granted to any hospital 90168  
established or used for the care of persons with mental 90169  
illnesses unless such hospital is operating in accordance with 90170  
this section and rules adopted pursuant to this section. A full 90171  
license shall expire one year after the date of issuance, a 90172  
probationary license shall expire at the time prescribed by rule 90173  
adopted pursuant to Chapter 119. of the Revised Code by the 90174  
director of mental behavioral health and addiction services, and 90175  
an interim license shall expire ninety days after the date of 90176  
issuance. A full, probationary, or interim license may be 90177

renewed, except that an interim license may be renewed only 90178  
twice. The department may fix reasonable fees for licenses and 90179  
for license renewals. Such hospitals are subject to inspection 90180  
and on-site review by the department. 90181

(C) Except as otherwise provided in Chapter 5122. of the 90182  
Revised Code, neither the director of ~~mental-behavioral health-~~ 90183  
~~and addiction services~~; an employee of the department; a board 90184  
of alcohol, drug addiction, and mental health services or 90185  
employee of a community mental health services provider; nor any 90186  
other public official shall hospitalize any person with a mental 90187  
illness for care or treatment in any hospital that is not 90188  
licensed in accordance with this section. 90189

(D) (1) The department may issue an order suspending the 90190  
admission of patients with mental illnesses to a hospital for 90191  
care or treatment if it finds either of the following: 90192

(a) The hospital is not in compliance with rules adopted 90193  
by the director pursuant to this section. 90194

(b) The hospital has been cited for more than one 90195  
violation of statutes or rules during any previous period of 90196  
time during which the hospital is licensed pursuant to this 90197  
section. 90198

(2) (a) Except as provided in division (D) (2) (b) of this 90199  
section, proceedings initiated to suspend the admission of 90200  
patients are governed by Chapter 119. of the Revised Code. 90201

(b) If a suspension of admissions is proposed because the 90202  
director has determined that the licensee has demonstrated a 90203  
pattern of serious noncompliance or that a violation creates a 90204  
substantial risk to the health and safety of patients, the 90205  
director may issue an order imposing the suspension of 90206

admissions before providing an opportunity for an adjudication 90207  
under Chapter 119. of the Revised Code. The director shall lift 90208  
the order for the suspension of admissions if the director 90209  
determines that the violation that formed the basis for the 90210  
order has been corrected. 90211

(3) Appeals from proceedings initiated to order the 90212  
suspension of admissions shall be conducted in accordance with 90213  
Chapter 119. of the Revised Code, unless the order was issued 90214  
before providing an opportunity for an adjudication, in which 90215  
case all of the following apply: 90216

(a) The licensee may request a hearing not later than ten 90217  
days after being served in accordance with sections 119.05 and 90218  
119.07 of the Revised Code. 90219

(b) If a timely request for a hearing that includes the 90220  
licensee's current address is made, the hearing shall commence 90221  
not later than thirty days after the department receives the 90222  
request. 90223

(c) After commencing, the hearing shall continue 90224  
uninterrupted, except for Saturdays, Sundays, and legal 90225  
holidays, unless other interruptions are agreed to by the 90226  
licensee and the director. 90227

(d) If the hearing is conducted by a hearing examiner, the 90228  
hearing examiner shall file a report and recommendations with 90229  
the department not later than ten days after the last of the 90230  
following: 90231

(i) The close of the hearing; 90232

(ii) If a transcript of the proceedings is ordered, the 90233  
hearing examiner receives the transcript; 90234

- (iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 90235  
90236
- (e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 90237  
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- (f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 90241  
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90243
- (g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 90244  
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- (h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 90248  
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90251
- (E) (1) ~~Any license issued by the department under this section may be revoked or not renewed by the department~~ The department may deny, refuse to renew, or revoke a license for any of the following reasons: 90252  
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90255
- (a) The hospital is ~~no longer~~ not a suitable place for the care or treatment of persons with mental illnesses. 90256  
90257
- (b) The hospital refuses to be subject to inspection or on-site review by the department. 90258  
90259
- (c) The hospital ~~has failed~~ fails to furnish humane, kind, and adequate treatment and care. 90260  
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- (d) The hospital fails to comply with the licensure rules 90262

of the department. 90263

(e) The department finds that the hospital is not managed and operated by qualified persons, is not adequately staffed and equipped to operate, or does not have on its staff one or more qualified physicians, including at least one psychiatrist, who is responsible for the care of the patients in the hospital. 90264  
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(f) The department has been notified under section 5119.334 of the Revised Code or otherwise becomes aware that the hospital, any owner, sponsor, medical director, administrator, or principal of the hospital, or any subsidiary of the hospital, owner, or sponsor has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action. 90269  
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(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of patients, the order remains in effect during the pendency of those proceedings. 90277  
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(F) (1) In a proceeding initiated to suspend the admission of patients, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 90283  
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(2) When the department issues an order suspending the admission of patients, denies an application for a full or 90290  
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probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(G) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.

**Sec. 5119.331.** If the department of ~~mental-behavioral health and addiction services~~ determines that a hospital not licensed by the department is receiving for care or treatment any person who is or appears to have a mental illness, the department may request in writing that the attorney general petition the court of common pleas in the county where the hospital is located to enjoin the hospital from continued operation in violation of section 5119.33 of the Revised Code.

**Sec. 5119.332.** No third-party payer shall directly or indirectly reimburse, nor shall any person be obligated to pay any hospital for psychiatric services for which a license is required under section 5119.33 of the Revised Code unless the hospital is licensed by the department of ~~mental-behavioral health and addiction services~~.

As used in this section, "third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701., 4123., or 5101. of the Revised Code, or any self-insurance plan.

**Sec. 5119.333.** No person shall keep or maintain a hospital

for the care or treatment of persons with mental illnesses 90321  
unless it is licensed by the department of ~~mental behavioral~~ 90322  
~~health and addiction services~~, as provided by section 5119.33 of 90323  
the Revised Code. 90324

**Sec. 5119.334.** (A) As used in this section, "adverse 90325  
action" means an action by a state, provincial, federal, or 90326  
other licensing or regulatory authority other than the 90327  
department of behavioral health to deny, revoke, suspend, place 90328  
on probation, or otherwise restrict a license, certificate, or 90329  
other approval to operate a hospital or practice a health care 90330  
profession. 90331

(B) (1) When submitting an application for initial or 90332  
renewed licensure of a hospital under section 5119.33 of the 90333  
Revised Code, the applicant shall notify the department of 90334  
~~mental behavioral health and addiction services~~ of any adverse 90335  
action taken against any of the following during the three-year 90336  
period immediately preceding the date of application: 90337

(a) The hospital or the hospital's; 90338

(b) Any owner, sponsor, medical director, administrator, 90339  
or any of its principals within principal of the three-year 90340  
period immediately preceding the date of applicationhospital; 90341

(c) Any subsidiary of the hospital, owner, or sponsor. 90342

(2) Not later than seven days after receiving a notice of 90343  
adverse action ~~from a licensing or regulatory authority that is~~ 90344  
~~other than the department of mental health and addiction~~ 90345  
~~services~~, the holder of a hospital license issued under section 90346  
5119.33 of the Revised Code shall notify the department of the 90347  
action. 90348

(C) To notify the department as required by this section, 90349

a copy of the notice of adverse action shall be provided to the 90350  
department. 90351

**Sec. 5119.34.** (A) As used in this section and sections 90352  
5119.341 to ~~5119.343~~ 5119.344 of the Revised Code: 90353

(1) "Accommodations" means housing, daily meal 90354  
preparation, laundry, housekeeping, arranging for 90355  
transportation, social and recreational activities, maintenance, 90356  
security, and other services that do not constitute personal 90357  
care services or skilled nursing care. 90358

(2) "ADAMHS board" means a board of alcohol, drug 90359  
addiction, and mental health services. 90360

(3) "Adult" means a person who is eighteen years of age or 90361  
older, other than a person described in division (A) (4) of this 90362  
section who is between eighteen and twenty-one years of age. 90363

(4) "Child" means a person who is under eighteen years of 90364  
age or a person with a mental disability who is under twenty-one 90365  
years of age. 90366

(5) ~~"Community mental health services provider" means a~~ 90367  
~~community mental health services provider as defined in section~~ 90368  
~~5119.01 of the Revised Code.~~ 90369

~~(6) "Community mental health services" means any mental~~ 90370  
~~health services certified by the department pursuant to section~~ 90371  
~~5119.36 of the Revised Code.~~ 90372

~~(7)~~ "Operator" means the person or persons, firm, 90373  
partnership, agency, governing body, association, corporation, 90374  
or other entity that is responsible for the administration and 90375  
management of a residential facility and that is the applicant 90376  
for a residential facility license. 90377



~~(8)~~(6) "Personal care services" means services including, 90378  
but not limited to, the following: 90379

(a) Assisting residents with activities of daily living; 90380

(b) Assisting residents with self-administration of 90381  
medication in accordance with rules adopted under this section; 90382

(c) Preparing special diets, other than complex 90383  
therapeutic diets, for residents pursuant to the instructions of 90384  
a physician or a licensed dietitian, in accordance with rules 90385  
adopted under this section. 90386

"Personal care services" does not include "skilled nursing 90387  
care" as defined in section 3721.01 of the Revised Code. A 90388  
facility need not provide more than one of the services listed 90389  
in division ~~(A)~~~~(8)~~(A)(6) of this section to be considered to be 90390  
providing personal care services. 90391

~~(9)~~(7) "Room and board" means the provision of sleeping 90392  
and living space, meals or meal preparation, laundry services, 90393  
housekeeping services, or any combination thereof. 90394

~~(10)~~(8) "Residential state supplement program" means the 90395  
program established under section 5119.41 of the Revised Code. 90396

~~(11)~~(9) "Supervision" means any of the following: 90397

(a) Observing a resident to ensure the resident's health, 90398  
safety, and welfare while the resident engages in activities of 90399  
daily living or other activities; 90400

(b) Reminding a resident to perform or complete an 90401  
activity, such as reminding a resident to engage in personal 90402  
hygiene or other self-care activities; 90403

(c) Assisting a resident in making or keeping an 90404

appointment. 90405

~~(12)~~(10) "Unrelated" means that a resident is not related 90406  
to the owner or operator of a residential facility or to the 90407  
owner's or operator's spouse as a parent, grandparent, child, 90408  
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 90409  
uncle, or as the child of an aunt or uncle. 90410

(B) (1) A "residential facility" is a publicly or privately 90411  
operated home or facility that falls into one of the following 90412  
categories: 90413

(a) Class one facilities provide accommodations, 90414  
supervision, personal care services, and mental health services 90415  
for one or more unrelated adults with mental illness or one or 90416  
more unrelated children or adolescents with severe emotional 90417  
disturbances; 90418

(b) Class two facilities provide accommodations, 90419  
supervision, and personal care services to any of the following: 90420

(i) One or two unrelated persons with mental illness; 90421

(ii) One or two unrelated adults who are receiving 90422  
payments under the residential state supplement program; 90423

(iii) Three to sixteen unrelated adults. 90424

(c) Class three facilities provide room and board for five 90425  
or more unrelated adults with mental illness. 90426

(2) "Residential facility" does not include any of the 90427  
following: 90428

(a) A hospital subject to licensure under section 5119.33 90429  
of the Revised Code or an institution maintained, operated, 90430  
managed, and governed by the department of ~~mental~~behavioral 90431

~~health and addiction services~~ for the hospitalization of persons 90432  
with mental illnesses pursuant to section 5119.14 of the Revised 90433  
Code; 90434

(b) A residential facility licensed under section 5123.19 90435  
of the Revised Code or otherwise regulated by the department of 90436  
developmental disabilities; 90437

(c) An institution or association subject to certification 90438  
under section 5103.03 of the Revised Code; 90439

(d) A facility operated by a hospice care program licensed 90440  
under section 3712.04 of the Revised Code that is used 90441  
exclusively for care of hospice patients; 90442

(e) A nursing home, residential care facility, or home for 90443  
the aging as defined in section 3721.02 of the Revised Code; 90444

(f) A facility licensed under section 5119.37 of the 90445  
Revised Code to operate an opioid treatment program; 90446

(g) Any facility that receives funding for operating costs 90447  
from the department of development under any program established 90448  
to provide emergency shelter housing or transitional housing for 90449  
the homeless; 90450

(h) A terminal care facility for the homeless that has 90451  
entered into an agreement with a hospice care program under 90452  
section 3712.07 of the Revised Code; 90453

(i) A facility approved by the veterans administration 90454  
under section 104(a) of the "Veterans Health Care Amendments of 90455  
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 90456  
exclusively for the placement and care of veterans; 90457

(j) The residence of a relative or guardian of a person 90458  
with mental illness. 90459

(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(D) Except in the case of a residential facility described in division (B) (1) (a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a resident who is physically impaired but mentally alert, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E) A person operating or seeking to operate a residential facility shall apply for licensure of the facility to the department of ~~mental-behavioral health-and-addiction services~~.

The application shall be submitted by the operator. When 90489  
applying for the license, the applicant shall pay to the 90490  
department the application fee specified in rules adopted under 90491  
division (N) of this section. The fee is nonrefundable. 90492

The department shall send a copy of an application to the 90493  
ADAMHS board serving the county in which the person operates or 90494  
seeks to operate the facility. The ADAMHS board shall review the 90495  
application and provide to the department any information about 90496  
the applicant or the facility that the board would like the 90497  
department to consider in reviewing the application. 90498

~~(F) The department of mental behavioral health and 90499  
addiction services shall inspect and license the operation of 90500  
residential facilities. The department may issue a license to 90501  
operate a residential facility only if all of the following are 90502  
the case: 90503~~

~~(1) The department is satisfied, after investigation, that 90504  
the facility is managed and operated by qualified persons and is 90505  
adequately staffed and equipped to operate. 90506~~

~~(2) The department has not been notified under section 90507  
5119.343 of the Revised Code or is not otherwise aware that the 90508  
residential facility or any owner, operator, or manager of the 90509  
residential facility has been the subject of an adverse action, 90510  
as defined in that section, taken during the three-year period 90511  
immediately preceding the date of application. 90512~~

~~(3) The department has not been notified or is not 90513  
otherwise aware that the residential facility or any owner, 90514  
operator, or manager of the facility has been the subject of an 90515  
adverse action, as defined in that section, taken at any time 90516  
based on an act or omission that violated the right of a 90517~~

~~residential facility resident to be free from abuse, neglect, or  
exploitation.~~ 90518  
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The department may issue full, probationary, and interim 90520  
licenses. A full license shall expire up to three years after 90521  
the date of issuance, a probationary license shall expire in a 90522  
shorter period of time as specified in rules adopted by the 90523  
director of ~~mental behavioral health and addiction services~~ 90524  
under division (N) of this section, and an interim license shall 90525  
expire ninety days after the date of issuance. A license may be 90526  
renewed in accordance with rules adopted by the director under 90527  
division (N) of this section. The renewal application shall be 90528  
submitted by the operator. When applying for renewal of a 90529  
license, the applicant shall pay to the department the renewal 90530  
fee specified in rules adopted under division (N) of this 90531  
section. The fee is nonrefundable. 90532

(G) (1) If the department finds any of the following with 90533  
respect to a residential facility, the department may issue an 90534  
order suspending the admission of residents to the facility, 90535  
refuse to issue or renew a license for the facility, or revoke 90536  
the facility's license: 90537

(a) The facility is not in compliance with rules adopted 90538  
by the director pursuant to division (N) of this section; 90539

(b) Any facility operated by the applicant or licensee has 90540  
been cited for a pattern of serious noncompliance or repeated 90541  
violations of statutes or rules during the period of current or 90542  
previous licenses; 90543

(c) The applicant or licensee submits false or misleading 90544  
information as part of a license application, renewal, or 90545  
investigation. 90546

(d) The facility is not managed and operated by qualified persons or adequately staffed and equipped to operate. 90547  
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(e) The department has been notified under section 5119.343 of the Revised Code or otherwise becomes aware that the facility, any owner, operator, or manager of the facility, or any subsidiary of the facility, owner, or operator has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action. 90549  
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(f) The department has been notified under section 5119.343 of the Revised Code or otherwise becomes aware that the facility, any owner, operator, or manager of the facility, or any subsidiary of the facility, owner, or operator has been the subject of an adverse action, as defined in that section, taken at any time based on an act or omission that violated the right of a residential facility resident to be free from abuse, neglect, or exploitation. 90556  
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(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of residents to the facility, the order remains in effect during the pendency of those proceedings. 90564  
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Proceedings initiated to suspend the admission of residents to a facility are governed by Chapter 119. of the Revised Code, except as provided in division (H) of this section. 90571  
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(3) In a proceeding initiated to suspend the admission of 90575

residents to a facility, to deny an application for a full or 90576  
probationary license, to refuse to renew a full or probationary 90577  
license, or to revoke a full or probationary license, the 90578  
department may order the suspension, denial, refusal, or 90579  
revocation regardless of whether some or all of the deficiencies 90580  
that prompted the proceedings have been corrected at the time of 90581  
the hearing. 90582

(4) When the department issues an order suspending the 90583  
admission of residents to a facility, denies an application for 90584  
a full or probationary license, refuses to renew a full or 90585  
probationary license, or revokes a full or probationary license, 90586  
the department shall not grant an opportunity for submitting a 90587  
plan of correction. 90588

(H) (1) If a suspension of admissions of residents to a 90589  
facility is proposed because the director has determined that 90590  
the licensee has demonstrated a pattern of serious noncompliance 90591  
or that a violation creates a substantial risk to the health and 90592  
safety of residents, the director may issue an order imposing 90593  
the suspension of admissions before providing an opportunity for 90594  
an adjudication under Chapter 119. of the Revised Code. The 90595  
director shall lift the order for the suspension of admissions 90596  
if the director determines that the violation that formed the 90597  
basis for the order has been corrected. 90598

(2) Appeals from proceedings initiated to order the 90599  
suspension of admissions to a facility shall be conducted in 90600  
accordance with Chapter 119. of the Revised Code, unless the 90601  
order was issued before providing an opportunity for an 90602  
adjudication, in which case all of the following apply: 90603

(a) The licensee may request a hearing not later than ten 90604  
days after being served in accordance with sections 119.05 and 90605



119.07 of the Revised Code. 90606

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 90607  
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 90611  
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(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 90615  
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(i) The close of the hearing; 90619

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 90620  
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 90622  
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 90624  
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 90628  
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and 90631  
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recommendations. 90634

(h) Notwithstanding the pendency of the hearing, the 90635  
department shall lift the order for the suspension of admissions 90636  
if the department determines the violation that formed the basis 90637  
for the order has been corrected. 90638

(I) The department may issue an interim license to operate 90639  
a residential facility if both of the following conditions are 90640  
met: 90641

(1) The department determines that the closing of or the 90642  
need to remove residents from another residential facility has 90643  
created an emergency situation requiring immediate removal of 90644  
residents and an insufficient number of licensed beds are 90645  
available. 90646

(2) The residential facility applying for an interim 90647  
license meets standards established for interim licenses in 90648  
rules adopted by the director under division (N) of this 90649  
section. 90650

An interim license shall be valid for ninety days and may 90651  
be renewed by the director no more than twice. Proceedings 90652  
initiated to deny applications for or to revoke interim licenses 90653  
under this division are not subject to Chapter 119. of the 90654  
Revised Code. 90655

(J) (1) The department of ~~mental behavioral health and~~ 90656  
~~addiction services~~ may conduct an inspection of a residential 90657  
facility as follows: 90658

(a) Prior to issuance of a license for the facility; 90659

(b) Prior to renewal of the license; 90660

(c) To determine whether the facility has completed a plan 90661

of correction required pursuant to division (J) (2) of this 90662  
section and corrected deficiencies to the satisfaction of the 90663  
department and in compliance with this section and rules adopted 90664  
pursuant to it; 90665

(d) Upon complaint by any individual or agency; 90666

(e) At any time the director considers an inspection to be 90667  
necessary in order to determine whether the facility is in 90668  
compliance with this section and rules adopted pursuant to this 90669  
section. 90670

(2) In conducting inspections the department may conduct 90671  
an on-site examination and evaluation of the residential 90672  
facility and its personnel, activities, and services. The 90673  
department shall have access to examine and copy all records, 90674  
accounts, and any other documents relating to the operation of 90675  
the residential facility, including records pertaining to 90676  
residents, and shall have access to the facility in order to 90677  
conduct interviews with the operator, staff, and residents. 90678  
Following each inspection and review, the department shall 90679  
complete a report listing any deficiencies, and including, when 90680  
appropriate, a time table within which the operator shall 90681  
correct the deficiencies. The department may require the 90682  
operator to submit a plan of correction describing how the 90683  
deficiencies will be corrected. 90684

(K) No person shall do any of the following: 90685

(1) Operate a residential facility unless the facility 90686  
holds a valid license; 90687

(2) Violate any of the conditions of licensure after 90688  
having been granted a license; 90689

(3) Interfere with a state or local official's inspection 90690

or investigation of a residential facility; 90691

(4) Violate any of the provisions of this section or any 90692  
rules adopted pursuant to this section. 90693

(L) The following may enter a residential facility at any 90694  
time: 90695

(1) Employees designated by the director of ~~mental-~~ 90696  
behavioral health and addiction services; 90697

(2) Employees of an ADAMHS board under either of the 90698  
following circumstances: 90699

(a) When a resident of the facility is receiving services 90700  
from a community mental health services provider under contract 90701  
with that ADAMHS board or another ADAMHS board; 90702

(b) When authorized by section 340.05 of the Revised Code. 90703

(3) Employees of a community mental health services 90704  
provider under either of the following circumstances: 90705

(a) When the provider has a person receiving services 90706  
residing in the facility; 90707

(b) When the provider is acting as an agent of an ADAMHS 90708  
board other than the board with which it is under contract. 90709

(4) Representatives of the state long-term care ombudsman 90710  
program when the facility provides accommodations, supervision, 90711  
and personal care services for three to sixteen unrelated adults 90712  
or to one or two unrelated adults who are receiving payments 90713  
under the residential state supplement program. 90714

The persons specified in division (L) of this section 90715  
shall be afforded access to examine and copy all records, 90716  
accounts, and any other documents relating to the operation of 90717

the residential facility, including records pertaining to 90718  
residents. 90719

(M) Employees of the department of ~~mental~~ behavioral 90720  
~~health and addiction services~~ may enter, for the purpose of 90721  
investigation, any institution, residence, facility, or other 90722  
structure which has been reported to the department as, or that 90723  
the department has reasonable cause to believe is, operating as 90724  
a residential facility without a valid license. 90725

(N) The director of behavioral health shall adopt and may 90726  
amend and rescind rules pursuant to Chapter 119. of the Revised 90727  
Code governing the licensing and operation of residential 90728  
facilities. The rules shall establish all of the following: 90729

(1) Minimum standards for the health, safety, adequacy, 90730  
and cultural competency of treatment of and services for persons 90731  
in residential facilities; 90732

(2) Procedures for the issuance, renewal, or revocation of 90733  
the licenses of residential facilities; 90734

(3) Procedures for conducting background investigations 90735  
for prospective or current operators, employees, volunteers, and 90736  
other non-resident occupants who may have direct access to 90737  
facility residents; 90738

(4) The fee to be paid when applying for a new residential 90739  
facility license or renewing the license; 90740

(5) Procedures for the operator of a residential facility 90741  
to follow when notifying the ADAMHS board serving the county in 90742  
which the facility is located when the facility is serving 90743  
residents with mental illness or severe mental disability, 90744  
including the circumstances under which the operator is required 90745  
to make such a notification; 90746

(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	90747 90748 90749
(7) Measures to be taken by residential facilities relative to residents' medication;	90750 90751
(8) Requirements relating to preparation of special diets;	90752
(9) The maximum number of residents who may be served in a residential facility;	90753 90754
(10) The rights of residents of residential facilities and procedures to protect such rights;	90755 90756
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	90757 90758
(O) (1) The department <u>of behavioral health</u> may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	90759 90760 90761 90762 90763 90764 90765 90766
(2) Any person who makes a complaint under division (O) (1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.	90767 90768 90769 90770 90771 90772
(P) (1) The director of <del>mental behavioral health and addiction services</del> may petition the court of common pleas of the	90773 90774

county in which a residential facility is located for an order 90775  
enjoining any person from operating a residential facility 90776  
without a license or from operating a licensed facility when, in 90777  
the director's judgment, there is a present danger to the health 90778  
or safety of any of the occupants of the facility. The court 90779  
shall have jurisdiction to grant such injunctive relief upon a 90780  
showing that the respondent named in the petition is operating a 90781  
facility without a license or there is a present danger to the 90782  
health or safety of any residents of the facility. 90783

(2) When the court grants injunctive relief in the case of 90784  
a facility operating without a license, the court shall issue, 90785  
at a minimum, an order enjoining the facility from admitting new 90786  
residents to the facility and an order requiring the facility to 90787  
assist with the safe and orderly relocation of the facility's 90788  
residents. 90789

(3) If injunctive relief is granted against a facility for 90790  
operating without a license and the facility continues to 90791  
operate without a license, the director shall refer the case to 90792  
the attorney general for further action. 90793

(Q) The director of behavioral health may fine a person 90794  
for violating division (K) of this section. The fine shall be 90795  
five hundred dollars for a first offense; for each subsequent 90796  
offense, the fine shall be one thousand dollars. The director's 90797  
actions in imposing a fine shall be taken in accordance with 90798  
Chapter 119. of the Revised Code. 90799

**Sec. 5119.342.** (A) Upon petition by the director of ~~mental~~ 90800  
behavioral health and addiction services, the court of common 90801  
pleas or the probate court may appoint a receiver to take 90802  
possession of and operate a residential facility licensed 90803  
pursuant to section 5119.34 of the Revised Code, when conditions 90804

existing at the residential facility present a substantial risk 90805  
of physical or mental harm to residents and no other remedies at 90806  
law are adequate to protect the health, safety, and welfare of 90807  
the residents. 90808

Petitions filed pursuant to this section shall include: 90809

(1) A description of the specific conditions existing at 90810  
the residential facility which present a substantial risk of 90811  
physical or mental harm to residents; 90812

(2) A statement of the absence of other adequate remedies 90813  
at law; 90814

(3) The number of individuals residing at the facility; 90815

(4) A statement that the facts have been brought to the 90816  
attention of the owner or licensee and that conditions have not 90817  
been remedied within a reasonable period of time or that the 90818  
conditions, though remedied periodically, habitually exist at 90819  
the residential facility as a pattern or practice; and 90820

(5) The name and address of the person holding the license 90821  
for the residential facility. 90822

(B) A court in which a petition is filed pursuant to this 90823  
section shall notify the person holding the license for the 90824  
facility of the filing. The department shall send notice of the 90825  
filing to the following, as appropriate: the Ohio protection and 90826  
advocacy system as defined in section 5123.60 of the Revised 90827  
Code; facility owner; facility operator; board of alcohol, drug 90828  
addiction, and mental health services; board of health; 90829  
department of developmental disabilities; department of job and 90830  
family services; facility residents; and residents' families and 90831  
guardians. The court shall provide a hearing on the petition 90832  
within five court days of the time it was filed, except that the 90833



court may appoint a receiver prior to that time if it determines 90834  
that the circumstances necessitate such action. 90835

Following a hearing on the petition, and upon a 90836  
determination that the appointment of a receiver is warranted, 90837  
the court shall appoint a receiver and notify the department of 90838  
~~mental-behavioral health and addiction services~~ and appropriate 90839  
persons of this action. 90840

In setting forth the powers of the receiver, the court may 90841  
generally authorize the receiver to do all that is prudent and 90842  
necessary to safely and efficiently operate the residential 90843  
facility within the requirements of state and federal law, but 90844  
shall require the receiver to obtain court approval prior to 90845  
making any single expenditure of more than five thousand dollars 90846  
to correct deficiencies in the structure or furnishings of a 90847  
facility. The court shall closely review the conduct of the 90848  
receiver and shall require regular and detailed reports. 90849

(C) A receivership established pursuant to this section 90850  
shall be terminated, following notification of the appropriate 90851  
parties and a hearing, if the court determines either of the 90852  
following: 90853

(1) The residential facility has been closed and the 90854  
former residents have been relocated to an appropriate facility; 90855

(2) Circumstances no longer exist at the residential 90856  
facility which present a substantial risk of physical or mental 90857  
harm to residents, and there is no deficiency in the residential 90858  
facility that is likely to create a future risk of harm. 90859

Notwithstanding division (C) (2) of this section, the court 90860  
shall not terminate a receivership for a residential facility 90861  
that has previously operated under another receivership unless 90862

the responsibility for the operation of the facility is 90863  
transferred to an operator approved by the court and the 90864  
department of ~~mental behavioral health and addiction services~~. 90865

(D) Except for the department of ~~mental behavioral health~~ 90866  
~~and addiction services~~ or appropriate board of alcohol, drug 90867  
addiction, and mental health services, no party or person 90868  
interested in an action shall be appointed a receiver pursuant 90869  
to this section. 90870

To assist the court in identifying persons qualified to be 90871  
named as receivers, the director of ~~mental behavioral health and~~ 90872  
~~addiction services~~ shall maintain a list of the names of such 90873  
persons. The department of ~~mental behavioral health and~~ 90874  
~~addiction services~~, the department of job and family services, 90875  
and the department of health shall provide technical assistance 90876  
to any receiver appointed pursuant to this section. 90877

Before entering upon the duties of receiver, the receiver 90878  
must be sworn to perform the duties faithfully, and, with surety 90879  
approved by the court, judge, or clerk, execute a bond to such 90880  
person, and in such sum as the court or judge directs, to the 90881  
effect that such receiver will faithfully discharge the duties 90882  
of receiver in the action, and obey the orders of the court 90883  
therein. 90884

(1) Under the control of the appointing court, a receiver 90885  
may do the following: 90886

(a) Bring and defend actions in the appointee's name as 90887  
receiver; 90888

(b) Take and keep possession of property. 90889

(2) The court shall authorize the receiver to do the 90890  
following: 90891

(a) Collect payment for all goods and services provided to the residents or others during the period of the receivership at the same rate as was charged by the licensee at the time the petition for receivership was filed, unless a different rate is set by the court;

(b) Honor all leases, mortgages, and secured transactions governing all buildings, goods, and fixtures of which the receiver has taken possession, but, in the case of a rental agreement only to the extent of payments that are for the use of the property during the period of the receivership, or, in the case of a purchase agreement, only to the extent that payments come due during the period of the receivership;

(c) If transfer of residents is necessary, provide for the orderly transfer of residents by:

(i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;

(ii) Providing for the transportation of residents' belongings and records;

(iii) Helping to locate alternative placements and develop plans for transfer;

(iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate transfer is necessary.

(d) Make periodic reports on the status of the residential facility to the court; the appropriate state agencies; and the board of alcohol, drug addiction, and mental health services. Each report shall be made available to residents, their guardians, and families.

(e) Compromise demands or claims; and 90921

(f) Generally do such acts respecting the residential 90922  
facility as the court authorizes. 90923

Notwithstanding any other provision of law, contracts 90924  
which are necessary to carry out the powers and duties of the 90925  
receiver need not be competitively bid. 90926

**Sec. 5119.343.** (A) As used in this section, "adverse 90927  
action" means an action by a state, provincial, federal, or 90928  
other licensing or regulatory authority other than the 90929  
department of behavioral health to deny, revoke, suspend, place 90930  
on probation, or otherwise restrict a license, certificate, or 90931  
other approval to operate a residential facility or practice a 90932  
health care profession. 90933

(B) (1) When submitting an application for initial or 90934  
renewed licensure of a residential facility under section 90935  
5119.34 of the Revised Code, the applicant shall notify the 90936  
department of ~~mental behavioral health and addiction services~~ of 90937  
any adverse action taken against any of the following during the 90938  
three-year period immediately preceding the date of application: 90939

(a) The residential facility or the facility's; 90940

(b) Any owner, operator, or manager within of the three- 90941  
year period immediately preceding the date of 90942  
application facility; 90943

(c) Any subsidiary of the facility, owner, or operator. 90944

(2) Not later than seven days after receiving a notice of 90945  
adverse action ~~from a licensing or regulatory authority that is~~ 90946  
~~other than the department of mental health and addiction~~ 90947  
~~services~~, the holder of a residential facility license issued 90948

under section 5119.34 of the Revised Code shall notify the 90949  
department of the action. 90950

(3) To notify the department as required by this section, 90951  
a copy of the notice of adverse action shall be provided to the 90952  
department. 90953

Sec. 5119.344. (A) As used in this section, "principal" 90954  
means an owner, operator, or manager of a class one residential 90955  
facility. 90956

(B) The department of mental health and addiction services 90957  
may suspend, without a prior hearing, the license of a class one 90958  
residential facility that serves children if any of the 90959  
following occurs: 90960

(1) A child suffers a serious injury or dies while 90961  
residing in the residential facility. 90962

(2) The department, a public children services agency, or 90963  
a county department of job and family services determines that a 90964  
principal, employee, volunteer, or nonresident occupant of the 90965  
residential facility created a serious risk to the health or 90966  
safety of a child residing in the facility that resulted in or 90967  
could have resulted in a child's death or injury. 90968

(3) A principal, employee, resident, volunteer, or 90969  
nonresident occupant of the facility was charged by an 90970  
indictment, information, or complaint with an offense relating 90971  
to the death, injury, or sexual assault of another person that 90972  
occurred on the premises of the facility. 90973

(4) A principal, employee, volunteer, or nonresident 90974  
occupant of the facility was charged by an indictment, 90975  
information, or complaint with an offense relating to the death, 90976  
injury, or sexual assault of a child residing in the facility. 90977

(5) A public children services agency receives a report 90978  
pursuant to section 2151.421 of the Revised Code, and the person 90979  
alleged to have inflicted abuse or neglect on the child, who is 90980  
the subject of the report, is either of the following: 90981

(a) A principal of the residential facility; 90982

(b) An employee of the residential facility who has not 90983  
been immediately placed on administrative leave or released from 90984  
employment. 90985

(6) The residential facility is not in compliance with the 90986  
rule, adopted under section 5119.34 of the Revised Code, 90987  
pertaining to background investigations for owners, operators, 90988  
employees, and other specified individuals. 90989

(C) In suspending a license under division (B) of this 90990  
section, the department shall comply with section 119.07 of the 90991  
Revised Code. The owner of a class one residential facility may 90992  
request an adjudicatory hearing before the department pursuant 90993  
to sections 119.06 and 119.12 of the Revised Code. If a hearing 90994  
is requested and the department does not issue its final 90995  
adjudication order within one hundred twenty days after the 90996  
suspension, the suspension is void on the one hundred twenty- 90997  
first day after the suspension, unless the hearing on the 90998  
suspension is continued on agreement by the parties or for good 90999  
cause. 91000

(D) Any summary suspension imposed under this section 91001  
shall remain in effect until any of the following occurs: 91002

(1) The public children services agency completes its 91003  
investigation of the report pursuant to section 2151.421 of the 91004  
Revised Code and determines that all of the allegations are 91005  
unsubstantiated. 91006

(2) All criminal charges are disposed of through dismissal or a finding of not guilty. 91007  
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(3) The department issues, pursuant to Chapter 119. of the Revised Code, a final order terminating the suspension. 91009  
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(E) A class one residential facility serving children shall not have children placed in the facility while a summary suspension remains in effect. Upon the issuance of the order of suspension, the department shall place a hold on the license or indicate that the license is suspended in Ohio's statewide automated child welfare information system. 91011  
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(F) The director of mental health and addiction services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses. 91017  
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(G) This section does not limit the authority of the department to take other action, such as issuing an order suspending the admission of residents to a residential facility, refusing to issue or renew a license for a facility, or revoking a facility's license under section 5119.34 of the Revised Code. 91021  
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**Sec. 5119.35.** (A) Except as provided in division (B) of this section, if a mental health service or alcohol and drug addiction service has been specified in rules adopted under this section as a service that is required to be certified, no person or government entity shall provide that service unless it has been certified under section 5119.36 of the Revised Code. 91026  
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(B) Division (A) of this section does not apply to either of the following: 91032  
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(1) An individual who holds a valid license, certificate, or registration issued by this state authorizing the practice of 91034  
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a health care profession that includes the performance of any 91036  
service that is required to be certified as described in this 91037  
section, regardless of whether the service is performed as part 91038  
of a sole proprietorship, partnership, or group practice; 91039

(2) An individual who provides any service that is 91040  
required to be certified as described in this section as part of 91041  
an employment or contractual relationship with a hospital 91042  
outpatient clinic that is accredited by an accreditation agency 91043  
or organization approved by the director of ~~mental~~ behavioral 91044  
~~health and addiction services~~. 91045

(C) (1) If the director of ~~mental~~ behavioral ~~health and~~ 91046  
~~addiction services~~ determines that a person or government entity 91047  
is violating division (A) of this section, the director may 91048  
request, in writing, that the attorney general petition the 91049  
court of common pleas in the county where the person or 91050  
government entity is located or providing the services to enjoin 91051  
the person or government entity from engaging in the conduct 91052  
that violates division (A) of this section. 91053

(2) No person or government entity that is subject to this 91054  
section is eligible to receive, for a service that is subject to 91055  
this section, any federal funds, state funds, or funds 91056  
administered by a board of alcohol, drug addiction, and mental 91057  
health services, unless that service has been certified under 91058  
section 5119.36 of the Revised Code. This limitation is in 91059  
addition to the injunction that may be sought under division (C) 91060  
(1) of this section for a violation of division (A) of this 91061  
section. 91062

(D) The director may adopt rules in accordance with 91063  
Chapter 119. of the Revised Code to specify mental health 91064  
services and alcohol and drug addiction services that are 91065



required to be certified under section 5119.36 of the Revised Code. 91066  
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**Sec. 5119.36.** (A) A person or government entity that seeks 91068  
initial certification of one or more certifiable services and 91069  
supports, or that seeks to renew certification of one or more 91070  
certifiable services and supports, shall submit an application 91071  
to the director of ~~mental-behavioral health-and-addiction-~~ 91072  
~~services.~~ On receipt of the application, the director shall 91073  
determine whether the standards established by ~~divisions-~~ 91074  
~~division~~ (B) ~~and (C)~~ of this section and any rules adopted under 91075  
this section are satisfied or continue to be satisfied by the 91076  
applicant. As part of the determination the director may conduct 91077  
an on-site review of the applicant. In doing so, the director 91078  
may conduct the review in cooperation with a board of alcohol, 91079  
drug addiction, and mental health services that seeks to 91080  
contract or has a contract with the applicant under section 91081  
340.036 of the Revised Code. 91082

Not later than fourteen days after receipt of an ~~initial-~~ 91083  
~~or renewal~~ application for initial or renewed certification, the 91084  
director shall inform the board of alcohol, drug addiction, and 91085  
mental health services serving the alcohol, drug addiction, and 91086  
mental health service district in which the applicant's 91087  
certifiable services and supports will be provided of the 91088  
receipt of the application. On the board's request, the director 91089  
shall provide the board with a copy of the application. 91090

Not later than thirty days after a provider's 91091  
certification ceases to be valid for any reason, including the 91092  
provider's failure to renew the certification prior to 91093  
expiration, the director's acceptance of the provider's 91094  
surrender of the certification, or the issuance of a final order 91095

for disciplinary action under division ~~(G)~~(F) or ~~(M)~~(L) of this 91096  
section, the director shall provide notice to the applicable 91097  
board of alcohol, drug addiction, and mental health services of 91098  
the reason the certification ceased to be valid and the date it 91099  
became invalid. 91100

(B) (1) Except as provided in division (B) (4) of this 91101  
section, beginning on ~~the effective date of this amendment~~ 91102  
October 3, 2023, an applicant seeking initial certification of 91103  
certifiable services and supports shall be accredited by one or 91104  
more national accrediting organizations specified in division 91105  
(B) (3) of this section for certifiable services and supports for 91106  
which national accreditation exists for such services and 91107  
supports or equivalent services and supports. 91108

(2) Except as provided in division (B) (4) of this section, 91109  
beginning October 1, 2025, an applicant seeking to renew 91110  
certification of certifiable services and supports shall be 91111  
accredited by one or more national accrediting organizations 91112  
specified in division (B) (3) of this section for certifiable 91113  
services and supports for which national accreditation exists 91114  
for such services and supports or equivalent services and 91115  
supports. 91116

(3) For purposes of divisions (B) (1) and (2) of this 91117  
section, the director shall accept appropriate accreditation of 91118  
an applicant's certifiable services and supports from any of the 91119  
following national accrediting organizations: 91120

(a) The joint commission; 91121

(b) The commission on accreditation of rehabilitation 91122  
facilities; 91123

(c) The council on accreditation; 91124

(d) Any other national accrediting organization the 91125  
director considers appropriate. 91126

(4) The accreditation requirements of divisions (B) (1) and 91127  
(2) of this section do not apply to an applicant seeking an 91128  
initial or renewed certification to provide prevention services, 91129  
as that term is defined in rules adopted under this section. For 91130  
such applicants, accreditation is optional. 91131

~~(C) In addition to meeting the accreditation standard set 91132  
forth in division (B) of this section, an applicant seeking 91133  
initial or renewed certification of one or more certifiable 91134  
services and supports is eligible to receive the certification 91135  
only if both of the following are the case, as determined by the 91136  
director:— 91137~~

~~(1) The applicant has adequate staff and equipment to 91138  
provide the certifiable services and supports;— 91139~~

~~(2) The department has not been notified under section 91140  
5119.367 of the Revised Code or is not otherwise aware that the 91141  
applicant, or any owner or principal of the applicant, has been 91142  
the subject of an adverse action, as defined in that section, 91143  
taken during the three-year period immediately preceding the 91144  
date of application.— 91145~~

~~(D) (1) (C) (1) Except as provided in division (D) (2) (C) (2) 91146  
of this section, if the director determines that an applicant 91147  
has paid any required certification fee, that the applicant's 91148  
accreditation of certifiable services and supports is current 91149  
and appropriate for the services and supports for which the 91150  
applicant is seeking initial or renewed certification, ~~that the 91151  
applicant meets the requirements of division (C) of this 91152  
section,~~ and that the applicant meets any other requirements 91153~~

established by this section or rules adopted under it, the 91154  
director shall certify the services and supports or renew the 91155  
certification of the services and supports, as applicable. 91156  
Except as provided in division ~~(J)~~(I) of this section, the 91157  
director shall issue or renew the certification without further 91158  
evaluation of the services and supports. 91159

(2) Prior to October 1, 2025, if an applicant that seeks 91160  
to renew certification of certifiable services and supports is 91161  
not accredited to provide those services and supports by one or 91162  
more national accrediting organizations specified in division 91163  
(B)(3) of this section, the director shall conduct an evaluation 91164  
of the applicant to determine whether the applicant's 91165  
certifiable services and supports satisfy the standards for 91166  
certification. The evaluation is in addition to any on-site 91167  
review conducted under division (A) of this section and shall be 91168  
performed in cooperation with a board of alcohol, drug 91169  
addiction, and mental health services that seeks to contract or 91170  
has a contract with the applicant under section 340.036 of the 91171  
Revised Code. If the director determines that an applicant has 91172  
paid any required certification fee, that the applicant's 91173  
certifiable services and supports satisfy the standards for 91174  
renewed certification, ~~that the applicant meets the requirements~~ 91175  
~~of division (C) of this section,~~ and that the applicant meets 91176  
any other requirements established by this section or the rules 91177  
adopted under it, the director shall certify the certifiable 91178  
services and supports. 91179

~~(E)~~(D) For purposes of the accreditation requirements of 91180  
this section, both of the following apply: 91181

(1) The director may review the accrediting organizations 91182  
specified in division (B)(3) of this section to evaluate whether 91183

the accreditation standards and processes used by the 91184  
organizations are consistent with service delivery models the 91185  
director considers appropriate for mental health services, 91186  
alcohol and drug addiction services, or physical health 91187  
services. The director may communicate to an accrediting 91188  
organization any identified concerns, trends, needs, and 91189  
recommendations. 91190

(2) The director shall require a community mental health 91191  
services provider and a community addiction services provider to 91192  
notify the director not later than ten days after any change in 91193  
the provider's accreditation status. The provider may notify the 91194  
director by providing a copy of the relevant document the 91195  
provider received from the accrediting organization. 91196

~~(F)~~(E) The director may require a community mental health 91197  
services provider or a community addiction services provider to 91198  
submit to the director cost reports pertaining to the provider. 91199

~~(G)~~(F) The director may refuse to certify certifiable 91200  
services and supports, refuse to renew certification, or revoke 91201  
certification if any of the following apply to an applicant for 91202  
certification or the holder of the certification: 91203

(1) The applicant or holder is not in compliance with 91204  
rules adopted under this section. 91205

(2) The applicant or holder has been cited for a pattern 91206  
of serious noncompliance or repeated violations of statutes or 91207  
rules during the current certification period or any previous 91208  
certification period. 91209

(3) The applicant or holder has been found to be in 91210  
violation of section 5119.396 of the Revised Code; 91211

(4) The applicant or holder submits false or misleading 91212

information as part of a certification application, renewal, or investigation. 91213  
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(5) The applicant does not have adequate staff and equipment to provide the certifiable services and supports. 91215  
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(6) The department has been notified under section 5119.367 of the Revised Code or is otherwise aware that the applicant, any owner or principal of the applicant, or any subsidiary of the applicant or owner has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action. 91217  
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~~(H)~~(G) Proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider, as provided in division ~~(M)~~(L) of this section, the order remains in effect during the pendency of those proceedings. 91224  
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~~(I)~~(H) The director may conduct an on-site review or otherwise evaluate a community mental health services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of persons receiving mental health services or alcohol and drug addiction services and confirmed or alleged deficiencies brought to the attention of the director. This authority does not affect the director's duty to conduct the inspections required by section 5119.37 of the Revised Code. 91232  
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In conducting an on-site review under this division, the 91241

director may do so in cooperation with a board of alcohol, drug 91242  
addiction, and mental health services that seeks to contract or 91243  
has a contract with the applicant under section 340.036 of the 91244  
Revised Code. In conducting any other evaluation under this 91245  
division, the director shall do so in cooperation with such a 91246  
board. 91247

~~(J)~~(I) If the director proposes to take action under 91248  
division ~~(G)~~(F) of this section, the director shall notify the 91249  
board of alcohol, drug addiction, and mental health services 91250  
serving the alcohol, drug addiction, and mental health service 91251  
district in which the certifiable services and supports will be 91252  
or were provided, and provide the board opportunity to respond 91253  
as specified in division (A) of this section with respect to 91254  
initial or renewal applications. 91255

When a final order is issued by the director under 91256  
division ~~(G)~~(F) of this section, the director may request that 91257  
the appropriate board of alcohol, drug addiction, and mental 91258  
health services reallocate any funds for the certifiable 91259  
services and supports the applicant was to provide to a 91260  
community mental health services provider or community addiction 91261  
services provider whose certifiable services and supports 91262  
satisfy the standards. If the board does not reallocate such 91263  
funds in a reasonable period of time, the director may withhold 91264  
state and federal funds for the certifiable services and 91265  
supports and allocate those funds directly to a community mental 91266  
health services provider or community addiction services 91267  
provider whose certifiable services and supports satisfy the 91268  
standards. 91269

~~(K)~~(J) Each applicant seeking initial or renewed 91270  
certification of its certifiable services and supports shall pay 91271

a fee for the certification required by this section, unless the applicant is exempt under rules adopted under this section. Fees shall be paid into the state treasury to the credit of the sale of goods and services fund created pursuant to section 5119.45 of the Revised Code.

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

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

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

(a) Reporting major unusual incidents to the director;

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

(c) Seclusion;

(d) Restraint;

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

(f) Requirements with regard to health, safety, adequacy,



and cultural specificity and sensitivity;	91300
(g) Standards for evaluating certifiable services and supports;	91301 91302
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of an applicant;	91303 91304 91305
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	91306 91307 91308 91309 91310
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	91311 91312 91313
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	91314 91315 91316
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	91317 91318 91319
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	91320 91321
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	91322 91323 91324 91325
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental	91326 91327

health services advise the person of the person's rights, 91328  
including the person's rights under Chapter 5122. of the Revised 91329  
Code if the person is committed to the provider or board. 91330

(l) Documentation that must be submitted as evidence of 91331  
holding appropriate accreditation; 91332

(m) A process by which the director may review the 91333  
accreditation standards and process used by the national 91334  
accrediting organizations specified in division (B) (3) of this 91335  
section. 91336

(3) Establish the process for certification of certifiable 91337  
services and supports; 91338

(4) Set the amount of initial and renewal certification 91339  
fees and any reasons for which applicants may be exempt from the 91340  
fees; 91341

(5) Specify the type of notice and hearing to be provided 91342  
prior to a decision on whether to reallocate funds; 91343

(6) Establish a process by which the director, based on 91344  
deficiencies identified as a result of conducting an on-site 91345  
review or otherwise evaluating a community mental health 91346  
services provider or community addiction services provider under 91347  
division ~~(I)~~(H) of this section, may take any range of 91348  
correction actions, including revocation of the provider's 91349  
certification. 91350

~~(M)~~ ~~(1)~~ (L) (1) The director may issue an order suspending 91351  
admissions to a community addiction services provider that 91352  
provides overnight accommodations if the director finds either 91353  
of the following: 91354

(a) The provider's certifiable services and supports are 91355

not in compliance with rules adopted under this section; 91356

(b) The provider has been cited for more than one 91357  
violation of statutes or rules during any previous certification 91358  
period of the provider. 91359

(2) (a) Except as provided in division ~~(M) (2) (b)~~ (L) (2) (b) 91360  
of this section, proceedings initiated to suspend admissions to 91361  
a community addiction services provider that provides overnight 91362  
accommodations are governed by Chapter 119. of the Revised Code. 91363

(b) If a suspension of admissions is proposed because the 91364  
director has determined that the provider has demonstrated a 91365  
pattern of serious noncompliance or that a violation creates a 91366  
substantial risk to the health and safety of patients, the 91367  
director may issue an order suspending admissions before 91368  
providing an opportunity for an adjudication under Chapter 119. 91369  
of the Revised Code. The director shall lift the order for the 91370  
suspension of admissions if the director determines that the 91371  
violation that formed the basis for the order has been 91372  
corrected. 91373

(3) Appeals from proceedings initiated to order the 91374  
suspension of admissions shall be conducted in accordance with 91375  
Chapter 119. of the Revised Code, unless the order was issued 91376  
before providing an opportunity for an adjudication, in which 91377  
case all of the following apply: 91378

(a) The provider may request a hearing not later than ten 91379  
days after being served in accordance with sections 119.05 and 91380  
119.07 of the Revised Code. 91381

(b) If a timely request for a hearing that includes the 91382  
provider's current address is made, the hearing shall commence 91383  
not later than thirty days after the department receives the 91384

request. 91385

(c) After commencing, the hearing shall continue 91386  
uninterrupted, except for Saturdays, Sundays, and legal 91387  
holidays, unless other interruptions are agreed to by the 91388  
provider and the director. 91389

(d) If the hearing is conducted by a hearing examiner, the 91390  
hearing examiner shall file a report and recommendations with 91391  
the department not later than ten days after the last of the 91392  
following: 91393

(i) The close of the hearing; 91394

(ii) If a transcript of the proceedings is ordered, the 91395  
hearing examiner receives the transcript; 91396

(iii) If post-hearing briefs are timely filed, the hearing 91397  
examiner receives the briefs. 91398

(e) The hearing examiner shall send a written copy of the 91399  
report and recommendations, by certified mail, to the provider, 91400  
or the provider's attorney, if applicable, not later than five 91401  
days after the report is filed with the department. 91402

(f) Not later than five days after receiving the report 91403  
and recommendations, the provider may file objections with the 91404  
department. 91405

(g) Not later than fifteen days after the hearing examiner 91406  
files the report and recommendations, the department shall issue 91407  
an order approving, modifying, or disapproving the report and 91408  
recommendations. 91409

(h) Notwithstanding the pendency of the hearing, the 91410  
department shall lift the order for the suspension of admissions 91411  
if the department determines the violation that formed the basis 91412

for the order has been corrected. 91413

~~(N)~~ (1) (M) (1) In a proceeding initiated to suspend 91414  
admissions to a community addiction services provider that 91415  
provides overnight accommodations, to deny an application for 91416  
certification of certifiable services and supports, to refuse to 91417  
renew certification, or to revoke certification, the department 91418  
may order the suspension, denial, refusal, or revocation 91419  
regardless of whether some or all of the deficiencies that 91420  
prompted the proceedings have been corrected at the time of the 91421  
hearing. 91422

(2) When the department issues an order suspending 91423  
admissions to a community addiction services provider that 91424  
provides overnight accommodations, denies an application for 91425  
certification of certifiable services and supports, refuses to 91426  
renew certification, or revokes a certification, the department 91427  
shall not grant an opportunity for submitting a plan of 91428  
correction. 91429

~~(O)~~ (N) The department of ~~mental behavioral health and~~ 91430  
~~addiction services~~ shall maintain a current list of community 91431  
addiction services providers and shall provide a copy of the 91432  
list to a judge of a court of common pleas who requests a copy 91433  
for the use of the judge under division (H) of section 2925.03 91434  
of the Revised Code. The list shall identify each provider by 91435  
its name, its address, and the county in which it is located. 91436

~~(P)~~ (O) No person shall represent in any manner that a 91437  
community mental health services provider's or community 91438  
addiction services provider's certifiable services and supports 91439  
are certified by the director if the certifiable services and 91440  
supports are not so certified at the time the representation is 91441  
made. 91442

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

**Sec. 5119.362.** (A) In accordance with rules adopted under section 5119.363 of the Revised Code, each community addiction services provider shall do all of the following:

(1) Maintain a waiting list for the provider's included opioid and co-occurring drug addiction services and recovery supports;

(2) Notify an individual included on the provider's waiting list when the provider has a slot available for the individual and, if the individual does not contact the provider about the slot within a period of time specified in the rules, contact the individual to determine why the individual did not contact the provider and to assess whether the individual still needs the included opioid and co-occurring drug addiction

services and recovery supports; 91473

(3) Remove an individual from the waiting list if either 91474  
of the following applies: 91475

(a) The individual withdraws the individual's request for 91476  
included opioid and co-occurring drug addiction services and 91477  
recovery supports; 91478

(b) When the provider notifies the individual about an 91479  
available slot, the individual does not contact the provider 91480  
about the slot within the period of time specified in the rules 91481  
or otherwise vacates the slot before beginning to receive the 91482  
services and supports. 91483

(4) As part of the process of maintaining the waiting 91484  
list, determine both of the following: 91485

(a) For each individual who seeks from the provider 91486  
included opioid and co-occurring drug addiction services and 91487  
recovery supports, the number of days that starts with the day 91488  
the individual first contacts the provider about accessing the 91489  
services and supports and ends on the following day: 91490

(i) If the individual is required to be assessed for the 91491  
individual's clinical need for the services and supports, the 91492  
day of the assessment; 91493

(ii) If the individual is not required to be assessed for 91494  
the individual's clinical need for the services and supports, 91495  
the first day of the individual's access to the services and 91496  
supports. 91497

(b) For each such individual who is required to be 91498  
assessed for the individual's clinical need for the services and 91499  
supports, the number of days that starts with the day of the 91500

assessment and ends with the first day of the individual's 91501  
access to the services and supports. 91502

(5) Using information the provider acquires by maintaining 91503  
the waiting list, determine whether included opioid and co- 91504  
occurring drug addiction services and recovery supports are 91505  
insufficient to meet the needs of individuals on the waiting 91506  
list; 91507

(6) Subject to division (B) of this section, report all of 91508  
the following information not later than the last day of each 91509  
month to the department of ~~mental behavioral health and~~ 91510  
~~addiction services:~~ 91511

(a) An unduplicated count of all individuals who were 91512  
included on the provider's waiting list during the immediately 91513  
preceding month and each type of included opioid and co- 91514  
occurring drug addiction services and recovery supports for 91515  
which they were waiting; 91516

(b) The total number of days each such individual had been 91517  
on the provider's waiting list during the immediately preceding 91518  
month; 91519

(c) The last known type of residential setting in which 91520  
each such individual resided during the immediately preceding 91521  
month; 91522

(d) The total number of individuals who did not contact 91523  
the provider after receiving, during the immediately preceding 91524  
month, the notices under division (A) (2) of this section about 91525  
the provider having slots available for the individuals and, if 91526  
known, the reasons the contacts were not made; 91527

(e) The total number of such individuals who withdrew, in 91528  
the immediately preceding month, their requests for included 91529



opioid and co-occurring drug addiction services and recovery 91530  
supports, each type of service and support that those 91531  
individuals had requested or been assessed as having a clinical 91532  
need for, and, if known, the reasons those individuals withdrew 91533  
their requests; 91534

(f) An unduplicated count of all individuals who were 91535  
referred to another community addiction services provider 91536  
because the referring provider does not provide the type of 91537  
included opioid and co-occurring drug addiction services and 91538  
recovery supports that those individuals had requested or been 91539  
assessed as having a clinical need for and each type of service 91540  
and support for which those individuals were referred; 91541

(g) All other information specified in the rules. 91542

(B) Each report that a community addiction services 91543  
provider provides to the department under this section shall do 91544  
both of the following: 91545

(1) For the purposes of divisions (A) (6) (a) and (f) of 91546  
this section, specify the counties of residence of the 91547  
individuals in the unduplicated counts and include identifying 91548  
information required by the rules adopted under section 5119.363 91549  
of the Revised Code so that the department is able to identify 91550  
any individuals who are inadvertently duplicated in the counts; 91551

(2) For the purpose of the information reported under 91552  
division (A) (6) (c) of this section, identify the types of 91553  
residential settings at least as either institutional or 91554  
noninstitutional. 91555

**Sec. 5119.363.** The director of ~~mental~~behavioral health 91556  
~~and addiction services~~ shall adopt rules governing the duties of 91557  
community addiction services providers under section 5119.362 of 91558

the Revised Code. The rules shall be adopted in accordance with 91559  
Chapter 119. of the Revised Code. 91560

The director shall adopt rules under this section that 91561  
authorize the department of ~~mental-behavioral~~ health ~~and~~ 91562  
~~addiction services~~ to determine an advanced practice registered 91563  
nurse's, physician assistant's, or physician's compliance with 91564  
section 3719.064 of the Revised Code if such practitioner works 91565  
for a community addiction services provider. 91566

**Sec. 5119.364.** (A) The department of ~~mental-behavioral~~ 91567  
health ~~and addiction services~~ shall do both of the following 91568  
with the reports it receives from community addiction services 91569  
providers under section 5119.362 of the Revised Code: 91570

(1) Subject to division (B) of this section, make the 91571  
reports available on the department's internet web site; 91572

(2) Make the reports available in an electronic format to 91573  
boards of alcohol, drug addiction, and mental health services in 91574  
a manner that provides the information about an individual 91575  
contained in a report to the board that serves the individual's 91576  
county. 91577

(B) In making the reports available on the department's 91578  
web site, the department shall present the information contained 91579  
in the reports on both a statewide aggregate basis and county- 91580  
level aggregate basis. The information on the web site shall be 91581  
updated monthly after the community addiction services providers 91582  
submit new reports to the department. 91583

**Sec. 5119.365.** The director of ~~mental-behavioral~~ health 91584  
~~and addiction services~~ shall adopt rules in accordance with 91585  
Chapter 119. of the Revised Code to do both of the following: 91586

(A) Streamline the intake procedures used by a community 91587

addiction services provider accepting and beginning to serve a 91588  
new individual, including procedures regarding intake forms and 91589  
questionnaires; 91590

(B) Enable a community addiction services provider to 91591  
retain an individual as an active patient even though the 91592  
patient last received services from the provider more than 91593  
thirty days before resumption of services so that the individual 91594  
and provider do not have to repeat the intake procedures. 91595

**Sec. 5119.366.** The director of ~~mental-behavioral~~ health 91596  
~~and addiction services~~ shall require that each board of alcohol, 91597  
drug addiction, and mental health services ensure that each 91598  
community mental health services provider and community 91599  
addiction services provider with which it contracts under 91600  
section 340.036 of the Revised Code to provide certifiable 91601  
services and supports establish grievance procedures consistent 91602  
with rules adopted under section 5119.36 of the Revised Code 91603  
that are available to all persons seeking or receiving 91604  
certifiable services and supports from a community mental health 91605  
services provider or community addiction services provider. 91606

**Sec. 5119.367.** (A) As used in this section, "adverse 91607  
action" means an action by a state, provincial, federal, or 91608  
other licensing or regulatory authority other than the 91609  
department of behavioral health to deny, revoke, suspend, place 91610  
on probation, or otherwise restrict a license, certification, or 91611  
other approval to provide certifiable services and supports or 91612  
an equivalent to certifiable services and supports. 91613

(B) (1) When submitting an application for initial or 91614  
renewed certification of one or more certifiable services and 91615  
supports, the applicant shall notify the department of ~~mental-~~ 91616  
behavioral health ~~and addiction services~~ of any adverse action 91617

taken against the following during the three-year period 91618  
immediately preceding the date of application: 91619

(a) The applicant~~or any~~; 91620

(b) Any owner or principal of the applicant~~within~~; 91621

(c) Any subsidiary of the ~~three-year period immediately~~ 91622  
~~preceding the date of application~~applicant or owner. 91623

(2) Not later than seven days after receiving a notice of 91624  
adverse action ~~from a licensing or regulatory authority that is~~ 91625  
~~other than the department of mental health and addiction~~ 91626  
~~services, an applicant for initial or renewed certification or~~ 91627  
the holder of a certification issued under section 5119.36 of 91628  
the Revised Code shall notify the department of the action. 91629

(C) To notify the department as required by this section, 91630  
a copy of the notice of adverse action shall be provided to the 91631  
department. 91632

**Sec. 5119.368.** (A) As used in this section, "telehealth 91633  
services" has the same meaning as in section 4743.09 of the 91634  
Revised Code. 91635

(B) Each community mental health services provider and 91636  
community addiction services provider shall establish written 91637  
policies and procedures describing how the provider will ensure 91638  
that staff persons assisting clients with receiving telehealth 91639  
services or providing telehealth services are fully trained in 91640  
using equipment necessary for providing the services. 91641

(C) Prior to providing telehealth services to a client, a 91642  
provider shall describe to the client the potential risks 91643  
associated with receiving treatment through telehealth services 91644  
and shall document that the client was provided with the risks 91645

and agreed to assume those risks. The risks communicated to a client shall address the following:

(1) Clinical aspects of receiving treatment through telehealth services;

(2) Security considerations when receiving treatment through telehealth services;

(3) Confidentiality for individual and group counseling.

(D) It is the responsibility of the provider, to the extent possible, to ensure contractually that any entity or individuals involved in the transmission of information through telehealth mechanisms guarantee that the confidentiality of the information is protected.

(E) Every provider shall have a contingency plan for providing telehealth services to clients in the event that technical problems occur during the provision of those services.

(F) Providers shall maintain, at a minimum, the following information pertaining to local resources:

(1) The local suicide prevention telephone hotline, if available, or the national suicide prevention telephone hotline.

(2) Contact information for the local police and fire departments.

The provider shall provide the client written information on how to access assistance in a crisis, including one caused by equipment malfunction or failure.

(G) It is the responsibility of the provider to ensure that equipment meets standards sufficient to do the following:

(1) To the extent possible, ensure confidentiality of

communication; 91673

(2) Provide for interactive communication between the 91674  
provider and the client; 91675

(3) When providing telehealth services using synchronous 91676  
technology, ensure that video or audio are sufficient to enable 91677  
real-time interaction between the client and the provider and to 91678  
ensure the quality of the service provided. 91679

(H) A mental health facility or unit that is serving as a 91680  
client site shall be maintained in such a manner that 91681  
appropriate staff persons are on hand at the facility or unit in 91682  
the event of a malfunction with the equipment used to provide 91683  
telehealth services. 91684

(I) (1) All telehealth services provided by interactive 91685  
videoconferencing shall meet both of the following conditions: 91686

(a) Begin with the verification of the client through a 91687  
name and password or personal identification number when 91688  
treatment services are being provided; 91689

(b) Be provided in accordance with state and federal law. 91690

(2) When providing telehealth services in accordance with 91691  
this section, a provider shall comply with all requirements 91692  
under state and federal law regarding the protection of patient 91693  
information. Each provider shall ensure that any username or 91694  
password information and any electronic communications between 91695  
the provider and a client are securely transmitted and stored. 91696

(J) The department of ~~mental behavioral health and~~ 91697  
~~addiction services~~ may adopt rules as it considers necessary to 91698  
implement this section. The rules shall be adopted in accordance 91699  
with Chapter 119. of the Revised Code. Any such rules adopted by 91700

the department are not subject to the requirements of division 91701  
(F) of section 121.95 of the Revised Code. 91702

**Sec. 5119.37.** (A) (1) (a) Except as provided in division (A) 91703  
(1) (b) of this section, no person or government entity shall 91704  
operate an opioid treatment program requiring certification, as 91705  
certification is defined in 42 C.F.R. 8.2, unless the person or 91706  
government entity is a community addiction services provider and 91707  
the program is licensed under this section. 91708

(b) Division (A) (1) (a) of this section does not apply to a 91709  
program operated by the United States department of veterans 91710  
affairs. 91711

(2) No community addiction services provider licensed 91712  
under this section shall operate an opioid treatment program in 91713  
a manner inconsistent with this section and the rules adopted 91714  
under it. 91715

(B) A community addiction services provider seeking a 91716  
license to operate an opioid treatment program shall apply to 91717  
the department of ~~mental-behavioral health-and-addiction-~~ 91718  
~~services~~. The department shall review all applications received. 91719

(C) The department may issue a license to operate an 91720  
opioid treatment program to a community addiction services 91721  
provider only if all of the following apply: 91722

(1) During the three-year period immediately preceding the 91723  
date of application, the provider ~~or any owner, sponsor, medical~~ 91724  
~~director, administrator, or principal of the provider has and~~ 91725  
each of the following, as the case may be, have been in good 91726  
standing to operate an opioid treatment program in all other 91727  
locations where the provider or such other person has been 91728  
operating a similar program, ~~as~~: an owner, sponsor, medical 91729

director, administrator, or principal of the provider; a 91730  
subsidiary of the provider; or a subsidiary of the provider's 91731  
owner or sponsor. Good standing shall be evidenced by both of 91732  
the following: 91733

(a) Not having been denied a license, certificate, or 91734  
similar approval to operate an opioid treatment program by this 91735  
state or another jurisdiction; 91736

(b) Not having been the subject of any of the following in 91737  
this state or another jurisdiction: 91738

(i) An action that resulted in the suspension or 91739  
revocation of the license, certificate, or similar approval of 91740  
the provider or other person; 91741

(ii) A voluntary relinquishment, withdrawal, or other 91742  
action taken by the provider or other person to avoid suspension 91743  
or revocation of the license, certificate, or similar approval; 91744

(iii) A disciplinary action that was based, in whole or in 91745  
part, on the provider or other person engaging in the 91746  
inappropriate prescribing, dispensing, administering, personally 91747  
furnishing, diverting, storing, supplying, compounding, or 91748  
selling of a controlled substance or other dangerous drug. 91749

(2) It affirmatively appears to the department that the 91750  
provider is adequately staffed and equipped to operate an opioid 91751  
treatment program. 91752

(3) It affirmatively appears to the department that the 91753  
provider will operate an opioid treatment program in strict 91754  
compliance with all laws relating to drug abuse and the rules 91755  
adopted by the department. 91756

(4) Except as provided in division (D) of this section and 91757



section 5119.371 of the Revised Code, if the provider is seeking 91758  
an initial license for a particular location, the proposed 91759  
opioid treatment program is not located on a parcel of real 91760  
estate that is within a radius of five hundred linear feet of 91761  
the boundaries of a parcel of real estate having situated on it 91762  
a public or private school, child care center licensed under 91763  
Chapter 5104. of the Revised Code, or child-serving agency 91764  
regulated by the department under this chapter. 91765

(5) The provider meets any additional requirements 91766  
established by the department in rules adopted under division 91767  
(F) of this section. 91768

(D) The department may waive the requirement of division 91769  
(C) (4) of this section if it receives, from each public or 91770  
private school, child care center, or child-serving agency that 91771  
is within the five hundred linear feet radius described in that 91772  
division, a letter of support for the location. The department 91773  
shall determine whether a letter of support is satisfactory for 91774  
purposes of waiving the requirement. 91775

(E) (1) Except as provided in division (E) (2) of this 91776  
section, a license to operate an opioid treatment program shall 91777  
expire two years from the date of issuance. Licenses may be 91778  
renewed. 91779

(2) In circumstances in which the director of ~~mental-~~ 91780  
behavioral health and addiction services has concerns regarding 91781  
compliance of a community addiction services provider licensed 91782  
as an opioid treatment program, the department shall notify the 91783  
provider of those concerns and stipulate that the provider's 91784  
license expires annually on a date determined by the department. 91785

(F) The department shall establish procedures and adopt 91786

rules for licensing, inspection, and supervision of community 91787  
addiction services providers that operate an opioid treatment 91788  
program. The rules shall establish standards for the control, 91789  
storage, furnishing, use, dispensing, and administering of 91790  
medications used in medication-assisted treatment; prescribe 91791  
minimum standards for the operation of the opioid treatment 91792  
program component of the provider's operations; and comply with 91793  
federal laws and regulations. 91794

All rules adopted under this division shall be adopted in 91795  
accordance with Chapter 119. of the Revised Code. All actions 91796  
taken by the department regarding the licensing of providers to 91797  
operate opioid treatment programs shall be conducted in 91798  
accordance with Chapter 119. of the Revised Code, except as 91799  
provided in division (L) of this section. 91800

(G) (1) The department shall inspect all community 91801  
addiction services providers licensed to operate an opioid 91802  
treatment program. Inspections shall be conducted at least 91803  
biennially and may be conducted more frequently. 91804

In addition, the department may inspect any provider or 91805  
other person that it reasonably believes to be operating an 91806  
opioid treatment program without a license issued under this 91807  
section. 91808

(2) When conducting an inspection, the department may do 91809  
both of the following: 91810

(a) Examine and copy all records, accounts, and other 91811  
documents relating to the provider's or other person's 91812  
operations, including records pertaining to patients or clients; 91813

(b) Conduct interviews with any individual employed by or 91814  
contracted or otherwise associated with the provider or person, 91815

including an administrator, staff person, patient, or client. 91816

(3) No person or government entity shall interfere with a 91817  
state or local government official acting on behalf of the 91818  
department while conducting an inspection. 91819

(H) A community addiction services provider shall not 91820  
administer or dispense methadone in a tablet, powder, or 91821  
intravenous form. Methadone shall be administered or dispensed 91822  
only in a liquid form intended for ingestion. 91823

A community addiction services provider shall not 91824  
administer or dispense a medication used in medication-assisted 91825  
treatment for pain or other medical reasons. 91826

(I) As used in this division, "program sponsor" means a 91827  
person who assumes responsibility for the operation and 91828  
employees of the opioid treatment program component of a 91829  
community addiction services provider's operations. 91830

A provider shall not permit an individual to act as a 91831  
program sponsor, medical director, or director of the provider 91832  
if the individual is receiving a medication used in medication- 91833  
assisted treatment from any community addiction services 91834  
provider. 91835

(J) The department may issue orders to ensure compliance 91836  
with all laws relating to drug abuse and the rules adopted under 91837  
this section. Subject to section 5119.27 of the Revised Code, 91838  
the department may hold hearings, require the production of 91839  
relevant matter, compel testimony, issue subpoenas, and make 91840  
adjudications. Upon failure of a person without lawful excuse to 91841  
obey a subpoena or to produce relevant matter, the department 91842  
may apply to a court of common pleas for an order compelling 91843  
compliance. 91844

(K) The department may refuse to issue, or may withdraw or  
revoke, a license to operate an opioid treatment program. A  
license may be refused if a community addiction services  
provider does not meet the requirements of division (C) of this  
section. A license may be withdrawn at any time the department  
determines that the provider no longer meets the requirements  
for receiving the license. A license may be revoked in  
accordance with division (L) of this section.

Once a license is issued under this section, the  
department shall not consider the requirement of division (C) (4)  
of this section in determining whether to renew, withdraw, or  
revoke the license or whether to reissue the license as a result  
of a change in ownership.

(L) If the department finds reasonable cause to believe  
that a community addiction services provider licensed under this  
section is in violation of any state or federal law or rule  
relating to drug abuse, the department may issue an order  
immediately revoking the license, subject to division (M) of  
this section. The department shall set a date not more than  
fifteen days later than the date of the order of revocation for  
a hearing on the continuation or cancellation of the revocation.  
For good cause, the department may continue the hearing on  
application of any interested party. In conducting hearings, the  
department has all the authority and power set forth in division  
(J) of this section. Following the hearing, the department shall  
either confirm or cancel the revocation. The hearing shall be  
conducted in accordance with Chapter 119. of the Revised Code,  
except that the provider shall not be permitted to operate an  
opioid treatment program pending the hearing or pending any  
appeal from an adjudication made as a result of the hearing.  
Notwithstanding any provision of Chapter 119. of the Revised

Code to the contrary, a court shall not stay or suspend any 91876  
order of revocation issued by the department under this division 91877  
pending judicial appeal. 91878

(M) The department shall not revoke a license to operate 91879  
an opioid treatment program unless all clients receiving 91880  
medication used in medication-assisted treatment from the 91881  
community addiction services provider are provided adequate 91882  
substitute medication or treatment. For purposes of this 91883  
division, the department may transfer the clients to other 91884  
providers licensed to operate opioid treatment programs or 91885  
replace any or all of the administrators and staff of the 91886  
provider with representatives of the department who shall 91887  
continue on a provisional basis the opioid treatment component 91888  
of the provider's operations. 91889

(N) Each time the department receives an application from 91890  
a community addiction services provider for a license to operate 91891  
an opioid treatment program, issues or refuses to issue a 91892  
license, or withdraws or revokes a license, the department shall 91893  
notify the board of alcohol, drug addiction, and mental health 91894  
services of each alcohol, drug addiction, and mental health 91895  
service district in which the provider operates. 91896

(O) Whenever it appears to the department from files, upon 91897  
complaint, or otherwise, that a community addiction services 91898  
provider has engaged in any practice declared to be illegal or 91899  
prohibited by section 3719.61 of the Revised Code, or any other 91900  
state or federal laws or regulations relating to drug abuse, or 91901  
when the department believes it to be in the best interest of 91902  
the public and necessary for the protection of the citizens of 91903  
the state, the department may request criminal proceedings by 91904  
laying before the prosecuting attorney of the proper county any 91905

evidence of criminality which may come to its knowledge. 91906

(P) The department shall maintain a current list of 91907  
community addiction services providers licensed by the 91908  
department under this section and shall provide a copy of the 91909  
current list to a judge of a court of common pleas who requests 91910  
a copy for the use of the judge under division (H) of section 91911  
2925.03 of the Revised Code and to a board of alcohol, drug 91912  
addiction, and mental health services that requests a copy for 91913  
purposes of division (I) (3) of section 340.08 of the Revised 91914  
Code. The list of licensed community addiction services 91915  
providers shall identify each licensed provider by its name, its 91916  
address, and the county in which it is located. 91917

**Sec. 5119.371.** (A) On application by a community addiction 91918  
services provider that has purchased or leased real property to 91919  
be used as the location of an opioid treatment program subject 91920  
to licensure under section 5119.37 of the Revised Code, the 91921  
department of ~~mental-behavioral health and addiction services~~ 91922  
shall determine whether the location of the proposed program 91923  
complies with the requirements of division (C) (4) of section 91924  
5119.37 of the Revised Code by not being located on a parcel of 91925  
real estate that is within a radius of five hundred linear feet 91926  
of the boundaries of a parcel of real estate having situated on 91927  
it a public or private school, child care center licensed under 91928  
Chapter 5104. of the Revised Code, or child-serving agency 91929  
regulated by the department under this chapter. 91930

If the department determines that the location is in 91931  
compliance with division (C) (4) of section 5119.37 of the 91932  
Revised Code, the department shall issue a declaration stating 91933  
that the location is in compliance. The declaration is valid for 91934  
two years from the date of issuance. 91935

The department shall provide to the provider either a copy 91936  
of the declaration or a notice that the department has 91937  
determined that the location is not in compliance with division 91938  
(C) (4) of section 5119.37 of the Revised Code. 91939

If, before expiration of the declaration, a community 91940  
addiction services provider applies for a license to operate an 91941  
opioid treatment program, the department shall not consider the 91942  
requirement of division (C) (4) of section 5119.37 of the Revised 91943  
Code in determining whether to issue the license. 91944

(B) A community addiction services provider seeking to 91945  
relocate an opioid treatment program licensed under section 91946  
5119.37 of the Revised Code may apply for and be granted a 91947  
declaration under division (A) of this section. If, before 91948  
expiration of the declaration, the provider applies for issuance 91949  
of a license due to relocation, the department shall not 91950  
consider the requirement of division (C) (4) of section 5119.37 91951  
of the Revised Code in determining whether to reissue the 91952  
license due to relocation. 91953

**Sec. 5119.38.** A drivers' intervention program may be used 91954  
as an alternative to a term of imprisonment for an offender 91955  
sentenced pursuant to division (G) (1) (a) of section 4511.19 of 91956  
the Revised Code, if it is certified by the director of ~~mental-~~ 91957  
behavioral health and addiction services pursuant to this 91958  
section. No drivers' intervention program shall be used as an 91959  
alternative to a term of imprisonment that is imposed pursuant 91960  
to division (G) (1) (b), (c), (d), or (e) of section 4511.19 of 91961  
the Revised Code. 91962

To qualify for certification by the director and to 91963  
receive funds from the statewide treatment and prevention fund 91964  
created by section 4301.30 of the Revised Code in any amounts 91965

and at any times that the director determines are appropriate, a 91966  
drivers' intervention program shall meet state minimum standards 91967  
that the director shall establish by rule. The rules shall 91968  
include, but are not limited to, standards governing program 91969  
course hours and content, qualifications of program personnel, 91970  
methods of identifying and testing participants to isolate 91971  
participants with alcohol and drug abuse problems, referral of 91972  
such persons to community addiction services providers, the 91973  
prompt notification of courts by program operators of the 91974  
completion of the programs by persons required by courts to 91975  
attend them, and record keeping, including methods of tracking 91976  
participants for a reasonable time after they have left the 91977  
program. 91978

The director shall issue a certificate to any qualified 91979  
drivers' intervention program. The certificate is valid for 91980  
three years. 91981

**Sec. 5119.39.** (A) The department of ~~mental-behavioral~~ 91982  
~~health and addiction services~~ shall monitor the operation of 91983  
recovery housing in this state by doing either of the following: 91984

(1) Certifying recovery housing residences through a 91985  
process established by the department; 91986

(2) Accepting accreditation, or its equivalent for 91987  
recovery housing, from one or more of the following: 91988

(a) The Ohio affiliate of the national alliance for 91989  
recovery residences; 91990

(b) Oxford house, inc.; 91991

(c) Any other organization that is designated by the 91992  
department for purposes of this section. 91993



(B) If the department certifies recovery housing residences, the department shall, in rules adopted under section 5119.397 of the Revised Code, establish requirements for initial certification and renewal certification, as well as grounds and procedures for disciplinary action against operators of recovery housing residences.

**Sec. 5119.391.** (A) The department of ~~mental-behavioral~~ health and ~~addiction services~~ shall monitor the establishment of recovery housing residences in this state.

(B) For purposes of division (A) of this section, and within the timeframe specified in division (C) of this section, each person or government entity that will operate a recovery housing residence on or after ~~the effective date of this section~~ October 3, 2023, including any recovery housing that was established and in operation prior to ~~the effective date of this section~~ October 3, 2023, shall file with the department, on a form prescribed by the department, all of the following information:

(1) The name of the recovery housing residence and any other name under which the residence does business;

(2) The address of the recovery housing residence;

(3) The name of the person or government entity operating the residence;

(4) The primary telephone number and electronic mail address for the recovery housing operator;

(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident;

(6) Information related to any existing accreditation or

its equivalent that the recovery housing residence has obtained 92022  
or is in the process of obtaining; 92023

(7) Any other information the department considers 92024  
appropriate. 92025

(C) The form required by division (B) of this section 92026  
shall be filed with the department as follows: 92027

(1) For a recovery housing residence that began operating 92028  
before the effective date of this section, not later than thirty 92029  
days after ~~the effective date of this section~~ October 3, 2023; 92030

(2) For a recovery housing residence that will begin 92031  
operating on or after ~~the effective date of this section~~ October 92032  
3, 2023, not later than thirty days after the first resident 92033  
begins occupying the residence. 92034

(D) If the department accepts accreditation or its 92035  
equivalent from an organization specified in section 5119.39 of 92036  
the Revised Code, the department may provide copies of forms 92037  
filed in accordance with this section to any such organization. 92038

**Sec. 5119.392.** (A) Beginning January 1, 2025, no person or 92039  
government entity shall operate a recovery housing residence 92040  
unless either of the following applies: 92041

(1) (a) If the department of ~~mental-behavioral health and~~ 92042  
~~addiction services~~ certifies recovery housing residences, the 92043  
recovery housing residence is certified by the department. 92044

(b) If the department accepts accreditation or its 92045  
equivalent from an organization specified in section 5119.39 of 92046  
the Revised Code, the residence is accredited by such an 92047  
organization. 92048

(2) The recovery housing residence has been operating for 92049

not more than eighteen months and is actively engaged in efforts 92050  
to obtain certification or accreditation, as applicable. For 92051  
purposes of identifying this eighteen-month timeframe, a 92052  
recovery housing residence is considered to begin operating on 92053  
the date that the first resident occupies the residence, as 92054  
specified on the form filed in accordance with section 5119.391 92055  
of the Revised Code. 92056

(B) If the director of ~~mental-behavioral health and~~ 92057  
~~addiction services~~ determines that a recovery housing residence 92058  
is operating in violation of this section, the director may 92059  
request, in writing, that the attorney general petition the 92060  
court of common pleas of the county in which the recovery 92061  
housing residence is located for an order enjoining operation of 92062  
the recovery housing residence. 92063

**Sec. 5119.393.** (A) The department of ~~mental-behavioral~~ 92064  
~~health and addiction services~~ shall establish a procedure to 92065  
receive and investigate complaints from residents, staff, and 92066  
the public regarding recovery housing residences. The department 92067  
may contract with one or more of the organizations specified in 92068  
section 5119.39 of the Revised Code to fulfill some or all of 92069  
the functions associated with receiving and investigating 92070  
complaints. 92071

(B) Any organization under contract with the department to 92072  
receive and investigate complaints shall make reports to the 92073  
department as follows: 92074

(1) Not less than monthly, the contractor shall report the 92075  
status of each pending investigation and shall report the 92076  
outcome of each investigation that has been completed since the 92077  
last report was made; 92078

(2) As soon as practicable, but not later than ten days after making an adverse decision, if a contractor's accreditation or its equivalent is accepted by the department for purposes of section 5119.39 of the Revised Code, the contractor shall report that decision to the department in a manner prescribed by the department.

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

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

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

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

(2) (a) The items described in division (C) (1) of this section shall be disclosed if required by law.

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

(c) The items described in division (C) (1) of this section may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an agency, but the court or agency shall require

that appropriate measures be taken to ensure that 92108  
confidentiality is maintained with respect to any part thereof 92109  
that contains names or other identifying information about 92110  
residents, complainants, or others whose confidentiality was 92111  
protected by the department or its contractor when the items 92112  
were in the possession of the department or contractor. Measures 92113  
to ensure confidentiality that may be taken by the court or 92114  
agency include sealing its records or redacting specific 92115  
information from its records. 92116

(d) The items described in division (C) (1) of this section 92117  
may be included in the registry established and maintained under 92118  
section 5119.394 of the Revised Code, but the department shall 92119  
make its best effort to do so in a manner that protects the 92120  
confidentiality of complainants, individuals or organizations 92121  
providing information about a complaint, and recovery housing 92122  
residents. The department may refer to any of the foregoing in 92123  
the registry as long as it removes personally identifying 92124  
information or uses any other technique it considers appropriate 92125  
to maintain confidentiality. 92126

**Sec. 5119.394.** (A) The department of ~~mental-behavioral~~ 92127  
~~health and addiction services~~ shall establish and maintain a 92128  
registry of recovery housing residences that meet the criteria 92129  
described in division (A) (1) or (2) of section 5119.392 of the 92130  
Revised Code. ~~For~~ 92131

(B) For each residence, the registry shall include all of 92132  
the following, subject to the confidentiality requirements of 92133  
division (C) of section 5119.393 of the Revised Code: 92134

(1) Any information from the form required by division (B) 92135  
of section 5119.391 of the Revised Code that the department 92136  
chooses to include in the registry; 92137

(2) If a complaint received under section 5119.393 of the Revised Code has been investigated and substantiated, a description of the complaint, the date the complaint was submitted to the department or its contractor, and the outcome of the investigation;

(3) Any other information the department considers appropriate.

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

~~(C)~~(D) The department shall make the registry available to the public on the department's web site.

**Sec. 5119.395.** (A) Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions:

(1) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code;

(2) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code.

(B) If the director of ~~mental behavioral health and~~ 92167  
~~addiction services~~ determines that a person or government entity 92168  
is violating division (A) of this section, the director may 92169  
request, in writing, that the attorney general petition the 92170  
court of common pleas of the county where the person or 92171  
government entity is operating the residence or other building 92172  
to enjoin that person or government entity from engaging in the 92173  
conduct that violates division (A) of this section. 92174

**Sec. 5119.397.** The director of ~~mental behavioral health~~ 92175  
~~and addiction services~~ may adopt rules in accordance with 92176  
Chapter 119. of the Revised Code to implement sections 5119.39 92177  
to 5119.396 of the Revised Code. 92178

**Sec. 5119.40.** (A) As used in this section, "individual 92179  
with a mental illness" and "specialized services" have the same 92180  
meanings as in section 5165.03 of the Revised Code. 92181

(B) (1) Except as provided in division (B) (2) of this 92182  
section and rules adopted under division (E) (3) of this section, 92183  
for purposes of section 5165.03 of the Revised Code, the 92184  
department of ~~mental behavioral health and addiction services~~ 92185  
shall determine in accordance with the "Social Security Act," 92186  
section 1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations 92187  
adopted under section 1919(f) (8) (A) of that act, 42 U.S.C. 92188  
1396r(f) (8) (A), whether, because of the individual's physical 92189  
and mental condition, an individual with a mental illness 92190  
seeking admission to a nursing facility requires the level of 92191  
services provided by a nursing facility and, if the individual 92192  
requires that level of services, whether the individual requires 92193  
specialized services for mental illness. The determination 92194  
required by this division shall be based on an independent 92195  
physical and mental evaluation performed by a person or entity 92196

other than the department. 92197

(2) Except as provided in division (B) (3) of this section, 92198  
a determination under division (B) (1) of this section is not 92199  
required for any of the following: 92200

(a) An individual seeking readmission to a nursing 92201  
facility after having been transferred from a nursing facility 92202  
to a hospital for care; 92203

(b) An individual who meets all of the following 92204  
conditions: 92205

(i) The individual is admitted to the nursing facility 92206  
directly from a hospital after receiving inpatient care at the 92207  
hospital; 92208

(ii) The individual requires nursing facility services for 92209  
the condition for which care in the hospital was received; 92210

(iii) The individual's attending physician has certified, 92211  
before admission to the nursing facility, that the individual is 92212  
likely to require less than thirty days of nursing facility 92213  
services. 92214

(c) An individual transferred from one nursing facility to 92215  
another nursing facility, with or without an intervening 92216  
hospital stay. 92217

(3) A determination under division (B) (1) of this section 92218  
is required for an individual described in division (B) (2) (a) or 92219  
(b) of this section if the hospital from which the individual is 92220  
transferred or directly admitted to a nursing facility is either 92221  
of the following: 92222

(a) A hospital that the department maintains, operates, 92223  
manages, and governs under section 5119.14 of the Revised Code 92224



for the care and treatment of persons with mental illnesses; 92225

(b) A free-standing hospital, or unit of a hospital, 92226  
licensed by the department under section 5119.33 of the Revised 92227  
Code. 92228

(C) Except as provided in rules adopted under division (E) 92229  
(3) of this section, the department of ~~mental~~-behavioral health 92230  
~~and addiction services~~ shall review and determine for each 92231  
resident of a nursing facility who has a mental illness, whether 92232  
the resident, because of the resident's physical and mental 92233  
condition, requires the level of services provided by a nursing 92234  
facility and whether the resident requires specialized services 92235  
for mental illness. The review and determination shall be 92236  
conducted in accordance with section 1919(e) (7) of the "Social 92237  
Security Act" and the regulations adopted under section 1919(f) 92238  
(8) (A) of the act and based on an independent physical and 92239  
mental evaluation performed by a person or entity other than the 92240  
department. The review and determination shall be completed 92241  
promptly after a nursing facility has notified the department 92242  
that there has been a significant change in the resident's 92243  
mental or physical condition. 92244

(D) (1) In the case of a nursing facility resident who has 92245  
continuously resided in a nursing facility for at least thirty 92246  
months before the date of a review and determination under 92247  
division (C) of this section, if the resident is determined not 92248  
to require the level of services provided by a nursing facility, 92249  
but is determined to require specialized services for mental 92250  
illness, the department, in consultation with the resident's 92251  
family or legal representative and care givers, shall do all of 92252  
the following: 92253

(a) Inform the resident of the institutional and 92254

noninstitutional alternatives covered under the state plan for 92255  
medical assistance; 92256

(b) Offer the resident the choice of remaining in the 92257  
nursing facility or receiving covered services in an alternative 92258  
institutional or noninstitutional setting; 92259

(c) Clarify the effect on eligibility for services under 92260  
the state plan for medical assistance if the resident chooses to 92261  
leave the facility, including its effect on readmission to the 92262  
facility; 92263

(d) Provide for or arrange for the provision of 92264  
specialized services for the resident's mental illness in the 92265  
setting chosen by the resident. 92266

(2) In the case of a nursing facility resident who has 92267  
continuously resided in a nursing facility for less than thirty 92268  
months before the date of the review and determination under 92269  
division (C) of this section, if the resident is determined not 92270  
to require the level of services provided by a nursing facility, 92271  
but is determined to require specialized services for mental 92272  
illness, or if the resident is determined to require neither the 92273  
level of services provided by a nursing facility nor specialized 92274  
services for mental illness, the department shall act in 92275  
accordance with its alternative disposition plan approved by the 92276  
United States department of health and human services under 92277  
section 1919(e) (7) (E) of the "Social Security Act." 92278

(3) In the case of an individual who is determined under 92279  
division (B) or (C) of this section to require both the level of 92280  
services provided by a nursing facility and specialized services 92281  
for mental illness, the department of ~~mental-behavioral~~ health 92282  
~~and addiction services~~ shall provide or arrange for the 92283

provision of the specialized services needed by the individual 92284  
or resident while residing in a nursing facility. 92285

(E) The department of ~~mental behavioral health and~~ 92286  
~~addiction services~~ shall adopt rules in accordance with Chapter 92287  
119. of the Revised Code that do all of the following: 92288

(1) Establish criteria to be used in making the 92289  
determinations required by divisions (B) and (C) of this 92290  
section. The criteria shall not exceed the criteria established 92291  
by regulations adopted by the United States department of health 92292  
and human services under section 1919(f) (8) (A) of the "Social 92293  
Security Act." 92294

(2) Specify information to be provided by the individual 92295  
or nursing facility resident being assessed; 92296

(3) Specify any circumstances, in addition to 92297  
circumstances listed in division (B) of this section, under 92298  
which determinations under divisions (B) and (C) of this section 92299  
are not required to be made. 92300

**Sec. 5119.41.** (A) The department of ~~mental behavioral~~ 92301  
~~health and addiction services~~ shall implement the residential 92302  
state supplement program under which the state supplements the 92303  
amounts received by aged, blind, or disabled adults as 92304  
supplemental security income payments under Title XVI of the 92305  
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 92306  
security benefits or social security disability insurance 92307  
benefits under Title II of the "Social Security Act," 42 U.S.C. 92308  
401 et seq. Residential state supplement payments shall be used 92309  
for the provision of accommodations, supervision, and personal 92310  
care services to recipients of supplemental security income 92311  
payments, social security benefits, and social security 92312

disability insurance benefits who the department determines are 92313  
at risk of needing institutional care. 92314

In implementing the program, the department may designate 92315  
one or more entities to be responsible for providing 92316  
administrative services regarding the program. The department 92317  
may designate an entity either by entering into a contract with 92318  
the entity to ~~provided~~ provide the services or by otherwise 92319  
delegating to the entity the responsibility to provide the 92320  
services. 92321

(B) To be eligible for residential state supplement 92322  
payments, an individual must satisfy all eligibility 92323  
requirements established by rules adopted under this section. 92324

(C) The director of ~~mental behavioral health and addiction~~ 92325  
~~services~~ and the medicaid director shall adopt rules as 92326  
necessary to implement the residential state supplement program, 92327  
including the requirements that an individual must satisfy to be 92328  
eligible for payments under the program. The rules shall be 92329  
adopted in accordance with Chapter 119. of the Revised Code. 92330

The rules adopted by the director of ~~mental behavioral~~ 92331  
~~health and addiction services~~ may establish the method to be 92332  
used to determine the payment an eligible individual will 92333  
receive under the program. The amount the general assembly 92334  
appropriates for the program may be a factor included in the 92335  
method that director establishes. 92336

To the extent permitted by Title XVI of the "Social 92337  
Security Act" and any other provision of federal law, the rules 92338  
adopted by the medicaid director may establish standards for 92339  
adjusting the eligibility requirements concerning the level of 92340  
impairment an individual must have so that the amount 92341

appropriated for the program by the general assembly is adequate 92342  
for the number of eligible individuals. The rules shall not 92343  
limit the eligibility of individuals who are disabled solely on 92344  
a basis classifying disabilities as physical or mental. 92345

(D) The county department of job and family services of 92346  
the county in which an applicant for the residential state 92347  
supplement program resides or the department of medicaid shall 92348  
determine whether the applicant meets income and resource 92349  
requirements for the program. 92350

The county department of job and family services or the 92351  
department of medicaid shall notify each individual who is 92352  
denied approval for payments under the program of the 92353  
individual's right to a hearing. On request, the hearing shall 92354  
be provided in accordance with section 5101.35 of the Revised 92355  
Code. 92356

(E) An individual in a licensed or certified living 92357  
arrangement receiving state supplementation on November 15, 92358  
1990, under former section 5101.531 of the Revised Code shall 92359  
not become ineligible for payments under this program solely by 92360  
reason of the individual's living arrangement as long as the 92361  
individual remains in the living arrangement in which the 92362  
individual resided on November 15, 1990. 92363

**Sec. 5119.42.** (A) As used in this section, "private, 92364  
nonprofit organization" means a private association, 92365  
organization, corporation, or other entity that is tax exempt 92366  
under section 501(a) and described in section 501(c) of the 92367  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 92368

(B) To the extent funds are available and on application 92369  
by boards of alcohol, drug addiction, and mental health 92370

services, the director of ~~mental behavioral health and addiction~~ 92371  
~~services~~ may approve state reimbursement of, or state grants 92372  
for, community construction programs including residential 92373  
housing for persons with severe mental disabilities and persons 92374  
with substance use disorders. The director may also approve an 92375  
application for reimbursement or a grant for such programs 92376  
submitted by other governmental entities or by private, 92377  
nonprofit organizations, after the application has been reviewed 92378  
and recommended for approval or disapproval by the board of 92379  
alcohol, drug addiction, and mental health services for the 92380  
district from which the application came, and the application is 92381  
consistent with the board's approved community addiction and 92382  
mental health plan submitted under division (A) of section 92383  
340.03 of the Revised Code and the board's approved budget and 92384  
list of addiction services, mental health services, and recovery 92385  
supports submitted under divisions (A) and (B) of section 340.08 92386  
of the Revised Code. 92387

(C) (1) The director of ~~mental behavioral health and~~ 92388  
~~addiction services~~ shall adopt rules in accordance with Chapter 92389  
119. of the Revised Code that specify procedures for applying 92390  
for state reimbursement of and state grants for community 92391  
construction programs, including residential housing for persons 92392  
with severe mental disabilities and persons with substance use 92393  
disorders and procedures and criteria for approval of such 92394  
reimbursement and grants. 92395

(2) The director of ~~mental behavioral health and addiction~~ 92396  
~~services~~ shall not approve state reimbursement or a state grant 92397  
unless all of the following conditions are met: 92398

(a) The applicant includes with the application a plan 92399  
specifying the services, in addition to housing, that will be 92400

provided to persons who will reside in the residential housing. 92401  
Services specified may include any of the services described in 92402  
section 340.09 of the Revised Code. 92403

(b) The director is satisfied that the residential housing 92404  
for persons with severe mental disabilities will be developed to 92405  
promote the maximum practical integration of persons with severe 92406  
mental disabilities with persons at the same site who do not 92407  
have severe mental disabilities. 92408

(c) The use of any funds distributed pursuant to the 92409  
reimbursement or grant will not subject any obligation from 92410  
which the funds are derived to federal income taxation. 92411

(3) The director may enter into an agreement establishing 92412  
terms for any reimbursement or grant approved under this 92413  
division with the organization, board, or other government 92414  
entity that is the recipient of the reimbursement or grant. Any 92415  
such agreement is subject to any covenant or agreement 92416  
pertaining to any obligation issued to provide funds for the 92417  
reimbursement or grant. 92418

**Sec. 5119.421.** (A) This section applies to a board of 92419  
alcohol, drug addiction, and mental health services, another 92420  
governmental entity, or a private, nonprofit organization that 92421  
received a grant or reimbursement under section 5119.42 of the 92422  
Revised Code for a facility on which the department of ~~mental-~~ 92423  
behavioral health and addiction services holds a security 92424  
interest. 92425

(B) A board of alcohol, drug addiction, and mental health 92426  
services, another governmental entity, or a private, nonprofit 92427  
organization to which this section applies may apply to the 92428  
director of ~~mental-~~behavioral health and addiction services for 92429

approval to sell its facility and acquire, construct, or 92430  
renovate a replacement facility pursuant to this section. The 92431  
director shall prescribe the form of the application. Before 92432  
submitting an application to the director, a governmental entity 92433  
or private, nonprofit organization must obtain approval of the 92434  
application from the board of alcohol, drug addiction, and 92435  
mental health services with jurisdiction over the service 92436  
district in which the existing facility is located. The director 92437  
shall approve an application for a replacement project upon 92438  
determining that the project provides for the continuation of 92439  
appropriate mental health and addiction services to the 92440  
population served by the board, entity, or organization. 92441

(C) A board, entity, or organization that obtains approval 92442  
for a project under division (B) of this section shall pay the 92443  
proceeds of the sale of its facility to the director of ~~mental-~~ 92444  
behavioral health and addiction services. The director shall 92445  
deposit the proceeds to the credit of the community capital 92446  
replacement facilities fund. 92447

(D) When a board, entity, or organization that has sold 92448  
its facility notifies the director of ~~mental-~~behavioral health 92449  
~~and addiction services~~ that it is ready to acquire, construct, 92450  
or renovate a replacement facility, the director shall do one of 92451  
the following: 92452

(1) If the replacement facility is located in the same 92453  
alcohol, drug addiction, and mental health service district as 92454  
the original facility, and if the purposes for which the 92455  
replacement facility will be used are the same as or similar to 92456  
those for the original facility, the director shall pay to the 92457  
board, entity, or organization from the community capital 92458  
replacement facilities fund an amount equal to the lesser of an 92459



amount equal to the proceeds of the sale of the original 92460  
facility or the amount of the state's agreed-upon participation 92461  
(as a per cent of the total cost) in the cost of the replacement 92462  
facility. If the amount of the state's agreed-upon participation 92463  
in the cost of the replacement facility is less than the value 92464  
of the state's security interest in the original facility, the 92465  
difference between the state's agreed-upon participation in the 92466  
cost of the replacement facility and the value of the state's 92467  
security interest in the original facility shall be retained in 92468  
the community capital replacement facilities fund, and any 92469  
excess proceeds shall be paid to the board, entity, or 92470  
organization. 92471

(2) If the replacement facility is located in a different 92472  
alcohol, drug addiction, and mental health service district than 92473  
the original facility, or if the purposes for which the 92474  
replacement facility will be used are not the same as or similar 92475  
to those for the original facility, the director shall request 92476  
controlling board approval for release of funds for the project. 92477  
If the controlling board so approves, the director shall pay to 92478  
the board, entity, or organization from the community capital 92479  
replacement facilities fund the lesser of an amount equal to the 92480  
proceeds of the sale of the original facility or the amount of 92481  
the state's agreed-upon participation (as a per cent of the 92482  
total cost) in the cost of the replacement facility. If the 92483  
amount of the state's agreed-upon participation in the cost of 92484  
the replacement facility is less than the value of the state's 92485  
security interest in the original facility, the difference 92486  
between the state's agreed-upon participation in the cost of the 92487  
replacement facility and the value of the state's security 92488  
interest in the original facility shall be retained in the 92489  
community capital replacement facilities fund, and any excess 92490

proceeds shall be paid to the board, entity, or organization. 92491

(E) The director of ~~mental-behavioral health and addiction services~~ and a board, entity, or organization shall enter into 92492  
an agreement specifying the terms of any payment made to the 92493  
board, entity, or organization under division (D) of this 92494  
section. The terms may include provision for the department of 92495  
~~mental-behavioral health and addiction services~~ to hold a 92496  
security interest in the facility. 92497  
92498

(F) (1) When approving an application under division (B) of 92499  
this section, the director of ~~mental-behavioral health and~~ 92500  
~~addiction services~~ shall establish a deadline by which the 92501  
board, entity, or organization must notify the director that it 92502  
is ready to acquire, construct, or renovate a replacement 92503  
facility. If the board, entity, or organization does not notify 92504  
the director on or before the deadline, the director may cancel 92505  
the project. Upon canceling the project, the director shall pay 92506  
to the board, entity, or organization from the community capital 92507  
replacement facilities fund an amount equal to the portion of 92508  
the proceeds of the sale of the original facility that exceeds 92509  
the value of the state's security interest in the facility. 92510

(2) Notwithstanding the deadline established under 92511  
division (F) (1) of this section, if at any time a board, entity, 92512  
or organization notifies the director that it does not intend to 92513  
acquire, construct, or renovate a replacement facility under 92514  
this section, the director shall cancel the replacement project 92515  
and pay to the board, entity, or organization from the community 92516  
capital replacement facilities fund an amount equal to the 92517  
portion of the proceeds of the sale of the original facility 92518  
that exceeds the value of the state's security interest in the 92519  
facility. 92520

(G) If a replacement project is canceled after the sale of the original facility, the director of ~~mental-behavioral health and addiction services~~ shall use funds equal to the value of the state's security interest in the original facility for additional grants or reimbursements under section 5119.42 of the Revised Code. The director shall obtain the approval of the controlling board before releasing the additional grants or reimbursements.

(H) The community capital replacement facilities fund is hereby created in the state treasury. The director of ~~mental-behavioral health and addiction services~~ shall use the fund for the purposes of this section.

**Sec. 5119.43.** (A) The director of ~~mental-behavioral health and addiction services~~ may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of ~~mental-behavioral health and addiction services~~ in the following manner:

(1) The director of ~~mental-behavioral health and addiction services~~ shall designate lands and facilities that are not needed by the department of ~~mental-behavioral health and addiction services~~ and are under the jurisdiction of the department.

(2) The director of ~~mental-behavioral health and addiction services~~ shall have a preliminary appraisal made of any lands or facilities designated under division (A) (1) of this section by a disinterested professional appraiser from the department of administrative services. The appraiser shall deliver to the director of ~~mental-behavioral health and addiction services~~ a signed certificate of the probable market value of the lands and

facilities as determined from the preliminary appraisal. 92551

(3) The director of ~~mental-behavioral health and addiction~~ 92552  
~~services~~ shall certify to the clerk of the house of 92553  
representatives and to the clerk of the senate a list of all 92554  
lands and facilities which may be sold or leased, and shall 92555  
include with the list the results of the preliminary appraisals 92556  
of the lands and facilities, a general description of the land 92557  
and facilities, and a description of the current use of the land 92558  
and facilities. 92559

(4) Every list of lands and facilities certified by the 92560  
director of ~~mental-behavioral health and addiction services~~ to 92561  
the clerk of the house of representatives and to the clerk of 92562  
the senate under division (A) (3) of this section, shall 92563  
immediately be transmitted by the respective clerks to the 92564  
committees in the house and the senate to which land conveyance 92565  
bills are usually referred. If either committee files in its 92566  
clerk's office, within sixty calendar days of the original 92567  
certification of the lands and facilities by the director of 92568  
~~mental-behavioral health and addiction services~~, a report 92569  
disapproving the sale or lease of any lands or facilities, the 92570  
sale or lease of the lands or facilities disapproved in the 92571  
report shall not be made under this section. With respect to a 92572  
sale or lease of lands and facilities that has not been 92573  
disapproved under this division, the director of ~~mental-~~ 92574  
~~behavioral health and addiction services~~ shall certify those 92575  
lands and facilities to the director of administrative services. 92576

(5) After certification to the director of administrative 92577  
services under division (A) (4) of this section, the director of 92578  
~~mental-behavioral health and addiction services~~ shall have a 92579  
formal appraisal made of the lands and facilities by a 92580

disinterested professional appraiser from the department of 92581  
administrative services. The director of ~~mental-behavioral~~ 92582  
~~health and addiction services~~ may accept the formal appraisal or 92583  
may reject it and order a new formal appraisal by a 92584  
disinterested professional appraiser who shall not be from the 92585  
department of administrative services. The director of ~~mental-~~ 92586  
~~behavioral~~ ~~health and addiction services~~ may then sell or lease 92587  
the lands or facilities in accordance with this division and 92588  
department of administrative services procedures as set forth in 92589  
Chapter 123. of the Revised Code. Any such deed or lease shall 92590  
be prepared and recorded pursuant to section 5301.13 of the 92591  
Revised Code. The department of administrative services shall be 92592  
the sole agent for the state and shall complete the sale or 92593  
lease of the lands or facilities, up to and including the 92594  
closing thereof, after the director of ~~mental-behavioral~~ ~~health~~ 92595  
~~and addiction services~~ approves the sale price. The director of 92596  
~~mental-behavioral~~ ~~health and addiction services~~ and the director 92597  
of administrative services may, if it is determined to be in the 92598  
best interests of the state, agree to sell surplus land for an 92599  
amount less than the formal appraised value but shall not sell 92600  
any land for less than two-thirds of the formal appraised value. 92601

(B) Coincident with the certification made under division 92602  
(A) (3) of this section concerning lands which may be sold, the 92603  
director of ~~mental-behavioral~~ ~~health and addiction services~~ 92604  
shall give written notice of intention to sell the lands by 92605  
certified mail to the executive officer of each county, 92606  
township, municipal corporation, and school district within 92607  
which the lands are situated. In each notice, the director of 92608  
~~mental-behavioral~~ ~~health and addiction services~~ shall specify 92609  
the conditions under which the lands shall be sold, including 92610  
whether the lands will be sold as a single unit or sold in 92611

specific parcels that the director designates, and shall solicit 92612  
from the subdivision offers to purchase the lands in accordance 92613  
with the conditions the director of ~~mental-behavioral health and~~ 92614  
~~addiction services~~ has specified and at a price equal to the 92615  
preliminary appraised value determined pursuant to division (A) 92616  
(2) of this section. If, within thirty days of having certified 92617  
the lands to the director of administrative services under 92618  
division (A)(4) of this section, the director of ~~mental-~~ 92619  
~~behavioral health and addiction services~~ receives from the 92620  
executive officer of a subdivision a written offer to purchase 92621  
the lands at or above the price specified in the original notice 92622  
from the director of ~~mental-behavioral health and addiction-~~ 92623  
~~services~~ to the officer, provided such offer otherwise complies 92624  
with the conditions of purchase specified in the original notice 92625  
from the director of ~~mental-behavioral health and addiction-~~ 92626  
~~services~~, the director of ~~mental-behavioral health and addiction~~ 92627  
~~services~~ shall forthwith enter into an agreement to sell the 92628  
lands to the subdivision. The agreement shall incorporate any 92629  
and all terms that are acceptable to both parties and that are 92630  
consistent with the terms specified in the original notice from 92631  
the director of ~~mental-behavioral health and addiction services.~~ 92632  
If no offer to purchase is received by the director of ~~mental-~~ 92633  
~~behavioral health and addiction services~~ within the thirty-day 92634  
period provided in this division, the original notice from the 92635  
director of ~~mental-behavioral health and addiction services-~~ 92636  
shall be considered withdrawn and the director of ~~mental-~~ 92637  
~~behavioral health and addiction services~~ shall be under no 92638  
obligation to sell any of the lands specified in the notice to 92639  
the subdivision. If two or more offers to purchase the same 92640  
parcels of land are received by the director of ~~mental-~~ 92641  
~~behavioral health and addiction services~~ within the required 92642  
time period from the executive officers of two or more 92643

subdivisions, the director of ~~mental-behavioral health and~~ 92644  
~~addiction services~~ shall accept the offer or offers to purchase 92645  
that the director considers to be in the best interests of the 92646  
state and of the department of ~~mental-behavioral health and~~ 92647  
~~addiction services~~ and shall proceed to enter into agreements of 92648  
sale pursuant to this division. If all of the original notices 92649  
from the director of ~~mental-behavioral health and addiction~~ 92650  
~~services~~ relating to a given parcel of land become withdrawn, 92651  
the director of ~~mental-behavioral health and addiction services~~ 92652  
may thereupon proceed to sell the parcel as otherwise provided 92653  
in this section. No subdivision may commence an action to 92654  
enforce the provisions of this division, or to seek any other 92655  
legal or equitable remedy relative to this division, with 92656  
respect to any lands certified to the director of administrative 92657  
services under division (A) (4) of this section, except within 92658  
sixty days of the date on which the lands were so certified. 92659

(C) Any agreement under this section shall be at such 92660  
terms as will be in the best interests of the state and the 92661  
department of ~~mental-behavioral health and addiction services~~. 92662  
However, the terms of any agreement for sale shall include a 92663  
provision that the purchaser will abide by any comprehensive 92664  
plan for the area that has been adopted by the local government 92665  
in which the property is located before the parties enter into 92666  
the agreement. No lease shall be of a duration greater than 92667  
fifteen years. No agreement, except an agreement entered into 92668  
under division (B) of this section, shall be entered into before 92669  
the proposal to sell or lease the land or facilities has been 92670  
advertised once each week for four weeks in a newspaper of 92671  
general circulation in every county in which the lands or 92672  
facilities are located and if the preliminary appraised value of 92673  
the land to be sold or leased is more than one hundred thousand 92674

dollars, advertisement shall be made once each week for four 92675  
weeks in at least two newspapers in the state having a daily 92676  
circulation of one hundred thousand or more. If a city in this 92677  
state is served by more than one newspaper having a circulation 92678  
of one hundred thousand or more, advertisement may be made in 92679  
only one of the newspapers serving the city. 92680

(D) Each deed or lease prepared and recorded pursuant to 92681  
this section shall contain a recital stating that all provisions 92682  
of this section have been complied with. The recital shall be 92683  
considered binding and conclusive against all subdivisions of 92684  
the state provided no action has been commenced pursuant to 92685  
division (B) of this section. Any deed or lease containing such 92686  
a recital shall be conclusively presumed to have been executed 92687  
in compliance with this section insofar as title or other 92688  
interest of any bona fide purchasers, lessees, or transferees of 92689  
the property is concerned. 92690

(E) Nothing in this section shall be construed as 92691  
establishing a precedent for the disposal of state lands and 92692  
facilities by other departments of the state. 92693

**Sec. 5119.431.** When it is necessary for a state 92694  
institution under the jurisdiction of the department of ~~mental-~~ 92695  
behavioral health and addiction services to acquire any real 92696  
estate, right of way, or easement in real estate in order to 92697  
accomplish the purposes for which it was organized or is being 92698  
conducted, and the department is unable to agree with the owner 92699  
of such property upon the price to be paid therefor, such 92700  
property may be appropriated in the manner provided for the 92701  
appropriation of property for other state purposes. 92702

Any instrument by which real property is acquired pursuant 92703  
to this section shall identify the agency of the state that has 92704



the use and benefit of the real property as specified in section 92705  
5301.012 of the Revised Code. 92706

**Sec. 5119.44.** As used in this section, "free clinic" has 92707  
the same meaning as in section 2305.2341 of the Revised Code. 92708

(A) The department of ~~mental-behavioral health and~~ 92709  
~~addiction services~~ may provide certain goods and services for 92710  
the department of ~~mental-behavioral health and addiction~~ 92711  
~~services~~, the department of developmental disabilities, the 92712  
department of rehabilitation and correction, the department of 92713  
youth services, and other state, county, or municipal agencies 92714  
requesting such goods and services when the department of ~~mental~~ 92715  
~~behavioral health and addiction services~~ determines that it is 92716  
in the public interest, and considers it advisable, to provide 92717  
these goods and services. The department of ~~mental-behavioral~~ 92718  
health ~~and addiction services~~ also may provide goods and 92719  
services to agencies operated by the United States government 92720  
and to public or private nonprofit agencies, other than free 92721  
clinics, that are funded in whole or in part by the state if the 92722  
public or private nonprofit agencies are designated for 92723  
participation in this program by the director of ~~mental-~~ 92724  
~~behavioral health and addiction services~~ for community addiction 92725  
services providers and community mental health services 92726  
providers, the director of developmental disabilities for 92727  
community developmental disabilities agencies, the director of 92728  
rehabilitation and correction for community rehabilitation and 92729  
correction agencies, or the director of youth services for 92730  
community youth services agencies. 92731

Designated community agencies or services providers shall 92732  
receive goods and services through the department of ~~mental-~~ 92733  
~~behavioral health and addiction services~~ only in those cases 92734

where the designating state agency certifies that providing such 92735  
goods and services to the agency or services provider will 92736  
conserve public resources to the benefit of the public and where 92737  
the provision of such goods and services is considered feasible 92738  
by the department of ~~mental behavioral health and addiction~~ 92739  
~~services~~. 92740

(B) The department of ~~mental behavioral health and~~ 92741  
~~addiction services~~ may permit free clinics to purchase certain 92742  
goods and services to the extent the purchases fall within the 92743  
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 92744  
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 92745  
amended. 92746

(C) The goods and services that may be provided by the 92747  
department of ~~mental behavioral health and addiction services~~ 92748  
under divisions (A) and (B) of this section may include: 92749

(1) Procurement, storage, processing, and distribution of 92750  
food and professional consultation on food operations; 92751

(2) Procurement, storage, and distribution of medical and 92752  
laboratory supplies, dental supplies, medical records, forms, 92753  
optical supplies, and sundries; 92754

(3) Procurement, storage, repackaging, distribution, and 92755  
dispensing of drugs, the provision of professional pharmacy 92756  
consultation, and drug information services; 92757

(4) Other goods and services. 92758

(D) The department of ~~mental behavioral health and~~ 92759  
~~addiction services~~ may provide the goods and services designated 92760  
in division (C) of this section to its institutions and to 92761  
state-operated community-based mental health or addiction 92762  
services providers. 92763

(E) After consultation with and advice from the director of developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of ~~mental-behavioral health and addiction services~~ may provide the goods and services designated in division (C) of this section to the department of developmental disabilities, the department of rehabilitation and correction, and the department of youth services.

(F) The cost of administration of this section shall be determined by the department of ~~mental-behavioral health and addiction services~~ and paid by the agencies, services providers, or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the Ohio pharmacy services fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department.

(G) Whenever a state agency fails to make a payment for goods and services provided under this section within thirty-one days after the date the payment was due, the office of budget and management may transfer moneys from the state agency to the department of ~~mental-behavioral health and addiction services~~. The amount transferred shall not exceed the amount of overdue payments. Prior to making a transfer under this division, the office of budget and management shall apply any credits the state agency has accumulated in payments for goods and services provided under this section.

(H) Purchases of goods and services under this section are not subject to section 307.86 of the Revised Code.

**Sec. 5119.45.** Unless otherwise specifically provided by law, all moneys received by the department of ~~mental-behavioral~~

health and ~~addiction services~~ from the sale of goods and 92794  
services, including, but not limited to, shared service 92795  
agreements with other governmental entities and nongovernmental 92796  
entities, employee housing and cafeteria receipts, fees for 92797  
copying services, and sales of other tangible personal property 92798  
under the department's control, shall be paid into the state 92799  
treasury to the credit of the sale of goods and services fund, 92800  
which is hereby created. Moneys received by the department 92801  
pursuant to section 5119.44 of the Revised Code shall not be 92802  
paid into the fund. The department shall use the moneys in the 92803  
fund for paying operating expenses of the department. 92804

**Sec. 5119.46.** There is hereby created in the state 92805  
treasury the department of mental behavioral health and 92806  
~~addiction services~~ trust fund. ~~Not later than the first day of~~ 92807  
~~September of each year, the director of mental health and~~ 92808  
~~addiction services shall certify to the director of budget and~~ 92809  
~~management the amount of all of the unexpended, unencumbered~~ 92810  
~~balances of general revenue fund appropriations made to the~~ 92811  
~~department of mental health and addiction services for the~~ 92812  
~~previous fiscal year, excluding funds appropriated for rental~~ 92813  
~~payments to the Ohio public facilities commission. On receipt of~~ 92814  
~~the certification, the director of budget and management shall~~ 92815  
~~transfer cash to the trust fund in an amount up to, but not~~ 92816  
~~exceeding, the total of the amounts certified by the director of~~ 92817  
~~mental health and addiction services.~~ 92818

~~In addition, the~~ The trust fund shall receive all amounts, 92819  
subject to any provisions in bond documents, received from the 92820  
sale or lease of lands and facilities by the department. 92821

All moneys in the trust fund ~~shall be used by the~~ 92822  
~~department of mental health and addiction services to pay for~~ 92823

~~expenditures the department incurs in performing any of its~~ 92824  
~~duties under this chapter~~ are subject to appropriation by the 92825  
general assembly or may be used with the approval of the 92826  
controlling board. The use of moneys in the trust fund pursuant 92827  
to this section does not represent an ongoing commitment to the 92828  
continuation of the trust fund or to the use of moneys in the 92829  
trust fund. 92830

**Sec. 5119.47.** The director of ~~mental-behavioral health and~~ 92831  
~~addiction services~~ shall administer the problem casino gambling 92832  
and addictions fund. The director shall use the money in the 92833  
fund to support gambling addiction services, alcohol and drug 92834  
addiction services, other services that relate to gambling 92835  
addiction and substance abuse, and research that relates to 92836  
gambling addiction and substance abuse. Treatment and prevention 92837  
services supported by money in the fund under this section shall 92838  
be services that are certified by the department of ~~mental-~~ 92839  
behavioral health and addiction services. 92840

The director shall prepare an annual report describing the 92841  
use of the fund for these purposes. The director shall submit 92842  
the report to the Ohio casino control commission, the speaker 92843  
and minority leader of the house of representatives, the 92844  
president and minority leader of the senate, and the governor. 92845

**Sec. 5119.48.** (A) The department of ~~mental-behavioral~~ 92846  
~~health and addiction services~~ shall create the all roads lead to 92847  
home program. The program shall include all of the following 92848  
initiatives: 92849

(1) A media campaign. As part of the campaign, the 92850  
department shall develop public service announcements and shall 92851  
make the announcements available to television and radio media 92852  
outlets. The announcements shall be made available beginning on 92853

January 1, 2018, ~~and~~. Thereafter, the announcements shall be 92854  
made at least twice annually, once between January and March of 92855  
each year, and once in September of each year as part of 92856  
national recovery month. 92857

(2) A web site ~~as~~ that meets the requirements described in 92858  
division (C) of this section; 92859

(3) A twenty-four-hour hotline, that is operated by a call 92860  
center, for the purpose of helping individuals access addiction 92861  
services. 92862

(B) The media campaign described in division (A) (1) of 92863  
this section shall do all of the following: 92864

(1) Include messages to reduce the stigma associated with 92865  
seeking help for drug addiction; 92866

(2) Provide directions for people who are in need of drug 92867  
addiction assistance to a web-based location that includes all 92868  
of the following: 92869

(a) Information on where to find help for drug addiction; 92870

(b) Information on intervention and referral options; 92871

(c) Contact information for ~~county board~~ boards of 92872  
alcohol, drug addiction assistance authorities, and mental 92873  
health services. 92874

(3) Prioritize its efforts in media markets that have the 92875  
highest rates of drug overdose deaths in this state; 92876

(4) Utilize television and radio public service 92877  
announcements provided to media outlets, as well as internet 92878  
advertising models such as low-cost social media outlets. 92879

(C) Before January 1, 2018, for purposes of division (A) 92880

(2) of this section, the department shall create a web site ~~as~~ 92881  
~~described in division (A) (2) of this section that~~ is interactive 92882  
and offers all of the following components: 92883

(1) If reasonably available for use, an evidence-based 92884  
self-reporting screening tool approved by the department's 92885  
medical director; 92886

(2) Community detoxification and withdrawal management 92887  
options and community treatment options; 92888

(3) A searchable database of certified substance abuse 92889  
providers organized by zip code; 92890

(4) Information on recovery supports, including recovery 92891  
housing residences; 92892

(5) Clinical information regarding what a person may 92893  
expect during detoxification, withdrawal, and treatment. 92894

(D) The department may contract with private vendors for 92895  
the creation and maintenance of the ~~interactive~~ web site 92896  
described in division (C) of this section. 92897

**Sec. 5119.49.** (A) The director of ~~mental-behavioral~~ health 92898  
~~and addiction services~~ shall collaborate with the state board of 92899  
pharmacy and attorney general in the establishment and 92900  
administration of a drug take-back program, as provided under 92901  
section 4729.69 of the Revised Code. 92902

(B) The department may accept grants, gifts, or donations 92903  
for purposes of the program. Money received under this division 92904  
shall be deposited into the drug take-back program fund 92905  
established under section 109.90 of the Revised Code. 92906

**Sec. 5119.50.** The director of ~~mental-behavioral~~ health ~~and~~ 92907  
~~addiction services~~ may accept, hold, and administer in trust on 92908

behalf of the state, if it is for the public interest, any 92909  
grant, gift, devise, or bequest of money or property made to the 92910  
state for the use or benefit of any institution described in 92911  
section 5119.14 of the Revised Code or for the use and benefit 92912  
of persons with mental illnesses under its control. If the trust 92913  
so provides, the money or property may be used for any work 92914  
which the department of ~~mental behavioral health and addiction~~ 92915  
~~services~~ is authorized to undertake. 92916

The department shall keep such gift, grant, devise, or 92917  
bequest as a distinct property or fund and, if it is in money, 92918  
shall invest it in the manner provided by law. The department 92919  
may deposit in a proper trust company or savings bank any money 92920  
left in trust during a specified life or lives and shall adopt 92921  
rules governing the deposit, transfer, withdrawal, or investment 92922  
of such money and the income thereof. 92923

The department shall, in the manner prescribed by the 92924  
director of budget and management pursuant to section 126.21 of 92925  
the Revised Code, account for all money or property received or 92926  
expended under this section. The records, together with a 92927  
statement certified by the depository showing the funds 92928  
deposited there to the credit of the trust, shall be open to 92929  
public inspection. The director of budget and management may 92930  
require the department to file a report with the director on any 92931  
particular portion, or the whole, of any trust property received 92932  
or expended by it. 92933

The department shall, upon the expiration of any trust 92934  
according to its terms, dispose of the funds or property held 92935  
thereunder in the manner provided in the instrument creating the 92936  
trust. If the instrument creating the trust failed to make any 92937  
terms of disposition, or if no trust was in evidence, then the 92938



decendent patient's money, saving or commercial deposits, 92939  
dividends or distributions, bonds, or any other interest-bearing 92940  
debt certificate or stamp issued by the United States government 92941  
shall escheat to the state. All such unclaimed intangible 92942  
personal property of a former patient shall be retained by the 92943  
managing officer in such institution for the period of one year, 92944  
during which time every possible effort shall be made to find 92945  
such former patient or the former patient's legal 92946  
representative. 92947

If, after a period of one year from the time the patient 92948  
has left the institution or has died, the managing officer has 92949  
been unable to locate such person or the person's legal 92950  
representative, then upon proper notice of such fact the 92951  
director shall at that time formulate in writing a method of 92952  
disposition on the minutes of the department authorizing the 92953  
managing officer to convert such intangible personal property to 92954  
cash to be paid into the state treasury to the credit of the 92955  
general revenue fund. 92956

The department shall include in its annual report a 92957  
statement of all money and property and the terms and conditions 92958  
relating thereto. 92959

**Sec. 5119.51.** (A) As used in this section, "supplemental 92960  
services" has the same meaning as in section 5815.28 of the 92961  
Revised Code. 92962

(B) There is hereby created in the state treasury the 92963  
services fund for individuals with mental illness. On the death 92964  
of the beneficiary of a trust created pursuant to section 92965  
5815.28 of the Revised Code, the portion of the remaining assets 92966  
of the trust specified in the trust instrument shall be 92967  
deposited to the credit of the fund. Money credited to the fund 92968

shall be used for individuals with mental illness. 92969

Supplemental services may be provided through the 92970  
department or boards of alcohol, drug addiction, and mental 92971  
health services. In accordance with Chapter 119. of the Revised 92972  
Code, the department of ~~mental behavioral health and addiction~~ 92973  
~~services~~ may adopt any rules necessary to implement this 92974  
section. 92975

**Sec. 5119.52.** Each managing officer of an institution 92976  
under the jurisdiction of the department of ~~mental behavioral~~ 92977  
~~health and addiction services~~ as described in section 5119.14 of 92978  
the Revised Code, with the approval of the director of ~~mental~~ 92979  
~~behavioral health and addiction services~~, may establish local 92980  
institution funds designated as follows: 92981

(A) Industrial and entertainment fund created and 92982  
maintained for the entertainment and welfare of the patients of 92983  
the institution. The director shall establish rules for the 92984  
operation of the industrial and entertainment fund. 92985

(B) Commissary fund created and maintained for the benefit 92986  
of patients in the institution. Commissary revenue over and 92987  
above operating costs and reserve shall be considered profits. 92988  
All profits from the commissary fund operations shall be paid 92989  
into the industrial and entertainment fund and used only for the 92990  
entertainment and welfare of patients. The director shall 92991  
establish rules for the operation of the commissary fund. 92992

**Sec. 5119.54.** The treasurer of state shall have charge of 92993  
all funds under the jurisdiction of the department of ~~mental~~ 92994  
~~behavioral health and addiction services~~ and shall pay out the 92995  
same only in accordance with this chapter. 92996

The department shall cause to be furnished a contract of 92997

indemnity to cover all funds received by it or by its managing officers, employees, or agents while the funds are in the possession of such managing officers, employees or agents. Such funds are designated as follows:

(A) Funds which are due and payable to the treasurer of state as provided by Chapter 131. of the Revised Code;

(B) Those funds which are held in trust by the managing officers, employees, or agents of the institution as local funds or accounts under the jurisdiction of the department.

Such contract of indemnity shall be made payable to the state and the premium for such contract of indemnity may be paid from any of the moneys received for the use of the department under this chapter and Chapters 5121. and 5122. of the Revised Code.

Funds collected from various sources, such as the sale of goods, and all miscellaneous articles, shall be transmitted on or before Monday of each week to the treasurer of state and a detailed statement of such collections shall be made to the department.

**Sec. 5119.55.** The department of ~~mental~~behavioral health ~~and addiction services~~ may pay an amount for personal use to each individual residing in a state institution as described in section 5119.14 of the Revised Code who would be eligible for supplemental security income benefits at the reduced rate established by Title XVI of the "Social Security Act," 42 U.S.C. 1381 et seq., if the medicaid program covers services provided in such institutions. The amount paid by the department shall not exceed the reduced supplemental security income benefit rate established by Title XVI of the "Social Security Act."

Sec. 5119.56. Money or property deposited with managing 93027  
officers of institutions under the jurisdiction of the 93028  
department of ~~mental~~ behavioral health and ~~addiction services~~ by 93029  
any patient under the department's control or by relatives, 93030  
guardians, conservators, and others for the special benefit of 93031  
such patient, as well as all other funds and all other income 93032  
paid to the patient, the patient's estate, or on the patient's 93033  
behalf, or paid to the managing officer or to the institution as 93034  
representative payee or otherwise paid on the patient's behalf, 93035  
shall remain in the hands of such officers in appropriate 93036  
accounts for use accordingly. The managing officer shall keep 93037  
itemized book accounts of the receipt and disposition of such 93038  
money and property, which book shall be open at all times to the 93039  
inspection of the department. The director of ~~mental~~ behavioral 93040  
health and ~~addiction services~~ shall adopt rules governing the 93041  
deposit, transfer, withdrawal, or investment of the funds and 93042  
the income thereof, as well as rules under which such funds and 93043  
income shall be paid by managing officers for the support of the 93044  
patients pursuant to Chapter 5121. of the Revised Code, or for 93045  
their other needs. 93046

Whenever any patient confined in any state institution 93047  
subject to the jurisdiction of the department dies, escapes, or 93048  
is discharged from such institution, and any personal funds of 93049  
such person remain in the hands of the managing officer thereof 93050  
and no demand for such funds is made upon such managing officer 93051  
by the owner of the funds or the owner's legally appointed 93052  
representative, the managing officer shall hold the funds in the 93053  
personal deposit fund for a period of at least one year during 93054  
which time the managing officer shall make every effort possible 93055  
to locate the owner or the owner's legally appointed 93056  
representative. 93057

If at the end of this period no demand has been made for 93058  
the funds, the managing officer shall dispose of the funds as 93059  
follows: 93060

(A) All money in a personal deposit fund in excess of ten 93061  
dollars due for the support of a patient shall be paid in 93062  
accordance with the provisions of Chapter 5121. of the Revised 93063  
Code. 93064

(B) All money in a personal deposit fund in excess of ten 93065  
dollars not due for the support of a patient shall be placed to 93066  
the credit of the institution's local account designated as the 93067  
"industrial and entertainment" fund. 93068

(C) The first ten dollars to the credit of a patient shall 93069  
be placed to the credit of the institution's local account 93070  
designated as the "industrial and entertainment" fund. 93071

Whenever any patient in any state institution subject to 93072  
the jurisdiction of the department dies, escapes, or is 93073  
discharged from such institution, and any personal effects of 93074  
such person remain in the hands of the managing officer thereof, 93075  
and no demand is made upon such managing officer by the owner of 93076  
the property or the owner's legally appointed representative, 93077  
the managing officer shall hold and dispose of such property in 93078  
the following manner. 93079

All the miscellaneous personal effects shall be held for a 93080  
period of at least one year, during which time the managing 93081  
officer shall make every effort possible to locate the owner or 93082  
the owner's legal representative. If at the end of this period, 93083  
no demand has been made by the owner of the property or the 93084  
owner's legal representative, the managing officer shall file 93085  
with the county recorder of the county of commitment of such 93086

owner, all deeds, wills, contract mortgages, or assignments. The 93087  
balance of the personal effects shall be sold at public auction 93088  
after being duly advertised, and the funds turned over to the 93089  
treasurer of state for credit to the general revenue fund. If 93090  
any of the property is not of a type to be filed with the county 93091  
recorder and is not salable at public auction, then the managing 93092  
officer of the institution shall destroy such property. 93093

**Sec. 5119.60.** The department of ~~mental~~-behavioral health 93094  
~~and addiction services~~ shall submit an annual report to the 93095  
governor that shall describe the services the department offers 93096  
and how appropriated funds have been spent. The report shall 93097  
include all of the following: 93098

(A) The utilization of state hospitals by each alcohol, 93099  
drug addiction, and mental health service district; 93100

(B) The number of persons served by community addiction 93101  
services providers that receive funds distributed by the 93102  
department, with a breakdown into categories including age, sex, 93103  
race, the type of drug to which the person is addicted, and any 93104  
other categories the director of ~~mental~~-behavioral health ~~and~~- 93105  
~~addiction services~~ considers significant; 93106

(C) The number of persons with severe mental disabilities 93107  
served in each district; 93108

(D) The number and types of addiction services, mental 93109  
health services, and recovery supports provided to persons with 93110  
severe mental disabilities through state-operated services, 93111  
community addiction services providers, and community mental 93112  
health services providers; 93113

(E) A report measuring the success of community addiction 93114  
services providers, based on the measures for accountability 93115

developed by the department, including the percentage of persons 93116  
served by such community addiction services providers who have 93117  
not relapsed; 93118

(F) Any other information that the director considers 93119  
significant or is requested by the governor. 93120

**Sec. 5119.61.** (A) The department of ~~mental~~-behavioral 93121  
~~health and addiction services~~ shall collect and compile 93122  
statistics and other information on the care and treatment of 93123  
persons with mental disabilities, and the care, treatment, and 93124  
rehabilitation of persons with alcohol use disorder, persons 93125  
with drug dependencies, persons in danger of drug dependence, 93126  
and persons with or in danger of developing a gambling addiction 93127  
in this state. The information shall include, without 93128  
limitation, information on the number of such persons, the type 93129  
of drug involved, if any, the type of care, treatment, or 93130  
rehabilitation prescribed or undertaken, and the success or 93131  
failure of the care, treatment, or rehabilitation. The 93132  
department shall collect information about addiction services, 93133  
mental health services, and recovery supports delivered and 93134  
persons served as required for reporting and evaluation relating 93135  
to state and federal funds expended for such purposes. 93136

(B) No community addiction services provider or community 93137  
mental health services provider shall fail to supply statistics 93138  
and other information within its knowledge and with respect to 93139  
its addiction services, mental health services, and recovery 93140  
supports upon request of the department. 93141

(C) Communications by a person seeking aid in good faith 93142  
for alcohol use disorder or drug dependence are confidential, 93143  
and this section does not require the collection or permit the 93144  
disclosure of information which reveals or comprises the 93145

identity of any person seeking aid. 93146

(D) Based on the information collected and compiled under 93147  
division (A) of this section, the department shall develop a 93148  
project to assess the outcomes of persons served by community 93149  
addiction services providers and community mental health 93150  
services providers that receive funds distributed by the 93151  
department. 93152

(E) The director of ~~mental behavioral health and addiction~~ 93153  
~~services~~ may fine a community addiction services provider or 93154  
community mental health services provider for violating division 93155  
(B) of this section. In determining whether to impose a fine, 93156  
the director shall consider whether the provider has engaged in 93157  
a pattern of noncompliance. If a fine is imposed, it shall be 93158  
one thousand dollars for a first failure to comply with division 93159  
(B) of this section and two thousand dollars for each subsequent 93160  
failure. The director's actions in imposing a fine shall be 93161  
taken in accordance with Chapter 119. of the Revised Code. 93162

All fines collected under this division shall be deposited 93163  
in the state treasury to the credit of the department's 93164  
statewide treatment and prevention fund created by section 93165  
4301.30 of the Revised Code. 93166

**Sec. 5119.71.** Pursuant to Article X of the compact set 93167  
forth in section 5119.70 of the Revised Code, the director of 93168  
~~mental behavioral health and addiction services~~ and the director 93169  
of developmental disabilities each shall designate an officer 93170  
who shall be the compact administrator for the department and 93171  
who, acting jointly with like officers of other party states, 93172  
shall adopt rules to carry out more effectively the terms of the 93173  
compact. The compact administrators of each department shall 93174  
serve subject to the pleasure of the governor and shall 93175



cooperate with all departments, agencies, and officers of and in 93176  
the government of this state and its subdivisions in 93177  
facilitating the proper administration of the compact or of any 93178  
supplementary agreements entered into by this state thereunder. 93179

**Sec. 5119.82.** There is hereby established a 9-8-8 93180  
administrator within the department of ~~mental-behavioral health~~ 93181  
~~and addiction services~~ to oversee the administration of the 9-8- 93182  
8 suicide prevention and mental health crisis hotline system 93183  
statewide. 93184

**Sec. 5119.89.** The director of ~~mental-behavioral health and~~ 93185  
~~addiction services~~ shall consult with the superintendent of 93186  
insurance as required by section 3901.90 of the Revised Code to 93187  
develop consumer and payer education on ~~mental-behavioral health~~ 93188  
~~and addiction services~~ insurance parity and establish and 93189  
promote a consumer hotline to collect information and help 93190  
consumers understand and access their insurance benefits. 93191

The department of ~~mental-behavioral health and addiction-~~ 93192  
~~services~~ and the department of insurance shall jointly report 93193  
annually on the departments' efforts, which shall include 93194  
information on consumer and payer outreach activities and 93195  
identification of trends and barriers to access and coverage in 93196  
this state. The departments shall submit the report to the 93197  
general assembly, the joint medicaid oversight committee, and 93198  
the governor, not later than the thirtieth day of January of 93199  
each year. 93200

**Sec. 5119.90.** As used in sections 5119.90 to 5119.98 of 93201  
the Revised Code: 93202

(A) "Alcohol and other drug abuse" means alcohol use 93203  
disorder or drug addiction. 93204

- (B) "Another drug" means a controlled substance as defined in section 3719.01 of the Revised Code or a harmful intoxicant as defined in section 2925.01 of the Revised Code. 93205  
93206  
93207
- (C) "Board of alcohol, drug addiction, and mental health services" means a board of alcohol, drug addiction, and mental health services established under section 340.02 or 340.021 of the Revised Code. 93208  
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93210  
93211
- (D) "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others. 93212  
93213  
93214
- (E) "Hospital" has the same meaning as in section 3701.01 or 3727.01 of the Revised Code but does not include either a hospital operated by the department of ~~mental-behavioral health and addiction services~~ or an inpatient unit licensed by the department. 93215  
93216  
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93218  
93219
- (F) "Intoxicated" means being under the influence of alcohol, another drug, or both alcohol and another drug and, as a result, having a significantly impaired ability to function. 93220  
93221  
93222
- (G) "Petitioner" means a person who institutes a proceeding under sections 5119.91 to 5119.98 of the Revised Code. 93223  
93224  
93225
- (H) "Probate court" means the probate division of the court of common pleas. 93226  
93227
- (I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law. 93228  
93229  
93230
- (J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law. 93231  
93232

(K) "Respondent" means a person alleged in a petition  
filed or hearing under sections 5119.91 to 5119.98 of the  
Revised Code to be a person who is experiencing alcohol and  
other drug abuse and who may be ordered under those sections to  
undergo treatment.

(L) "Treatment" means services and programs for the care  
and rehabilitation of intoxicated persons and persons  
experiencing alcohol and other drug abuse. "Treatment" includes  
residential treatment, a halfway house setting, and an intensive  
outpatient or outpatient level of care.

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the  
Revised Code is guilty of a misdemeanor of the first degree.

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

**Sec. 5120.039.** The department of rehabilitation and  
correction shall permit the Frederick Douglass project for  
justice to register with the department under section 5120.034  
of the Revised Code to enter institutions under the control of  
the department for the purpose of facilitating structured  
meetings between incarcerated people and non-incarcerated  
people.

**Sec. 5120.16.** (A) Persons sentenced to any institution,  
division, or place under the control of the department of  
rehabilitation and correction are committed to the control,  
care, and custody of the department. Subject to division ~~(B)~~(C)  
of this section, the director of rehabilitation and correction  
or the director's designee may direct that persons sentenced to

the department, or to any institution or place within the 93262  
department, shall be conveyed by the sheriff initially to an 93263  
appropriate facility established and maintained by the 93264  
department, or committed electronically in accordance with 93265  
division (B) of this section, for reception, examination, 93266  
observation, and classification of the persons so sentenced. 93267  
Prior to removal of an individual on an out of jurisdiction 93268  
detainer, the sheriff shall convey the sentenced person to the 93269  
department of rehabilitation and correction or electronically 93270  
commit the sentenced person in accordance with division (B) of 93271  
this section. 93272

If a presentence investigation report was not prepared 93273  
pursuant to section 2947.06 or 2951.03 of the Revised Code or 93274  
Criminal Rule 32.2 regarding any person sentenced to the 93275  
department or to any institution or place within the department, 93276  
the director or the director's designee may order the 93277  
department's field staff to conduct an offender background 93278  
investigation and prepare an offender background investigation 93279  
report regarding the person. The investigation and report shall 93280  
be conducted in accordance with division (A) of section 2951.03 93281  
of the Revised Code and the report shall contain the same 93282  
information as a presentence investigation report prepared 93283  
pursuant to that section. 93284

When the examination, observation, and classification of 93285  
the person have been completed by the facility and a written 93286  
report of the examination, observation, and classification is 93287  
filed with the commitment papers, the director or the director's 93288  
designee, subject to division (B) of this section, shall assign 93289  
the person to a suitable state institution or place maintained 93290  
by the state within the director's department or shall designate 93291  
that the person is to be housed in a county, multicounty, 93292

municipal, municipal-county, or multicounty-municipal jail or 93293  
workhouse, if authorized by section 5120.161 of the Revised 93294  
Code, there to be confined, cared for, treated, trained, and 93295  
rehabilitated until paroled, released in accordance with section 93296  
2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or 93297  
otherwise released under the order of the court that imposed the 93298  
person's sentence. No person committed by a probate court, a 93299  
trial court pursuant to section 2945.40, 2945.401, or 2945.402 93300  
of the Revised Code subsequent to a finding of not guilty by 93301  
reason of insanity, or a juvenile court shall be assigned to a 93302  
state correctional institution. 93303

If a person is sentenced, committed, or assigned for the 93304  
commission of a felony to any one of the institutions or places 93305  
maintained by the department or to a county, multicounty, 93306  
municipal, municipal-county, or multicounty-municipal jail or 93307  
workhouse, the department, by order duly recorded and subject to 93308  
division (B) of this section, may transfer the person to any 93309  
other institution, or, if authorized by section 5120.161 of the 93310  
Revised Code, to a county, multicounty, municipal, municipal- 93311  
county, or multicounty-municipal jail or workhouse. 93312

(B) An agreement may be entered into between a court of 93313  
common pleas and the department of rehabilitation and correction 93314  
under which persons may be electronically committed to the 93315  
department of rehabilitation and correction. 93316

(C) If the case of a child who is alleged to be a 93317  
delinquent child is transferred for criminal prosecution to the 93318  
appropriate court having jurisdiction of the offense pursuant to 93319  
section 2152.12 of the Revised Code, if the child is convicted 93320  
of or pleads guilty to a felony in that case, if the child is 93321  
sentenced to a prison term, as defined in section 2901.01 of the 93322

Revised Code, and if the child is under eighteen years of age 93323  
when delivered to the custody of the department of 93324  
rehabilitation and correction, all of the following apply 93325  
regarding the housing of the child: 93326

(1) Until the child attains eighteen years of age, subject 93327  
to divisions ~~(B)(2)~~(C)(2), (3), and (4) of this section, the 93328  
department shall house the child in a housing unit in a state 93329  
correctional institution separate from inmates who are eighteen 93330  
years of age or older. 93331

(2) The department is not required to house the child in 93332  
the manner described in division ~~(B)(1)~~(C)(1) of this section if 93333  
the child does not observe the rules and regulations of the 93334  
institution or the child otherwise creates a security risk by 93335  
being housed separately. 93336

(3) If the department receives too few inmates who are 93337  
under eighteen years of age to fill a housing unit in a state 93338  
correctional institution separate from inmates who are eighteen 93339  
years of age or older, as described in division ~~(B)(1)~~(C)(1) of 93340  
this section, the department may house the child in a housing 93341  
unit in a state correctional institution that includes both 93342  
inmates who are under eighteen years of age and inmates who are 93343  
eighteen years of age or older and under twenty-one years of 93344  
age. 93345

(4) Upon the child's attainment of eighteen years of age, 93346  
the department may house the child with the adult population of 93347  
the state correctional institution. 93348

~~(C)~~(D) The director or the director's designee shall 93349  
develop a policy for dealing with problems related to infection 93350  
with the human immunodeficiency virus. The policy shall include 93351

methods of identifying individuals committed to the custody of 93352  
the department who are at high risk of infection with the virus 93353  
and counseling those individuals. 93354

Arrangements for housing individuals diagnosed as having 93355  
AIDS or an AIDS-related condition shall be made by the 93356  
department based on security and medical considerations and in 93357  
accordance with division ~~(B)~~(C) of this section, if applicable. 93358

**Sec. 5120.21.** (A) The department of rehabilitation and 93359  
correction shall keep in its office, accessible only to its 93360  
employees, except by the consent of the department or the order 93361  
of the judge of a court of record, and except as provided in 93362  
division (C) of this section, a record showing the name, 93363  
residence, sex, age, nativity, occupation, condition, and date 93364  
of entrance or commitment of every inmate in the several 93365  
institutions governed by it. The record also shall include the 93366  
date, cause, and terms of discharge and the condition of such 93367  
person at the time of leaving, a record of all transfers from 93368  
one institution to another, and, if such inmate is dead, the 93369  
date and cause of death. These and other facts that the 93370  
department requires shall be furnished by the managing officer 93371  
of each institution within ten days after the commitment, 93372  
entrance, death, or discharge of an inmate. 93373

(B) In case of an accident or injury or peculiar death of 93374  
an inmate, the managing officer shall make a special report to 93375  
the department within twenty-four hours thereafter, giving the 93376  
circumstances as fully as possible. 93377

(C) (1) As used in this division, "medical record" means 93378  
any document or combination of documents that pertains to the 93379  
medical history, diagnosis, prognosis, or medical condition of a 93380  
patient and that is generated and maintained in the process of 93381

medical treatment. 93382

(2) A separate medical record of every inmate in an 93383  
institution governed by the department shall be compiled, 93384  
maintained, and kept apart from and independently of any other 93385  
record pertaining to the inmate. Upon the signed written request 93386  
of the inmate to whom the record pertains together with the 93387  
written request of a person the inmate designates who is either 93388  
a licensed attorney at law or a licensed physician, certified 93389  
nurse-midwife, clinical nurse specialist, or certified nurse 93390  
practitioner, the department shall make the inmate's medical 93391  
record available to the designated attorney, physician, or 93392  
nurse. The record may be inspected or copied by the inmate's 93393  
designated attorney, physician, or nurse. The department may 93394  
establish a reasonable fee for the copying of any medical 93395  
record. If a physician, certified nurse-midwife, clinical nurse 93396  
specialist, or certified nurse practitioner concludes that 93397  
presentation of all or any part of the medical record directly 93398  
to the inmate will result in serious medical harm to the inmate, 93399  
the physician or nurse shall so indicate on the medical record. 93400  
An inmate's medical record shall be made available to a 93401  
physician, certified nurse-midwife, clinical nurse specialist, 93402  
certified nurse practitioner, or attorney designated in writing 93403  
by the inmate not more than once every twelve months. 93404

(D) ~~Except as otherwise provided by a~~ Notwithstanding any 93405  
other law of this state or the United States to the contrary, 93406  
the department and the officers of its institutions shall keep 93407  
confidential and accessible only to its employees, except by the 93408  
consent of the department or the order of a judge of a court of 93409  
record, all of the following: 93410

(1) Architectural, engineering, or construction diagrams, 93411



drawings, or plans of a correctional institution;	93412
(2) Plans for hostage negotiation, for disturbance control, for the control and location of keys, and for dealing with escapes;	93413 93414 93415
(3) Statements made by inmate informants;	93416
(4) Records that are maintained by the department of youth services, that pertain to children in its custody, and that are released to the department of rehabilitation and correction by the department of youth services pursuant to section 5139.05 of the Revised Code;	93417 93418 93419 93420 93421
(5) Victim impact statements and information provided by victims of crimes that the department considers when determining the security level assignment, program participation, and release eligibility of inmates;	93422 93423 93424 93425
(6) Information and data of any kind or medium pertaining to groups that pose a security threat;	93426 93427
(7) Conversations recorded from the monitored inmate telephones that involve nonprivileged communications.	93428 93429
<u><del>(E)</del>(E) (1) Records regarding inmates committed to the department of rehabilitation and correction or records of persons under the supervision of the adult parole authority are not public records under section 149.43 of the Revised Code. Nothing in this division prohibits the disclosure of the following information related to inmates committed to the department of rehabilitation and correction:</u>	93430 93431 93432 93433 93434 93435 93436
<u>(a) Name;</u>	93437
<u>(b) Criminal convictions;</u>	93438

<u>(c) Photograph;</u>	93439
<u>(d) Supervision status, including current and past place of incarceration;</u>	93440 93441
<u>(e) Disciplinary history.</u>	93442
<u>(2) Except as otherwise provided by a law of this state or the United States, the department of rehabilitation and correction may release inmate records to the department of youth services or a court of record, and the department of youth services or the court of record may use those records for the limited purpose of carrying out the duties of the department of youth services or the court of record. Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record shall remain confidential and shall not be considered public records as defined in section 149.43 of the Revised Code.</u>	93443 93444 93445 93446 93447 93448 93449 93450 93451 93452 93453
<del>(F) Except as otherwise provided in division (C) of this section, records of inmates committed to the department of rehabilitation and correction as well as records of persons under the supervision of the adult parole authority shall not be considered public records as defined in section 149.43 of the Revised Code.</del>	93454 93455 93456 93457 93458 93459
<u>Sec. 5120.85. (A) As used in this section:</u>	93460
<u>(1) "Correction officer" means a correction officer, corporal, sergeant, lieutenant, or captain, and the equivalents of all such persons, at an institution under the control of the department of rehabilitation and correction.</u>	93461 93462 93463 93464
<u>(2) "Killed in the line of duty" has the same meaning as in section 742.63 of the Revised Code.</u>	93465 93466

(B) (1) The director of rehabilitation and correction shall 93467  
notify the director of administrative services when a correction 93468  
officer is killed in the line of duty. On receiving the notice, 93469  
the director of administrative services shall enroll the 93470  
surviving spouse of the deceased correction officer in any 93471  
health, medical, hospital, dental, surgical, or vision benefit 93472  
the department of administrative services contracts for under 93473  
section 124.82 of the Revised Code or otherwise provides for the 93474  
benefit of state employees who are paid directly by warrant of 93475  
the director of budget and management. Receiving benefits under 93476  
this section does not make the surviving spouse a state 93477  
employee. 93478

(2) A surviving spouse is ineligible to participate in a 93479  
health, medical, hospital, dental, surgical, or vision benefit 93480  
under division (B) (1) of this section if the spouse is either of 93481  
the following: 93482

(a) An employee paid directly by warrant of the director 93483  
of budget and management who is eligible to participate in those 93484  
benefits pursuant to section 124.82 of the Revised Code; 93485

(b) Eligible to enroll in the medicare program established 93486  
by Title XVIII of the "Social Security Act," 42 U.S.C. 1395c. 93487

(C) The department of rehabilitation and correction shall 93488  
pay the department of administrative services for the total cost 93489  
of a surviving spouse's health, medical, hospital, dental, 93490  
surgical, or vision benefit under division (B) (1) of this 93491  
section, plus any applicable administrative costs. 93492

(D) A surviving spouse who is receiving a health, medical, 93493  
hospital, dental, surgical, or vision benefit under division (B) 93494  
(1) of this section shall apply to the director of 93495

administrative services to participate in any health, medical, 93496  
hospital, dental, surgical, or vision benefit available under 93497  
section 124.824 of the Revised Code as soon as practicable after 93498  
the spouse's application for a death benefit paid under section 93499  
742.63 of the Revised Code is approved by the board of trustees 93500  
of the Ohio police and fire pension fund. 93501

**Sec. 5121.30.** As used in sections 5121.30 to 5121.56 of 93502  
the Revised Code: 93503

(A) "Countable assets" means all of the following: 93504

(1) Cash; 93505

(2) Bank deposits; 93506

(3) Securities; 93507

(4) Individual retirement accounts; 93508

(5) Qualified employer plans, including 401(k) and Keogh 93509  
plans; 93510

(6) Annuities; 93511

(7) Funds in a trust created under section 5815.28 of the 93512  
Revised Code; 93513

(8) Investment property and income; 93514

(9) The cash surrender values of life insurance policies; 93515

(10) Assets acquired by gift, bequest, devise, or 93516  
inheritance; 93517

(11) Any other asset determined by the department of 93518  
mental health and addiction services to be equivalent to the 93519  
assets enumerated in this division. 93520

(B) "Federal poverty level" or "FPL" means the income 93521

level represented by the poverty guidelines as revised annually 93522  
by the United States department of health and human services in 93523  
accordance with section 673(2) of the "Omnibus Reconciliation 93524  
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 93525  
family size equal to the size of the family of the person whose 93526  
income is being determined. 93527

(C) "Federal poverty guidelines" means the poverty 93528  
guidelines as revised annually by the United States department 93529  
of health and human services in accordance with section 673(2) 93530  
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 93531  
511, 42 U.S.C. 9902, as amended, for a family size equal to the 93532  
size of the family of the person whose income is being 93533  
determined. 93534

(D) "Hospital" means an institution, hospital, or other 93535  
place established, controlled, or supervised by the department 93536  
of mental health and addiction services under Chapter 5119. of 93537  
the Revised Code, except when otherwise described only as a 93538  
hospital operated by the department. 93539

(E) "Liable relative" means all of the following: 93540

(1) A patient's spouse; 93541

(2) A patient's mother or father, or both, if the patient 93542  
is under eighteen years of age; 93543

(3) A patient's guardian. 93544

(F) "Patient" means a person admitted to a hospital for 93545  
inpatient care or treatment, including a person transferred to a 93546  
hospital from a state correctional institution or a person under 93547  
indictment or conviction who has been transferred to a hospital. 93548

**Sec. 5121.32.** On an annual basis, the department of mental 93549

health and addiction services shall determine both of the 93550  
following using generally accepted governmental accounting 93551  
principles: 93552

(A) The ~~applicable~~ per diem charge for each hospital 93553  
operated by the department; 93554

(B) The ancillary per diem rate for each hospital operated 93555  
by the department. 93556

In determining a hospital's ~~applicable~~ per diem charge and 93557  
ancillary per diem rate, the department shall consider the 93558  
average actual per diem cost of maintaining and treating a 93559  
patient at the hospital or, at the department's discretion, the 93560  
average actual per diem cost of maintaining and treating a 93561  
patient in a unit of the hospital. 93562

**Sec. 5121.33.** (A) Except as provided in sections 5121.35, 93563  
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 93564  
Code, the department of mental health and addiction services 93565  
shall, for each billing cycle, charge a patient, patient's 93566  
estate, or liable relative ~~an amount equal to the sum of the~~ 93567  
~~following:~~ 93568

~~(A) The applicable per diem charge multiplied the amount~~ 93569  
~~calculated under division (B) of this section for care and~~ 93570  
~~treatment the patient receives in a hospital operated by the~~ 93571  
~~department.~~ 93572

(B) The amount to be charged under division (A) of this 93573  
section shall be calculated by multiplying the hospital's per 93574  
diem charge or ancillary per diem rate determined under section 93575  
5121.32 of the Revised Code, whichever the department determines 93576  
applies, by the number of days the patient was admitted to the 93577  
hospital. 93578

~~(B) An amount that was previously billed but not paid\_~~ 93579  
during the period that is covered by the billing cycle. 93580

**Sec. 5121.34.** (A) A patient, patient's estate, and 93581  
patient's liable relatives shall be jointly and severally liable 93582  
for amounts charged by the department of mental health and 93583  
addiction services in accordance with section 5121.33 or 5121.35 93584  
of the Revised Code. In no case shall any of the foregoing 93585  
persons be liable for more than one hundred per cent of the full 93586  
~~sum~~ amount charged under section 5121.33 of the Revised Code. 93587

(B) Collections of support payments shall be made by the 93588  
department and, subject to meeting prior requirements for 93589  
payment and crediting of such collections and other available 93590  
receipts, in accordance with the bond proceedings applicable to 93591  
obligations issued pursuant to section 154.20 of the Revised 93592  
Code. The collections and other available receipts designated by 93593  
the director of mental health and addiction services for deposit 93594  
in the special accounts, together with insurance contract 93595  
payments provided for in section 5121.43 of the Revised Code, 93596  
shall be remitted to the treasurer of state for deposit in the 93597  
state treasury to the credit of the mental health operating 93598  
fund, which is hereby created, to be used for the general 93599  
purposes of the department. The department shall make refunds of 93600  
overpayment of support charges from the mental health operating 93601  
fund. 93602

**Sec. 5121.41.** (A) If the assets of a patient, patient's 93603  
estate, or liable relative do not exceed the countable asset 93604  
limit in section 5121.40 of the Revised Code and the annual 93605  
income of the patient, estate, or relative does not exceed four 93606  
hundred per cent of the federal poverty level, the patient, 93607  
estate, or relative shall be charged an amount discounted from 93608

the amount the department charges under section 5121.33 of the Revised Code for the first thirty days the patient is admitted as an inpatient in a hospital and for which the patient is liable for the cost of care. The amount of the discount shall be computed according to the following schedule:

		Annual Gross Income						93614
		Expressed as a Percentage of FPL						93615
								93616
		1	2	3	4	5	6	7
A	Inpatient Days at	0 -	176 -	200 -	250 -	300 -	350 -	
	a Hospital	175	199	249	299	349	400	

		Percentage discount from charged amount						93617
								93618
		1	2	3	4	5	6	7
A	1 - 14	100	90	70	50	30	10	
B	15 - 30	100	95	75	55	35	15	

(B) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income not greater than one hundred seventy-five per cent of the federal poverty level shall not be charged for the days the patient is admitted beyond the thirtieth day.

(C) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income greater than one hundred seventy-five per cent of the federal poverty



level shall be charged an amount equal to the sum of the 93629  
following for the days the patient is admitted beyond the 93630  
thirtieth day: 93631

(1) The ancillary per diem rate that applies to the 93632  
hospital, as determined under section 5121.32 of the Revised 93633  
Code, multiplied by the number of days the patient was admitted 93634  
to the hospital; 93635

(2) An amount that was previously charged but not paid. 93636

**Sec. 5121.43.** (A) If a patient is covered by an insurance 93637  
policy or other contract that provides for payment of expenses 93638  
for care and treatment for mental illness at or from a hospital 93639  
under the jurisdiction of operated by the department of mental 93640  
health and addiction services, sections 5121.33 to 5121.55 of 93641  
the Revised Code are inapplicable to the extent that the policy 93642  
or contract is in force. Any insurance carrier or other third 93643  
party payor providing coverage for such care and treatment shall 93644  
pay for the patient's support obligation in amounts equal to the 93645  
lesser of amounts charged by the department under section 93646  
5121.33 of the Revised Code or the benefits provided under the 93647  
policy or other contract. Whether or not an insured, owner of, 93648  
or other person having an interest in such policy or other 93649  
contract is liable for support payments, the all of the 93650  
following apply with respect to the amount owed to the 93651  
department for such care and treatment: 93652

(1) The insured, policy owner, or other person having an 93653  
interest in the policy or other contract shall assign payment 93654  
directly to the department of all assignable benefits under the 93655  
policy or other contract and shall pay to the department, within 93656  
ten days of receipt, all insurance or other benefits received as 93657  
reimbursement or payment for expenses incurred by the patient or 93658

for any other reason. ~~If the insured, policy owner, or other person refuses to assign payment to the department or refuses to pay received reimbursements or payments to the department within ten days of receipt, the total liability of the insured, policy owner, or other person for the services is an amount equal to the per diem charge for the hospital where the patient was admitted multiplied by the number of days the patient was admitted.~~

(2) (a) Regardless of the coverage provided by the policy or other contract, the patient, patient's estate, or patient's liable relative is liable to the department for the actual cost of care and treatment calculated under section 5121.33 of the Revised Code.

(b) If the amount the department receives through the assignment of benefits, as required by division (A) (1) of this section, is less than the actual cost of care and treatment that is calculated under section 5121.33 of the Revised Code, the department shall charge the patient, patient's estate, or liable relative the lesser of the following:

(i) The amount calculated under section 5121.33 of the Revised Code that remains after subtracting the amount the department receives through the assignment of benefits;

(ii) The amount calculated under section 5121.33 of the Revised Code that applies after the department takes into consideration the exceptions described in sections 5121.35, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code.

(3) In no event shall this total a patient, patient's estate, or liable relative have liability exceed under this section for an amount that exceeds either, as the case may be,

the department's actual cost of providing care and treatment to 93688  
a patient calculated under section 5121.33 of the Revised Code 93689  
or the amount that is charged under division (A) (2) (b) of this 93690  
section. 93691

(B) With respect to the requirements of division (A) (1) of 93692  
this section, both of the following apply: 93693

(1) The department may disqualify patients and liable 93694  
relatives who have failed to assign benefits in accordance with 93695  
division (A) (1) of this section, and retained third party funds, 93696  
from future discounts that otherwise may have been available. 93697

(2) The department may request that the attorney general 93698  
petition a court of competent jurisdiction to compel ~~the~~ an 93699  
insured, policy owner ~~of~~, or other person having an interest in 93700  
the policy or other contract to comply with the assignment 93701  
requirements ~~in~~ of division (A) (1) of this section. 93702

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 93703  
the Revised Code: 93704

(A) "Mental illness" means a substantial disorder of 93705  
thought, mood, perception, orientation, or memory that grossly 93706  
impairs judgment, behavior, capacity to recognize reality, or 93707  
ability to meet the ordinary demands of life. 93708

(B) "Person with a mental illness subject to court order" 93709  
means a person with a mental illness who, because of the 93710  
person's illness: 93711

(1) Represents a substantial risk of physical harm to self 93712  
as manifested by evidence of threats of, or attempts at, suicide 93713  
or serious self-inflicted bodily harm; 93714

(2) Represents a substantial risk of physical harm to 93715

others as manifested by evidence of recent homicidal or other 93716  
violent behavior, evidence of recent threats that place another 93717  
in reasonable fear of violent behavior and serious physical 93718  
harm, or other evidence of present dangerousness; 93719

(3) Represents a substantial and immediate risk of serious 93720  
physical impairment or injury to self as manifested by evidence 93721  
that the person is unable to provide for and is not providing 93722  
for the person's basic physical needs because of the person's 93723  
mental illness and that appropriate provision for those needs 93724  
cannot be made immediately available in the community; 93725

(4) Would benefit from treatment for the person's mental 93726  
illness and is in need of such treatment as manifested by 93727  
evidence of behavior that creates a grave and imminent risk to 93728  
substantial rights of others or the person; 93729

(5) (a) Would benefit from treatment as manifested by 93730  
evidence of behavior that indicates all of the following: 93731

(i) The person is unlikely to survive safely in the 93732  
community without supervision, based on a clinical 93733  
determination. 93734

(ii) The person has a history of lack of compliance with 93735  
treatment for mental illness and one of the following applies: 93736

(I) At least twice within the thirty-six months prior to 93737  
the filing of an affidavit seeking court-ordered treatment of 93738  
the person under section 5122.111 of the Revised Code, the lack 93739  
of compliance has been a significant factor in necessitating 93740  
hospitalization in a hospital or receipt of services in a 93741  
forensic or other mental health unit of a correctional facility, 93742  
provided that the thirty-six-month period shall be extended by 93743  
the length of any hospitalization or incarceration of the person 93744

that occurred within the thirty-six-month period. 93745

(II) Within the forty-eight months prior to the filing of 93746  
an affidavit seeking court-ordered treatment of the person under 93747  
section 5122.111 of the Revised Code, the lack of compliance 93748  
resulted in one or more acts of serious violent behavior toward 93749  
self or others or threats of, or attempts at, serious physical 93750  
harm to self or others, provided that the forty-eight-month 93751  
period shall be extended by the length of any hospitalization or 93752  
incarceration of the person that occurred within the forty- 93753  
eight-month period. 93754

(iii) The person, as a result of the person's mental 93755  
illness, is unlikely to voluntarily participate in necessary 93756  
treatment. 93757

(iv) In view of the person's treatment history and current 93758  
behavior, the person is in need of treatment in order to prevent 93759  
a relapse or deterioration that would be likely to result in 93760  
substantial risk of serious harm to the person or others. 93761

(b) An individual who meets only the criteria described in 93762  
division (B) (5) (a) of this section is not subject to 93763  
hospitalization. 93764

(C) (1) "Patient" means, subject to division (C) (2) of this 93765  
section, a person who is admitted either voluntarily or 93766  
involuntarily to a hospital or other place under section 93767  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 93768  
subsequent to a finding of not guilty by reason of insanity or 93769  
incompetence to stand trial or under this chapter, who is under 93770  
observation or receiving treatment in such place. 93771

(2) "Patient" does not include a person admitted to a 93772  
hospital or other place under section 2945.39, 2945.40, 93773

2945.401, or 2945.402 of the Revised Code to the extent that the 93774  
reference in this chapter to patient, or the context in which 93775  
the reference occurs, is in conflict with any provision of 93776  
sections 2945.37 to 2945.402 of the Revised Code. 93777

(D) "Licensed physician" means a person licensed under the 93778  
laws of this state to practice medicine or a medical officer of 93779  
the government of the United States while in this state in the 93780  
performance of the person's official duties. 93781

(E) "Psychiatrist" means a licensed physician who has 93782  
satisfactorily completed a residency training program in 93783  
psychiatry, as approved by the residency review committee of the 93784  
American medical association, the committee on post-graduate 93785  
education of the American osteopathic association, or the 93786  
American osteopathic board of neurology and psychiatry, or who 93787  
on July 1, 1989, has been recognized as a psychiatrist by the 93788  
Ohio state medical association or the Ohio osteopathic 93789  
association on the basis of formal training and five or more 93790  
years of medical practice limited to psychiatry. 93791

(F) "Hospital" means a hospital or inpatient unit licensed 93792  
by the department of ~~mental behavioral health and addiction~~ 93793  
~~services~~ under section 5119.33 of the Revised Code, and any 93794  
institution, hospital, or other place established, controlled, 93795  
or supervised by the department under Chapter 5119. of the 93796  
Revised Code. 93797

(G) "Public hospital" means a facility that is tax- 93798  
supported and under the jurisdiction of the department of ~~mental~~ 93799  
behavioral health ~~and addiction services~~. 93800

(H) "Community mental health services provider" means an 93801  
agency, association, corporation, individual, or program that 93802

provides community mental health services that are certified by 93803  
the director of ~~mental-behavioral health and addiction services~~ 93804  
under section 5119.36 of the Revised Code. 93805

(I) "Licensed clinical psychologist" means a person who 93806  
holds a current, valid psychologist license issued under section 93807  
4732.12 of the Revised Code, and in addition, meets the 93808  
educational requirements set forth in division (B) of section 93809  
4732.10 of the Revised Code and has a minimum of two years' 93810  
full-time professional experience, or the equivalent as 93811  
determined by rule of the state board of psychology, at least 93812  
one year of which shall be a predoctoral internship, in clinical 93813  
psychological work in a public or private hospital or clinic or 93814  
in private practice, diagnosing and treating problems of mental 93815  
illness or intellectual disability under the supervision of a 93816  
psychologist who is licensed or who holds a diploma issued by 93817  
the American board of professional psychology, or whose 93818  
qualifications are substantially similar to those required for 93819  
licensure by the state board of psychology when the supervision 93820  
has occurred prior to enactment of laws governing the practice 93821  
of psychology. 93822

(J) "Health officer" means any public health physician; 93823  
public health nurse; or other person authorized or designated by 93824  
a city or general health district or a board of alcohol, drug 93825  
addiction, and mental health services to perform the duties of a 93826  
health officer under this chapter. 93827

(K) "Chief clinical officer" means the medical director of 93828  
a hospital, community mental health services provider, or board 93829  
of alcohol, drug addiction, and mental health services, or, if 93830  
there is no medical director, the licensed physician responsible 93831  
for the treatment provided by a hospital or community mental 93832

health services provider. The chief clinical officer may 93833  
delegate to the attending physician responsible for a patient's 93834  
care the duties imposed on the chief clinical officer by this 93835  
chapter. In the case of a community mental health services 93836  
provider, the chief clinical officer shall be designated by the 93837  
governing body of the services provider and shall be a licensed 93838  
physician or licensed clinical psychologist who supervises 93839  
diagnostic and treatment services. A licensed physician or 93840  
licensed clinical psychologist designated by the chief clinical 93841  
officer may perform the duties and accept the responsibilities 93842  
of the chief clinical officer in the chief clinical officer's 93843  
absence. 93844

(L) "Working day" or "court day" means Monday, Tuesday, 93845  
Wednesday, Thursday, and Friday, except when such day is a 93846  
holiday. 93847

(M) "Indigent" means unable without deprivation of 93848  
satisfaction of basic needs to provide for the payment of an 93849  
attorney and other necessary expenses of legal representation, 93850  
including expert testimony. 93851

(N) "Respondent" means the person whose detention, 93852  
commitment, hospitalization, continued hospitalization or 93853  
commitment, or discharge is being sought in any proceeding under 93854  
this chapter. 93855

(O) "Ohio protection and advocacy system" has the same 93856  
meaning as in section 5123.60 of the Revised Code. 93857

(P) "Independent expert evaluation" means an evaluation 93858  
conducted by a licensed clinical psychologist, psychiatrist, or 93859  
licensed physician who has been selected by the respondent or 93860  
the respondent's counsel and who consents to conducting the 93861



evaluation. 93862

(Q) "Court" means the probate division of the court of 93863  
common pleas. 93864

(R) "Expunge" means: 93865

(1) The removal and destruction of court files and 93866  
records, originals and copies, and the deletion of all index 93867  
references; 93868

(2) The reporting to the person of the nature and extent 93869  
of any information about the person transmitted to any other 93870  
person by the court; 93871

(3) Otherwise insuring that any examination of court files 93872  
and records in question shall show no record whatever with 93873  
respect to the person; 93874

(4) That all rights and privileges are restored, and that 93875  
the person, the court, and any other person may properly reply 93876  
that no such record exists, as to any matter expunged. 93877

(S) "Residence" means a person's physical presence in a 93878  
county with intent to remain there, except that: 93879

(1) If a person is receiving a mental health service at a 93880  
facility that includes nighttime sleeping accommodations, 93881  
residence means that county in which the person maintained the 93882  
person's primary place of residence at the time the person 93883  
entered the facility; 93884

(2) If a person is committed pursuant to section 2945.38, 93885  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 93886  
residence means the county where the criminal charges were 93887  
filed. 93888

When the residence of a person is disputed, the matter of 93889  
residence shall be referred to the department of ~~mental~~ 93890  
behavioral health and addiction services for investigation and 93891  
determination. Residence shall not be a basis for a board of 93892  
alcohol, drug addiction, and mental health services to deny 93893  
services to any person present in the board's service district, 93894  
and the board shall provide services for a person whose 93895  
residence is in dispute while residence is being determined and 93896  
for a person in an emergency situation. 93897

(T) "Admission" to a hospital or other place means that a 93898  
patient is accepted for and stays at least one night at the 93899  
hospital or other place. 93900

(U) "Prosecutor" means the prosecuting attorney, village 93901  
solicitor, city director of law, or similar chief legal officer 93902  
who prosecuted a criminal case in which a person was found not 93903  
guilty by reason of insanity, who would have had the authority 93904  
to prosecute a criminal case against a person if the person had 93905  
not been found incompetent to stand trial, or who prosecuted a 93906  
case in which a person was found guilty. 93907

(V) (1) "Treatment plan" means a written statement of 93908  
reasonable objectives and goals for an individual established by 93909  
the treatment team, with specific criteria to evaluate progress 93910  
towards achieving those objectives. 93911

(2) The active participation of the patient in 93912  
establishing the objectives and goals shall be documented. The 93913  
treatment plan shall be based on patient needs and include 93914  
services to be provided to the patient while the patient is 93915  
hospitalized, after the patient is discharged, or in an 93916  
outpatient setting. The treatment plan shall address services to 93917  
be provided. In the establishment of the treatment plan, 93918

consideration should be given to the availability of services, 93919  
which may include but are not limited to all of the following: 93920

- (a) Community psychiatric supportive treatment; 93921
- (b) Assertive community treatment; 93922
- (c) Medications; 93923
- (d) Individual or group therapy; 93924
- (e) Peer support services; 93925
- (f) Financial services; 93926
- (g) Housing or supervised living services; 93927
- (h) Alcohol or substance abuse treatment; 93928
- (i) Any other services prescribed to treat the patient's 93929  
mental illness and to either assist the patient in living and 93930  
functioning in the community or to help prevent a relapse or a 93931  
deterioration of the patient's current condition. 93932

(3) If the person subject to the treatment plan has 93933  
executed an advance directive for mental health treatment, the 93934  
treatment team shall consider any directions included in such 93935  
advance directive in developing the treatment plan. 93936

(W) "Community control sanction" has the same meaning as 93937  
in section 2929.01 of the Revised Code. 93938

(X) "Post-release control sanction" has the same meaning 93939  
as in section 2967.01 of the Revised Code. 93940

(Y) "Local correctional facility" has the same meaning as 93941  
in section 2903.13 of the Revised Code. 93942

(Z) "Clinical nurse specialist" and "certified nurse 93943  
practitioner" have the same meanings as in section 4723.01 of 93944

the Revised Code. 93945

**Sec. 5122.03.** A patient admitted under section 5122.02 of 93946  
the Revised Code who requests release in writing, or whose 93947  
release is requested in writing by the patient's counsel, legal 93948  
guardian, parent, spouse, or adult next of kin shall be released 93949  
forthwith, except when any of the following is the case: 93950

(A) The patient was admitted on the patient's own 93951  
application and the request for release is made by a person 93952  
other than the patient, release may be conditional upon the 93953  
agreement of the patient. 93954

(B) The patient was, within the past twelve months, a 93955  
defendant described in division (B) (1) (a) (v) (I) of section 93956  
2945.38 of the Revised Code and the chief clinical officer of 93957  
the hospital decides not to file or cause to be filed an 93958  
affidavit under section 5122.11 of the Revised Code as described 93959  
in division (C) of this section. In that circumstance, the chief 93960  
clinical officer shall immediately notify the trial court or 93961  
prosecutor described in division (B) (1) (a) (v) (I) of section 93962  
2945.38 of the Revised Code of the chief clinical officer's 93963  
decision and intent to release the patient. Not later than three 93964  
court days after being notified of the intent to release, the 93965  
trial court or prosecutor may file or cause to be filed with the 93966  
court of the county where the patient is hospitalized, or the 93967  
court of the county where the patient resides, an affidavit 93968  
under section 5122.11 of the Revised Code. If such an affidavit 93969  
is filed, the patient's release must be postponed until a 93970  
hearing under section 5122.141 of the Revised Code is held. 93971

(C) The chief clinical officer of the hospital, within 93972  
three court days from the receipt of the request for release, 93973  
files or causes to be filed with the court of the county where 93974

the patient is hospitalized or of the county where the patient 93975  
is a resident, an affidavit under section 5122.11 of the Revised 93976  
Code. Release may be postponed until the hearing held under 93977  
section 5122.141 of the Revised Code. A telephone communication 93978  
within three court days from the receipt of the request for 93979  
release from the chief clinical officer to the court, indicating 93980  
that the required affidavit has been mailed, is sufficient 93981  
compliance with the time limit for filing such affidavit. 93982

Unless the patient is released within three days from the 93983  
receipt of the request by the chief clinical officer, the 93984  
request shall serve as a request for an initial hearing under 93985  
section 5122.141 of the Revised Code. If the court finds that 93986  
the patient is a person with a mental illness subject to court 93987  
order, all provisions of this chapter with respect to 93988  
involuntary hospitalization apply to such person. 93989

Judicial proceedings for hospitalization shall not be 93990  
commenced with respect to a voluntary patient except pursuant to 93991  
this section. 93992

Sections 5121.30 to 5121.56 of the Revised Code apply to 93993  
persons received in a hospital operated by the department of 93994  
~~mental behavioral health and addiction services~~ on a voluntary 93995  
application. 93996

The chief clinical officer of the hospital shall provide 93997  
reasonable means and arrangements for informing patients of 93998  
their rights to release as provided in this section and for 93999  
assisting them in making and presenting requests for release or 94000  
for a hearing under section 5122.141 of the Revised Code. 94001

Before a patient is released from a public hospital, the 94002  
chief clinical officer shall, when possible, ~~notify~~ provide 94003

notice of the patient's pending release to the board of alcohol, 94004  
drug addiction, and mental health services serving the patient's 94005  
county of residence ~~of the patient's pending release after .~~ 94006  
Before the notice is given, the chief clinical officer ~~has~~ 94007  
~~informed~~ shall inform the patient that the board will be so 94008  
notified. 94009

**Sec. 5122.10.** (A) (1) Any of the following who has reason 94010  
to believe that a person is a person with a mental illness 94011  
subject to court order and represents a substantial risk of 94012  
physical harm to self or others if allowed to remain at liberty 94013  
pending examination may take the person into custody and may 94014  
immediately transport the person to a hospital or, 94015  
notwithstanding section 5119.33 of the Revised Code, to a 94016  
general hospital not licensed by the department of ~~mental~~ 94017  
behavioral health and addiction services where the person may be 94018  
held for the period prescribed in this section: 94019

(a) A psychiatrist; 94020

(b) A licensed physician; 94021

(c) A licensed clinical psychologist; 94022

(d) A clinical nurse specialist who is certified as a 94023  
psychiatric-mental health CNS by the American nurses 94024  
credentialing center; 94025

(e) A certified nurse practitioner who is certified as a 94026  
psychiatric-mental health NP by the American nurses 94027  
credentialing center; 94028

(f) A health officer; 94029

(g) A parole officer; 94030

(h) A police officer; 94031

(i) A sheriff. 94032

(2) If the chief of the adult parole authority or a parole 94033  
or probation officer with the approval of the chief of the 94034  
authority has reason to believe that a parolee, an offender 94035  
under a community control sanction or post-release control 94036  
sanction, or an offender under transitional control is a person 94037  
with a mental illness subject to court order and represents a 94038  
substantial risk of physical harm to self or others if allowed 94039  
to remain at liberty pending examination, the chief or officer 94040  
may take the parolee or offender into custody and may 94041  
immediately transport the parolee or offender to a hospital or, 94042  
notwithstanding section 5119.33 of the Revised Code, to a 94043  
general hospital not licensed by the department of ~~mental~~ 94044  
behavioral health and addiction services where the parolee or 94045  
offender may be held for the period prescribed in this section. 94046

(B) A written statement shall be given to the hospital by 94047  
the individual authorized under division (A) (1) or (2) of this 94048  
section to transport the person. The statement shall specify the 94049  
circumstances under which such person was taken into custody and 94050  
the reasons for the belief that the person is a person with a 94051  
mental illness subject to court order and represents a 94052  
substantial risk of physical harm to self or others if allowed 94053  
to remain at liberty pending examination. This statement shall 94054  
be made available to the respondent or the respondent's attorney 94055  
upon request of either. 94056

(C) Every reasonable and appropriate effort shall be made 94057  
to take persons into custody in the least conspicuous manner 94058  
possible. A person taking the respondent into custody pursuant 94059  
to this section shall explain to the respondent: the name and 94060  
professional designation and affiliation of the person taking 94061

the respondent into custody; that the custody-taking is not a 94062  
criminal arrest; and that the person is being taken for 94063  
examination by mental health professionals at a specified mental 94064  
health facility identified by name. 94065

(D) If a person taken into custody under this section is 94066  
transported to a general hospital, the general hospital may 94067  
admit the person, or provide care and treatment for the person, 94068  
or both, notwithstanding section 5119.33 of the Revised Code, 94069  
but by the end of twenty-four hours after arrival at the general 94070  
hospital, the person shall be transferred to a hospital as 94071  
defined in section 5122.01 of the Revised Code. 94072

(E) A person transported or transferred to a hospital or 94073  
community mental health services provider under this section 94074  
shall be examined by the staff of the hospital or services 94075  
provider within twenty-four hours after arrival at the hospital 94076  
or services provider. If to conduct the examination requires 94077  
that the person remain overnight, the hospital or services 94078  
provider shall admit the person in an unclassified status until 94079  
making a disposition under this section. After the examination, 94080  
if the chief clinical officer of the hospital or services 94081  
provider believes that the person is not a person with a mental 94082  
illness subject to court order, the chief clinical officer shall 94083  
release or discharge the person immediately unless a court has 94084  
issued a temporary order of detention applicable to the person 94085  
under section 5122.11 of the Revised Code. After the 94086  
examination, if the chief clinical officer believes that the 94087  
person is a person with a mental illness subject to court order, 94088  
the chief clinical officer may detain the person for not more 94089  
than three court days following the day of the examination and 94090  
during such period admit the person as a voluntary patient under 94091  
section 5122.02 of the Revised Code or file an affidavit under 94092



section 5122.11 of the Revised Code. If neither action is taken 94093  
and a court has not otherwise issued a temporary order of 94094  
detention applicable to the person under section 5122.11 of the 94095  
Revised Code, the chief clinical officer shall discharge the 94096  
person at the end of the three-day period unless the person has 94097  
been sentenced to the department of rehabilitation and 94098  
correction and has not been released from the person's sentence, 94099  
in which case the person shall be returned to that department. 94100

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 94101  
manner consistent with this chapter and with due process of law. 94102  
The hearings shall be conducted by a judge of the probate court 94103  
or a referee designated by a judge of the probate court and may 94104  
be conducted in or out of the county in which the respondent is 94105  
held. Any referee designated under this division shall be an 94106  
attorney. 94107

(1) With the consent of the respondent, the following 94108  
shall be made available to counsel for the respondent: 94109

(a) All relevant documents, information, and evidence in 94110  
the custody or control of the state or prosecutor; 94111

(b) All relevant documents, information, and evidence in 94112  
the custody or control of the hospital in which the respondent 94113  
currently is held, or in which the respondent has been held 94114  
pursuant to this chapter; 94115

(c) All relevant documents, information, and evidence in 94116  
the custody or control of any hospital, facility, or person not 94117  
included in division (A) (1) (a) or (b) of this section. 94118

(2) The respondent has the right to attend the hearing and 94119  
to be represented by counsel of the respondent's choice. The 94120  
right to attend the hearing may be waived only by the respondent 94121

or counsel for the respondent after consultation with the 94122  
respondent. 94123

(3) If the respondent is not represented by counsel, is 94124  
absent from the hearing, and has not validly waived the right to 94125  
counsel, the court shall appoint counsel immediately to 94126  
represent the respondent at the hearing, reserving the right to 94127  
tax costs of appointed counsel to the respondent, unless it is 94128  
shown that the respondent is indigent. If the court appoints 94129  
counsel, or if the court determines that the evidence relevant 94130  
to the respondent's absence does not justify the absence, the 94131  
court shall continue the case. 94132

(4) The respondent shall be informed that the respondent 94133  
may retain counsel and have independent expert evaluation. If 94134  
the respondent is unable to obtain an attorney, the respondent 94135  
shall be represented by court-appointed counsel. If the 94136  
respondent is indigent, court-appointed counsel and independent 94137  
expert evaluation shall be provided as an expense under section 94138  
5122.43 of the Revised Code. 94139

(5) The hearing shall be closed to the public, unless 94140  
counsel for the respondent, with the permission of the 94141  
respondent, requests that the hearing be open to the public. 94142

(6) If the hearing is closed to the public, the court, for 94143  
good cause shown, may admit persons who have a legitimate 94144  
interest in the proceedings. If the respondent, the respondent's 94145  
counsel, or the designee of the director or of the chief 94146  
clinical officer objects to the admission of any person, the 94147  
court shall hear the objection and any opposing argument and 94148  
shall rule upon the admission of the person to the hearing. 94149

(7) The affiant under section 5122.11 of the Revised Code 94150

shall be subject to subpoena by either party. 94151

(8) The court shall examine the sufficiency of all 94152  
documents filed and shall inform the respondent, if present, and 94153  
the respondent's counsel of the nature and content of the 94154  
documents and the reason for which the respondent is being 94155  
detained, or for which the respondent's placement is being 94156  
sought. 94157

(9) The court shall receive only reliable, competent, and 94158  
material evidence. 94159

(10) Unless proceedings are initiated pursuant to section 94160  
5120.17 or 5139.08 of the Revised Code, an attorney that the 94161  
board designates shall present the case demonstrating that the 94162  
respondent is a person with a mental illness subject to court 94163  
order. The attorney shall offer evidence of the diagnosis, 94164  
prognosis, record of treatment, if any, and less restrictive 94165  
treatment plans, if any. In proceedings pursuant to section 94166  
5120.17 or 5139.08 of the Revised Code, the attorney general 94167  
shall designate an attorney who shall present the case 94168  
demonstrating that the respondent is a person with a mental 94169  
illness subject to court order. The attorney shall offer 94170  
evidence of the diagnosis, prognosis, record of treatment, if 94171  
any, and less restrictive treatment plans, if any. 94172

(11) The respondent or the respondent's counsel has the 94173  
right to subpoena witnesses and documents and to examine and 94174  
cross-examine witnesses. 94175

(12) The respondent has the right, but shall not be 94176  
compelled, to testify, and shall be so advised by the court. 94177

(13) On motion of the respondent or the respondent's 94178  
counsel for good cause shown, or on the court's own motion, the 94179

court may order a continuance of the hearing. 94180

(14) If the respondent is represented by counsel and the 94181  
respondent's counsel requests a transcript and record, or if the 94182  
respondent is not represented by counsel, the court shall make 94183  
and maintain a full transcript and record of the proceeding. If 94184  
the respondent is indigent and the transcript and record is 94185  
made, a copy shall be provided to the respondent upon request 94186  
and be treated as an expense under section 5122.43 of the 94187  
Revised Code. 94188

(15) To the extent not inconsistent with this chapter, the 94189  
Rules of Civil Procedure are applicable. 94190

(B) Unless, upon completion of the hearing the court finds 94191  
by clear and convincing evidence that the respondent is a person 94192  
with a mental illness subject to court order, it shall order the 94193  
respondent's discharge immediately. 94194

(C) If, upon completion of the hearing, the court finds by 94195  
clear and convincing evidence that the respondent is a person 94196  
with a mental illness subject to court order, the court shall 94197  
order the respondent for a period not to exceed ninety days to 94198  
any of the following: 94199

(1) A hospital operated by the department of ~~mental-~~ 94200  
behavioral health and addiction services if the respondent is 94201  
committed pursuant to section 5139.08 of the Revised Code; 94202

(2) A nonpublic hospital; 94203

(3) The veterans' administration or other agency of the 94204  
United States government; 94205

(4) A board of alcohol, drug addiction, and mental health 94206  
services or services provider the board designates; 94207

(5) Receive private psychiatric or psychological care and treatment; 94208  
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(6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent. A jail or other local correctional facility is not a suitable facility. 94210  
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(D) Any order made pursuant to division (C) (2), (3), (5), or (6) of this section shall be conditioned upon the receipt by the court of consent by the hospital, facility, agency, or person to accept the respondent and may include a requirement that a person or entity described in division (C) (2), (3), (5), or (6) of this section inform the board of alcohol, drug addiction, and mental health services or community mental health services provider the board designates about the progress of the respondent with the treatment plan. 94214  
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(E) In determining the entity or person to which the respondent is to be committed under division (C) of this section, the court shall consider all of the following: 94223  
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(1) The respondent's diagnosis and prognosis made by a psychiatrist, licensed clinical psychologist, clinical nurse specialist who is certified as a psychiatric-mental health clinical nurse specialist by the American nurses credentialing center, or certified nurse practitioner who is certified as a psychiatric-mental health nurse practitioner by the American nurses credentialing center; 94226  
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(2) The respondent's preferences; 94233

(3) The respondent's projected treatment plan. 94234

The court shall order the implementation of the least restrictive alternative available and consistent with treatment 94235  
94236

goals. If the court determines that the least restrictive 94237  
alternative available that is consistent with treatment goals is 94238  
inpatient hospitalization, the court's order shall so state. 94239

(F) During the ninety-day period the entity or person 94240  
shall examine and treat the respondent. If the respondent is 94241  
receiving treatment in an outpatient setting, or receives 94242  
treatment in an outpatient setting during a subsequent period of 94243  
continued commitment under division (H) of this section, the 94244  
entity or person to whom the respondent is committed shall 94245  
determine the appropriate outpatient treatment for the 94246  
respondent. If, at any time prior to the expiration of the 94247  
ninety-day period, it is determined by the entity or person that 94248  
the respondent's treatment needs could be equally well met in an 94249  
available and appropriate less restrictive setting, both of the 94250  
following apply: 94251

(1) The respondent shall be released from the care of the 94252  
entity or person immediately and shall be referred to the court 94253  
together with a report of the findings and recommendations of 94254  
the entity or person; 94255

(2) The entity or person shall notify the respondent's 94256  
counsel or the attorney designated by a board of alcohol, drug 94257  
addiction, and mental health services or, if the respondent was 94258  
committed to a board or a services provider designated by the 94259  
board, it shall place the respondent in the least restrictive 94260  
setting available consistent with treatment goals and notify the 94261  
court and the respondent's counsel of the placement. 94262

The court shall dismiss the case or order placement in the 94263  
least restrictive setting. 94264

(G) (1) Except as provided in division (G) (2) of this 94265

section, any person for whom proceedings for treatment have been 94266  
commenced pursuant to section 5122.11 of the Revised Code, may 94267  
apply at any time for voluntary admission or treatment to the 94268  
entity or person to which the person was committed. Upon 94269  
admission as a voluntary patient the chief clinical officer of 94270  
the entity or the person immediately shall notify the court, the 94271  
patient's counsel, and the attorney designated by the board, if 94272  
the attorney has entered the proceedings, in writing of that 94273  
fact, and, upon receipt of the notice, the court shall dismiss 94274  
the case. 94275

(2) A person who is found incompetent to stand trial or 94276  
not guilty by reason of insanity and who is committed pursuant 94277  
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 94278  
Revised Code shall not voluntarily commit the person pursuant to 94279  
this section until after the final termination of the 94280  
commitment, as described in division (J) of section 2945.401 of 94281  
the Revised Code. 94282

(H) If, at the end of the first ninety-day period or any 94283  
subsequent period of continued commitment, there has been no 94284  
disposition of the case, either by discharge or voluntary 94285  
admission or treatment, the entity or person shall discharge the 94286  
patient immediately, unless at least ten days before the 94287  
expiration of the period the attorney the board designates or 94288  
the prosecutor files with the court an application for continued 94289  
commitment. The application of the attorney or the prosecutor 94290  
shall include a written report containing the diagnosis, 94291  
prognosis, past treatment, a list of alternative treatment 94292  
settings and plans, and identification of the treatment setting 94293  
that is the least restrictive consistent with treatment needs. 94294  
The attorney the board designates or the prosecutor shall file 94295  
the written report at least three days prior to the full 94296

hearing. A copy of the application and written report shall be 94297  
provided to the respondent's counsel immediately. 94298

The court shall hold a full hearing on applications for 94299  
continued commitment at the expiration of the first ninety-day 94300  
period and at least every two years after the expiration of the 94301  
first ninety-day period. 94302

Hearings following any application for continued 94303  
commitment are mandatory and may not be waived. 94304

For a respondent who is ordered to receive treatment in an 94305  
outpatient setting, if at any time after the first ninety-day 94306  
period the entity or person to whom the respondent was ordered 94307  
determines that the respondent has demonstrated voluntary 94308  
consent for treatment, that entity or person shall immediately 94309  
notify the respondent, the respondent's counsel, the attorney 94310  
designated by the board, and the court. The entity or person 94311  
shall submit to the court a report of the findings and 94312  
recommendations. The court may dismiss the case upon review of 94313  
the facts. 94314

Upon request of a person who is involuntarily committed 94315  
under this section, or the person's counsel, that is made more 94316  
than one hundred eighty days after the person's last full 94317  
hearing, mandatory or requested, the court shall hold a full 94318  
hearing on the person's continued commitment. Upon the 94319  
application of a person involuntarily committed under this 94320  
section, supported by an affidavit of a psychiatrist or licensed 94321  
clinical psychologist, alleging that the person no longer is a 94322  
person with a mental illness subject to court order, the court 94323  
for good cause shown may hold a full hearing on the person's 94324  
continued commitment prior to the expiration of one hundred 94325  
eighty days after the person's last full hearing. Section 94326



5122.12 of the Revised Code applies to all hearings on continued commitment. 94327  
94328

If the court, after a hearing for continued commitment 94329  
finds by clear and convincing evidence that the respondent is a 94330  
person with a mental illness subject to court order, the court 94331  
may order continued commitment at places or to persons specified 94332  
in division (C) of this section. 94333

(I) Unless the admission is pursuant to section 5120.17 or 94334  
5139.08 of the Revised Code, the chief clinical officer of the 94335  
entity admitting a respondent pursuant to a judicial proceeding, 94336  
within ten working days of the admission, shall make a report of 94337  
the admission to the board of alcohol, drug addiction, and 94338  
mental health services serving the respondent's county of 94339  
residence. 94340

(J) A referee appointed by the court may make all orders 94341  
that a judge may make under this section and sections 5122.11 94342  
and 5122.141 of the Revised Code, except an order of contempt of 94343  
court. The orders of a referee take effect immediately. Within 94344  
fourteen days of the making of an order by a referee, a party 94345  
may file written objections to the order with the court. The 94346  
filed objections shall be considered a motion, shall be 94347  
specific, and shall state their grounds with particularity. 94348  
Within ten days of the filing of the objections, a judge of the 94349  
court shall hold a hearing on the objections and may hear and 94350  
consider any testimony or other evidence relating to the 94351  
respondent's mental condition. At the conclusion of the hearing, 94352  
the judge may ratify, rescind, or modify the referee's order. 94353

(K) An order of the court under division (C), (H), or (J) 94354  
of this section is a final order. 94355

(L) Before a board, or a services provider the board designates, may place an unconsenting respondent in an inpatient setting from a less restrictive placement, the board or services provider shall do all of the following:

(1) Determine that the respondent is in immediate need of treatment in an inpatient setting because the respondent represents a substantial risk of physical harm to the respondent or others if allowed to remain in a less restrictive setting;

(2) On the day of placement in the inpatient setting or on the next court day, file with the court a motion for transfer to an inpatient setting or communicate to the court by telephone that the required motion has been mailed;

(3) Ensure that every reasonable and appropriate effort is made to take the respondent to the inpatient setting in the least conspicuous manner possible;

(4) Immediately notify the board's designated attorney and the respondent's attorney.

At the respondent's request, the court shall hold a hearing on the motion and make a determination pursuant to division (E) of this section within five days of the placement.

(M) Before a board, or a services provider the board designates, may move a respondent from one residential placement to another, the board or services provider shall consult with the respondent about the placement. If the respondent objects to the placement, the proposed placement and the need for it shall be reviewed by a qualified mental health professional who otherwise is not involved in the treatment of the respondent.

(N) The entity or person to whom the respondent was ordered for treatment in an outpatient setting may submit a

report to the court indicating that the respondent has either 94385  
failed to comply with the treatment plan or begun to demonstrate 94386  
signs of decompensation that may be grounds for hospitalization. 94387  
On receipt of the report, the court shall promptly schedule a 94388  
hearing to review the case. The court shall conduct the hearing 94389  
in a manner consistent with this chapter and due process of law. 94390  
The board shall receive notice of the hearing and the board and 94391  
entity or person treating the respondent shall submit a report 94392  
to the court with a plan for appropriate alternative treatment, 94393  
if any, or recommend that the court discontinue the court- 94394  
ordered treatment. The court shall consider available and 94395  
appropriate alternative placements but shall not impose criminal 94396  
sanctions that result in confinement in a jail or other local 94397  
correctional facility based on the respondent's failure to 94398  
comply with the treatment plan. The court may not order the 94399  
respondent to a more restrictive placement unless the criteria 94400  
specified in division (L) of this section are met and may not 94401  
order the respondent to an inpatient setting unless the court 94402  
determines by clear and convincing evidence presented by the 94403  
board that the respondent meets the criteria specified in 94404  
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 94405  
the Revised Code. 94406

**Sec. 5122.20.** The director of ~~mental-behavioral~~ health and 94407  
~~addiction services~~ or the director's designee may transfer, or 94408  
authorize the transfer of, an involuntary patient, or a 94409  
consenting voluntary patient hospitalized pursuant to section 94410  
5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from 94411  
one public hospital to another, or to a hospital, community 94412  
mental health services provider, or other facility offering 94413  
treatment or other services for mental illness, if the medical 94414  
director of the department of ~~mental-behavioral~~ health and 94415

~~addiction services~~ determines that it would be consistent with 94416  
the medical needs of the patient to do so. If such a transfer is 94417  
made to a private facility, the transfer shall be conditioned 94418  
upon the consent of the facility. 94419

Before an involuntary patient may be transferred to a more 94420  
restrictive setting, the chief clinical officer shall file a 94421  
motion with the court requesting the court to amend its order of 94422  
placement issued under section 5122.15 of the Revised Code. At 94423  
the patient's request, the court shall hold a hearing on the 94424  
motion at which the patient has the same rights as at a full 94425  
hearing under section 5122.15 of the Revised Code. The hearing 94426  
shall be held within ten days after the date on which the 94427  
respondent was transferred to the more restrictive setting or on 94428  
which the motion was filed, whichever is earlier. On the motion 94429  
of the respondent, the respondent's counsel, or the chief 94430  
clinical officer, or on its own motion, and for good cause 94431  
shown, the court may order a continuance of the hearing for up 94432  
to ten days. 94433

Whenever an involuntary patient is transferred, written 94434  
notice of the transfer shall be given to the patient's legal 94435  
guardian, parents, spouse, and counsel, or, if none is known, to 94436  
the patient's nearest known relative or friend. If the patient 94437  
is a minor, the department, before making such a transfer, shall 94438  
make a minute of the order for the transfer and the reason for 94439  
it upon its record and shall send a certified copy at least 94440  
seven days prior to the transfer to the person shown by its 94441  
record to have had the care or custody of the minor immediately 94442  
prior to the minor's commitment. Whenever a consenting voluntary 94443  
patient is transferred, the notification shall be given only at 94444  
the patient's request. The chief clinical officer shall advise a 94445  
voluntary patient who is being transferred that the patient may 94446

decide if the notification shall be given. In all such 94447  
transfers, due consideration shall be given to the wishes of the 94448  
patient, and the relationship of the patient to the patient's 94449  
family, legal guardian, or friends, so as to maintain the 94450  
relationship and encourage visits beneficial to the patient. 94451

When a voluntary patient whose medical or psychological 94452  
needs are found by the chief clinical officer to warrant a 94453  
transfer refuses to be transferred to an alternate facility, the 94454  
chief clinical officer may file an affidavit for a hearing under 94455  
section 5122.11 of the Revised Code. 94456

**Sec. 5122.21.** (A) The chief clinical officer shall as 94457  
frequently as practicable, and at least once every thirty days, 94458  
examine or cause to be examined every patient, and, whenever the 94459  
chief clinical officer determines that the conditions justifying 94460  
involuntary hospitalization or commitment no longer obtain, 94461  
shall discharge the patient not under indictment or conviction 94462  
for crime and immediately make a report of the discharge to the 94463  
department of ~~mental-behavioral health-and-addiction services~~. 94464  
The chief clinical officer may discharge a patient who is under 94465  
an indictment, a sentence of imprisonment, a community control 94466  
sanction, or a post-release control sanction or on parole ten 94467  
days after written notice of intent to discharge the patient has 94468  
been given by personal service or certified mail, return receipt 94469  
requested, to the court having criminal jurisdiction over the 94470  
patient. Except when the patient was found not guilty by reason 94471  
of insanity and the defendant's commitment is pursuant to 94472  
section 2945.40 of the Revised Code, the chief clinical officer 94473  
has final authority to discharge a patient who is under an 94474  
indictment, a sentence of imprisonment, a community control 94475  
sanction, or a post-release control sanction or on parole. 94476

(B) After a finding pursuant to section 5122.15 of the Revised Code that a person is a person with a mental illness subject to court order, the chief clinical officer of the hospital or community mental health services provider to which the person is ordered or to which the person is transferred under section 5122.20 of the Revised Code, may grant a discharge without the consent or authorization of any court.

Upon discharge, the chief clinical officer shall notify the court that caused the judicial hospitalization of the discharge from the hospital.

**Sec. 5122.23.** The chief clinical officer of a public hospital shall immediately report to the department of ~~mental-behavioral health and addiction services~~ and the board of alcohol, drug addiction, and mental health services serving the patient's county of residence the removal, death, escape, discharge, or trial visit of any patient hospitalized under section 5122.15 of the Revised Code, or the return of such an escaped or visiting patient to the department, the probate judge of the county from which such patient was hospitalized, and the probate judge of the county of residence of such patient. In case of death, the chief clinical officer also shall notify one or more of the nearest relatives of the deceased patient, if known to the chief clinical officer, by letter, telegram, or telephone. If the place of residence of such relative is unknown to the chief clinical officer, immediately upon receiving notification the probate judge shall in the speediest manner possible notify such relatives, if known to the probate judge.

The chief clinical officer of a public hospital, upon the request of the probate judge of the county from which a patient was hospitalized or the probate judge of the county of residence

of such a patient, shall make a report to the judge of the 94507  
condition of any patient under the care, treatment, custody, or 94508  
control of the chief clinical officer. 94509

**Sec. 5122.26.** (A) If a patient is absent without leave, on 94510  
a verbal or written order issued within five days of the time of 94511  
the unauthorized absence by the department of ~~mental-behavioral~~ 94512  
~~health-and-addiction services~~, the chief clinical officer of the 94513  
hospital from which the patient is absent without leave, or the 94514  
court of either the county from which the patient was committed 94515  
or in which the patient is found, any health or police officer 94516  
or sheriff may take the patient into custody and transport the 94517  
patient to the hospital in which the patient was hospitalized or 94518  
to a place that is designated in the order. The officer 94519  
immediately shall report such fact to the entity that issued the 94520  
order. 94521

The chief clinical officer of a hospital may discharge a 94522  
patient who is under an indictment, a sentence of imprisonment, 94523  
a community control sanction, or a post-release control sanction 94524  
or on parole and who has been absent without leave for more than 94525  
thirty days but shall give written notice of the discharge to 94526  
the court with criminal jurisdiction over the patient. The chief 94527  
clinical officer of a hospital may discharge any other patient 94528  
who has been absent without leave for more than fourteen days. 94529

The chief clinical officer shall take all proper measures 94530  
for the apprehension of an escaped patient. The expense of the 94531  
return of an escaped patient shall be borne by the hospital 94532  
where the patient is hospitalized. 94533

(B) (1) Subject to division (B) (2) of this section, no 94534  
patient hospitalized under Chapter 5122. of the Revised Code 94535  
whose absence without leave was caused or contributed to by the 94536

patient's mental illness shall be subject to a charge of escape. 94537

(2) Division (B)(1) of this section does not apply to any 94538  
person who was hospitalized, institutionalized, or confined in a 94539  
facility under an order made pursuant to or under authority of 94540  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 94541  
or 2945.402 of the Revised Code and who escapes from the 94542  
facility, from confinement in a vehicle for transportation to or 94543  
from the facility, or from supervision by an employee of the 94544  
facility that is incidental to hospitalization, 94545  
institutionalization, or confinement in the facility and that 94546  
occurs outside the facility, in violation of section 2921.34 of 94547  
the Revised Code. 94548

**Sec. 5122.27.** The chief clinical officer of the hospital 94549  
or the chief clinical officer's designee shall assure that all 94550  
patients hospitalized or committed pursuant to this chapter 94551  
shall: 94552

(A) Receive, within twenty days of their admission 94553  
sufficient professional care to assure that an evaluation of 94554  
current status, differential diagnosis, probable prognosis, and 94555  
description of the current treatment plan is stated on the 94556  
official chart; 94557

(B) Have a written treatment plan consistent with the 94558  
evaluation, diagnosis, prognosis, and goals which shall be 94559  
provided, upon request of the patient or patient's counsel, to 94560  
the patient's counsel and to any private physician or licensed 94561  
clinical psychologist designated by the patient or the patient's 94562  
counsel or to the Ohio protection and advocacy system; 94563

(C) Receive treatment consistent with the treatment plan. 94564  
The department of ~~mental-behavioral health and addiction~~ 94565



~~services~~ shall set standards for treatment provided to such 94566  
patients, consistent wherever possible with standards set by the 94567  
joint commission. 94568

(D) Receive periodic reevaluations of the treatment plan 94569  
by the professional staff at intervals not to exceed ninety 94570  
days; 94571

(E) Be provided with adequate medical treatment for 94572  
physical disease or injury; 94573

(F) Receive humane care and treatment, including without 94574  
limitation, the following: 94575

(1) The least restrictive environment consistent with the 94576  
treatment plan; 94577

(2) The necessary facilities and personnel required by the 94578  
treatment plan; 94579

(3) A humane psychological and physical environment; 94580

(4) The right to obtain current information concerning the 94581  
patient's treatment program and expectations in terms that the 94582  
patient can reasonably understand; 94583

(5) Participation in programs designed to afford the 94584  
patient substantial opportunity to acquire skills to facilitate 94585  
return to the community or to terminate an involuntary 94586  
commitment; 94587

(6) The right to be free from unnecessary or excessive 94588  
medication; 94589

(7) Freedom from restraints or isolation unless it is 94590  
stated in a written order by the chief clinical officer or the 94591  
chief clinical officer's designee, or the patient's individual 94592

physician or psychologist in a private or general hospital. 94593

If the chief clinical officer of the hospital is unable to 94594  
provide the treatment required by divisions (C), (E), and (F) of 94595  
this section for any patient hospitalized pursuant to Chapter 94596  
5122. of the Revised Code, the chief clinical officer shall 94597  
immediately notify the patient, the court, the Ohio protection 94598  
and advocacy system, the director of ~~mental~~-behavioral health- 94599  
~~and addiction services~~, and the patient's counsel and legal 94600  
guardian, if known. If within ten days after receipt of such 94601  
notification by the director, the director is unable to effect a 94602  
transfer of the patient, pursuant to section 5122.20 of the 94603  
Revised Code, to a hospital, community mental health services 94604  
provider, or other medical facility where treatment is 94605  
available, or has not received an order of the court to the 94606  
contrary, the involuntary commitment of any patient hospitalized 94607  
pursuant to Chapter 5122. of the Revised Code and defined as a 94608  
person with a mental illness subject to court order under 94609  
division (B)(4) of section 5122.01 of the Revised Code shall 94610  
automatically be terminated. 94611

**Sec. 5122.31.** (A) All certificates, applications, records, 94612  
and reports made for the purpose of this chapter and sections 94613  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 94614  
Code, other than court journal entries or court docket entries, 94615  
and directly or indirectly identifying a patient or former 94616  
patient or person whose hospitalization or commitment has been 94617  
sought under this chapter, shall be kept confidential and shall 94618  
not be disclosed by any person except: 94619

(1) If the person identified, or the person's legal 94620  
guardian, if any, or if the person is a minor, the person's 94621  
parent or legal guardian, consents, and if the disclosure is in 94622

the best interests of the person, as may be determined by the 94623  
court for judicial records and by the chief clinical officer for 94624  
medical records; 94625

(2) When disclosure is provided for in this chapter or 94626  
Chapters 340. or 5119. of the Revised Code or in accordance with 94627  
other provisions of state or federal law authorizing such 94628  
disclosure; 94629

(3) That hospitals, boards of alcohol, drug addiction, and 94630  
mental health services, and community mental health services 94631  
providers may release necessary medical information to insurers 94632  
and other third-party payers, including government entities 94633  
responsible for processing and authorizing payment, to obtain 94634  
payment for goods and services furnished to the patient; 94635

(4) Pursuant to a court order signed by a judge; 94636

(5) That a patient shall be granted access to the 94637  
patient's own psychiatric and medical records, unless access 94638  
specifically is restricted in a patient's treatment plan for 94639  
clear treatment reasons; 94640

(6) That hospitals and other institutions and facilities 94641  
within the department of ~~mental behavioral health and addiction~~ 94642  
~~services~~ may exchange psychiatric records and other pertinent 94643  
information with other hospitals, institutions, and facilities 94644  
of the department, and with community mental health services 94645  
providers and boards of alcohol, drug addiction, and mental 94646  
health services with which the department has a current 94647  
agreement for patient care or services. Records and information 94648  
that may be released pursuant to this division shall be limited 94649  
to medication history, physical health status and history, 94650  
financial status, summary of course of treatment in the 94651

hospital, summary of treatment needs, and a discharge summary, 94652  
if any. 94653

(7) That hospitals within the department and other 94654  
institutions and facilities within the department may exchange 94655  
psychiatric records and other pertinent information with payers 94656  
and other providers of treatment, health services, and recovery 94657  
supports if the purpose of the exchange is to facilitate 94658  
continuity of care for a patient or for the emergency treatment 94659  
of an individual; 94660

(8) That a patient's family member who is involved in the 94661  
provision, planning, and monitoring of services to the patient 94662  
may receive medication information, a summary of the patient's 94663  
diagnosis and prognosis, and a list of the services and 94664  
personnel available to assist the patient and the patient's 94665  
family, if the patient's treating physician determines that the 94666  
disclosure would be in the best interests of the patient. No 94667  
such disclosure shall be made unless the patient is notified 94668  
first and receives the information and does not object to the 94669  
disclosure. 94670

(9) That community mental health services providers may 94671  
exchange psychiatric records and certain other information with 94672  
the board of alcohol, drug addiction, and mental health services 94673  
and other services providers in order to provide services to a 94674  
person involuntarily committed to a board. Release of records 94675  
under this division shall be limited to medication history, 94676  
physical health status and history, financial status, summary of 94677  
course of treatment, summary of treatment needs, and discharge 94678  
summary, if any. 94679

(10) That information may be disclosed to the executor or 94680  
the administrator of an estate of a deceased patient when the 94681

information is necessary to administer the estate; 94682

(11) That records in the possession of the Ohio history 94683  
connection may be released to the closest living relative of a 94684  
deceased patient upon request of that relative; 94685

(12) That records pertaining to the patient's diagnosis, 94686  
course of treatment, treatment needs, and prognosis shall be 94687  
disclosed and released to the appropriate prosecuting attorney 94688  
if the patient was committed pursuant to section 2945.38, 94689  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 94690  
to the attorney designated by the board for proceedings pursuant 94691  
to involuntary commitment under this chapter. 94692

(13) That the department of ~~mental-behavioral health and~~ 94693  
~~addiction services~~ may exchange psychiatric hospitalization 94694  
records, other mental health treatment records, and other 94695  
pertinent information with the department of rehabilitation and 94696  
correction and with the department of youth services to ensure 94697  
continuity of care for inmates or offenders who are receiving 94698  
mental health services in an institution of the department of 94699  
rehabilitation and correction or the department of youth 94700  
services and may exchange psychiatric hospitalization records, 94701  
other mental health treatment records, and other pertinent 94702  
information with boards of alcohol, drug addiction, and mental 94703  
health services and community mental health services providers 94704  
to ensure continuity of care for inmates or offenders who are 94705  
receiving mental health services in an institution and are 94706  
scheduled for release within six months. The release of records 94707  
under this division is limited to records regarding an inmate's 94708  
or offender's medication history, physical health status and 94709  
history, summary of course of treatment, summary of treatment 94710  
needs, and a discharge summary, if any; 94711

(14) That records and reports relating to a person who has 94712  
been deceased for fifty years or more are no longer considered 94713  
confidential. 94714

(B) Before records are disclosed pursuant to divisions (A) 94715  
(3), (6), and (9) of this section, the custodian of the records 94716  
shall attempt to obtain the patient's consent for the 94717  
disclosure. No person shall reveal the contents of a medical 94718  
record of a patient except as authorized by law. 94719

(C) The managing officer of a hospital who releases 94720  
necessary medical information under division (A) (3) of this 94721  
section to allow an insurance carrier or other third party payor 94722  
to comply with section 5121.43 of the Revised Code shall neither 94723  
be subject to criminal nor civil liability. 94724

**Sec. 5122.32.** (A) As used in this section: 94725

(1) "Quality assurance committee" means a committee that 94726  
is appointed in the central office of the department of ~~mental-~~ 94727  
behavioral health and addiction services by the director of 94728  
~~mental-behavioral health and addiction services~~, a committee of 94729  
a hospital or community setting program, or a duly authorized 94730  
subcommittee of a committee of that nature and that is 94731  
designated to carry out quality assurance program activities. 94732

(2) "Quality assurance program" means a comprehensive 94733  
program within the department of ~~mental-behavioral health and-~~ 94734  
~~addiction services~~ to systematically review and improve the 94735  
quality of medical and mental health services within the 94736  
department and its hospitals and community setting programs, the 94737  
safety and security of persons receiving or administering 94738  
medical and mental health services within the department and its 94739  
hospitals and community setting programs, and the efficiency and 94740

effectiveness of the utilization of staff and resources in the 94741  
delivery of medical and mental health services within the 94742  
department and its hospitals and community setting programs. 94743  
"Quality assurance program" includes the central office quality 94744  
assurance committees, morbidity and mortality review committees, 94745  
quality assurance programs of community setting programs, 94746  
quality assurance committees of hospitals operated by the 94747  
department of ~~mental~~ behavioral health ~~and addiction services~~, 94748  
and the office of licensure and certification of the department. 94749

(3) "Quality assurance program activities" include 94750  
collecting or compiling information and reports required by a 94751  
quality assurance committee, receiving, reviewing, or 94752  
implementing the recommendations made by a quality assurance 94753  
committee, and credentialing, privileging, infection control, 94754  
tissue review, peer review, utilization review including access 94755  
to patient care records, patient care assessment records, and 94756  
medical and mental health records, medical and mental health 94757  
resource management, mortality and morbidity review, and 94758  
identification and prevention of medical or mental health 94759  
incidents and risks, whether performed by a quality assurance 94760  
committee or by persons who are directed by a quality assurance 94761  
committee. 94762

(4) "Quality assurance records" means the proceedings, 94763  
discussion, records, findings, recommendations, evaluations, 94764  
opinions, minutes, reports, and other documents or actions that 94765  
emanate from quality assurance committees, quality assurance 94766  
programs, or quality assurance program activities. "Quality 94767  
assurance records" does not include aggregate statistical 94768  
information that does not disclose the identity of persons 94769  
receiving or providing medical or mental health services in 94770  
department of ~~mental~~ behavioral health ~~and addiction services~~ 94771

hospitals or community setting programs. 94772

(B) (1) Except as provided in division (E) of this section, 94773  
quality assurance records are confidential and are not public 94774  
records under section 149.43 of the Revised Code, and shall be 94775  
used only in the course of the proper functions of a quality 94776  
assurance program. 94777

(2) Except as provided in division (E) of this section, no 94778  
person who possesses or has access to quality assurance records 94779  
and who knows that the records are quality assurance records 94780  
shall willfully disclose the contents of the records to any 94781  
person or entity. 94782

(C) (1) Except as provided in division (E) of this section, 94783  
no quality assurance record shall be subject to discovery, and 94784  
is not admissible in evidence, in any judicial or administrative 94785  
proceeding. 94786

(2) Except as provided in division (E) of this section, no 94787  
member of a quality assurance committee or a person who is 94788  
performing a function that is part of a quality assurance 94789  
program shall be permitted or required to testify in a judicial 94790  
or administrative proceeding with respect to quality assurance 94791  
records or with respect to any finding, recommendation, 94792  
evaluation, opinion, or other action taken by the committee, 94793  
member, or person. 94794

(3) Information, documents, or records otherwise available 94795  
from original sources are not to be construed as being 94796  
unavailable for discovery or admission in evidence in a judicial 94797  
or administrative proceeding merely because they were presented 94798  
to a quality assurance committee. No person testifying before a 94799  
quality assurance committee or person who is a member of a 94800



quality assurance committee shall be prevented from testifying 94801  
as to matters within the person's knowledge, but the witness 94802  
cannot be asked about the witness' testimony before the quality 94803  
assurance committee or about an opinion formed by the person as 94804  
a result of the quality assurance committee proceedings. 94805

(D) (1) A person who, without malice and in the reasonable 94806  
belief that the information is warranted by the facts known to 94807  
the person, provides information to a person engaged in quality 94808  
assurance program activities is not liable for damages in a 94809  
civil action for injury, death, or loss to person or property to 94810  
any person as a result of providing the information. 94811

(2) A member of a quality assurance committee, a person 94812  
engaged in quality assurance program activities, and an employee 94813  
of the department of ~~mental behavioral health and addiction~~ 94814  
~~services~~ shall not be liable in damages in a civil action for 94815  
injury, death, or loss to person or property to any person for 94816  
any acts, omissions, decisions, or other conduct within the 94817  
scope of the functions of the quality assurance program. 94818

(3) Nothing in this section shall relieve any institution 94819  
or individual from liability arising from the treatment of a 94820  
patient. 94821

(E) Quality assurance records may be disclosed, and 94822  
testimony may be provided concerning quality assurance records, 94823  
only to the following persons or entities: 94824

(1) Persons who are employed or retained by the department 94825  
of ~~mental behavioral health and addiction services~~ and who have 94826  
authority to evaluate or implement the recommendations of a 94827  
state-operated hospital, community setting program, or central 94828  
office quality assurance committee; 94829

(2) Public or private agencies or organizations if needed 94830  
to perform a licensing or accreditation function related to 94831  
department of ~~mental-behavioral health and addiction services~~ 94832  
hospitals or community setting programs, or to perform 94833  
monitoring of a hospital or program of that nature as required 94834  
by law. 94835

(F) A disclosure of quality assurance records pursuant to 94836  
division (E) of this section does not otherwise waive the 94837  
confidential and privileged status of the disclosed quality 94838  
assurance records. 94839

(G) Nothing in this section shall limit the access of the 94840  
Ohio protection and advocacy system to records or personnel as 94841  
required under section 5123.601 of the Revised Code. Nothing in 94842  
this section shall limit the admissibility of documentary or 94843  
testimonial evidence in an action brought by the Ohio protection 94844  
and advocacy system in its own name or on behalf of a client. 94845

**Sec. 5122.33.** The department of ~~mental-behavioral health~~ 94846  
~~and addiction services~~ may prescribe the form of applications, 94847  
reports, records, and medical certificates provided for under 94848  
this chapter, and the information required to be contained 94849  
therein; require reports from the chief clinical officer of any 94850  
public hospital relating to the admission, examination, 94851  
diagnosis, release, or discharge of any patient; visit each such 94852  
hospital regularly to review the admission procedures of all new 94853  
patients admitted between visits; investigate by personal visit 94854  
complaints made by any patient or by any person on behalf of a 94855  
patient; and adopt such rules as are reasonably necessary to 94856  
effectuate the provisions of this chapter. 94857

**Sec. 5122.341.** (A) As used in this section: 94858

(1) "Facility or provider" means, in the context of a 94859  
person committed to the department of ~~mental~~-behavioral health 94860  
~~and addiction services~~ under sections 2945.37 to 2945.402 of the 94861  
Revised Code, any entity in which the department of ~~mental~~- 94862  
behavioral health ~~and addiction services~~ places such a person. 94863

(2) "Person committed to the department" means a person 94864  
committed to the department of ~~mental~~-behavioral health ~~and~~ 94865  
~~addiction services~~ under sections 2945.37 to 2945.402 of the 94866  
Revised Code. 94867

(B) No member of a board of directors, or employee, of a 94868  
facility or provider in which the department of ~~mental~~- 94869  
behavioral health ~~and addiction services~~ places a person 94870  
committed to the department is liable for injury or damages 94871  
caused by any action or inaction taken within the scope of the 94872  
board member's official duties or employee's employment relating 94873  
to the commitment of, and services provided to, the person 94874  
committed to the department, unless the action or inaction 94875  
constitutes willful or wanton misconduct. A board member's or 94876  
employee's action or inaction does not constitute willful or 94877  
wanton misconduct if the board member or employee acted in good 94878  
faith and reasonably under the circumstances and with the 94879  
knowledge reasonably attributable to the board member or 94880  
employee. 94881

The immunity from liability conferred by this section is 94882  
in addition to and not in limitation of any immunity conferred 94883  
by any other section of the Revised Code or by judicial 94884  
precedent. 94885

**Sec. 5122.36.** If the legal residence of a person with a 94886  
mental illness is in another county of the state, the necessary 94887  
expense of the person's return is a proper charge against the 94888

county of legal residence. If an adjudication and order of 94889  
hospitalization by the probate court of the county of temporary 94890  
residence are required, the regular probate court fees and 94891  
expenses incident to the order of hospitalization under this 94892  
chapter and any other expense incurred on the person's behalf 94893  
shall be charged to and paid by the county of the person's legal 94894  
residence upon the approval and certification of the probate 94895  
judge of the county of the person's legal residence. The 94896  
ordering court shall send to the probate court of the person's 94897  
county of legal residence a certified copy of the commitment 94898  
order from the ordering court. The receiving court shall enter 94899  
and record the commitment order. The certified commitment order 94900  
is prima facie evidence of the residence of the person. When the 94901  
residence of the person cannot be established as represented by 94902  
the ordering court, the matter of residence shall be referred to 94903  
the department of ~~mental-behavioral health and addiction-~~ 94904  
~~services~~ for investigation and determination. 94905

**Sec. 5122.44.** As used in sections 5122.44 to 5122.47 of 94906  
the Revised Code: 94907

(A) "Compilation" means a written list of the following 94908  
information, as the department of ~~mental-behavioral health and-~~ 94909  
~~addiction services~~ is able to reasonably ascertain, for every 94910  
patient who was buried, entombed, or inurned prior to March 31, 94911  
2005, in a cemetery located on the grounds of or adjacent to the 94912  
grounds of a public hospital: 94913

(1) Name; 94914

(2) Date of birth; 94915

(3) Date of death or burial; 94916

(4) Specific physical location of the burial, entombment, 94917

or inurnment, including the plot or grave site number if 94918  
available. 94919

(B) "Patient" means an individual who died while admitted 94920  
to a public hospital that was under the control of the 94921  
department of ~~mental~~behavioral health~~and addiction services~~. 94922

(C) "Record" has the same meaning as in section 149.011 of 94923  
the Revised Code. 94924

(D) "State agency" means every organized body, office, or 94925  
agency established by the laws of the state for the exercise of 94926  
any function of state government. 94927

**Sec. 5122.45.** The department of ~~mental~~behavioral health  
~~and addiction services~~ shall create a separate compilation for 94928  
each cemetery located on the grounds of or adjacent to the 94929  
grounds of a public hospital that is under the control of the 94930  
department on March 31, 2005. The compilation shall be created 94931  
within a reasonable time not exceeding three years after March 94932  
31, 2005. The department shall use its best efforts to create 94933  
the most complete compilations possible using records in the 94934  
department's possession and records obtained in accordance with 94935  
section 5122.46 of the Revised Code. 94936  
94937

**Sec. 5122.46.** The Ohio history connection and each state 94938  
agency shall, at the request of the department of ~~mental~~  
behavioral health~~and addiction services~~, provide the department 94939  
access to records and information in the possession of the Ohio 94940  
history connection or state agency for purposes of creating 94941  
compilations. 94942  
94943

**Sec. 5122.47.** The department of ~~mental~~behavioral health  
~~and addiction services~~ shall deposit a copy of each compilation 94944  
with the Ohio history connection and the state library as soon 94945  
94946

as a compilation is completed. The department shall not disclose 94947  
any record or information used to create a compilation except as 94948  
provided in sections 149.43 and 5122.31 of the Revised Code. 94949

**Sec. 5123.081.** (A) As used in this section: 94950

(1)(a) "Applicant" means any of the following: 94951

(i) A person who is under final consideration for 94952  
appointment to or employment with the department of 94953  
developmental disabilities or a county board of developmental 94954  
disabilities; 94955

(ii) A person who is being transferred to the department 94956  
or a county board; 94957

(iii) An employee who is being recalled to or reemployed 94958  
by the department or a county board after a layoff; 94959

(iv) A person under final consideration for a direct 94960  
services position with a provider or subcontractor. 94961

(b) Neither of the following is an applicant: 94962

(i) A person who is employed by a responsible entity in a 94963  
position for which a criminal records check is required by this 94964  
section and either is being considered for a different position 94965  
with the responsible entity or is returning after a leave of 94966  
absence or seasonal break in employment, unless the responsible 94967  
entity has reason to believe that the person has committed a 94968  
disqualifying offense; 94969

(ii) A person who is to provide only respite care under a 94970  
family support services program established under section 94971  
5126.11 of the Revised Code if a family member of the individual 94972  
with a developmental disability who is to receive the respite 94973  
care selects the person. 94974

- (2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 94975  
94976
- (3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities. 94977  
94978  
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94980
- (4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code. 94981  
94982  
94983
- (5) (a) "Employee" means either of the following: 94984
- (i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities; 94985  
94986  
94987
- (ii) A person employed in a direct services position by a provider or subcontractor. 94988  
94989
- (b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person. 94990  
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94994
- (6) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 94995  
94996
- (7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions. 94997  
94998  
94999
- (8) "Responsible entity" means the following: 95000
- (a) The department of developmental disabilities in the 95001

case of either of the following:	95002
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;	95003 95004 95005 95006
(ii) A person who is an employee because the person is appointed to or employed by the department.	95007 95008
(b) A county board of developmental disabilities in the case of either of the following:	95009 95010
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;	95011 95012 95013 95014 95015
(ii) A person who is an employee because the person is appointed to or employed by the county board.	95016 95017
(c) A provider in the case of either of the following:	95018
(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;	95019 95020 95021
(ii) A person who is an employee because the person is employed in a direct services position by the provider.	95022 95023
(d) A subcontractor in the case of either of the following:	95024 95025
(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;	95026 95027 95028



- (ii) A person who is an employee because the person is employed in a direct services position by the subcontractor. 95029  
95030
- (9) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final. 95031  
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- (10) "Subcontractor" means a person to which both of the following apply: 95040  
95041
- (a) The person has either of the following: 95042
- (i) A subcontract with a provider to provide specialized services included in the contract between the provider and the department of developmental disabilities or a county board of developmental disabilities; 95043  
95044  
95045  
95046
- (ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor. 95047  
95048  
95049
- (b) The person employs one or more persons in direct services positions. 95050  
95051
- (B) A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies: 95052  
95053  
95054
- (1) The applicant or employee fails to comply with division (D) (3) of this section. 95055  
95056

(2) Except as provided in rules adopted under this 95057  
section, the applicant or employee is found by a criminal 95058  
records check required by this section to have been convicted 95059  
of, pleaded guilty to, or been found eligible for intervention 95060  
in lieu of conviction for a disqualifying offense. 95061

(C) Before employing an applicant in a position for which 95062  
a criminal records check is required by this section, a 95063  
responsible entity shall require the applicant to submit a 95064  
statement with the applicant's signature attesting that the 95065  
applicant has not been convicted of, pleaded guilty to, or been 95066  
found eligible for intervention in lieu of conviction for a 95067  
disqualifying offense. The responsible entity also shall require 95068  
the applicant to sign an agreement under which the applicant 95069  
agrees to notify the responsible entity within fourteen calendar 95070  
days if, while employed by the responsible entity, the applicant 95071  
is formally charged with, is convicted of, pleads guilty to, or 95072  
is found eligible for intervention in lieu of conviction for a 95073  
disqualifying offense. The agreement shall provide that the 95074  
applicant's failure to provide the notification may result in 95075  
termination of the applicant's employment. 95076

(D) (1) As a condition of employing any applicant in a 95077  
position for which a criminal records check is required by this 95078  
section, a responsible entity shall request the superintendent 95079  
of the bureau of criminal identification and investigation to 95080  
conduct a criminal records check of the applicant. If rules 95081  
adopted under this section require an employee to undergo a 95082  
criminal records check, a responsible entity shall request the 95083  
superintendent to conduct a criminal records check of the 95084  
employee at times specified in the rules as a condition of the 95085  
responsible entity's continuing to employ the employee in a 95086  
position for which a criminal records check is required by this 95087

section. If an applicant or employee does not present proof that 95088  
the applicant or employee has been a resident of this state for 95089  
the five-year period immediately prior to the date upon which 95090  
the criminal records check is requested, the responsible entity 95091  
shall request that the superintendent obtain information from 95092  
the federal bureau of investigation as a part of the criminal 95093  
records check. If the applicant or employee presents proof that 95094  
the applicant or employee has been a resident of this state for 95095  
that five-year period, the responsible entity may request that 95096  
the superintendent include information from the federal bureau 95097  
of investigation in the criminal records check. For purposes of 95098  
this division, an applicant or employee may provide proof of 95099  
residency in this state by presenting, with a ~~notarized~~ 95100  
statement asserting that the applicant or employee has been a 95101  
resident of this state for that five-year period, a valid 95102  
driver's license, notification of registration as an elector, a 95103  
copy of an officially filed federal or state tax form 95104  
identifying the applicant's or employee's permanent residence, 95105  
or any other document the responsible entity considers 95106  
acceptable. 95107

(2) A responsible entity shall do all of the following: 95108

(a) Provide to each applicant and employee for whom a 95109  
criminal records check is required by this section a copy of the 95110  
form prescribed pursuant to division (C) (1) of section 109.572 95111  
of the Revised Code and a standard impression sheet to obtain 95112  
fingerprint impressions prescribed pursuant to division (C) (2) 95113  
of section 109.572 of the Revised Code; 95114

(b) Obtain the completed form and standard impression 95115  
sheet from the applicant or employee; 95116

(c) Forward the completed form and standard impression 95117

sheet to the superintendent at the time the criminal records 95118  
check is requested. 95119

(3) Any applicant or employee who receives pursuant to 95120  
this division a copy of the form prescribed pursuant to division 95121  
(C) (1) of section 109.572 of the Revised Code and a copy of the 95122  
standard impression sheet prescribed pursuant to division (C) (2) 95123  
of that section and who is requested to complete the form and 95124  
provide a set of the applicant's or employee's fingerprint 95125  
impressions shall complete the form or provide all the 95126  
information necessary to complete the form and shall provide the 95127  
standard impression sheet with the impressions of the 95128  
applicant's or employee's fingerprints. 95129

(4) A responsible entity shall pay to the bureau of 95130  
criminal identification and investigation the fee prescribed 95131  
pursuant to division (C) (3) of section 109.572 of the Revised 95132  
Code for each criminal records check requested and conducted 95133  
pursuant to this section. 95134

(E) A responsible entity may request any other state or 95135  
federal agency to supply the responsible entity with a written 95136  
report regarding the criminal record of an applicant or 95137  
employee. If an employee holds an occupational or professional 95138  
license or other credentials, the responsible entity may request 95139  
that the state or federal agency that regulates the employee's 95140  
occupation or profession supply the responsible entity with a 95141  
written report of any information pertaining to the employee's 95142  
criminal record that the agency obtains in the course of 95143  
conducting an investigation or in the process of renewing the 95144  
employee's license or other credentials. The responsible entity 95145  
may consider the reports when determining whether to employ the 95146  
applicant or to continue to employ the employee. 95147

(F) As a condition of employing an applicant in a position 95148  
for which a criminal records check is required by this section 95149  
and that involves transporting individuals with developmental 95150  
disabilities or operating a responsible entity's vehicles for 95151  
any purpose, the responsible entity shall obtain the applicant's 95152  
driving record from the bureau of motor vehicles. If rules 95153  
adopted under this section require a responsible entity to 95154  
obtain an employee's driving record, the responsible entity 95155  
shall obtain the employee's driving record from the bureau at 95156  
times specified in the rules as a condition of continuing to 95157  
employ the employee. The responsible entity may consider the 95158  
applicant's or employee's driving record when determining 95159  
whether to employ the applicant or to continue to employ the 95160  
employee. 95161

(G) A responsible entity may employ an applicant 95162  
conditionally pending receipt of a report regarding the 95163  
applicant requested under this section. The responsible entity 95164  
shall request the report before employing the applicant 95165  
conditionally. The responsible entity shall terminate the 95166  
applicant's employment if it is determined from a report that 95167  
the applicant failed to inform the responsible entity that the 95168  
applicant had been convicted of, pleaded guilty to, or been 95169  
found eligible for intervention in lieu of conviction for a 95170  
disqualifying offense. 95171

(H) A responsible entity may charge an applicant a fee for 95172  
costs the responsible entity incurs in obtaining a report 95173  
regarding the applicant under this section if the responsible 95174  
entity notifies the applicant of the amount of the fee at the 95175  
time of the applicant's initial application for employment and 95176  
that, unless the fee is paid, the responsible entity will not 95177  
consider the applicant for employment. The fee shall not exceed 95178

the amount of the fee, if any, the responsible entity pays for 95179  
the report. 95180

(I) (1) Any report obtained pursuant to this section is not 95181  
a public record for purposes of section 149.43 of the Revised 95182  
Code and shall not be made available to any person, other than 95183  
the following: 95184

(a) The applicant or employee who is the subject of the 95185  
report or the applicant's or employee's representative; 95186

(b) The responsible entity that requested the report or 95187  
its representative; 95188

(c) The department if a county board, provider, or 95189  
subcontractor is the responsible entity that requested the 95190  
report and the department requests the responsible entity to 95191  
provide a copy of the report to the department; 95192

(d) A county board if a provider or subcontractor is the 95193  
responsible entity that requested the report and the county 95194  
board requests the responsible entity to provide a copy of the 95195  
report to the county board; 95196

(e) Any court, hearing officer, or other necessary 95197  
individual involved in a case dealing with any of the following: 95198

(i) The denial of employment to the applicant or employee; 95199

(ii) The denial, suspension, or revocation of a 95200  
certificate under section 5123.166 or 5123.45 of the Revised 95201  
Code; 95202

(iii) A civil or criminal action regarding the medicaid 95203  
program or a program the department administers. 95204

(2) An applicant or employee for whom the responsible 95205

entity has obtained reports under this section may submit a 95206  
written request to the responsible entity to have copies of the 95207  
reports sent to any state agency, entity of local government, or 95208  
private entity. The applicant or employee shall specify in the 95209  
request the agencies or entities to which the copies are to be 95210  
sent. On receiving the request, the responsible entity shall 95211  
send copies of the reports to the agencies or entities 95212  
specified. 95213

(3) A responsible entity may request that a state agency, 95214  
entity of local government, or private entity send copies to the 95215  
responsible entity of any report regarding a records check or 95216  
criminal records check that the agency or entity possesses, if 95217  
the responsible entity obtains the written consent of the 95218  
individual who is the subject of the report. 95219

(4) A responsible entity shall provide each applicant and 95220  
employee with a copy of any report obtained about the applicant 95221  
or employee under this section. 95222

(J) The director of developmental disabilities shall adopt 95223  
rules in accordance with Chapter 119. of the Revised Code to 95224  
implement this section. 95225

(1) The rules may do the following: 95226

(a) Require employees to undergo criminal records checks 95227  
under this section; 95228

(b) Require responsible entities to obtain the driving 95229  
records of employees under this section; 95230

(c) If the rules require employees to undergo criminal 95231  
records checks, require responsible entities to obtain the 95232  
driving records of employees, or both, exempt one or more 95233  
classes of employees from the requirements. 95234

- (2) The rules shall do all of the following: 95235
- (a) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, specify the times at which the criminal records checks are to be conducted and the driving records are to be obtained; 95236  
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95240
- (b) Specify circumstances under which a responsible entity may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director; 95241  
95242  
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95246
- (c) Require a responsible entity to request a criminal records check under this section before employing an applicant conditionally as permitted under division (G) of this section. 95247  
95248  
95249
- Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.1611~~ 5123.1613 of the Revised Code: 95250  
95251
- (1) "Applicant" means any of the following: 95252
- (a) The chief executive officer of a business that applies under section 5123.161 of the Revised Code for a certificate to provide supported living; 95253  
95254  
95255
- (b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code; 95256  
95257  
95258
- (c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider; 95259  
95260  
95261
- (d) An independent provider who seeks renewal of the 95262



independent provider's supported living certificate under 95263  
section 5123.164 of the Revised Code. 95264

(2) "Business" means an association, corporation, 95265  
nonprofit organization, partnership, trust, or other group of 95266  
persons. "Business" does not mean an independent provider. 95267

(3) "Criminal records check" has the same meaning as in 95268  
section 109.572 of the Revised Code. 95269

(4) "Disqualifying offense" means any of the offenses 95270  
listed or described in divisions (A) (3) (a) to (e) of section 95271  
109.572 of the Revised Code. 95272

(5) "Independent provider" means a provider who provides 95273  
supported living on a self-employed basis and does not employ, 95274  
directly or through contract, another person to provide the 95275  
supported living. 95276

(6) "Provider" means a person or government entity 95277  
certified by the director of developmental disabilities to 95278  
provide supported living. For the purpose of division (A) (8) of 95279  
this section, "provider" includes a person or government entity 95280  
that seeks or previously held a certificate to provide supported 95281  
living. 95282

(7) "Minor drug possession offense" has the same meaning 95283  
as in section 2925.01 of the Revised Code. 95284

(8) "Related party" means any of the following: 95285

(a) In the case of a provider who is an individual, any of 95286  
the following: 95287

(i) The spouse of the provider; 95288

(ii) A parent or stepparent of the provider or provider's 95289

spouse;	95290
(iii) A child of the provider or provider's spouse;	95291
(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;	95292 95293
(v) A grandparent of the provider or provider's spouse;	95294
(vi) A grandchild of the provider or provider's spouse.	95295
(b) In the case of a provider that is a person other than an individual, any of the following:	95296 95297
(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;	95298 95299 95300 95301 95302 95303 95304 95305
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	95306 95307 95308
(iii) A member of the provider's board of directors or trustees;	95309 95310
(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;	95311 95312 95313
(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A) (8) (b) (i) to (iv) of this	95314 95315 95316

section; 95317

(vi) A person over which the provider has control of the 95318  
day-to-day operation; 95319

(vii) A corporation that has a subsidiary relationship 95320  
with the provider. 95321

(c) In the case of a provider that is a government entity, 95322  
any of the following: 95323

(i) Any person or government entity that directly or 95324  
indirectly controls the provider's day-to-day operations 95325  
(including as a general manager, financial manager, 95326  
administrator, or director), regardless of whether the person or 95327  
government entity exercises the control pursuant to a contract 95328  
or other arrangement; 95329

(ii) An officer of the provider; 95330

(iii) A member of the provider's governing board; 95331

(iv) A person or government entity over which the provider 95332  
has control of the day-to-day operation. 95333

(B) No person or government entity may provide supported 95334  
living without a valid supported living certificate issued by 95335  
the director of developmental disabilities. 95336

(C) A county board of developmental disabilities may 95337  
provide supported living only to the extent permitted by rules 95338  
adopted under section 5123.1611 of the Revised Code. 95339

**Sec. 5123.168.** The director of developmental disabilities 95340  
~~may issue an adjudication order in accordance with Chapter 119.~~ 95341  
~~of the Revised Code to shall~~ terminate a supported living 95342  
certificate if the certificate holder has not billed for 95343

supported living for ~~twelve~~twenty-four consecutive months. To terminate a supported living certificate under this section, the director shall send a notice by certified mail to the certificate holder at the address on file with the department of developmental disabilities explaining why the certificate is terminated. 95344  
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**Sec. 5123.169.** (A) The director of developmental disabilities shall not issue a supported living certificate to an applicant or renew an applicant's supported living certificate if either of the following applies: 95350  
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(1) The applicant fails to comply with division (C) (2) of this section; 95354  
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(2) Except as provided in rules adopted under section 5123.1611 of the Revised Code, the applicant is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 95356  
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(B) Before issuing a supported living certificate to an applicant or renewing an applicant's supported living certificate, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while holding a supported living certificate, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the 95361  
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applicant's failure to provide the notification may result in 95374  
action being taken by the director against the applicant under 95375  
section 5123.166 of the Revised Code. 95376

(C) (1) As a condition of receiving a supported living 95377  
certificate or having a supported living certificate renewed, an 95378  
applicant shall request the superintendent of the bureau of 95379  
criminal identification and investigation to conduct a criminal 95380  
records check of the applicant. If an applicant does not present 95381  
proof to the director that the applicant has been a resident of 95382  
this state for the five-year period immediately prior to the 95383  
date that the applicant applies for issuance or renewal of the 95384  
supported living certificate, the director shall require the 95385  
applicant to request that the superintendent obtain information 95386  
from the federal bureau of investigation as a part of the 95387  
criminal records check. If the applicant presents proof to the 95388  
director that the applicant has been a resident of this state 95389  
for that five-year period, the director may require the 95390  
applicant to request that the superintendent include information 95391  
from the federal bureau of investigation in the criminal records 95392  
check. For purposes of this division, an applicant may provide 95393  
proof of residency in this state by presenting, with a notarized 95394  
statement asserting that the applicant has been a resident of 95395  
this state for that five-year period, a valid driver's license, 95396  
notification of registration as an elector, a copy of an 95397  
officially filed federal or state tax form identifying the 95398  
applicant's permanent residence, or any other document the 95399  
director considers acceptable. 95400

(2) Each applicant shall do all of the following: 95401

(a) Obtain a copy of the form prescribed pursuant to 95402  
division (C) (1) of section 109.572 of the Revised Code and a 95403

standard impression sheet prescribed pursuant to division (C) (2) 95404  
of section 109.572 of the Revised Code; 95405

(b) Complete the form and provide the applicant's 95406  
fingerprint impressions on the standard impression sheet; 95407

(c) Forward the completed form and standard impression 95408  
sheet to the superintendent at the time the criminal records 95409  
check is requested; 95410

(d) Instruct the superintendent to submit the completed 95411  
report of the criminal records check directly to the director; 95412

(e) Pay to the bureau of criminal identification and 95413  
investigation the fee prescribed pursuant to division (C) (3) of 95414  
section 109.572 of the Revised Code for each criminal records 95415  
check of the applicant requested and conducted pursuant to this 95416  
section. 95417

(D) The director may request any other state or federal 95418  
agency to supply the director with a written report regarding 95419  
the criminal record of an applicant. The director may consider 95420  
the reports when determining whether to issue a supported living 95421  
certificate to the applicant or to renew an applicant's 95422  
supported living certificate. 95423

(E) An applicant who seeks to be an independent provider 95424  
or is an independent provider seeking renewal of the applicant's 95425  
supported living certificate shall obtain the applicant's 95426  
driving record from the bureau of motor vehicles and provide a 95427  
copy of the record to the director if the supported living that 95428  
the applicant will provide involves transporting individuals 95429  
with developmental disabilities. The director may consider the 95430  
applicant's driving record when determining whether to issue the 95431  
applicant a supported living certificate or to renew the 95432

applicant's supported living certificate. 95433

(F) (1) A report obtained pursuant to this section is not a 95434  
public record for purposes of section 149.43 of the Revised Code 95435  
and shall not be made available to any person, other than the 95436  
following: 95437

(a) The applicant who is the subject of the report or the 95438  
applicant's representative; 95439

(b) The director or the director's representative; 95440

(c) Any court, hearing officer, or other necessary 95441  
individual involved in a case dealing with any of the following: 95442

(i) The denial of a supported living certificate or 95443  
refusal to renew a supported living certificate; 95444

(ii) The denial, suspension, or revocation of a 95445  
certificate under section 5123.45 of the Revised Code; 95446

(iii) A civil or criminal action regarding the medicaid 95447  
program. 95448

(2) An applicant for whom the director has obtained 95449  
reports under this section may submit a written request to the 95450  
director to have copies of the reports sent to any person or 95451  
state or local government entity. The applicant shall specify in 95452  
the request the person or entities to which the copies are to be 95453  
sent. On receiving the request, the director shall send copies 95454  
of the reports to the persons or entities specified. 95455

(3) The director may request that a person or state or 95456  
local government entity send copies to the director of any 95457  
report regarding a records check or criminal records check that 95458  
the person or entity possesses, if the director obtains the 95459  
written consent of the individual who is the subject of the 95460

report. 95461

(4) The director shall provide each applicant with a copy 95462  
of any report obtained about the applicant under this section. 95463

**Sec. 5123.1613.** (A) A person who has been granted 95464  
guardianship of an individual with a developmental disability 95465  
shall not provide supported living to that individual either as 95466  
an independent provider or as an employee or contractor of a 95467  
supported living certificate holder unless there is a 95468  
relationship by blood, adoption, or marriage between the 95469  
guardian and the individual. 95470

(B) A supported living certificate holder owned or 95471  
operated by a guardian of an individual with a developmental 95472  
disability shall not provide supported living to that individual 95473  
unless there is a relationship by blood, adoption, or marriage 95474  
between the guardian and the individual. 95475

**Sec. 5123.191.** (A) The court of common pleas or a judge 95476  
thereof in the judge's county, or the probate court, may appoint 95477  
a receiver to take possession of and operate a residential 95478  
facility licensed by the department of developmental 95479  
disabilities, in causes pending in such courts respectively, 95480  
when conditions existing at the facility present a substantial 95481  
risk of physical or mental harm to residents and no other 95482  
remedies at law are adequate to protect the health, safety, and 95483  
welfare of the residents. Conditions at the facility that may 95484  
present such risk of harm include, but are not limited to, 95485  
instances when any of the following occur: 95486

(1) The residential facility is in violation of state or 95487  
federal law or regulations. 95488

(2) The facility has had its license revoked or procedures 95489



for revocation have been initiated, or the facility is closing 95490  
or intends to cease operations. 95491

(3) Arrangements for relocating residents need to be made. 95492

(4) Insolvency of the operator, licensee, or landowner 95493  
threatens the operation of the facility. 95494

(5) The facility or operator has demonstrated a pattern 95495  
and practice of repeated violations of state or federal laws or 95496  
regulations. 95497

(B) A court in which a petition is filed pursuant to this 95498  
section shall notify the person holding the license for the 95499  
facility and the department of developmental disabilities of the 95500  
filing. The court shall order the department to notify the 95501  
facility owner, facility operator, county board of developmental 95502  
disabilities, facility residents, and residents' parents and 95503  
guardians of the filing of the petition. 95504

The court shall provide a hearing on the petition within 95505  
five court days of the time it was filed, except that the court 95506  
may appoint a receiver prior to that time if it determines that 95507  
the circumstances necessitate such action. Following a hearing 95508  
on the petition, and upon a determination that the appointment 95509  
of a receiver is warranted, the court shall appoint a receiver 95510  
and notify the department of developmental disabilities and 95511  
appropriate persons of this action. 95512

(C) A residential facility for which a receiver has been 95513  
named is deemed to be in compliance with section 5123.19 and 95514  
Chapter 3721. of the Revised Code for the duration of the 95515  
receivership. 95516

(D) When the operating revenue of a residential facility 95517  
in receivership is insufficient to meet its operating expenses, 95518

including the cost of bringing the facility into compliance with 95519  
state or federal laws or regulations, the court may order the 95520  
state to provide necessary funding, except as provided in 95521  
division (K) of this section. The state shall provide such 95522  
funding, subject to the approval of the controlling board. The 95523  
court may also order the appropriate authorities to expedite all 95524  
inspections necessary for the issuance of licenses or the 95525  
certification of a facility, and order a facility to be closed 95526  
if it determines that reasonable efforts cannot bring the 95527  
facility into substantial compliance with the law. 95528

(E) In establishing a receivership, the court shall set 95529  
forth the powers and duties of the receiver. The court may 95530  
generally authorize the receiver to do all that is prudent and 95531  
necessary to safely and efficiently operate the residential 95532  
facility within the requirements of state and federal law, but 95533  
shall require the receiver to obtain court approval prior to 95534  
making any single expenditure of more than five thousand dollars 95535  
to correct deficiencies in the structure or furnishings of a 95536  
facility. The court shall closely review the conduct of the 95537  
receiver it has appointed and shall require regular and detailed 95538  
reports. The receivership shall be reviewed at least every sixty 95539  
days. 95540

(F) A receivership established pursuant to this section 95541  
shall be terminated, following notification of the appropriate 95542  
parties and a hearing, if the court determines either of the 95543  
following: 95544

(1) The residential facility has been closed and the 95545  
former residents have been relocated to an appropriate facility. 95546

(2) Circumstances no longer exist at the facility that 95547  
present a substantial risk of physical or mental harm to 95548

residents, and there is no deficiency in the facility that is likely to create a future risk of harm.

Notwithstanding division (F) (2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of developmental disabilities.

(G) The department of developmental disabilities may, upon its own initiative or at the request of an owner, operator, or resident of a residential facility, or at the request of a resident's guardian or relative or a county board of developmental disabilities, petition the court to appoint a receiver to take possession of and operate a residential facility. When the department has been requested to file a petition by any of the parties listed above, it shall, within forty-eight hours of such request, either file such a petition or notify the requesting party of its decision not to file. If the department refuses to file, the requesting party may file a petition with the court requesting the appointment of a receiver to take possession of and operate a residential facility.

Petitions filed pursuant to this division shall include the following:

(1) A description of the specific conditions existing at the facility which present a substantial risk of physical or mental harm to residents;

(2) A statement of the absence of other adequate remedies at law;

(3) The number of individuals residing at the facility;

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not been remedied within a reasonable period of time or that the conditions, though remedied periodically, habitually exist at the facility as a pattern or practice;

(5) The name and address of the person holding the license for the facility and the address of the department of developmental disabilities.

The court may award to an operator appropriate costs and expenses, including reasonable attorney's fees, if it determines that a petitioner has initiated a proceeding in bad faith or merely for the purpose of harassing or embarrassing the operator.

(H) Except for the department of developmental disabilities or a county board of developmental disabilities, no party or person interested in an action shall be appointed a receiver pursuant to this section.

To assist the court in identifying persons qualified to be named as receivers, the director of developmental disabilities shall maintain a list of the names of such persons. The director shall, in accordance with Chapter 119. of the Revised Code, establish standards for evaluating persons desiring to be included on such a list.

(I) Before a receiver enters upon the duties of that person, the receiver must be sworn to perform the duties of receiver faithfully, and, with surety approved by the court, judge, or clerk, execute a bond to such person, and in such sum as the court or judge directs, to the effect that such receiver will faithfully discharge the duties of receiver in the action,

and obey the orders of the court therein. 95607

(J) Under the control of the appointing court, a receiver 95608  
may bring and defend actions in the receiver's own name as 95609  
receiver and take and keep possession of property. 95610

The court shall authorize the receiver to do the 95611  
following: 95612

(1) Collect payment for all goods and services provided to 95613  
the residents or others during the period of the receivership at 95614  
the same rate as was charged by the licensee at the time the 95615  
petition for receivership was filed, unless a different rate is 95616  
set by the court; 95617

(2) Honor all leases, mortgages, and secured transactions 95618  
governing all buildings, goods, and fixtures of which the 95619  
receiver has taken possession and continues to use, subject to 95620  
the following conditions: 95621

(a) In the case of a rental agreement, only to the extent 95622  
of payments that are for the use of the property during the 95623  
period of the receivership; 95624

(b) In the case of a purchase agreement only to the extent 95625  
of payments that come due during the period of the receivership. 95626

(3) If transfer of residents is necessary, provide for the 95627  
orderly transfer of residents by doing the following: 95628

(a) Cooperating with all appropriate state and local 95629  
agencies in carrying out the transfer of residents to 95630  
alternative community placements; 95631

(b) Providing for the transportation of residents' 95632  
belongings and records; 95633

(c) Helping to locate alternative placements and develop discharge plans; 95634  
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(d) Preparing residents for the trauma of discharge; 95636

(e) Permitting residents or guardians to participate in transfer or discharge planning except when an emergency exists and immediate transfer is necessary. 95637  
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(4) Make periodic reports on the status of the residential program to the appropriate state agency, county board of developmental disabilities, parents, guardians, and residents; 95640  
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(5) Compromise demands or claims; 95643

(6) Generally do such acts respecting the residential facility as the court authorizes. 95644  
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(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed. 95646  
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(L) The department of developmental disabilities may contract for the operation of a residential facility in receivership. The department shall establish the conditions of a contract. Notwithstanding any other provision of law, contracts that are necessary to carry out the powers and duties of the receiver need not be competitively bid. 95650  
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(M) The department of developmental disabilities, the department of ~~job and family services~~ children and youth, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section. 95656  
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**Sec. 5123.38.** ~~(A)~~ (A) (1) Except as provided in division (B) of this section, if an individual is committed to a state- 95660  
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operated ICF/IID pursuant to sections 5123.71 to 5123.76 of the Revised Code, the county board of developmental disabilities of the county from which the individual was ordered institutionalized is responsible for the nonfederal share of medicaid expenditures for the individual's care in the state-operated ICF/IID.

(2) The director of developmental disabilities shall annually establish a methodology for determining the amount to be collected from the county board for the estimated nonfederal share of medicaid expenditures. The department of developmental disabilities shall collect the amount of the nonfederal share from the county board by either withholding that amount from funds the department has otherwise allocated to the county board or submitting an invoice for payment of that amount to the county board.

(B) Division (A) of this section does not apply ~~under either of the following circumstances:~~

~~(1) Not later than one hundred eighty days after the date of the commitment of an individual, the county board arranges for the provision of alternative services for the individual, and the individual is discharged from the ICF/IID.~~

~~(2) The~~ if the director of developmental disabilities, after determining that circumstances warrant granting a waiver in an individual's case, grants the county board a waiver that exempts the county board from responsibility for the nonfederal share for that case. The exemption may waive the collection of either the full amount or a portion of the estimated nonfederal share of medicaid expenditures.

**Sec. 5123.41.** As used in this section and sections 5123.42

to 5123.47 of the Revised Code:	95691
(A) "Adult services" has the same meaning as in section 5126.01 of the Revised Code.	95692 95693
(B) "Certified supported living provider" means a person or government entity certified under section 5123.161 of the Revised Code.	95694 95695 95696
(C) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	95697 95698
(D) <u>"Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of an individual with a developmental disability if the individual with a developmental disability lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.</u>	95699 95700 95701 95702 95703 95704
(E) "Family support services" has the same meaning as in section 5126.01 of the Revised Code.	95705 95706
<del>(E)</del> (F) "Health-related activities" means the following:	95707
(1) Taking vital signs;	95708
(2) Application of clean dressings that do not require health assessment;	95709 95710
(3) Basic measurement of bodily intake and output;	95711
(4) Oral suctioning;	95712
(5) Use of glucometers;	95713
(6) External urinary catheter cleaning;	95714
(7) Emptying and replacing ostomy bags;	95715
(8) Collection of specimens by noninvasive means;	95716



(9) Pulse oximetry reading;	95717
(10) Use of continuous positive airway pressure machines;	95718
(11) Application of percussion vests;	95719
(12) Use of cough assist devices and insufflators;	95720
(13) Application of prescribed compression hosiery.	95721
<del>(F)</del> <u>(G)</u> "Licensed health professional authorized to	95722
prescribe drugs" has the same meaning as in section 4729.01 of	95723
the Revised Code.	95724
<del>(G)</del> <u>(H)</u> "Metered dose inhaled medication" means a	95725
premeasured medication administered by inhalation using a hand-	95726
held dispenser or aerosol nebulizer.	95727
<del>(H)</del> <u>(I)</u> "Developmental disabilities personnel" means the	95728
employees and the workers under contract who provide specialized	95729
services to individuals with developmental disabilities.	95730
"Developmental disabilities personnel" includes those who	95731
provide the services as follows:	95732
(1) Through direct employment with the department of	95733
developmental disabilities or a county board of developmental	95734
disabilities;	95735
(2) Through an entity under contract with the department	95736
of developmental disabilities or a county board of developmental	95737
disabilities;	95738
(3) Through direct employment or by being under contract	95739
with private entities, including private entities that operate	95740
residential facilities.	95741
<del>(I)</del> <u>(J)</u> "Nursing delegation" means the process established	95742
in rules adopted by the board of nursing pursuant to Chapter	95743

4723. of the Revised Code under which a registered nurse or 95744  
licensed practical nurse acting at the direction of a registered 95745  
nurse transfers the performance of a particular nursing activity 95746  
or task to another person who is not otherwise authorized to 95747  
perform the activity or task. 95748

~~(J)~~(K) "Over-the-counter medication" means a drug that may 95749  
be sold and purchased without a prescription. 95750

~~(K)~~(L) "Prescribed medication" means a drug that is to be 95751  
administered according to the instructions of a licensed health 95752  
professional authorized to prescribe drugs. 95753

~~(L)~~(M) "Residential facility" means a facility licensed 95754  
under section 5123.19 of the Revised Code. 95755

~~(M)~~(N) "Specialized services" has the same meaning as in 95756  
section 5123.50 of the Revised Code. 95757

~~(N)~~(O) "Topical over-the-counter musculoskeletal 95758  
medication" means an over-the-counter medication that is applied 95759  
topically or passes through the skin to provide relief from 95760  
discomfort in the muscles, joints, or bones. 95761

**Sec. 5123.42.** (A) Developmental disabilities personnel who 95762  
are not specifically authorized by other provisions of the 95763  
Revised Code to administer medications or perform health-related 95764  
activities may do so pursuant to this section as part of the 95765  
specialized services the developmental disabilities personnel 95766  
provide to individuals with developmental disabilities in the 95767  
following categories: 95768

(1) Recipients of early intervention, preschool, and 95769  
school-age services offered or provided pursuant to this chapter 95770  
or Chapter 5126. of the Revised Code; 95771

- (2) Recipients of adult services, if the services are received in a setting where seventeen or more individuals receive the services and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 95772  
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- (3) Recipients of adult services, if the services are received in a setting where not more than sixteen individuals receive the services and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 95776  
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- (4) Recipients of family support services offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 95780  
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- (5) Recipients of services from certified supported living providers, if the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 95783  
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- (6) Recipients of residential support services from certified home and community-based services providers, if the services are received in a community living arrangement that includes not more than four individuals with developmental disabilities and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 95786  
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- (7) Recipients of services not included in divisions (A) (1) to (6) of this section that are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 95792  
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- (8) Residents of a residential facility with not more than five resident beds; 95795  
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- (9) Residents of a residential facility with at least six resident beds. 95797  
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- (B) (1) In the case of individuals described in divisions 95799

(A) (1) to (9) of this section, developmental disabilities personnel may do all of the following without nursing delegation and without a certificate issued under section 5123.45 of the Revised Code:

(a) Activate a ~~vagal~~-vagus nerve stimulator;

(b) ~~Use an epinephrine autoinjector to~~ To treat anaphylaxis, administer prescribed epinephrine either by autoinjector or intranasally;

(c) Administer topical over-the-counter medications for the purpose of cleaning, protecting, or comforting the skin, hair, nails, teeth, or oral surfaces, but not for the purpose of treating an open wound or a condition that requires a medical diagnosis, including a fungal infection.

(2) The authority of developmental disabilities personnel ~~to activate a vagal nerve stimulator, use an epinephrine autoinjector, and perform the health-related activity or administer topical over-the-counter the medications described in division (B) (1) of this section~~ is subject to all of the following:

(a) ~~To activate a vagal nerve stimulator or use an epinephrine autoinjector, developmental~~ Developmental disabilities personnel shall successfully complete the training course or courses developed under section 5123.43 of the Revised Code for developmental disabilities personnel. Developmental disabilities personnel shall ~~activate a vagal nerve stimulator or use an epinephrine autoinjector~~ perform the health-related activity or administer the medications described in division (B) (1) of this section only as authorized by the training completed.

(b) The employer of developmental disabilities personnel shall ensure that the personnel have been trained specifically with respect to each individual for whom they ~~activate a vagal nerve stimulator or use an epinephrine autoinjector~~ perform the health-related activity or administer the medications described in division (B) (1) of this section. Developmental disabilities personnel shall not ~~activate a vagal nerve stimulator or use an epinephrine autoinjector~~ perform such an activity or administer such medications for any individual for whom they have not been specifically trained.

(c) If the employer of developmental disabilities personnel believes that the personnel have not or will not safely ~~activate a vagal nerve stimulator or use an epinephrine autoinjector~~ perform the health-related activity or administer the medications described in division (B) (1) of this section, the employer shall prohibit the developmental disabilities personnel from continuing or commencing to do so. Developmental disabilities personnel shall not engage in the action or actions subject to an employer's prohibition.

(d) Developmental disabilities personnel shall activate a ~~vagal-vagus~~ vagus nerve stimulator, use an ~~administer~~ prescribed epinephrine either by autoinjector or intranasally, or administer topical over-the-counter medications in accordance with the manufacturer's instructions.

(C) (1) In the case of recipients of early intervention, preschool, and school-age services, as specified in division (A) (1) of this section, all of the following apply:

(a) With nursing delegation, developmental disabilities personnel may perform health-related activities.

(b) With nursing delegation, developmental disabilities 95858  
personnel may administer oral and topical prescribed medications 95859  
and topical over-the-counter musculoskeletal medications. 95860

(c) With nursing delegation, developmental disabilities 95861  
personnel may administer oxygen and metered dose inhaled 95862  
medications. 95863

(d) With nursing delegation, developmental disabilities 95864  
personnel may administer prescribed medications through 95865  
gastrostomy and jejunostomy tubes, if the tubes being used are 95866  
stable and labeled. 95867

(e) With nursing delegation, developmental disabilities 95868  
personnel may administer routine doses of insulin through 95869  
subcutaneous injections, inhalation, and insulin pumps. 95870

(f) With nursing delegation, developmental disabilities 95871  
personnel may administer prescribed medications for the 95872  
treatment of metabolic glyceimic disorders through subcutaneous 95873  
injections. 95874

(2) In the case of individuals described in divisions (A) 95875  
(2), (7), and (9) of this section, all of the following apply: 95876

(a) With nursing delegation, developmental disabilities 95877  
personnel may perform health-related activities. 95878

(b) With nursing delegation, developmental disabilities 95879  
personnel may administer oral and topical prescribed medications 95880  
and topical over-the-counter musculoskeletal medications. 95881

(c) With nursing delegation, developmental disabilities 95882  
personnel may administer oxygen and metered dose inhaled 95883  
medications. 95884

(d) With nursing delegation, developmental disabilities 95885

personnel may administer prescribed medications through 95886  
gastrostomy and jejunostomy tubes, if the tubes being used are 95887  
stable and labeled. 95888

(e) With nursing delegation, developmental disabilities 95889  
personnel may administer routine doses of insulin through 95890  
subcutaneous injections, inhalation, and insulin pumps. 95891

(f) With nursing delegation, developmental disabilities 95892  
personnel may administer prescribed medications for the 95893  
treatment of metabolic glyceimic disorders through subcutaneous 95894  
injections. 95895

(3) In the case of individuals described in divisions (A) 95896  
(3), (4), (5), (6), and (8) of this section, all of the 95897  
following apply: 95898

(a) Without nursing delegation, developmental disabilities 95899  
personnel may perform health-related activities. 95900

(b) Without nursing delegation, developmental disabilities 95901  
personnel may administer oral and topical prescribed medications 95902  
and topical over-the-counter musculoskeletal medications. 95903

(c) Without nursing delegation, developmental disabilities 95904  
personnel may administer oxygen and metered dose inhaled 95905  
medications. 95906

(d) With nursing delegation, developmental disabilities 95907  
personnel may administer prescribed medications through 95908  
gastrostomy and jejunostomy tubes, if the tubes being used are 95909  
stable and labeled. 95910

(e) With nursing delegation, developmental disabilities 95911  
personnel may administer routine doses of insulin through 95912  
subcutaneous injections, inhalation, and insulin pumps. 95913

(f) With nursing delegation, developmental disabilities personnel may administer prescribed medications for the treatment of metabolic glyceimic disorders through subcutaneous injections. 95914  
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(D) The authority of developmental disabilities personnel to administer medications and perform health-related activities pursuant to division (C) of this section is subject to all of the following: 95918  
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(1) To administer medications or perform health-related activities for individuals in the categories specified under divisions (A) (1) to (9) of this section, developmental disabilities personnel shall obtain the certificate or certificates required by the department of developmental disabilities and issued under section 5123.45 of the Revised Code. Developmental disabilities personnel shall administer medications and perform health-related activities only as authorized by the certificate or certificates held. 95922  
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(2) If nursing delegation is required under division (C) of this section, developmental disabilities personnel shall not act without nursing delegation or in a manner that is inconsistent with the delegation. 95931  
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(3) The employer of developmental disabilities personnel shall ensure that the personnel have been trained specifically with respect to each individual for whom they administer medications or perform health-related activities. Developmental disabilities personnel shall not administer medications or perform health-related activities for any individual for whom they have not been specifically trained. 95935  
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(4) If the employer of developmental disabilities 95942



personnel believes that the developmental disabilities personnel 95943  
have not or will not safely administer medications or perform 95944  
health-related activities, the employer shall prohibit the ~~the~~ 95945  
personnel from continuing or commencing to do so. Developmental 95946  
disabilities personnel shall not engage in the action or actions 95947  
subject to an employer's prohibition. 95948

(E) In accordance with section 5123.46 of the Revised 95949  
Code, the department of developmental disabilities shall adopt 95950  
rules governing its implementation of this section. The rules 95951  
shall include the following: 95952

(1) Requirements for documentation of the administration 95953  
of medications and performance of health-related activities by 95954  
developmental disabilities personnel pursuant to the authority 95955  
granted under this section; 95956

(2) Procedures for reporting errors that occur in the 95957  
administration of medications and performance of health-related 95958  
activities by developmental disabilities personnel pursuant to 95959  
the authority granted under this section; 95960

(3) Other standards and procedures the department 95961  
considers necessary for implementation of this section. 95962

Sec. 5123.423. A family member may administer medications 95963  
or perform health-related activities as described in section 95964  
5123.42 of the Revised Code without either of the following: 95965  
nursing delegation or a certificate issued under section 5123.45 95966  
of the Revised Code. 95967

**Sec. 5123.47.** (A) As used in this section: 95968

(1) "In-home care" means the supportive services provided 95969  
within the home of an individual with a developmental disability 95970  
who receives funding for the services through a county board of 95971

developmental disabilities, including any recipient of 95972  
residential services funded as home and community-based 95973  
services, family support services provided under section 5126.11 95974  
of the Revised Code, or supported living provided in accordance 95975  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 95976  
care" includes care that is provided outside an individual's 95977  
home in places incidental to the home, and while traveling to 95978  
places incidental to the home, except that "in-home care" does 95979  
not include care provided in the facilities of a county board of 95980  
developmental disabilities or care provided in schools. 95981

(2) "Parent" means either parent of a child, including an 95982  
adoptive parent but not a foster parent. 95983

(3) "Unlicensed in-home care worker" means an individual 95984  
who provides in-home care on a self-employed basis and does not 95985  
employ, either directly or through contract, another person to 95986  
provide the in-home care, but who is not a health care 95987  
professional. 95988

~~(4) "Family member" means a parent, sibling, spouse, son,~~ 95989  
~~daughter, grandparent, aunt, uncle, cousin, or guardian of the~~ 95990  
~~individual with a developmental disability if the individual~~ 95991  
~~with a developmental disability lives with the person and is~~ 95992  
~~dependent on the person to the extent that, if the supports were~~ 95993  
~~withdrawn, another living arrangement would have to be found.~~ 95994

~~(5)~~ "Health care professional" means any of the following: 95995

(a) A dentist who holds a valid license issued under 95996  
Chapter 4715. of the Revised Code; 95997

(b) A registered or licensed practical nurse who holds a 95998  
valid license issued under Chapter 4723. of the Revised Code; 95999

(c) An optometrist who holds a valid license issued under 96000

Chapter 4725. of the Revised Code;	96001
(d) A pharmacist who holds a valid license issued under	96002
Chapter 4729. of the Revised Code;	96003
(e) A person who holds a valid license or certificate	96004
issued under Chapter 4731. of the Revised Code to practice	96005
medicine and surgery, osteopathic medicine and surgery,	96006
podiatric medicine and surgery, or a limited brand of medicine;	96007
(f) A physician assistant who holds a valid license issued	96008
under Chapter 4730. of the Revised Code;	96009
(g) An occupational therapist or occupational therapy	96010
assistant or a physical therapist or physical therapist	96011
assistant who holds a valid license issued under Chapter 4755.	96012
of the Revised Code;	96013
(h) A respiratory care professional who holds a valid	96014
license issued under Chapter 4761. of the Revised Code;	96015
(i) A certified mental health assistant who holds a valid	96016
license issued under Chapter 4772. of the Revised Code.	96017
<del>(6)</del> <u>(5)</u> "Health care task" means a task that is prescribed,	96018
ordered, <del>delegated,</del> or otherwise directed by a health care	96019
professional acting within the scope of the professional's	96020
practice. "Health care task" includes the administration of <del>oral</del>	96021
<del>and topical prescribed medications; administration of nutrition-</del>	96022
<del>and medications through gastrostomy and jejunostomy tubes that-</del>	96023
<del>are stable and labeled; administration of oxygen and metered-</del>	96024
<del>dose inhaled medications; administration of insulin through-</del>	96025
<del>subcutaneous injections, inhalation, and insulin pumps; and</del>	96026
<del>administration of prescribed medications for the treatment of-</del>	96027
<del>metabolic glyceemic disorders through subcutaneous injections.</del>	96028

(B) Except as provided in division ~~(E)~~(F) of this section, 96029  
a family member of an individual with a developmental disability 96030  
may authorize an unlicensed in-home care worker to perform 96031  
health care tasks as part of the in-home care the worker 96032  
provides to the individual, if all of the following apply: 96033

(1) The family member is the primary supervisor of the 96034  
care. 96035

(2) At the time the family member both authorizes the 96036  
unlicensed in-home care worker to perform health care tasks and 96037  
supervises the care provided to the individual, the family 96038  
member is not acting as a paid provider for the individual. 96039

(3) The unlicensed in-home care worker has been selected 96040  
by the family member or the individual receiving care and is 96041  
under the direct supervision of the family member. 96042

~~(3) The unlicensed in-home care worker is providing the 96043  
care through an employment or other arrangement entered into 96044  
directly with the family member and is not otherwise employed by 96045  
or under contract with a person or government entity to provide 96046  
services to individuals with developmental disabilities.~~ 96047

(4) The health care task is completed in accordance with 96048  
standard, written instructions. 96049

(5) Performance of the health care task requires no 96050  
judgment based on specialized health care knowledge or 96051  
expertise. 96052

(6) The outcome of the health care task is reasonably 96053  
predictable. 96054

(7) Performance of the health care task requires no 96055  
complex observation of the individual receiving the care. 96056

(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening.

(C) A family member who authorizes an unlicensed in-home care worker to perform health care tasks under this section shall ~~obtain~~ do all of the following:

(1) Obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. ~~The family member shall authorize;~~

(2) Authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. ~~The family member shall provide;~~

(3) Provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional. ~~The family member or a health care professional shall be;~~

(4) Be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home care worker performs a health care task.

(D) Before an unlicensed in-home care worker may perform the health care tasks authorized by a family member under this section, the worker shall accept the written document described in division (C) (2) of this section granting the worker that authority.

(E) A family member who authorizes an unlicensed in-home care worker to ~~administer oral and topical prescribed medications or perform other~~ health care tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the

care appropriately and safely. No entity that funds or monitors 96086  
the provision of in-home care may be held liable for the results 96087  
of the care provided under this section by an unlicensed in-home 96088  
care worker, including such entities as the county board of 96089  
developmental disabilities and the department of developmental 96090  
disabilities. 96091

An unlicensed in-home care worker who is authorized under 96092  
this section by a family member to provide care to an individual 96093  
may not be held liable for any injury caused in providing the 96094  
care, unless the worker provides the care in a manner that is 96095  
not in accordance with the training and instructions received or 96096  
the worker acts in a manner that constitutes willful or wanton 96097  
misconduct. 96098

~~(E)~~ (F) A county board of developmental disabilities may 96099  
evaluate the authority granted by a family member under this 96100  
section to an unlicensed in-home care worker at any time it 96101  
considers necessary and shall evaluate the authority on receipt 96102  
of a complaint. ~~If~~ In evaluating the authority, the board shall 96103  
use appropriately licensed health care professionals. 96104

If, after its evaluation, the board determines that a 96105  
family member has acted in a manner that is inappropriate for 96106  
the health and safety of the individual receiving the care, then 96107  
all of the following apply: 96108

(1) The authorization granted by the family member to an 96109  
unlicensed in-home care worker is void, ~~and the~~ . 96110

(2) The family member may not authorize other unlicensed 96111  
in-home care workers to provide the care. ~~In making such a~~ 96112  
~~determination, the~~ 96113

(3) The board shall use ~~use~~ authorize appropriately licensed 96114

~~health care professionals and or certified providers to instead~~ 96115  
~~perform the health care tasks.~~ 96116

(4) The board shall provide the family member an 96117  
opportunity to file a complaint under section 5126.06 of the 96118  
Revised Code. 96119

**Sec. 5124.15.** (A) Except as otherwise provided by section 96120  
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of 96121  
the Revised Code, and division (B) of this section, the total 96122  
per medicaid day payment rate that the department of 96123  
developmental disabilities shall pay to an ICF/IID provider for 96124  
ICF/IID services the provider's ICF/IID provides during a fiscal 96125  
year shall equal the sum of all of the following: 96126

(1) The per medicaid day capital component rate determined 96127  
for the ICF/IID under section 5124.17 of the Revised Code; 96128

(2) The per medicaid day direct care costs component rate 96129  
determined for the ICF/IID under section 5124.19 of the Revised 96130  
Code; 96131

(3) The per medicaid day indirect care costs component 96132  
rate determined for the ICF/IID under section 5124.21 of the 96133  
Revised Code; 96134

(4) The per medicaid day other protected costs component 96135  
rate determined for the ICF/IID under section 5124.23 of the 96136  
Revised Code; 96137

(5) The sum of the following: 96138

(a) The per medicaid day quality incentive payment 96139  
determined for the ICF/IID under section 5124.24 of the Revised 96140  
Code; 96141

(b) A direct support personnel payment equal to two and 96142

four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 96143  
allowable, per medicaid day direct care costs from the 96144  
applicable cost report year; 96145

(c) ~~A-For state fiscal year 2026, a professional workforce 96146  
development payment equal to thirteen and fifty-five hundredths- 96147  
for state fiscal year 2024 and twenty and eighty-one hundredths- 96148  
during fiscal year 2025-ten and four hundred five thousandths 96149~~  
per cent of the ICF/IID's desk-reviewed, actual, allowable, per 96150  
medicaid day direct care costs from the applicable cost report 96151  
year. 96152

(B) The department shall adjust the total per medicaid day 96153  
payment rate otherwise determined for an ICF/IID under this 96154  
section as directed by the general assembly through the 96155  
enactment of law governing medicaid payments to ICF/IID 96156  
providers. 96157

(C) (1) In addition to paying an ICF/IID provider the total 96158  
per medicaid day payment rate determined for the provider's 96159  
ICF/IID under divisions (A) and (B) of this section for a fiscal 96160  
year, the department may do either or both of the following: 96161

(a) In accordance with section 5124.25 of the Revised 96162  
Code, pay the provider a rate add-on for ventilator-dependent 96163  
outlier ICF/IID services if the rate add-on is to be paid under 96164  
that section and the department approves the provider's 96165  
application for the rate add-on; 96166

(b) In accordance with section 5124.26 of the Revised 96167  
Code, pay the provider for outlier ICF/IID services the ICF/IID 96168  
provides to residents identified as needing intensive behavioral 96169  
health support services if the rate add-on is to be paid under 96170  
that section and the department approves the provider's 96171



application for the rate add-on. 96172

(2) The rate add-ons are not to be part of the ICF/IID's 96173  
total per medicaid day payment rate. 96174

**Sec. 5126.201.** (A) A person may be employed by or under 96175  
contract with a county board of developmental disabilities as a 96176  
conditional status service and support administrator only if 96177  
either of the following is true: 96178

(1) The person has at least an appropriate associate 96179  
degree; 96180

(2) The person meets both of the following requirements: 96181

(a) The person was employed by the county board and 96182  
performed service and support administration duties on June 30, 96183  
2005; 96184

(b) The person holds a high school diploma or a 96185  
certificate of high school equivalence. 96186

(B) A conditional status service and support administrator 96187  
shall perform the duties of service and support administration, 96188  
as specified in division (B) of section 5126.15 of the Revised 96189  
Code, only under the supervision of a management employee who is 96190  
a service and support administration supervisor. 96191

(C) A superintendent of a county board of developmental 96192  
disabilities shall ensure that a conditional status service and 96193  
support administrator successfully completes a web-based 96194  
training program established by the department of developmental 96195  
disabilities not later than thirty days after being hired. The 96196  
training shall include all of the following topics: 96197

(1) Empowering individuals serviced through the 96198  
development of person-centered individual service plans; 96199

<u>(2) Coordinating services;</u>	96200
<u>(3) Enhancing team effectiveness;</u>	96201
<u>(4) Understanding medicaid;</u>	96202
<u>(5) An overview of ICFs/IID;</u>	96203
<u>(6) An overview of medicaid home and community-based</u>	96204
<u>services waivers administered by the department and county</u>	96205
<u>boards of developmental disabilities, including self-directed</u>	96206
<u>services, budget authority, and employer authority;</u>	96207
<u>(7) Targeted case management;</u>	96208
<u>(8) Employment navigation.</u>	96209
<b>Sec. 5139.05.</b> (A) The juvenile court may commit any child	96210
to the department of youth services as authorized in Chapter	96211
2152. of the Revised Code, provided that any child so committed	96212
shall be at least ten years of age at the time of the child's	96213
delinquent act, and, if the child is ten or eleven years of age,	96214
the delinquent act is a violation of section 2909.03 of the	96215
Revised Code or would be aggravated murder, murder, or a first	96216
or second degree felony offense of violence if committed by an	96217
adult. Any order to commit a child to an institution under the	96218
control and management of the department shall have the effect	96219
of ordering that the child be committed to the department and	96220
assigned to an institution or placed in a community corrections	96221
facility in accordance with division (E) of section 5139.36 of	96222
the Revised Code as follows:	96223
(1) For an indefinite term consisting of the prescribed	96224
minimum period specified by the court under division (A) (1) of	96225
section 2152.16 of the Revised Code and a maximum period not to	96226
exceed the child's attainment of twenty-one years of age, if the	96227

child was committed pursuant to section 2152.16 of the Revised Code; 96228  
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(2) Until the child's attainment of twenty-one years of age, if the child was committed for aggravated murder or murder pursuant to section 2152.16 of the Revised Code; 96230  
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(3) For a period of commitment that shall be in addition to, and shall be served consecutively with and prior to, a period of commitment described in division (A)(1) or (2) of this section, if the child was committed pursuant to section 2152.17 of the Revised Code; 96233  
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(4) If the child is ten or eleven years of age, to an institution, a residential care facility, a residential facility, or a facility licensed by the department of ~~job and family services~~ children and youth that the department of youth services considers best designated for the training and rehabilitation of the child and protection of the public. The child shall be housed separately from children who are twelve years of age or older until the child is released or discharged or until the child attains twelve years of age, whichever occurs first. Upon the child's attainment of twelve years of age, if the child has not been released or discharged, the department is not required to house the child separately. 96238  
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(B)(1) Except as otherwise provided in section 5139.54 of the Revised Code, the release authority of the department of youth services, in accordance with section 5139.51 of the Revised Code and at any time after the end of the minimum period specified under division (A)(1) of section 2152.16 of the Revised Code, may grant the release from custody of any child committed to the department. 96250  
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The order committing a child to the department of youth services shall state that the child has been adjudicated a delinquent child and state the minimum period. The jurisdiction of the court terminates at the end of the minimum period except as follows:

(a) In relation to judicial release procedures, supervision, and violations;

(b) With respect to functions of the court related to the revocation of supervised release that are specified in sections 5139.51 and 5139.52 of the Revised Code;

(c) In relation to its duties relating to serious youthful offender dispositional sentences under sections 2152.13 and 2152.14 of the Revised Code.

(2) When a child has been committed to the department under section 2152.16 of the Revised Code, the department shall retain legal custody of the child until one of the following:

(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child.

(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child.

(c) The committing court grants the child a judicial release to court supervision under section 2152.22 of the Revised Code.

(d) The department's legal custody of the child is

terminated automatically by the child attaining twenty-one years of age. 96285  
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(e) If the child is subject to a serious youthful offender dispositional sentence, the adult portion of that dispositional sentence is imposed under section 2152.14 of the Revised Code. 96287  
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(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall be made in writing and shall include a record of observation, treatment, and medical history and a recommendation for future treatment, custody, and maintenance. The department shall thereupon order the placement and treatment that it determines to be most conducive to the purposes of Chapters 2151. and 5139. of the Revised Code. The committing court and all public authorities shall make available to the department all pertinent data in their possession with respect to the case. 96290  
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(D) Records maintained by the department of youth services pertaining to the children in its custody shall be accessible only to department employees, except by consent of the department, upon the order of the judge of a court of record, or as provided in divisions (D) (1) and (2) of this section. These records shall not be considered "public records," as defined in section 149.43 of the Revised Code. 96304  
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(1) Except as otherwise provided by a law of this state or the United States, the department of youth services may release records that are maintained by the department of youth services and that pertain to children in its custody to the department of 96311  
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rehabilitation and correction regarding persons who are under 96315  
the jurisdiction of the department of rehabilitation and 96316  
correction and who have previously been committed to the 96317  
department of youth services. The department of rehabilitation 96318  
and correction may use those records for the limited purpose of 96319  
carrying out the duties of the department of rehabilitation and 96320  
correction. Records released by the department of youth services 96321  
to the department of rehabilitation and correction shall remain 96322  
confidential and shall not be considered public records as 96323  
defined in section 149.43 of the Revised Code. 96324

(2) The department of youth services shall provide to the 96325  
superintendent of the school district in which a child 96326  
discharged or released from the custody of the department is 96327  
entitled to attend school under section 3313.64 or 3313.65 of 96328  
the Revised Code the records described in divisions (D) (4) (a) to 96329  
(d) of section 2152.18 of the Revised Code. Subject to the 96330  
provisions of section 3319.321 of the Revised Code and the 96331  
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 96332  
amended, the records released to the superintendent shall remain 96333  
confidential and shall not be considered public records as 96334  
defined in section 149.43 of the Revised Code. 96335

(E) (1) When a child is committed to the department of 96336  
youth services, the department, orally or in writing, shall 96337  
notify the parent, guardian, or custodian of a child that the 96338  
parent, guardian, or custodian may request at any time from the 96339  
superintendent of the institution in which the child is located 96340  
any of the information described in divisions (E) (1) (a), (b), 96341  
(c), and (d) of this section. The parent, guardian, or custodian 96342  
may provide the department with the name, address, and telephone 96343  
number of the parent, guardian, or custodian, and, until the 96344  
department is notified of a change of name, address, or 96345

telephone number, the department shall use the name, address, 96346  
and telephone number provided by the parent, guardian, or 96347  
custodian to provide notices or answer inquiries concerning the 96348  
following information: 96349

(a) When the department of youth services makes a 96350  
permanent assignment of the child to a facility, the department, 96351  
orally or in writing and on or before the third business day 96352  
after the day the permanent assignment is made, shall notify the 96353  
parent, guardian, or custodian of the child of the name of the 96354  
facility to which the child has been permanently assigned. 96355

If a parent, guardian, or custodian of a child who is 96356  
committed to the department of youth services requests, orally 96357  
or in writing, the department to provide the parent, guardian, 96358  
or custodian with the name of the facility in which the child is 96359  
currently located, the department, orally or in writing and on 96360  
or before the next business day after the day on which the 96361  
request is made, shall provide the name of that facility to the 96362  
parent, guardian, or custodian. 96363

(b) If a parent, guardian, or custodian of a child who is 96364  
committed to the department of youth services, orally or in 96365  
writing, asks the superintendent of the institution in which the 96366  
child is located whether the child is being disciplined by the 96367  
personnel of the institution, what disciplinary measure the 96368  
personnel of the institution are using for the child, or why the 96369  
child is being disciplined, the superintendent or the 96370  
superintendent's designee, on or before the next business day 96371  
after the day on which the request is made, shall provide the 96372  
parent, guardian, or custodian with written or oral responses to 96373  
the questions. 96374

(c) If a parent, guardian, or custodian of a child who is 96375

committed to the department of youth services, orally or in 96376  
writing, asks the superintendent of the institution in which the 96377  
child is held whether the child is receiving any medication from 96378  
personnel of the institution, what type of medication the child 96379  
is receiving, or what condition of the child the medication is 96380  
intended to treat, the superintendent or the superintendent's 96381  
designee, on or before the next business day after the day on 96382  
which the request is made, shall provide the parent, guardian, 96383  
or custodian with oral or written responses to the questions. 96384

(d) When a major incident occurs with respect to a child 96385  
who is committed to the department of youth services, the 96386  
department, as soon as reasonably possible after the major 96387  
incident occurs, shall notify the parent, guardian, or custodian 96388  
of the child that a major incident has occurred with respect to 96389  
the child and of all the details of that incident that the 96390  
department has ascertained. 96391

(2) The failure of the department of youth services to 96392  
provide any notification required by or answer any requests made 96393  
pursuant to division (E) of this section does not create a cause 96394  
of action against the state. 96395

(F) The department of youth services, as a means of 96396  
punishment while the child is in its custody, shall not prohibit 96397  
a child who is committed to the department from seeing that 96398  
child's parent, guardian, or custodian during standard 96399  
visitation periods allowed by the department of youth services 96400  
unless the superintendent of the institution in which the child 96401  
is held determines that permitting that child to visit with the 96402  
child's parent, guardian, or custodian would create a safety 96403  
risk to that child, that child's parents, guardian, or 96404  
custodian, the personnel of the institution, or other children 96405



held in that institution. 96406

(G) As used in this section: 96407

(1) "Permanent assignment" means the assignment or 96408  
transfer for an extended period of time of a child who is 96409  
committed to the department of youth services to a facility in 96410  
which the child will receive training or participate in 96411  
activities that are directed toward the child's successful 96412  
rehabilitation. "Permanent assignment" does not include the 96413  
transfer of a child to a facility for judicial release hearings 96414  
pursuant to section 2152.22 of the Revised Code or for any other 96415  
temporary assignment or transfer to a facility. 96416

(2) "Major incident" means the escape or attempted escape 96417  
of a child who has been committed to the department of youth 96418  
services from the facility to which the child is assigned; the 96419  
return to the custody of the department of a child who has 96420  
escaped or otherwise fled the custody and control of the 96421  
department without authorization; the allegation of any sexual 96422  
activity with a child committed to the department; physical 96423  
injury to a child committed to the department as a result of 96424  
alleged abuse by department staff; an accident resulting in 96425  
injury to a child committed to the department that requires 96426  
medical care or treatment outside the institution in which the 96427  
child is located; the discovery of a controlled substance upon 96428  
the person or in the property of a child committed to the 96429  
department; a suicide attempt by a child committed to the 96430  
department; a suicide attempt by a child committed to the 96431  
department that results in injury to the child requiring 96432  
emergency medical services outside the institution in which the 96433  
child is located; the death of a child committed to the 96434  
department; an injury to a visitor at an institution under the 96435

control of the department that is caused by a child committed to 96436  
the department; and the commission or suspected commission of an 96437  
act by a child committed to the department that would be an 96438  
offense if committed by an adult. 96439

(3) "Sexual activity" has the same meaning as in section 96440  
2907.01 of the Revised Code. 96441

(4) "Controlled substance" has the same meaning as in 96442  
section 3719.01 of the Revised Code. 96443

(5) "Residential care facility" and "residential facility" 96444  
have the same meanings as in section 2151.011 of the Revised 96445  
Code. 96446

**Sec. 5139.08.** The department of youth services may enter 96447  
into an agreement with the director of rehabilitation and 96448  
correction pursuant to which the department of youth services, 96449  
in accordance with division (C) (2) of section 5139.06 and 96450  
section 5120.162 of the Revised Code, may transfer to a 96451  
correctional medical center established by the department of 96452  
rehabilitation and correction, children who are within its 96453  
custody for diagnosis or treatment of an illness, physical 96454  
condition, or other medical problem. The department of youth 96455  
services may enter into any other agreements with the director 96456  
of children and youth, the director of job and family services, 96457  
the director of mental health and addiction services, the 96458  
director of developmental disabilities, the director of 96459  
rehabilitation and correction, with the courts having probation 96460  
officers or other public officials, and with private agencies or 96461  
institutions for separate care or special treatment of children 96462  
subject to the control of the department of youth services. The 96463  
department of youth services may, upon the request of a juvenile 96464  
court not having a regular probation officer, provide probation 96465

services for such court. 96466

Upon request by the department of youth services, any 96467  
public agency or group care facility established or administered 96468  
by the state for the care and treatment of children and youth 96469  
shall, consistent with its functions, accept and care for any 96470  
child whose custody is vested in the department in the same 96471  
manner as it would be required to do if custody had been vested 96472  
by a court in such agency or group care facility. If the 96473  
department has reasonable grounds to believe that any child or 96474  
youth whose custody is vested in it is mentally ill or has an 96475  
intellectual disability, the department may file an affidavit 96476  
under section 5122.11 or 5123.76 of the Revised Code. The 96477  
department's affidavit for admission of a child or youth to such 96478  
institution shall be filed with the probate court of the county 96479  
from which the child was committed to the department. Such court 96480  
may request the probate court of the county in which the child 96481  
is held to conduct the hearing on the application, in which case 96482  
the court making such request shall bear the expenses of the 96483  
proceeding. If the department files such an affidavit, the child 96484  
or youth may be kept in such institution until a final decision 96485  
on the affidavit is made by the appropriate court. 96486

**Sec. 5139.34.** (A) Funds may be appropriated to the 96487  
department of youth services for the purpose of granting state 96488  
subsidies to counties. A county or the juvenile court that 96489  
serves a county shall use state subsidies granted to the county 96490  
pursuant to this section only in accordance with divisions (B) 96491  
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 96492  
rules pertaining to the state subsidy funds that the department 96493  
adopts pursuant to division (D) of section 5139.04 of the 96494  
Revised Code. The department shall not grant financial 96495  
assistance pursuant to this section for the provision of care 96496

and services for children in a placement facility unless the 96497  
facility has been certified, licensed, or approved by a state or 96498  
national agency with certification, licensure, or approval 96499  
authority, including, but not limited to, the department of ~~job-~~ 96500  
~~and family services~~ children and youth, department of education 96501  
and workforce, department of mental health and addiction 96502  
services, department of developmental disabilities, or American 96503  
correctional association. For the purposes of this section, 96504  
placement facilities do not include a state institution or a 96505  
county or district children's home. 96506

The department of youth services also shall not grant 96507  
financial assistance pursuant to this section for the provision 96508  
of care and services for children, including, but not limited 96509  
to, care and services in a detention facility, in another 96510  
facility, or in out-of-home placement, unless the minimum 96511  
standards applicable to the care and services that the 96512  
department prescribes in rules adopted pursuant to division (D) 96513  
of section 5139.04 of the Revised Code have been satisfied. 96514

(B) The department of youth services shall apply the 96515  
following formula to determine the amount of the annual grant 96516  
that each county is to receive pursuant to division (A) of this 96517  
section, subject to the appropriation for this purpose to the 96518  
department made by the general assembly: 96519

(1) Each county shall receive a basic annual grant of 96520  
fifty thousand dollars. 96521

(2) The sum of the basic annual grants provided under 96522  
division (B) (1) of this section shall be subtracted from the 96523  
total amount of funds appropriated to the department of youth 96524  
services for the purpose of making grants pursuant to division 96525  
(A) of this section to determine the remaining portion of the 96526

funds appropriated. The remaining portion of the funds 96527  
appropriated shall be distributed on a per capita basis to each 96528  
county that has a population of more than twenty-five thousand 96529  
for that portion of the population of the county that exceeds 96530  
twenty-five thousand. 96531

(C) (1) Prior to a county's receipt of an annual grant 96532  
pursuant to this section, the juvenile court that serves the 96533  
county shall prepare, submit, and file in accordance with 96534  
division (B) (3) (a) of section 5139.43 of the Revised Code an 96535  
annual grant agreement and application for funding that is for 96536  
the combined purposes of, and that satisfies the requirements 96537  
of, this section and section 5139.43 of the Revised Code. In 96538  
addition to the subject matters described in division (B) (3) (a) 96539  
of section 5139.43 of the Revised Code or in the rules that the 96540  
department adopts to implement that division, the annual grant 96541  
agreement and application for funding shall address fiscal 96542  
accountability and performance matters pertaining to the 96543  
programs, care, and services that are specified in the agreement 96544  
and application and for which state subsidy funds granted 96545  
pursuant to this section will be used. 96546

(2) The county treasurer of each county that receives an 96547  
annual grant pursuant to this section shall deposit the state 96548  
subsidy funds so received into the county's felony delinquent 96549  
care and custody fund created pursuant to division (B) (1) of 96550  
section 5139.43 of the Revised Code. Subject to exceptions 96551  
prescribed in section 5139.43 of the Revised Code that may apply 96552  
to the disbursement, the department shall disburse the state 96553  
subsidy funds to which a county is entitled in a lump sum 96554  
payment that shall be made in July of each calendar year. 96555

(3) Upon an order of the juvenile court that serves a 96556

county and subject to appropriation by the board of county 96557  
commissioners of that county, a county treasurer shall disburse 96558  
from the county's felony delinquent care and custody fund the 96559  
state subsidy funds granted to the county pursuant to this 96560  
section for use only in accordance with this section, the 96561  
applicable provisions of section 5139.43 of the Revised Code, 96562  
and the county's approved annual grant agreement and application 96563  
for funding. 96564

(4) The moneys in a county's felony delinquent care and 96565  
custody fund that represent state subsidy funds granted pursuant 96566  
to this section are subject to appropriation by the board of 96567  
county commissioners of the county; shall be disbursed by the 96568  
county treasurer as required by division (C)(3) of this section; 96569  
shall be used in the manners referred to in division (C)(3) of 96570  
this section; shall not revert to the county general fund at the 96571  
end of any fiscal year; shall carry over in the felony 96572  
delinquent care and custody fund from the end of any fiscal year 96573  
to the next fiscal year; shall be in addition to, and shall not 96574  
be used to reduce, any usual annual increase in county funding 96575  
that the juvenile court is eligible to receive or the current 96576  
level of county funding of the juvenile court and of any 96577  
programs, care, or services for alleged or adjudicated 96578  
delinquent children, unruly children, or juvenile traffic 96579  
offenders or for children who are at risk of becoming delinquent 96580  
children, unruly children, or juvenile traffic offenders; and 96581  
shall not be used to pay for the care and custody of felony 96582  
delinquents who are in the care and custody of an institution 96583  
pursuant to a commitment, recommitment, or revocation of a 96584  
release on parole by the juvenile court of that county or who 96585  
are in the care and custody of a community corrections facility 96586  
pursuant to a placement by the department as described in 96587

division (E) of section 5139.36 of the Revised Code. 96588

(5) As a condition of the continued receipt of state 96589  
subsidy funds pursuant to this section, each county and the 96590  
juvenile court that serves each county that receives an annual 96591  
grant pursuant to this section shall comply with divisions (B) 96592  
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 96593

Sec. 5145.32. Every officer or employee of a correctional 96594  
institution under the control or supervision of the department 96595  
of rehabilitation and correction, and every contractor, or 96596  
employee of such contractor, upon entering the grounds of a 96597  
state correctional institution, shall be subject to screening to 96598  
prevent the conveyance of drugs of abuse into the institution. 96599

**Sec. 5153.10.** Each public children services agency shall 96600  
designate an executive officer known as the "executive 96601  
director," who shall not be in the classified civil service. The 96602  
superintendent of the children's home, the county director of 96603  
job and family services, or other individual may serve as the 96604  
executive director. 96605

The agency shall, from time to time, inquire into 96606  
community conditions affecting the welfare of children and study 96607  
the work of the agency and its relation to the work of other 96608  
organizations whose functions are related to child welfare. The 96609  
agency may, after consultation with the executive director, 96610  
adopt rules of general application, not inconsistent with law or 96611  
with the rules adopted by the director of ~~job and family~~ 96612  
~~services~~ children and youth. 96613

**Sec. 5153.122.** Each PCSA caseworker hired after January 1, 96614  
2007, shall complete in-service training during the first year 96615  
of the caseworker's continuous employment as a PCSA caseworker, 96616

except that the executive director of the public children 96617  
services agency may waive the training requirement for a school 96618  
of social work graduate who participated in the university 96619  
partnership program described in division (E) of section 96620  
~~5101.141~~5180.42 of the Revised Code and as provided in section 96621  
5153.124 of the Revised Code. The training shall consist of 96622  
courses in all of the following: 96623

(A) Recognizing, accepting reports of, and preventing 96624  
child abuse, neglect, and dependency; 96625

(B) Assessing child safety; 96626

(C) Assessing risks; 96627

(D) Interviewing persons; 96628

(E) Investigating cases; 96629

(F) Intervening; 96630

(G) Providing services to children and their families; 96631

(H) The importance of and need for accurate data; 96632

(I) Preparation for court; 96633

(J) Maintenance of case record information; 96634

(K) The legal duties of PCSA caseworkers to protect the 96635  
constitutional and statutory rights of children and families 96636  
from the initial time of contact during investigation through 96637  
treatment, including instruction regarding parents' rights and 96638  
the limitations that the Fourth Amendment to the United States 96639  
Constitution places upon caseworkers and their investigations; 96640

(L) Content on other topics relevant to child abuse, 96641  
neglect, and dependency, including permanency strategies, 96642  
concurrent planning, and adoption as an option for unintended 96643



pregnancies. 96644

After a PCSA caseworker's first year of continuous 96645  
employment as a PCSA caseworker, the caseworker annually shall 96646  
complete thirty-six hours of training in areas relevant to the 96647  
caseworker's assigned duties. 96648

During the first two years of continuous employment as a 96649  
PCSA caseworker, each PCSA caseworker shall complete training in 96650  
recognizing the signs of domestic violence and its relationship 96651  
to child abuse as established in rules the director of children 96652  
and youth shall adopt pursuant to Chapter 119. of the Revised 96653  
Code. 96654

**Sec. 5153.16.** (A) Except as provided in section 2151.422 96655  
of the Revised Code, in accordance with rules adopted under 96656  
section 5153.166 of the Revised Code, and on behalf of children 96657  
in the county whom the public children services agency considers 96658  
to be in need of public care or protective services, the public 96659  
children services agency shall do all of the following: 96660

(1) Make an investigation concerning any child alleged to 96661  
be an abused, neglected, or dependent child; 96662

(2) Enter into agreements with the parent, guardian, or 96663  
other person having legal custody of any child, or with the 96664  
department of children and youth, department of mental health 96665  
and addiction services, department of developmental 96666  
disabilities, other department, any certified organization 96667  
within or outside the county, or any agency or institution 96668  
outside the state, having legal custody of any child, with 96669  
respect to the custody, care, or placement of any child, or with 96670  
respect to any matter, in the interests of the child, provided 96671  
the permanent custody of a child shall not be transferred by a 96672

parent to the public children services agency without the 96673  
consent of the juvenile court; 96674

(3) Enter into a contract with an agency providing 96675  
prevention services in an effort to prevent neglect or abuse, to 96676  
enhance a child's welfare, and to preserve the family unit 96677  
intact when referring a family for prevention services under 96678  
division (J) of section 2151.421 of the Revised Code. 96679

(4) Accept custody of children committed to the public 96680  
children services agency by a court exercising juvenile 96681  
jurisdiction; 96682

(5) Provide such care as the public children services 96683  
agency considers to be in the best interests of any child 96684  
adjudicated to be an abused, neglected, or dependent child the 96685  
agency finds to be in need of public care or service; 96686

(6) Provide social services to any unmarried girl 96687  
adjudicated to be an abused, neglected, or dependent child who 96688  
is pregnant with or has been delivered of a child; 96689

(7) Make available to the children with medical handicaps 96690  
program of the department of health at its request any 96691  
information concerning a child with a disability found to be in 96692  
need of treatment under sections 3701.021 to 3701.028 of the 96693  
Revised Code who is receiving services from the public children 96694  
services agency; 96695

(8) Provide temporary emergency care for any child 96696  
considered by the public children services agency to be in need 96697  
of such care, without agreement or commitment; 96698

(9) Find certified foster homes, within or outside the 96699  
county, for the care of children, including children with 96700  
disabilities from other counties attending special schools in 96701

the county; 96702

(10) Subject to the approval of the board of county 96703  
commissioners and the department of children and youth, 96704  
establish and operate a training school or enter into an 96705  
agreement with any municipal corporation or other political 96706  
subdivision of the county respecting the operation, acquisition, 96707  
or maintenance of any children's home, training school, or other 96708  
institution for the care of children maintained by such 96709  
municipal corporation or political subdivision; 96710

(11) Acquire and operate a county children's home, 96711  
establish, maintain, and operate a receiving home for the 96712  
temporary care of children, or procure certified foster homes 96713  
for this purpose; 96714

(12) Enter into an agreement with the trustees of any 96715  
district children's home, respecting the operation of the 96716  
district children's home in cooperation with the other county 96717  
boards in the district; 96718

(13) Cooperate with, make its services available to, and 96719  
act as the agent of persons, courts, the department of children 96720  
and youth, the department of health, and other organizations 96721  
within and outside the state, in matters relating to the welfare 96722  
of children, except that the public children services agency 96723  
shall not be required to provide supervision of or other 96724  
services related to the exercise of parenting time rights 96725  
granted pursuant to section 3109.051 or 3109.12 of the Revised 96726  
Code or companionship or visitation rights granted pursuant to 96727  
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 96728  
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 96729  
or a common pleas court, pursuant to division (E)(6) of section 96730  
3113.31 of the Revised Code, requires the provision of 96731

supervision or other services related to the exercise of the 96732  
parenting time rights or companionship or visitation rights; 96733

(14) Make investigations at the request of any 96734  
superintendent of schools in the county or the principal of any 96735  
school concerning the application of any child adjudicated to be 96736  
an abused, neglected, or dependent child for release from 96737  
school, where such service is not provided through a school 96738  
attendance department; 96739

(15) Administer funds provided under Title IV-E of the 96740  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 96741  
amended, in accordance with rules adopted under section ~~5101.141~~ 96742  
5180.42 of the Revised Code; 96743

(16) In addition to administering Title IV-E adoption 96744  
assistance funds, enter into agreements to make adoption 96745  
assistance payments under section 5153.163 of the Revised Code; 96746

(17) Implement a system of safety and risk assessment, in 96747  
accordance with rules adopted by the director of children and 96748  
youth, to assist the public children services agency in 96749  
determining the risk of abuse or neglect to a child; 96750

(18) Enter into a plan of cooperation with the board of 96751  
county commissioners under section 307.983 of the Revised Code 96752  
and comply with each fiscal agreement the board enters into 96753  
under section 307.98 of the Revised Code that include family 96754  
services duties of public children services agencies and 96755  
contracts the board enters into under sections 307.981 and 96756  
307.982 of the Revised Code that affect the public children 96757  
services agency; 96758

(19) Make reasonable efforts to prevent the removal of an 96759  
alleged or adjudicated abused, neglected, or dependent child 96760

from the child's home, eliminate the continued removal of the 96761  
child from the child's home, or make it possible for the child 96762  
to return home safely, except that reasonable efforts of that 96763  
nature are not required when a court has made a determination 96764  
under division (A) (2) of section 2151.419 of the Revised Code; 96765

(20) Make reasonable efforts to place the child in a 96766  
timely manner in accordance with the permanency plan approved 96767  
under division (E) of section 2151.417 of the Revised Code and 96768  
to complete whatever steps are necessary to finalize the 96769  
permanent placement of the child; 96770

(21) Administer a Title IV-A program identified under 96771  
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 96772  
that the department of children and youth provides for the 96773  
public children services agency to administer under the 96774  
department's supervision pursuant to section 5101.801 of the 96775  
Revised Code; 96776

(22) Administer the kinship permanency incentive program 96777  
created under section ~~5101.802~~ 5180.52 of the Revised Code under 96778  
the supervision of the director of children and youth; 96779

(23) Provide independent living services pursuant to 96780  
sections 2151.81 to 2151.84 of the Revised Code; 96781

(24) File a missing child report with a local law 96782  
enforcement agency upon becoming aware that a child in the 96783  
custody of the public children services agency is or may be 96784  
missing. 96785

(B) The public children services agency shall use the 96786  
system implemented pursuant to division (A) (17) of this section 96787  
in connection with an investigation undertaken pursuant to 96788  
division (G) (1) of section 2151.421 of the Revised Code to 96789

assess both of the following: 96790

(1) The ongoing safety of the child; 96791

(2) The appropriateness of the intensity and duration of 96792  
the services provided to meet child and family needs throughout 96793  
the duration of a case. 96794

(C) Except as provided in section 2151.422 of the Revised 96795  
Code, in accordance with rules of the director of children and 96796  
youth, and on behalf of children in the county whom the public 96797  
children services agency considers to be in need of public care 96798  
or protective services, the public children services agency may 96799  
do the following: 96800

(1) Provide or find, with other child serving systems, 96801  
specialized foster care for the care of children in a 96802  
specialized foster home, as defined in section 5103.02 of the 96803  
Revised Code, certified under section 5103.03 of the Revised 96804  
Code; 96805

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 96806  
this section, contract with the following for the purpose of 96807  
assisting the agency with its duties: 96808

(i) County departments of job and family services; 96809

(ii) Boards of alcohol, drug addiction, and mental health 96810  
services; 96811

(iii) County boards of developmental disabilities; 96812

(iv) Regional councils of political subdivisions 96813  
established under Chapter 167. of the Revised Code; 96814

(v) Private and government providers of services; 96815

(vi) Managed care organizations and prepaid health plans. 96816

(b) A public children services agency contract under 96817  
division (C) (2) (a) of this section regarding the agency's duties 96818  
under section 2151.421 of the Revised Code may not provide for 96819  
the entity under contract with the agency to perform any service 96820  
not authorized by the department's rules. 96821

(c) Only a county children services board appointed under 96822  
section 5153.03 of the Revised Code that is a public children 96823  
services agency may contract under division (C) (2) (a) of this 96824  
section. If an entity specified in division (B) or (C) of 96825  
section 5153.02 of the Revised Code is the public children 96826  
services agency for a county, the board of county commissioners 96827  
may enter into contracts pursuant to section 307.982 of the 96828  
Revised Code regarding the agency's duties. 96829

**Sec. 5153.163.** (A) As used in this section: 96830

(1) "Adoptive parent" means, as the context requires, a 96831  
prospective adoptive parent or an adoptive parent. 96832

(2) "Relative" has the same meaning as in section ~~5101.141~~ 96833  
5180.42 of the Revised Code. 96834

(B) (1) Before a child's adoption is finalized, a public 96835  
children services agency may enter into an agreement with the 96836  
child's adoptive parent under which the agency, to the extent 96837  
state funds are available, may make state adoption maintenance 96838  
subsidy payments as needed on behalf of the child when all of 96839  
the following apply: 96840

(a) The child is a child with special needs. 96841

(b) The child was placed in the adoptive home by a public 96842  
children services agency or a private child placing agency and 96843  
may legally be adopted. 96844

(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child. 96845  
96846

(d) The needs of the child are beyond the economic resources of the adoptive parent. 96847  
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(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section. 96849  
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(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended. 96852  
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(g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended. 96858  
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(2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency that has permanent custody of the child is located. 96861  
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(3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an annual redetermination of need. 96866  
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(4) Payments under this division may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's 96870  
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home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance.

(C) (1) A public children services agency may enter into an agreement with a child's relative under which the agency, to the extent state funds are available, may provide state kinship guardianship assistance as needed on behalf of the child when all of the following apply:

(a) The relative has cared for the eligible child as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months.

(b) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order.

(ii) The relative has committed to care for the child on a permanent basis.

(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child.

(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

(e) Returning the child home or adoption are not

appropriate permanency options for the child. 96902

(f) The child demonstrates a strong attachment to the 96903  
relative and the relative has a strong commitment to caring 96904  
permanently for the child. 96905

(g) With respect to a child who has attained fourteen 96906  
years of age, the child has been consulted regarding the state 96907  
kinship guardianship assistance arrangement. 96908

(h) The child is not eligible for kinship guardianship 96909  
assistance payments under Title IV-E of the "Social Security 96910  
Act," 42 U.S.C. 673(d), as amended. 96911

(2) The public children services agency that had custody 96912  
of a child immediately prior to a court granting legal custody 96913  
or guardianship of the child to a relative of the child 96914  
described in division (C)(1) of this section is authorized to 96915  
enter into a state kinship guardianship assistance agreement 96916  
with that relative. 96917

(3) State kinship guardianship assistance for a child 96918  
shall be provided in accordance with a state kinship 96919  
guardianship assistance agreement entered into between the 96920  
public children services agency and relative of the child 96921  
described in division (C)(1) of this section and is subject to 96922  
an annual redetermination of need. 96923

~~(4) Not later than fifteen months after September 30,~~ 96924  
~~2021, if the amended state plan submitted under Title IV-E to~~ 96925  
~~implement 42 U.S.C. 673(d) as described in section 5101.1416 of~~ 96926  
~~the Revised Code is approved, division (C) of this section shall~~ 96927  
~~be implemented.~~ 96928

(D) No payment shall be made under division (B) or (C) of 96929  
this section on behalf of any person eighteen years of age or 96930

older beyond the end of the school year during which the person 96931  
attains the age of eighteen or on behalf of a person with a 96932  
mental or physical disability twenty-one years of age or older. 96933

(E) The director of children and youth shall adopt rules 96934  
in accordance with Chapter 119. of the Revised Code that are 96935  
needed to implement this section. The rules shall establish all 96936  
of the following: 96937

(1) The application process for all forms of assistance 96938  
provided under this section; 96939

(2) The method to determine the amount of assistance 96940  
payable under division (B) of this section; 96941

(3) The definition of "child with special needs" for this 96942  
section; 96943

(4) The process whereby a child's continuing need for 96944  
services provided under division (B) or (C) of this section is 96945  
annually redetermined; 96946

(5) Any other rule, requirement, or procedure the 96947  
department considers appropriate for the implementation of this 96948  
section. 96949

(F) The state adoption special services subsidy program 96950  
ceases to exist on July 1, 2004, except that, subject to the 96951  
findings of the annual redetermination process established under 96952  
division (E) of this section and the child's individual need for 96953  
services, a public children services agency may continue to 96954  
provide state adoption special services subsidy payments on 96955  
behalf of a child for whom payments were being made prior to 96956  
July 1, 2004. 96957

(G) Benefits and services provided under this section are 96958

inalienable whether by way of assignment, charge, or otherwise 96959  
and exempt from execution, attachment, garnishment, and other 96960  
like processes. 96961

**Sec. 5160.37.** (A) A medical assistance recipient's 96962  
enrollment in a medical assistance program gives an automatic 96963  
right of recovery to the department of medicaid and a county 96964  
department of job and family services against the liability of a 96965  
third party for the cost of medical assistance paid on behalf of 96966  
the recipient. When an action or claim is brought against a 96967  
third party by a medical assistance recipient, any payment, 96968  
settlement or compromise of the action or claim, or any court 96969  
award or judgment, is subject to the recovery right of the 96970  
department of medicaid or county department. Except in the case 96971  
of a medical assistance recipient who receives medical 96972  
assistance through a medicaid managed care organization, the 96973  
department's or county department's claim shall not exceed the 96974  
amount of medical assistance paid by the department or county 96975  
department on behalf of the recipient. A payment, settlement, 96976  
compromise, judgment, or award that excludes the cost of medical 96977  
assistance paid for by the department or county department shall 96978  
not preclude a department from enforcing its rights under this 96979  
section. 96980

(B) (1) In the case of a medical assistance recipient who 96981  
receives medical assistance through a medicaid managed care 96982  
organization that has a capitation agreement with a provider, 96983  
the amount of the department's or county department's claim 96984  
shall be the amount the medicaid managed care organization would 96985  
have paid in the absence of a capitation agreement. 96986

(2) In the case of a medical assistance recipient who 96987  
receives medical assistance through a medicaid managed care 96988

organization that does not have a capitation agreement with a 96989  
provider, the amount of the department's or county department's 96990  
claim shall be the amount the medicaid managed care organization 96991  
pays for medical assistance rendered to the recipient, even if 96992  
that amount is more than the amount the department or county 96993  
department pays to the medicaid managed care organization for 96994  
the recipient's medical assistance. 96995

(C) A medical assistance recipient, and the recipient's 96996  
attorney, if any, shall cooperate with the departments. In 96997  
furtherance of this requirement, the medical assistance 96998  
recipient, or the recipient's attorney, if any, shall, not later 96999  
than thirty days after initiating informal recovery activity or 97000  
filing a legal recovery action against a third party, provide 97001  
written notice of the activity or action to the department of 97002  
medicaid or county department if it has paid for medical 97003  
assistance under a medical assistance program. 97004

(D) The written notice that must be given under division 97005  
(C) of this section shall disclose the identity and address of 97006  
any third party against whom the medical assistance recipient 97007  
has or may have a right of recovery. 97008

(E) No settlement, compromise, judgment, or award or any 97009  
recovery in any action or claim by a medical assistance 97010  
recipient where the department or county department has a right 97011  
of recovery shall be made final without first giving the 97012  
department or county department written notice as described in 97013  
division (C) of this section and a reasonable opportunity to 97014  
perfect its rights of recovery. If the department or county 97015  
department is not given the appropriate written notice, the 97016  
medical assistance recipient and, if there is one, the 97017  
recipient's attorney, are liable to reimburse the department or 97018

county department for the recovery received to the extent of 97019  
medical assistance payments made by the department or county 97020  
department. 97021

(F) The department or county department shall be permitted 97022  
to enforce its recovery rights against the third party even 97023  
though it accepted prior payments in discharge of its rights 97024  
under this section if, at the time the department or county 97025  
department received such payments, it was not aware that 97026  
additional medical expenses had been incurred but had not yet 97027  
been paid by the department or county department. The third 97028  
party becomes liable to the department or county department as 97029  
soon as the third party is notified in writing of the valid 97030  
claims for recovery under this section. 97031

(G) (1) Subject to division (G) (2) of this section, the 97032  
right of recovery of the department or county department does 97033  
not apply to that portion of any judgment, award, settlement, or 97034  
compromise of a claim, to the extent of attorneys' fees, costs, 97035  
or other expenses incurred by a medical assistance recipient in 97036  
securing the judgment, award, settlement, or compromise, or to 97037  
the extent of medical, surgical, and hospital expenses paid by 97038  
such recipient from the recipient's own resources. 97039

(2) Reasonable attorneys' fees, not to exceed one-third of 97040  
the total judgment, award, settlement, or compromise, plus costs 97041  
and other expenses incurred by the medical assistance recipient 97042  
in securing the judgment, award, settlement, or compromise, 97043  
shall first be deducted from the total judgment, award, 97044  
settlement, or compromise. After fees, costs, and other expenses 97045  
are deducted from the total judgment, award, settlement, or 97046  
compromise, there shall be a rebuttable presumption that the 97047  
department of medicaid or county department shall receive no 97048

less than one-half of the remaining amount, or the actual amount 97049  
of medical assistance paid, whichever is less. A party may rebut 97050  
the presumption in accordance with division (L) (1) ~~or~~, (2), or 97051  
(3) of this section, as applicable. 97052

(H) A right of recovery created by this section may be 97053  
enforced separately or jointly by the department of medicaid or 97054  
county department. To enforce its recovery rights, the 97055  
department or county department may do any of the following: 97056

(1) Intervene or join in any action or proceeding brought 97057  
by the medical assistance recipient or on the recipient's behalf 97058  
against any third party who may be liable for the cost of 97059  
medical assistance paid; 97060

(2) Institute and pursue legal proceedings against any 97061  
third party who may be liable for the cost of medical assistance 97062  
paid; 97063

(3) Initiate legal proceedings in conjunction with any 97064  
injured, diseased, or disabled medical assistance recipient or 97065  
the recipient's attorney or representative. 97066

(I) A medical assistance recipient shall not assess 97067  
attorney fees, costs, or other expenses against the department 97068  
of medicaid or a county department when the department or county 97069  
department enforces its right of recovery created by this 97070  
section. 97071

(J) The right of recovery given to the department under 97072  
this section includes payments made by a third party under 97073  
contract with a person having a duty to support. 97074

(K) The department of medicaid may assign to a medical 97075  
assistance provider the right of recovery given to the 97076  
department under this section with respect to any claim for 97077

which the department has notified the provider that the 97078  
department intends to recoup the department's prior payment for 97079  
the claim. 97080

(L) (1) Prior to any payment to the department or a county 97081  
department pursuant to the department's or county department's 97082  
right of recovery under this section, a party that desires to 97083  
rebut the presumption in division (G) of this section shall 97084  
submit to the department or county department a request for a 97085  
hearing in accordance with the procedure the department 97086  
establishes in rules required by division (O) of this section. 97087  
The amount sought by the department or county department shall 97088  
be held in escrow or in an interest on lawyers' trust account 97089  
until the hearing examiner renders a decision or the case is 97090  
otherwise concluded. A party successfully rebuts the presumption 97091  
by a showing of clear and convincing evidence that a different 97092  
allocation is warranted. 97093

(2) A medical assistance recipient who has repaid money, 97094  
on or after September 29, 2007, to the department or a county 97095  
department pursuant to the department's or county department's 97096  
right of recovery under this section, section 5160.38 of the 97097  
Revised Code, or former section 5101.58 or 5101.59 of the 97098  
Revised Code may request a hearing to rebut the presumption in 97099  
division (G) of this section. The request shall be made in 97100  
accordance with the procedure the department establishes for 97101  
this purpose in rules required by division (O) of this section. 97102  
It must be made not later than one hundred eighty days after 97103  
September 29, 2015, or ninety days after the payment is made, 97104  
whichever is later. A party successfully rebuts the presumption 97105  
by a showing of clear and convincing evidence that a different 97106  
allocation is warranted. 97107



(3) A medical assistance recipient who has repaid money, between April 6, 2007 and September 28, 2007, to the department or a county department pursuant to the department's or county department's right of recovery under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code may request a hearing to rebut the presumption in division (G) of this section. The request shall be made not later than one hundred eighty days after the effective date of this amendment in accordance with the procedure the department establishes for this purpose in rules required by division (O) of this section. The presumption is successfully rebutted if the requestor demonstrates by clear and convincing evidence that a different allocation is warranted.

(4) With respect to a hearing requested under division (L) ~~(1) or~~, (2), or (3) of this section, all of the following are the case:

(a) The hearing examiner may consider, but is not bound by the allocation of, medical expenses specified in a settlement agreement between the medical assistance recipient and the relevant third party;

(b) The department or county department may raise affirmative defenses during the hearing, including the existence of a prior settlement with the medical assistance recipient, the doctrine of accord and satisfaction, or the common law principle of res judicata;

(c) If the parties agree, live testimony shall not be presented at the hearing;

(d) The hearing may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted,

Chapter 119. of the Revised Code applies to the hearing only to 97137  
the extent specified in those rules; 97138

(e) The hearing examiner's decision is binding on the 97139  
department or county department and the medical assistance 97140  
recipient unless the decision is reversed or modified on appeal 97141  
to the medicaid director as described in division (M) of this 97142  
section; 97143

(f) A request for a hearing may be submitted by any of the 97144  
following: 97145

(i) The medical assistance recipient; 97146

(ii) The medical assistance recipient's authorized 97147  
representative; 97148

(iii) The executor or administrator of a medical 97149  
assistance recipient's estate authorized to make or pursue a 97150  
request; 97151

(iv) A court-appointed guardian; 97152

(v) An attorney who has been directly retained by the 97153  
medical assistance recipient, or the recipient's parent, legal 97154  
guardian, or court-appointed guardian. 97155

(M) (1) A medical assistance recipient who disagrees with a 97156  
hearing examiner's decision under division (L) of this section 97157  
may file an administrative appeal with the medicaid director in 97158  
accordance with the procedure the department establishes for 97159  
this purpose in rules required by division (O) of this section. 97160  
A hearing is not required during the administrative appeal, but 97161  
the director or the director's designee shall review the hearing 97162  
examiner's decision and any prior relevant administrative 97163  
action. After the review, the director or the director's 97164

designee shall affirm, modify, remand, or reverse the hearing decision. A decision made under this division is final and binding on the department or county department and the medical assistance recipient unless it is reversed or modified on appeal to a court of common pleas as described in division (N) of this section.

(2) An administrative appeal may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to an administrative appeal only to the extent specified in those rules.

(N) A party to an administrative appeal described in division (M) of this section may file an appeal with a court of common pleas in accordance with section 119.12 of the Revised Code.

(O) The medicaid director shall adopt rules under section 5160.02 of the Revised Code as necessary to implement this section, including rules establishing procedures a party may use to request a hearing under division (L) (1) ~~or~~, (2), or (3) of this section or an administrative appeal under division (M) (1) of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(P) Divisions (L) to (N) of this section are remedial in nature and shall be liberally construed by the courts of this state in accordance with section 1.11 of the Revised Code. Those divisions specify the sole remedy available to a party who claims the department or a county department has received or is to receive more money than entitled to receive under this section, section 5160.38 of the Revised Code, or former section 5101.58 or 5101.59 of the Revised Code.

**Sec. 5160.45.** (A) As used in sections 5160.45 to 5160.481 97195  
of the Revised Code, "information" means all of the following: 97196

(1) Records, as defined in section 149.011 of the Revised 97197  
Code; 97198

(2) Any other documents in any format; 97199

(3) Data derived from records and documents that are 97200  
generated, acquired, or maintained by the department of 97201  
medicaid, a county department of job and family services, or an 97202  
entity performing duties on behalf of the department or a county 97203  
department. 97204

(B) Except as permitted by this section, section 340.038, 97205  
section 5160.47, or rules authorized by section 5160.48 or 97206  
5160.481 of the Revised Code, or when required by federal law, 97207  
no person or government entity shall use or disclose information 97208  
regarding a medical assistance recipient for any purpose not 97209  
directly connected with the administration of a medical 97210  
assistance program. 97211

(C) Both of the following shall be considered to be 97212  
purposes directly connected with the administration of a medical 97213  
assistance program: 97214

(1) Treatment, payment, or other operations or activities 97215  
authorized by 42 C.F.R. Chapter IV; 97216

(2) Any administrative function or duty the department of 97217  
medicaid performs alone or jointly with a federal government 97218  
entity, another state government entity, or a local government 97219  
entity implementing a provision of federal law. 97220

(D) The department or a county department of job and 97221  
family services may disclose information regarding a medical 97222

assistance recipient to any of the following: 97223

(1) The recipient or the recipient's authorized representative; 97224  
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(2) The recipient's legal guardian in accordance with division (C) of section 2111.13 of the Revised Code; 97226  
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(3) The attorney of the recipient, if the department or county department has obtained authorization from the recipient or the recipient's authorized representative or legal guardian that meets all requirements of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d et seq., regulations promulgated by the United States department of health and human services to implement the act, section 5160.46 of the Revised Code, and any rules authorized by section 5160.48 of the Revised Code; 97228  
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(4) A health information or health records management entity that has executed with the department a business associate agreement required by 45 C.F.R 164.502(e) (2) and has been authorized by the recipient or the recipient's authorized representative or legal guardian to receive the recipient's electronic health records in accordance with rules authorized by section 5160.48 of the Revised Code; 97237  
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(5) A court if pursuant to a written order of the court. 97244

(E) The department may receive from county departments of job and family services information regarding any medical assistance recipient for purposes of training and verifying the accuracy of eligibility determinations for a medical assistance program. The department may assemble information received under this division into a report if the report is in a form specified by the department. Information received and assembled into a 97245  
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report under this division shall remain confidential and not be 97252  
subject to disclosure pursuant to section 149.43 or 1347.08 of 97253  
the Revised Code. 97254

(F) The department shall notify courts in this state 97255  
regarding its authority, under division (D) (5) of this section, 97256  
to disclose information regarding a medical assistance recipient 97257  
pursuant to a written court order. 97258

Sec. 5160.53. The department of medicaid shall collaborate 97259  
with the department of behavioral health to publish a directory 97260  
of all residential facilities licensed under section 5119.34 of 97261  
the Revised Code on the department of medicaid's web site. For 97262  
each facility, the directory shall include all of the following: 97263

(A) The name of the facility; 97264

(B) The facility's full address; 97265

(C) The facility's categorization as a class one, class 97266  
two, or class three facility; 97267

(D) The services offered at the facility. 97268

Sec. 5162.133. Not less than once each year, the medicaid 97269  
director shall submit a report on the medicaid buy-in for 97270  
workers with disabilities program to the governor, general 97271  
assembly, and joint medicaid oversight committee. The copy to 97272  
the general assembly shall be submitted in accordance with 97273  
section 101.68 of the Revised Code. The report shall include all 97274  
of the following information: 97275

(A) The number of individuals who participated in the 97276  
medicaid buy-in for workers with disabilities program; 97277

(B) The cost of the program; 97278

~~(C) The amount of revenue generated by premiums that participants pay under section 5163.094 of the Revised Code;~~ 97279  
97280

~~(D)~~ The average amount of earned income of participants' families; 97281  
97282

~~(E)~~ (D) The average amount of time participants have participated in the program; 97283  
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~~(F)~~ (E) The types of other health insurance participants have been able to obtain. 97285  
97286

**Sec. 5162.14.** (A) The medicaid director shall immediately provide notice in accordance with this section if the United States centers for medicare and medicaid services does any of the following related to a quarterly medicaid statement of expenditures for medical assistance programs form that is submitted by the department of medicaid: 97287  
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97289  
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(1) Determines that the form has a variance of expenditures of eight per cent or greater; 97293  
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(2) Asks any questions related to the form; 97295

(3) Refuses to certify the information provided on the form; 97296  
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(4) Refuses to release any funds to the state. 97298

(B) When providing notice under this section, the director shall include any letter or information that is provided by the United States centers for medicare and medicaid services in its questioning or deciding not to certify the form, as well as any correspondences from the department in response. 97299  
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(C) The notice required under this section shall be provided to all of the following: 97304  
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<u>(1) The speaker of the house of representatives and</u>	97306
<u>president of the senate;</u>	97307
<u>(2) The executive director of the joint medicaid oversight</u>	97308
<u>committee;</u>	97309
<u>(3) The chairpersons of the relevant standing committees</u>	97310
<u>in both the house of representatives and the senate.</u>	97311
<b>Sec. 5162.17.</b> <u>(A) (1) On the first of September annually,</u>	97312
<u>the department of medicaid shall prepare and submit a report to</u>	97313
<u>the joint medicaid oversight committee and the executive</u>	97314
<u>director of the joint medicaid oversight committee that details</u>	97315
<u>the total full-time equivalent employees and related</u>	97316
<u>expenditures of all of the following for each state agency:</u>	97317
<u>(a) Eligibility operations;</u>	97318
<u>(b) Information technology;</u>	97319
<u>(c) Medicaid management information systems operations;</u>	97320
<u>(d) All other administrative operations.</u>	97321
<u>(2) The report shall delineate the administrative costs</u>	97322
<u>for each category identified in division (A) (1) of this section</u>	97323
<u>by costs paid to vendors and costs incurred directly by the</u>	97324
<u>state agency.</u>	97325
<u>(B) The report required under this section shall include</u>	97326
<u>all of the following:</u>	97327
<u>(1) The actual total number of full-time equivalent</u>	97328
<u>employees, their unique identifying employee position numbers or</u>	97329
<u>equivalents, their salaries, their benefits, their taxes, and</u>	97330
<u>any non-salary or benefit administrative costs from the prior</u>	97331
<u>two years;</u>	97332



(2) The budgeted number of full-time equivalent employees, salaries, taxes, and non-salary or benefit administrative costs from the prior two years; 97333  
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(3) The forecasted number of full-time equivalent employees, salaries, benefits, taxes, and any non-salary or benefit administrative costs for the upcoming year; 97336  
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(4) A comparison between both of the two prior years' actual and budgeted number of full-time equivalent employees and expenditures, as well as a comparison between the actual number of full-time equivalent employees and expenditures from the prior year and the forecasted number of full-time equivalent employees and expenditures for the upcoming year. If the total number of full-time equivalent employees or expenditures for any combination of agency and category deviates more than five per cent from the preceding year's budgeted number of full-time equivalent employees, the report shall provide a detailed justification for the variance. 97339  
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(C) The joint medicaid oversight committee may provide a template for the department to reference in creating the report required by this section. 97350  
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**Sec. 5162.25.** (A) As used in this section: 97353

(1) "State directed payment program" means a payment program authorized by the United States centers for medicare and medicaid services under 42 C.F.R. 438.6(c). 97354  
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(2) "Preprint" means a form created by the United States centers for medicare and medicaid services to request approval of a state directed payment program, as required under 42 C.F.R. 438.6(c). 97357  
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(B) (1) Except as provided in division (B) (2) of this 97361

section, and subject to division (B) (3) of this section, the 97362  
medicaid director shall comply with this section for all new and 97363  
existing state directed payment programs. 97364

(2) This section does not apply to a state directed 97365  
payment program that is funded by the department of medicaid or 97366  
the hospital franchise permit fee program. 97367

(3) A state directed payment program subject to this 97368  
section shall be approved by the joint medicaid oversight 97369  
committee before being established by the medicaid director. 97370

(C) All of the following apply to a state directed payment 97371  
program that is subject to this section: 97372

(1) The program shall comply with the requirements of 42 97373  
C.F.R. 438.6(c), including all of the following: 97374

(a) The program shall be approved by the United States 97375  
centers for medicare and medicaid services, and the director 97376  
shall seek approval for the program in accordance with section 97377  
5162.07 of the Revised Code. 97378

(b) Directed payments under the program shall not exceed 97379  
the average commercial rate for all providers participating 97380  
under a preprint unless exempted by a value-based purchasing 97381  
agreement approved by the United States centers for medicare and 97382  
medicaid services. 97383

(c) The program shall be subject to an evaluation plan, in 97384  
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 97385

(2) The program shall be for hospital providers and 97386  
services or professional services provided by hospitals. 97387

(3) Unless otherwise determined by the medicaid director, 97388  
only one state directed payment preprint may be approved for 97389

<u>each of the following provider classes:</u>	97390
<u>(a) Inpatient and outpatient hospital services;</u>	97391
<u>(b) Physician services;</u>	97392
<u>(c) Children's hospitals participating in the outcomes acceleration for kids quality initiative.</u>	97393 97394
<u>(D) A hospital provider participating in a state directed payment program shall do all of the following:</u>	97395 97396
<u>(1) Enter into one or more contracts related to the state directed payment program as necessary, as determined by the department;</u>	97397 97398 97399
<u>(2) Comply with all average commercial rate reporting requirements established by the department, related to the requirements set forth in 42 C.F.R. 438.6(c) (2) (iii);</u>	97400 97401 97402
<u>(3) Comply with the department's state directed payment quality measure set, including the metrics and targets set by the department for the state directed payment program to advance the goals and objectives specified in the department's quality strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 C.F.R. 438.340;</u>	97403 97404 97405 97406 97407 97408
<u>(4) Cooperate with any evaluation or reporting requirements established by the department related to the requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F).</u>	97409 97410 97411
<u>(E) Any hospital provider contract required under division (D) (1) of this section shall be executed not later than the first day of October preceding the first fiscal year of a biennium. A contract required under this section may be entered into in accordance with section 5162.32 of the Revised Code.</u>	97412 97413 97414 97415 97416

(F) (1) All funds supporting a state directed payment program shall comply with the requirements specified in 42 C.F.R. 433.51. No hospital provider may participate in a state directed payment program unless sufficient funds are obligated and appropriated. 97417  
97418  
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(2) The director may terminate or decline to establish any state directed payment program if federal or local funding is not available or sufficient to sustain the program. The department shall not at any time be required to provide funding for a state directed payment program that is subject to this section. 97422  
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~~Sec. 5163.03. (A) Subject to section 5163.05 of the Revised Code, the~~ The ~~medicaid~~ program shall cover all mandatory eligibility groups. 97428  
97429  
97430

(B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover. 97431  
97432  
97433

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies: 97434  
97435

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group. 97436  
97437

(2) The medicaid program covers the optional eligibility group ~~on the effective date of this amendment~~ November 22, 2017. 97438  
97439

(D) The medicaid program shall not cover an optional eligibility group to which either of the following applies: 97440  
97441

(1) State statutes prohibit the medicaid program from covering the optional eligibility group. 97442  
97443

(2) Except as provided in divisions (B) and (C) (1) of this 97444

section, the medicaid program does not cover the optional 97445  
eligibility group on ~~the effective date of this amendment~~ 97446  
November 22, 2017. 97447

Sec. 5163.04. (A) If the federal medical assistance 97448  
percentage for medical assistance provided to members of the 97449  
expansion eligibility group is set below ninety per cent, the 97450  
department of medicaid shall do both of the following: 97451

(1) Immediately discontinue all medical assistance for 97452  
members of the group. 97453

(2) Not later than fifteen business days after the change 97454  
to the federal medical assistance percentage, certify to the 97455  
director of budget and management, the joint medicaid oversight 97456  
committee, the president of the senate, and the speaker of the 97457  
house of representatives the total actual expenditure for the 97458  
expansion eligibility group for the most recently completed 97459  
month prior to the change. 97460

(B) (1) Except as provided in division (B) (2) of this 97461  
section, the amount certified under division (A) (2) of this 97462  
section shall be multiplied by the number of months remaining in 97463  
the fiscal year. The amount calculated under this division shall 97464  
remain in the general revenue fund until the end of the fiscal 97465  
year, at which time the funds shall be transferred in accordance 97466  
with section 131.44 of the Revised Code. 97467

(2) If the change to the federal medical assistance 97468  
percentage described in division (A) of this section occurs 97469  
during the first year of a fiscal biennium, the amount certified 97470  
under division (A) (2) of this section shall be multiplied by 97471  
twelve for the second year of the fiscal biennium. The amount 97472  
calculated under this division shall remain in the general 97473

revenue fund until the end of the fiscal biennium, at which time 97474  
the funds shall be transferred in accordance with section 131.44 97475  
of the Revised Code. 97476

**Sec. 5163.091.** Under the medicaid buy-in for workers with 97477  
disabilities program, an individual who does ~~all~~both of the 97478  
following in accordance with rules authorized by section 97479  
5163.098 of the Revised Code qualifies for the medicaid program: 97480

(A) Applies for the medicaid buy-in for workers with 97481  
disabilities program; 97482

(B) Provides satisfactory evidence of all of the 97483  
following: 97484

(1) That the individual is at least sixteen years of age 97485  
and under sixty-five years of age; 97486

(2) Except as provided in section 5163.096 of the Revised 97487  
Code, that one of the following applies to the individual: 97488

(a) The individual is considered disabled for the purpose 97489  
of the supplemental security income program, regardless of 97490  
whether the individual receives supplemental security income 97491  
benefits, and the individual has earnings from employment. 97492

(b) The individual is an employed individual with a 97493  
medically improved disability. 97494

(3) That the value of the individual's resources, less 97495  
amounts disregarded pursuant to rules authorized by section 97496  
5163.098 of the Revised Code, does not exceed the amount 97497  
provided for by section 5163.092 of the Revised Code; 97498

(4) That the individual's income, less amounts disregarded 97499  
pursuant to section 5163.093 of the Revised Code, does not 97500  
exceed two hundred fifty per cent of the federal poverty line; 97501

(5) That the individual meets the additional eligibility requirements for the medicaid buy-in for workers with disabilities program established in rules authorized by section 5163.098 of the Revised Code. 97502  
97503  
97504  
97505

~~(C) To the extent required by section 5163.094 of the Revised Code, pays the premium established under that section.~~ 97506  
97507

**Sec. 5163.093.** For the purpose of determining whether an individual is within the income eligibility limit for the medicaid buy-in for workers with disabilities program, all of the following apply: 97508  
97509  
97510  
97511

(A) Twenty thousand dollars of the individual's earned income shall be disregarded. 97512  
97513

(B) Twenty thousand dollars of the individual's unearned income shall be disregarded. 97514  
97515

(C) No amount that the individual's employer pays to obtain health insurance for one or more members of the individual's family, ~~including any amount of a premium established under section 5163.094 of the Revised Code that the employer pays,~~ shall be treated as the individual's income. 97516  
97517  
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97519  
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~~(C)~~ (D) Any other amounts, if any, specified in rules authorized by section 5163.098 of the Revised Code shall be disregarded from the individual's earned income, unearned income, or both. 97521  
97522  
97523  
97524

**Sec. 5163.094.** An individual ~~whose income exceeds one hundred fifty per cent of the federal poverty line shall not be required to pay an annual~~ a premium as a condition of qualifying for the medicaid buy-in for workers with disabilities program. 97525  
97526  
97527  
97528  
~~The amount of the premium shall be determined as follows:~~ 97529

~~(A) Subtract one hundred fifty per cent of the federal poverty line, as applicable for a family size equal to the size of the individual's family, from the amount of the income of the individual's family;~~ 97530  
97531  
97532  
97533

~~(B) Subtract an amount specified in rules authorized by section 5163.098 of the Revised Code from the difference determined under division (A) of this section;~~ 97534  
97535  
97536

~~(C) Multiply the difference determined under division (B) of this section by one tenth.~~ 97537  
97538

**Sec. 5163.098.** (A) The medicaid director shall adopt rules under section 5163.02 of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following: 97539  
97540  
97541  
97542

(1) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program; 97543  
97544  
97545

(2) Establish meanings for the terms "earned income," "health insurance," "resources," "spouse," and "unearned income"; 97546  
97547  
97548

(3) Establish additional eligibility requirements for the program that must be established for the United States secretary of health and human services to approve the program; 97549  
97550  
97551

~~(4) For the purpose of division (B) of section 5163.094 of the Revised Code, specify an amount to be subtracted from the difference determined under division (A) of that section.~~ 97552  
97553  
97554

(B) The director may adopt rules under section 5163.02 of the Revised Code to specify amounts to be disregarded from an individual's earned income, unearned income, or both under 97555  
97556  
97557



division ~~(C)~~ (D) of section 5163.093 of the Revised Code for the 97558  
purpose of determining whether the individual is within the 97559  
income eligibility limit for the medicaid buy-in for workers 97560  
with disabilities program. 97561

Sec. 5163.102. (A) Notwithstanding sections 5163.10 and 97562  
5163.101 of the Revised Code, not later than January 1, 2026, 97563  
the department of medicaid shall seek approval from the United 97564  
States centers for medicare and medicaid services to eliminate 97565  
mandatory hospital presumptive eligibility and restrict 97566  
presumptive eligibility determinations to children and pregnant 97567  
women, as those groups are described in sections 5163.10 and 97568  
5163.101 of the Revised Code. If the request is denied or 97569  
approval is withdrawn at any time, the department shall resubmit 97570  
the request within twenty-four months of the date of each denial 97571  
or withdrawal. 97572

(B) In its request, the department shall seek to require 97573  
each hospital qualified to make presumptive eligibility 97574  
determinations to do all of the following: 97575

(1) Notify the department of each presumptive eligibility 97576  
determination within five business days of the determination 97577  
date; 97578

(2) Assist applicants who have been determined 97579  
presumptively eligible to submit a complete medicaid application 97580  
form; 97581

(3) Notify the applicant in writing on all forms that the 97582  
applicant must file a complete medicaid application form before 97583  
the last day of the following month, or the applicant will lose 97584  
coverage that day; 97585

(4) Notify the applicant that if the application is filed 97586

before the last day of the month after the applicant is presumed 97587  
presumptively eligible, presumptive eligibility coverage will 97588  
continue until a final determination is made on the complete 97589  
application. 97590

(C) (1) A qualified hospital shall comply with all of the 97591  
following standards when making presumptive eligibility 97592  
determinations to ensure their accuracy: 97593

(a) The department must receive the medicaid presumptive 97594  
eligibility card within five business days of the date the 97595  
applicant was determined presumptively eligible. 97596

(b) The department must receive a complete medicaid 97597  
application before the applicant's presumptive eligibility 97598  
period expires. 97599

(c) Each presumptive eligibility determination must be 97600  
approved for standard eligibility after review of the 97601  
applicant's completed medicaid application. 97602

(2) All of the following apply to a qualified hospital 97603  
that fails to meet the standards described in division (C) (1) of 97604  
this section: 97605

(a) The first time a hospital fails to meet any of the 97606  
standards, the department shall notify the hospital in writing 97607  
within five days from the date the standard was not met. The 97608  
notice shall include: 97609

(i) A description of the standard that was not met and an 97610  
explanation of how it was not met; 97611

(ii) Notification that a second failure to follow the 97612  
standards will require all applicable hospital staff to 97613  
participate in mandatory training conducted by the department on 97614

hospital presumptive eligibility rules and regulations. 97615

(b) The second time a hospital fails to meet any of the standards within one year of the first failure, the department shall notify the hospital in writing within five days from the date the standard was not met. The notice shall include: 97616  
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97618  
97619

(i) A description of the standard that was not met and an explanation of how it was not met; 97620  
97621

(ii) Confirmation that all applicable hospital staff will be required to participate in a mandatory training conducted by the department on hospital presumptive eligibility rules and regulations, including the date, time, and location of the training; 97622  
97623  
97624  
97625  
97626

(iii) A description of appeal procedures available to the hospital to dispute the finding that the hospital failed to meet presumptive eligibility standards. The department shall provide the hospital with an opportunity to appeal the decision, and, upon a showing of clear and convincing evidence that the standard was met, the finding shall be removed from the hospital's record. 97627  
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(iv) A warning that any additional failure to meet presumptive eligibility standards within one year of the failure that triggered the notice will result in disqualification. 97634  
97635  
97636

(c) The third time a hospital fails to meet any of the standards within one year of the second failure, the department shall notify the hospital in writing within five days from the date the standard was not met. The notice shall include: 97637  
97638  
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97640

(i) A description of the standard that was not met and an explanation of how it was not met; 97641  
97642

(ii) A description of appeal procedures available to the hospital to dispute the finding that the hospital failed to meet presumptive eligibility standards. The department shall provide the hospital with an opportunity to appeal the decision and, upon a showing of clear and convincing evidence that the standard was met, the finding shall be removed from the hospital's record. 97643  
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(iii) Confirmation that, effective on receipt of the notice, the hospital is no longer qualified to make presumptive eligibility determinations. 97650  
97651  
97652

(D) The department shall not designate itself as a qualified health entity for the purpose of making presumptive eligibility determinations or for any purpose not expressly authorized by state law or required by federal law. 97653  
97654  
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(E) Not later than ninety days after the department receives approval from the United States centers for medicare and medicaid services to eliminate mandatory hospital presumptive eligibility and restrict presumptive eligibility determinations to children and pregnant women in accordance with division (A) of this section, the auditor of state shall conduct an audit to ensure the department's compliance with the requirements of this section. 97657  
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**Sec. 5163.30.** (A) As used in this section: 97665

(1) "Assets" include all of an individual's income and resources and those of the individual's spouse, including any income or resources the individual or spouse is entitled to but does not receive because of action by any of the following: 97666  
97667  
97668  
97669

(a) The individual or spouse; 97670

(b) A person or government entity, including a court or 97671

administrative agency, with legal authority to act in place of 97672  
or on behalf of the individual or spouse; 97673

(c) A person or government entity, including a court or 97674  
administrative agency, acting at the direction or on the request 97675  
of the individual or spouse. 97676

(2) "Home and community-based services" means home and 97677  
community-based services furnished under a medicaid waiver 97678  
granted by the United States secretary of health and human 97679  
services under the "Social Security Act," section 1915(c) or 97680  
(d), 42 U.S.C. 1396n(c) or (d). 97681

(3) "Institutionalized individual" means a resident of a 97682  
nursing facility, an inpatient in a medical institution for whom 97683  
a payment is made based on a level of care provided in a nursing 97684  
facility, or an individual described in the "Social Security 97685  
Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A) 97686  
(ii)(VI). 97687

(4) "Look-back date" means the date that is a number of 97688  
months specified in rules adopted under section 5163.02 of the 97689  
Revised Code immediately before either of the following: 97690

(a) The date an individual becomes an institutionalized 97691  
individual if the individual is eligible for medicaid on that 97692  
date; 97693

(b) The date an individual applies for medicaid while an 97694  
institutionalized individual. 97695

(5) "Nursing facility equivalent services" means services 97696  
that are covered by the medicaid program, equivalent to nursing 97697  
facility services, provided by an institution that provides the 97698  
same level of care as a nursing facility, and provided to an 97699  
inpatient of the institution who is a medicaid recipient 97700

eligible for medicaid-covered nursing facility equivalent 97701  
services. 97702

(6) "Undue hardship" means being deprived of either of the 97703  
following: 97704

(a) Medical care such that an individual's health or life 97705  
is endangered; 97706

(b) Food, clothing, shelter, or other necessities of life. 97707

(B) Except as provided in division (C) of this section and 97708  
rules adopted under section 5163.02 of the Revised Code, an 97709  
institutionalized individual is ineligible for nursing facility 97710  
services, nursing facility equivalent services, and home and 97711  
community-based services if the individual or individual's 97712  
spouse disposes of assets for less than fair market value on or 97713  
after the look-back date. The institutionalized individual's 97714  
ineligibility shall begin on a date determined in accordance 97715  
with rules adopted under section 5163.02 of the Revised Code and 97716  
shall continue for a number of months determined in accordance 97717  
with such rules. 97718

(C) (1) An institutionalized individual may be granted a 97719  
waiver of all or a portion of the period of ineligibility to 97720  
which the individual would otherwise be subjected under division 97721  
(B) of this section if the ineligibility would cause an undue 97722  
hardship for the individual. 97723

(2) An institutionalized individual ~~shall~~may be granted a 97724  
waiver of all or a portion of the period of ineligibility if the 97725  
administrator of the nursing facility in which the individual 97726  
resides has notified the individual of a proposed transfer or 97727  
discharge under section 3721.16 of the Revised Code due to 97728  
failure to pay for the care the nursing facility has provided to 97729

the individual, the individual or the individual's sponsor 97730  
requests a hearing on the proposed transfer or discharge in 97731  
accordance with section 3721.161 of the Revised Code, and the 97732  
transfer or discharge is upheld by a final determination that is 97733  
not subject to further appeal. 97734

(3) An institutionalized individual may be granted a 97735  
waiver of all of the period of ineligibility if all of the 97736  
assets that were disposed of for less than fair market value are 97737  
returned to the individual or individual's spouse or if the 97738  
individual or individual's spouse receives cash or other 97739  
personal or real property that equals the difference between 97740  
what the individual or individual's spouse received for the 97741  
assets and the fair market value of the assets. Except as 97742  
provided in division (C) (1) or (2) of this section, no waiver of 97743  
any part of the period of ineligibility shall be granted if the 97744  
amount the individual or individual's spouse receives is less 97745  
than the difference between what the individual or individual's 97746  
spouse received for the assets and the fair market value of the 97747  
assets. 97748

(4) Waivers shall be granted in accordance with rules 97749  
adopted under section 5163.02 of the Revised Code. 97750

(D) To secure compliance with this section, the medicaid 97751  
director may require an individual, as a condition of initial or 97752  
continued eligibility for medicaid, to provide documentation of 97753  
the individual's assets up to five years before the date the 97754  
individual becomes an institutionalized individual if the 97755  
individual is eligible for medicaid on that date or the date the 97756  
individual applies for medicaid while an institutionalized 97757  
individual. Documentation may include tax returns, records from 97758  
financial institutions, and real property records. 97759

**Sec. 5163.33.** (A) In determining the amount of income that 97760  
a medicaid recipient must apply monthly toward payment of the 97761  
cost of care in a nursing facility or ICF/IID, a county 97762  
department of job and family services shall deduct from the 97763  
recipient's monthly income a monthly personal needs allowance in 97764  
accordance with the "Social Security Act," section 1902(q), 42 97765  
U.S.C. 1396a(q). 97766

(B) In the case of a resident of a nursing facility, the 97767  
monthly personal needs allowance shall be not less than ~~fifty-~~ 97768  
seventy-five dollars for an individual resident and not less 97769  
than one hundred fifty dollars for a married couple if both 97770  
spouses are residents of a nursing facility and their incomes 97771  
are considered available to each other in determining 97772  
eligibility. 97773

(C) In the case of a resident of an ICF/IID, the monthly 97774  
personal needs allowance shall be as follows: 97775

(1) Prior to January 1, 2016, forty dollars unless the 97776  
resident has earned income, in which case the monthly personal 97777  
needs allowance shall be determined by the department of 97778  
medicaid, or the department's designee, but shall not exceed one 97779  
hundred five dollars; 97780

(2) For calendar year 2016 and each calendar year 97781  
thereafter, not less than ~~fifty-seventy-five~~ dollars for an 97782  
individual resident and not less than one hundred fifty dollars 97783  
for a married couple if both spouses are residents of an ICF/IID 97784  
and their incomes are considered available to each other in 97785  
determining eligibility. 97786

**Sec. 5163.50.** (A) Not later than thirty days after the 97787  
effective date of this section, the department of medicaid or 97788



the department's designee shall begin utilizing third-party data 97789  
sources and systems to conduct eligibility change in 97790  
circumstances checks of all medicaid recipients in this state on 97791  
at least a quarterly basis. 97792

(B) To the extent permitted by state and federal laws, the 97793  
department or the department's designee shall verify each 97794  
medicaid recipient's enrollment records against third-party data 97795  
sources and systems, including all of the following: 97796

(1) Information accessed through databases available to 97797  
the department under 42 C.F.R. 435.948, 435.949, and 435.956, as 97798  
permitted under 42 C.F.R. 435.916(a) (2); 97799

(2) Identity records; 97800

(3) Death records; 97801

(4) Employment and wage records; 97802

(5) Lottery winnings records; 97803

(6) Residency checks; 97804

(7) Household composition and asset records; 97805

(8) Incarceration records; 97806

(9) Records indicating concurrent enrollment in medicaid 97807  
programs in other states; 97808

(10) Third-party liability records; 97809

(11) Any other records the department considers 97810  
appropriate in order to strengthen program integrity, reduce 97811  
costs, and reduce fraud, waste, and abuse in the medicaid 97812  
program. 97813

(C) To the extent permitted by federal law, the department 97814

shall disenroll those recipients who are deemed no longer 97815  
eligible for the medicaid program due to verified changed 97816  
circumstances. 97817

(D) The department shall complete a report containing its 97818  
findings from the verification conducted under division (B) of 97819  
this section, including any findings of fraud, waste, or abuse 97820  
in the medicaid program. Not later than December 31, 2025, the 97821  
department shall submit its report to the executive director of 97822  
the joint medicaid oversight committee. Thereafter, the 97823  
department shall submit updated reports to the executive 97824  
director every six months. 97825

(E) To the extent practical, the department shall employ 97826  
the processes described in this section to verify member 97827  
compliance with work and community engagement requirements 97828  
established pursuant to the medicaid waiver component authorized 97829  
under section 5166.37 of the Revised Code. 97830

(F) A medicaid provider that holds a valid medicaid 97831  
provider agreement may employ the processes described in this 97832  
section to verify an individual's eligibility for medicaid. 97833

(G) Any third-party vendor expenses incurred from the 97834  
verification required by division (B) of this section shall be 97835  
entirely contingent on validated cost savings that have been 97836  
realized by the department. 97837

**Sec. 5164.071.** (A) As used in this section, "doula" has 97838  
the same meaning as in section 4723.89 of the Revised Code. 97839

(B) ~~The~~In the six counties with the highest infant 97840  
mortality rates as determined by the department of health, the 97841  
medicaid program shall cover doula services that are provided by 97842  
a doula if the doula has a valid provider agreement and is 97843

certified under section 4723.89 of the Revised Code. Medicaid 97844  
payments for doula services shall be determined on the basis of 97845  
each pregnancy, regardless of whether multiple births occur as a 97846  
result of that pregnancy. Total payments for doula services 97847  
shall not exceed five hundred thousand dollars in a given fiscal 97848  
year. 97849

(C) Any provider outcome measurements or incentives the 97850  
department of medicaid implements for the medicaid coverage of 97851  
doula services shall be consistent with this state's medicare- 97852  
medicaid plan quality withhold provider or managed care plan 97853  
methodology and benchmarks. 97854

(D) The medicaid director shall adopt rules under section 97855  
5164.02 of the Revised Code to implement this section. 97856

**Sec. 5164.302.** (A) As used in this section, "health 97857  
benefit plan" has the same meaning as in section 3922.01 of the 97858  
Revised Code. 97859

(B) When submitting a claim for payment of a service, a 97860  
medicaid provider shall not seek to be paid at a rate that is 97861  
greater than the median rate paid under health benefit plans for 97862  
the same service. 97863

(C) A medicaid provider who violates this section shall be 97864  
subject, as soon as practicable, to both of the following: 97865

(1) A reduced payment rate for any future service; 97866

(2) A review by the director of medicaid of all prior 97867  
claims for payment submitted by the provider to the department 97868  
of medicaid. 97869

**Sec. 5164.38.** (A) As used in this section: 97870

(1) "Party" has the same meaning as in division (G) of 97871

section 119.01 of the Revised Code. 97872

(2) "Revalidate" means to approve a medicaid provider's 97873  
continued enrollment as a medicaid provider in accordance with 97874  
the revalidation process established in rules authorized by 97875  
section 5164.32 of the Revised Code. 97876

(B) This section does not apply to either of the 97877  
following: 97878

(1) Any action taken or decision made by the department of 97879  
medicaid with respect to entering into or refusing to enter into 97880  
a contract with a managed care organization pursuant to section 97881  
5167.10 of the Revised Code; 97882

(2) Any action taken by the department under division (D) 97883  
(2) of section 5124.60, division (D)(1) or (2) of section 97884  
5124.61, or sections 5165.60 to 5165.89 of the Revised Code. 97885

(C) Except as provided in division (E) of this section and 97886  
section 5164.58 of the Revised Code, the department shall do any 97887  
of the following by issuing an order pursuant to an adjudication 97888  
conducted in accordance with Chapter 119. of the Revised Code: 97889

(1) Refuse to enter into a provider agreement with a 97890  
medicaid provider; 97891

(2) Refuse to revalidate a medicaid provider's provider 97892  
agreement; 97893

(3) Suspend or terminate a medicaid provider's provider 97894  
agreement; 97895

(4) Take any action based upon a final fiscal audit of a 97896  
medicaid provider. 97897

(D) Any party who is adversely affected by the issuance of 97898

an adjudication order under division (C) of this section may 97899  
appeal to the court of common pleas in accordance with section 97900  
119.12 of the Revised Code. 97901

(E) The department is not required to comply with division 97902  
(C) (1), (2), or (3) of this section whenever any of the 97903  
following occur: 97904

(1) The terms of a provider agreement require the medicaid 97905  
provider to hold a license, permit, or certificate or maintain a 97906  
certification issued by an official, board, commission, 97907  
department, division, bureau, or other agency of state or 97908  
federal government other than the department of medicaid, and 97909  
the license, permit, certificate, or certification is inactive 97910  
by any means, has been denied, revoked, not renewed, suspended, 97911  
surrendered, withdrawn, retired, or otherwise restricted or 97912  
limited. 97913

(2) The terms of a provider agreement require the medicaid 97914  
provider to hold a license, permit, or certificate or maintain 97915  
certification issued by an official, board, commission, 97916  
department, division, bureau, or other agency of state or 97917  
federal government other than the department of medicaid, and 97918  
the provider has not obtained the license, permit, certificate, 97919  
or certification. 97920

(3) The medicaid provider's application for a provider 97921  
agreement is denied, or the provider's provider agreement is 97922  
terminated or not revalidated, because of or pursuant to any of 97923  
the following: 97924

(a) The termination, refusal to renew, inactivation by any 97925  
means, or denial of a license, permit, certificate, or 97926  
certification by an official, board, commission, department, 97927

division, bureau, or other agency of this state other than the 97928  
department of medicaid, notwithstanding the fact that the 97929  
provider may hold a license, permit, certificate, or 97930  
certification from an official, board, commission, department, 97931  
division, bureau, or other agency of another state; 97932

(b) Division (D) or (E) of section 5164.35 of the Revised 97933  
Code; 97934

(c) The provider's termination, suspension, or exclusion 97935  
from the medicare program or from another state's medicaid 97936  
program and, in either case, the termination, suspension, or 97937  
exclusion is binding on the provider's participation in the 97938  
medicaid program in this state; 97939

(d) The provider's pleading guilty to or being convicted 97940  
of a criminal activity materially related to either the medicare 97941  
or medicaid program; 97942

(e) The provider or its owner, officer, authorized agent, 97943  
associate, manager, or employee having been convicted of one of 97944  
the offenses that caused the provider's provider agreement to be 97945  
suspended pursuant to section 5164.36 of the Revised Code; 97946

(f) The provider's failure to provide the department the 97947  
national provider identifier assigned the provider by the 97948  
national provider system pursuant to 45 C.F.R. 162.408. 97949

(4) The medicaid provider's application for a provider 97950  
agreement is denied, or the provider's provider agreement is 97951  
terminated or suspended, as a result of action by the United 97952  
States department of health and human services and that action 97953  
is binding on the provider's medicaid participation. 97954

(5) The medicaid provider's provider agreement and 97955  
medicaid payments to the provider are suspended under section 97956

5164.36 or 5164.37 of the Revised Code. 97957

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete; 97958  
97959  
97960

(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited. 97961  
97962  
97963  
97964

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B) (1) of section 5164.32 of the Revised Code. 97965  
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(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following: 97969  
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97971

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450; 97972  
97973  
97974

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer. 97975  
97976

(F) In the case of a medicaid provider described in division (E) (3) (f), (6), (7), or (9) (b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by regular mail. 97977  
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(G) The department may withhold payments for medicaid services rendered by a medicaid provider during the pendency of 97983  
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proceedings initiated under division (C) (1), (2), or (3) of this section. If the proceedings are initiated under division (C) (4) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and ICFs/IID.

Sec. 5164.451. (A) As used in this section: 97995

(1) "Electronic visit verification system" has the same meaning as in 42 U.S.C. 1396b. 97996  
97997

(2) "Integrated care delivery system" means the demonstration project implemented as described in section 5164.91 of the Revised Code. 97998  
97999  
98000

(3) "Medicaid managed care organization" includes a managed care organization participating in the integrated care delivery system. 98001  
98002  
98003

(B) If the medicaid director establishes an electronic visit verification system in rules adopted under section 5164.02 of the Revised Code, then all of the following apply: 98004  
98005  
98006

(1) The department of medicaid shall provide education and technical assistance to medicaid providers to aid such providers in complying with the electronic visit verification system, including by notifying each provider when a claim the provider submits to the department or a medicaid managed care organization is not supported by information in the electronic visit verification system. 98007  
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(2) The department of medicaid or a medicaid managed care organization may utilize information from the electronic visit verification system to conduct a post-payment review of a claim submitted by a medicaid provider to determine whether the visit for which the claim was submitted occurred. 98014  
98015  
98016  
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During a post-payment review, the department or a medicaid managed care organization shall grant the medicaid provider an opportunity to submit to the department or organization documentation or evidence other than that available in the electronic visit verification system to demonstrate that the visit occurred. 98019  
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(3) The department of medicaid or a medicaid managed care organization may recover the amount paid on a claim if the department or organization determines, following a post-payment review, that the visit did not occur. 98025  
98026  
98027  
98028

(4) Any recovery conducted under division (B) (3) of this section shall be done in accordance with Chapter 119. of the Revised Code. 98029  
98030  
98031

**Sec. 5165.158.** (A) As used in this section: 98032

(1) "Category one private room" means a private room that has unshared access to a toilet and sink. 98033  
98034

(2) "Category two private room" means a private room that has shared access to a toilet and sink. 98035  
98036

~~(B) Beginning six months following approval by the United States centers for medicare and medicaid services or on the effective date of applicable department of medicaid rules, whichever is later, but not sooner than April 1, 2024, the~~ 98037  
The 98038  
total per medicaid day payment rate for nursing facility 98039  
services provided on or after that date in private rooms 98040  
98041  
98042

approved by the department of medicaid under division (C) of 98043  
this section shall be the sum of both of the following: 98044

(1) The total per medicaid day payment rate determined for 98045  
the nursing facility under section 5165.15 of the Revised Code; 98046

(2) The private room incentive payment. The private room 98047  
incentive payment shall be thirty dollars per day for a category 98048  
one private room and twenty dollars per day for a category two 98049  
private room, beginning in state fiscal year 2024. The 98050  
department may increase the payment amount for subsequent fiscal 98051  
years. 98052

(C) (1) The department shall approve rooms in nursing 98053  
facilities to qualify for the rate described in division (B) of 98054  
this section. A nursing facility provider shall apply for 98055  
approval of its private rooms by submitting an application in 98056  
the form and manner prescribed by the department. ~~The department~~ 98057  
~~shall begin accepting applications for approval of category one~~ 98058  
~~private rooms on January 1, 2024, and category two private rooms~~ 98059  
~~on March 1, 2024.~~ The department may specify evidence that an 98060  
applicant must supply to demonstrate that a room meets the 98061  
definition of a private room under section 5165.01 of the 98062  
Revised Code and may conduct an on-site inspection of the room 98063  
to verify that it meets the definition. Subject to division (C) 98064  
(2) of this section, the department shall approve an application 98065  
if the rooms included in the application meet the definition of 98066  
a private room under section 5165.01 of the Revised Code. 98067

(2) The department shall only consider applications that 98068  
meet the following criteria: 98069

(a) Private rooms that are in existence on July 1, 2023, 98070  
in facilities where all of the licensed beds are in service on 98071

the application date; 98072

(b) Private rooms created by surrendering licensed beds 98073  
from ~~its~~ the nursing facility's licensed capacity, or, if the 98074  
facility does not hold a license, surrendering beds that have 98075  
been certified by CMS. A nursing facility where the beds are 98076  
owned by a county and the facility is operated by a person other 98077  
than the county may satisfy this requirement by removing beds 98078  
from service. 98079

(c) Private rooms created by adding space to the nursing 98080  
facility or renovating nonbedroom space, without increasing the 98081  
total licensed bed capacity; 98082

(d) A nursing facility licensed after July 1, 2023, in 98083  
which all licensed beds are in service on the application date 98084  
or in which private rooms were created by surrendering licensed 98085  
beds from its licensed capacity. 98086

(3) The department may specify evidence that an applicant 98087  
must supply to demonstrate that it meets the conditions 98088  
specified in division (C) (2) of this section and may conduct an 98089  
on-site inspection to verify that the conditions are met. 98090

(4) The department may deny an application if the 98091  
department determines that any of the following circumstances 98092  
apply: 98093

(a) The rooms included in the application do not meet the 98094  
definition of a private room under section 5165.01 of the 98095  
Revised Code; 98096

(b) The rooms included in the application do not meet the 98097  
criteria specified in division (C) (2) of this section; 98098

(c) The applicant created private rooms by reducing the 98099

number of available beds without surrendering the beds, and 98100  
surrender of the beds is required by this section; 98101

(d) Approval of the room would cause ~~projected~~ 98102  
~~expenditures for the total number of private room incentive~~ 98103  
~~payments rooms created~~ under this section for the fiscal year to 98104  
~~exceed forty million dollars in fiscal year 2024 or one hundred~~ 98105  
~~sixty million dollars in fiscal year 2025 or subsequent fiscal~~ 98106  
~~years. In projecting expenditures for private room incentive~~ 98107  
~~payments, the department shall use a medicaid utilization~~ 98108  
~~percentage of fifty per cent. If the department determines that~~ 98109  
~~there are more approvable eligible applications submitted than~~ 98110  
~~can be accommodated within the applicable spending limit~~ 98111  
~~specified in this division, the department shall prioritize~~ 98112  
~~category one private roomsto exceed five thousand private rooms~~ 98113  
across the state. 98114

(e) On the application date, the nursing facility is 98115  
listed on table A or table D of the SFF list, as defined in 98116  
section 5165.01 of the Revised Code or is designated as having a 98117  
one-star overall rating in the United States centers for 98118  
medicare and medicaid services nursing facility five-star 98119  
quality rating system known as care compare. 98120

~~(5)~~(D) The department shall not pay a private room 98121  
incentive payment rate under this section for more than five 98122  
thousand rooms. 98123

(E) Beginning July 1, 2025, to retain eligibility for 98124  
private room rates, a nursing facility must do both of the 98125  
following: 98126

~~(a)~~(1) Have a policy in place to prioritize placement in a 98127  
private room based on the medical and psychosocial needs of the 98128

resident; 98129

~~(b)(2)~~ Participate in the resident or family satisfaction survey performed pursuant to section 173.47 of the Revised Code. 98130  
98131

~~(6) The department shall hold all applications for a private room incentive payment in a pending status until the United States centers for medicare and medicaid services approves private room incentive payments and the department determines a facility is qualified for the payment. An application in pending status shall be included in the payment cap described in division (C) (4) (d) of this section as if the application were approved.~~ 98132  
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98139

~~(7)(F)~~ An applicant may request reconsideration of a denial under division (C) of this section. 98140  
98141

**Sec. 5165.192.** (A) (1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following: 98142  
98143  
98144  
98145

(a) Every quarter, determine the following two case-mix scores for each nursing facility: 98146  
98147

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low case-mix resident; 98148  
98149

(ii) A quarterly case-mix score that includes each resident regardless of payment source. 98150  
98151

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A) (1) (a) (i) of this section; 98152  
98153  
98154  
98155

(c) After the end of each calendar year, determine an 98156

annual average case-mix score for each nursing facility by using 98157  
the quarterly case-mix scores determined for the nursing 98158  
facility pursuant to division (A) (1) (a) (ii) of this section. 98159

(2) When determining case-mix scores under division (A) (1) 98160  
of this section, the department shall use all of the following: 98161

(a) Data from a resident assessment instrument specified 98162  
in rules authorized by section 5165.191 of the Revised Code; 98163

(b) Except as provided in rules authorized by this 98164  
section, the case-mix values established by the United States 98165  
department of health and human services; 98166

(c) Except as modified in rules authorized by this 98167  
section, the grouper methodology used on ~~June 30, 1999~~October 1, 98168  
2019, for the patient driven payment model nursing index, by the 98169  
United States department of health and human services for 98170  
prospective payment of skilled nursing facilities under the 98171  
medicare program. 98172

(B) (1) Subject to division (B) (2) of this section, the 98173  
department, for one or more months of a calendar quarter, may 98174  
assign to a nursing facility a case-mix score that is five per 98175  
cent less than the nursing facility's case-mix score for the 98176  
immediately preceding calendar quarter if any of the following 98177  
apply: 98178

(a) The provider does not timely submit complete and 98179  
accurate resident assessment data necessary to determine the 98180  
nursing facility's case-mix score for the calendar quarter; 98181

(b) The nursing facility was subject to an exception 98182  
review under section 5165.193 of the Revised Code for the 98183  
immediately preceding calendar quarter; 98184

(c) The nursing facility was assigned a case-mix score for 98185  
the immediately preceding calendar quarter. 98186

(2) Before assigning a case-mix score to a nursing 98187  
facility due to the submission of incorrect resident assessment 98188  
data, the department shall permit the provider to correct the 98189  
data. The department may assign the case-mix score if the 98190  
provider fails to submit the corrected resident assessment data 98191  
not later than the earlier of the forty-fifth day after the end 98192  
of the calendar quarter to which the data pertains or the 98193  
deadline for submission of such corrections established by 98194  
regulations adopted by the United States department of health 98195  
and human services under Title XVIII and Title XIX. 98196

(3) If, for more than six months in a calendar year, a 98197  
provider is paid a rate determined for a nursing facility using 98198  
a case-mix score assigned to the nursing facility under division 98199  
(B)(1) of this section, the department may assign the nursing 98200  
facility a cost per case-mix unit that is five per cent less 98201  
than the nursing facility's actual or assigned cost per case-mix 98202  
unit for the immediately preceding calendar year. The department 98203  
may use the assigned cost per case-mix unit, instead of 98204  
determining the nursing facility's actual cost per case-mix unit 98205  
in accordance with section 5165.19 of the Revised Code, to 98206  
establish the nursing facility's rate for direct care costs for 98207  
the fiscal year immediately following the calendar year for 98208  
which the cost per case-mix unit is assigned. 98209

(4) The department shall take action under division (B) 98210  
(1), (2), or (3) of this section only in accordance with rules 98211  
authorized by this section. The department shall not take an 98212  
action that affects rates for prior payment periods except in 98213  
accordance with sections 5165.41 and 5165.42 of the Revised 98214

Code. 98215

(C) The medicaid director shall adopt rules under section 98216  
5165.02 of the Revised Code as necessary to implement this 98217  
section. 98218

(1) The rules shall do all of the following: 98219

(a) Specify the process for determining the semiannual and 98220  
annual average case-mix scores for nursing facilities; 98221

~~(b) Adjust the case-mix values specified in division (A)~~ 98222  
~~(2) (b) of this section to reflect changes in relative wage~~ 98223  
~~differentials that are specific to this state;~~ 98224

~~(c) Express all of those case-mix values in numeric terms~~ 98225  
~~that are different from the terms specified by the United States~~ 98226  
~~department of health and human services but that do not alter~~ 98227  
~~the relationship of the case-mix values to one another;~~ 98228

~~(d)~~ Modify the grouper methodology specified in division 98229  
(A) (2) (c) of this section as follows: 98230

~~(i) Establish a different hierarchy for assigning~~ 98231  
~~residents to case-mix categories under the methodology;~~ 98232

~~(ii) Allow the use of the index maximizer element of the~~ 98233  
~~methodology;~~ 98234

~~(iii)~~ Incorporate changes to the grouper methodology for 98235  
the patient driven payment model nursing index used by the 98236  
United States department of health and human services ~~makes~~ 98237  
~~after June 30, 1999~~ on October 1, 2019, for prospective payment 98238  
of skilled nursing facilities under the medicare program; 98239

~~(iv)~~ (ii) Make other changes the department determines are 98240  
necessary. 98241



~~(e)~~(c) Establish procedures under which resident 98242  
assessment data shall be reviewed for accuracy and providers 98243  
shall be notified of any data that requires correction; 98244

~~(f)~~(d) Establish procedures for providers to correct 98245  
resident assessment data and specify a reasonable period of time 98246  
by which providers shall submit the corrections. The procedures 98247  
may limit the content of corrections in the manner required by 98248  
regulations adopted by the United States department of health 98249  
and human services under Title XVIII and Title XIX. 98250

~~(g)~~(e) Specify when and how the department will assign 98251  
case-mix scores or costs per case-mix unit to a nursing facility 98252  
under division (B) of this section if information necessary to 98253  
calculate the nursing facility's case-mix score is not provided 98254  
or corrected in accordance with the procedures established by 98255  
the rules. 98256

(2) Notwithstanding any other provision of this chapter, 98257  
the rules may provide for the exclusion of case-mix scores 98258  
assigned to a nursing facility under division (B) of this 98259  
section from the determination of the nursing facility's 98260  
semiannual or annual average case-mix score and the cost per 98261  
case-mix unit for the nursing facility's peer group. 98262

**Sec. 5165.26.** (A) As used in this section: 98263

(1) "Base rate" means the portion of a nursing facility's 98264  
total per medicaid day payment rate determined under divisions 98265  
(A) and (B) of section 5165.15 of the Revised Code. 98266

(2) "CMS" means the United States centers for medicare and 98267  
medicaid services. 98268

(3) "Long-stay resident" means an individual who has 98269  
resided in a nursing facility for at least one hundred one days. 98270

(4) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero. 98271  
98272  
98273

(5) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program. 98274  
98275  
98276

(6) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10). 98277  
98278  
98279  
98280

(B) Subject to divisions (D) and (E) and except as provided in division (F) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows: 98281  
98282  
98283  
98284

(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities. 98285  
98286

(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined. 98287  
98288  
98289  
98290

(3) Determine the sum of the total number of medicaid days for all of the calendar year preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined. 98291  
98292  
98293  
98294

(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section. 98295  
98296  
98297

(5) Determine the value per quality point by determining 98298

the quotient of the following: 98299

(a) The sum determined under division (E) (2) of this section. 98300  
98301

(b) The product determined under division (B) (4) of this section. 98302  
98303

(6) Multiply the value per quality point determined under division (B) (5) of this section by the nursing facility's quality score determined under division (C) of this section. 98304  
98305  
98306

(C) (1) Except as provided in divisions (C) (2) and (3) of this section, a nursing facility's quality score for a state fiscal year shall be the sum of the following: 98307  
98308  
98309

(a) The total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or CMS's successor metrics as described below, based on the most recent four-quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins: 98310  
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98312  
98313  
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98317  
98318

(i) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers; 98319  
98320  
98321

(ii) The percentage of the nursing facility's long-stay residents who had a urinary tract infection; 98322  
98323

(iii) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened; 98324  
98325

(iv) The percentage of the nursing facility's long-stay 98326

residents who had a catheter inserted and left in their bladder. 98327

If CMS ceases to publish any of the metrics specified in 98328  
division (C)(1)(a) of this section, the department shall use the 98329  
nursing facility quality metrics on the same topics that CMS 98330  
subsequently publishes. 98331

(b) Seven and five-tenths points for fiscal year 2024 and 98332  
three points for fiscal year 2025 and subsequent fiscal years if 98333  
the nursing facility's occupancy rate is greater than seventy- 98334  
five per cent. For purposes of this division, the department 98335  
shall utilize the facility's occupancy rate for licensed beds 98336  
reported on its cost report for the calendar year preceding the 98337  
fiscal year for which the rate is determined or, if the facility 98338  
is not required to be licensed, the facility's occupancy rate 98339  
for certified beds. If the facility surrenders licensed or 98340  
certified beds before the first day of July of the calendar year 98341  
in which the fiscal year begins, the department shall calculate 98342  
a nursing facility's occupancy rate by dividing the inpatient 98343  
days reported on the facility's cost report for the calendar 98344  
year preceding the fiscal year for which the rate is determined 98345  
by the product of the number of days in the calendar year and 98346  
the facility's number of licensed, or if applicable, certified 98347  
beds on the first day of July of the calendar year in which the 98348  
fiscal year begins. 98349

(c) Beginning with state fiscal year 2025, the total 98350  
number of points that CMS assigned to the nursing facility under 98351  
CMS's nursing facility five-star quality rating system for the 98352  
following quality metrics, or successor metrics designated by 98353  
CMS, based on the most recent four-quarter average data 98354  
available in the database maintained by CMS and known as nursing 98355  
home compare in the most recent month of the calendar year 98356

during which the fiscal year for which the rate is determined 98357  
begins: 98358

(i) The percentage of the nursing facility's long-stay 98359  
residents whose need for help with daily activities has 98360  
increased; 98361

(ii) The percentage of the nursing facility's long-stay 98362  
residents experiencing one or more falls with major injury; 98363

(iii) The percentage of the nursing facility's long-stay 98364  
residents who were administered an antipsychotic medication; 98365

(iv) Adjusted total nurse staffing hours per resident per 98366  
day using quintiles instead of deciles by using the points 98367  
assigned to the higher of the two deciles that constitute the 98368  
quintile. 98369

If CMS ceases to publish any of the metrics specified in 98370  
division (C)(1)(c) of this section, the department shall use the 98371  
nursing facility quality metrics on the same topics CMS 98372  
subsequently publishes. 98373

(2) In determining a nursing facility's quality score for 98374  
a state fiscal year, the department shall make the following 98375  
adjustment to the number of points that CMS assigned to the 98376  
nursing facility for each of the quality metrics specified in 98377  
divisions (C)(1)(a) and (c) of this section: 98378

(a) Unless division (C)(2)(b) or (c) of this section 98379  
applies, divide the number of the nursing facility's points for 98380  
the quality metric by twenty. 98381

(b) If CMS assigned the nursing facility to the lowest 98382  
percentile for the quality metric, reduce the number of the 98383  
nursing facility's points for the quality metric to zero. 98384

(c) If the nursing facility's total number of points calculated for or during a state fiscal year for all of the quality metrics specified in divisions (C)(1)(a), and if applicable, division (C)(1)(c) of this section is less than a number of points that is equal to the twenty-fifth percentile of all nursing facilities, calculated using the points for the July 1 rate setting of that fiscal year reduce the nursing facility's points to zero until the next point calculation. If a facility's recalculated points under division (C)(3) of this section are below the number of points determined to be the twenty-fifth percentile for that fiscal year, the facility shall receive zero points for the remainder of that fiscal year.

(3) A nursing facility's quality score shall be recalculated for the second half of the state fiscal year based on the most recent four quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as the care compare, in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins. The metrics specified by division (C)(1)(b) of this section shall not be recalculated. In redetermining the quality payment for each facility based on the recalculated points, the department shall use the same per point value determined for the quality payment at the start of the fiscal year.

(D) A nursing facility shall not receive a quality incentive payment if the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing facility is listed in table A, on the first day of May of the calendar year for which the rate is being determined.

(E) The total amount to be spent on quality incentive 98415  
payments under division (B) of this section for a fiscal year 98416  
shall be determined as follows: 98417

(1) Determine the following amount for each nursing 98418  
facility: 98419

(a) The amount that is five and two-tenths per cent of the 98420  
nursing facility's base rate for nursing facility services 98421  
provided on the first day of the state fiscal year plus one 98422  
dollar and seventy-nine cents plus sixty per cent of the per 98423  
diem amount by which the nursing facility's rate for direct care 98424  
costs determined for the fiscal year under section 5165.19 of 98425  
the Revised Code changed as a result of the rebasing conducted 98426  
under section 5165.36 of the Revised Code. 98427

(b) Multiply the amount determined under division (E) (1) 98428  
(a) of this section by the number of the nursing facility's 98429  
medicaid days for the calendar year preceding the fiscal year 98430  
for which the rate is determined. 98431

(2) Determine the sum of the products determined under 98432  
division (E) (1) (b) of this section for all nursing facilities 98433  
for which the product was determined for the state fiscal year. 98434

(3) To the sum determined under division (E) (2) of this 98435  
section, add one hundred twenty-five million dollars. 98436

(F) (1) Beginning July 1, 2023, a new nursing facility 98437  
shall receive a quality incentive payment for the fiscal year in 98438  
which the new facility obtains an initial provider agreement and 98439  
the immediately following fiscal year equal to the median 98440  
quality incentive payment determined for nursing facilities for 98441  
the fiscal year. For the state fiscal year after the immediately 98442  
following fiscal year and subsequent fiscal years, the quality 98443

incentive payment shall be determined under division (C) of this section. 98444  
98445

(2) A nursing facility that undergoes a change of operator with an effective date of July 1, ~~2023~~2025, or later shall not receive a quality incentive payment until the earlier of the first day of January or the first day of July that is at least six months after the effective date of the change of operator. Thereafter any quality incentive payment shall be determined under division (C) of this section. 98446  
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~~(3) A nursing facility that undergoes a change of owner with an effective date of July 1, 2023, or later shall not receive a quality incentive payment until the earlier of the first day of January or the first day of July that is at least six months after the effective date of the change of owner if, within one year after the change of owner, there is an increase in the lease payments or other financial obligations of the operator to the owner above the payments or obligations specified by the agreement between the previous owner and the operator. Thereafter, any quality incentive payments for the facility shall be determined under division (C) of this section.~~ 98453  
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Sec. 5166.50. Within two years of the effective date of this amendment, the department of medicaid shall establish a medicaid waiver component to provide reentry services to medicaid-eligible imprisoned individuals for ninety days before an imprisoned individual's expected release date. The benefits provided shall include: 98464  
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98467  
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98469

(A) Mental health services; 98470

(B) Behavioral health services; 98471

(C) Substance use disorder treatment and related services; 98472



<u>(D) A thirty-day supply of prescription medication at the</u>	98473
<u>time of release, including medication administered by injection.</u>	98474
<b>Sec. 5167.01.</b> As used in this chapter:	98475
(A) "340B covered entity" means an entity described in	98476
section 340B(a) (4) of the "Public Health Service Act," 42 U.S.C.	98477
256b(a) (4) and includes any pharmacy under contract with the	98478
entity to dispense drugs on behalf of the entity.	98479
(B) "Affiliated company" means an entity, including a	98480
third-party payer or specialty pharmacy, with common ownership,	98481
members of a board of directors, or managers, or that is a	98482
parent company, subsidiary company, jointly held company, or	98483
holding company with respect to the other entity.	98484
(C) "Care management system" means the system established	98485
under section 5167.03 of the Revised Code.	98486
(D) "Controlled substance" has the same meaning as in	98487
section 3719.01 of the Revised Code.	98488
(E) "Dual eligible individual" has the same meaning as in	98489
section 5160.01 of the Revised Code.	98490
(F) "Emergency services" has the same meaning as in the	98491
"Social Security Act," section 1932(b) (2), 42 U.S.C. 1396u-2(b)	98492
(2).	98493
(G) "Enrollee" means a medicaid recipient who participates	98494
in the care management system and enrolls in a medicaid MCO	98495
plan.	98496
(H) "ICDS participant" <del>has and</del> <u>"integrated care delivery</u>	98497
<u>system" have the same meaning-meanings as in section 5164.01 of</u>	98498
the Revised Code.	98499

(I) "ICDS successor program" means a fully integrated dual 98500  
eligible special needs plan established in accordance with 42 98501  
C.F.R. 422.107, that the department of medicaid utilizes as a 98502  
replacement for the integrated care delivery system. 98503

(J) "Medicaid managed care organization" means a managed 98504  
care organization under contract with the department of medicaid 98505  
pursuant to section 5167.10 of the Revised Code. 98506

~~(J)~~(K) "Medicaid MCO plan" means a plan that a medicaid 98507  
managed care organization, pursuant to its contract with the 98508  
department of medicaid under section 5167.10 of the Revised 98509  
Code, makes available to medicaid recipients participating in 98510  
the care management system. 98511

~~(K)~~(L) "Medicaid waiver component" has the same meaning as 98512  
in section 5166.01 of the Revised Code. 98513

~~(L)~~(M) "Network provider" has the same meaning as in 42 98514  
C.F.R. 438.2. 98515

~~(M)~~(N) "Nursing facility services" has the same meaning as 98516  
in section 5165.01 of the Revised Code. 98517

~~(N)~~(O) "Part B drug" means a drug or biological described 98518  
in section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 98519  
1395u(o)(1)(C). 98520

~~(O)~~(P) "Pharmacy benefit manager" has the same meaning as 98521  
in section 3959.01 of the Revised Code. 98522

~~(P)~~(Q) "Practice of pharmacy" has the same meaning as in 98523  
section 4729.01 of the Revised Code. 98524

~~(Q)~~(R) "Prescribed drug" has the same meaning as in 98525  
section 5164.01 of the Revised Code. 98526

~~(R)~~(S) "Prior authorization requirement" has the same 98527  
meaning as in section 5160.34 of the Revised Code. 98528

~~(S)~~(T) "Provider" means any person or government entity 98529  
that furnishes services to a medicaid recipient enrolled in a 98530  
medicaid MCO plan, regardless of whether the person or entity 98531  
has a provider agreement. 98532

~~(T)~~(U) "Provider agreement" has the same meaning as in 98533  
section 5164.01 of the Revised Code. 98534

~~(U)~~(V) "State pharmacy benefit manager" means the pharmacy 98535  
benefit manager selected by and under contract with the medicaid 98536  
director under section 5167.24 of the Revised Code. 98537

~~(V)~~(W) "Third-party administrator" means any person who 98538  
adjusts or settles claims on behalf of an insuring entity in 98539  
connection with life, dental, health, prescription drugs, or 98540  
disability insurance or self-insurance programs and includes a 98541  
pharmacy benefit manager. 98542

**Sec. 5167.03.** (A) As part of the medicaid program, the 98543  
department of medicaid shall establish a care management system. 98544  
The department shall implement the system in some or all 98545  
counties. 98546

(B) The department shall designate the medicaid recipients 98547  
who are required or permitted to participate in the care 98548  
management system. Those who shall be required to participate in 98549  
the system include medicaid recipients who receive cognitive 98550  
behavioral therapy as described in division (A)(2) of section 98551  
5167.16 of the Revised Code. Except as provided in section 98552  
5166.406 of the Revised Code, no medicaid recipient 98553  
participating in the healthy Ohio program established under 98554  
section 5166.40 of the Revised Code shall participate in the 98555

system. 98556

~~The~~ (C) Except as otherwise provided in this section, the 98557  
general assembly's authorization through the enactment of 98558  
legislation is needed before home and community-based services 98559  
available under a medicaid waiver component or nursing facility 98560  
services are included in the care management system, ~~except that~~ 98561  
. ICDS participants, or participants in the ICDS successor 98562  
program, may be required or permitted to obtain such services 98563  
under the system. Medicaid recipients who receive such services 98564  
may be designated for voluntary or mandatory participation in 98565  
the system in order to receive other health care services 98566  
included in the system. 98567

~~The~~ (D) Subject to division (E) of this section, the 98568  
department may require or permit participants in the care 98569  
management system to do either or both of the following: 98570

~~(A)~~ (1) Obtain health care services from providers 98571  
designated by the department; 98572

~~(B)~~ (2) Enroll in a medicaid MCO plan. 98573

(E) (1) The department shall allow individuals 98574  
participating in the care management system to enroll in the 98575  
medicaid MCO plan of the individual's choosing. If an individual 98576  
does not elect a medicaid MCO plan in which to enroll during the 98577  
time period specified by the department, the department shall 98578  
randomly assign the individual to a medicaid MCO plan. When 98579  
assigning individuals to a medicaid MCO plan under this 98580  
division, the department shall not give preference to any 98581  
specific medicaid MCO plan or group of plans. 98582

(2) If the department is unable to satisfy the 98583  
requirements established under division (E) (1) of this section, 98584

it shall notify the general assembly, the executive director of 98585  
the joint medicaid oversight committee, and the auditor of state 98586  
not later than thirty days after making such a determination. As 98587  
part of the notice required under this division, the department 98588  
shall provide an explanation as to why it is unable to satisfy 98589  
the requirements. 98590

**Sec. 5167.104.** Each contract between the department of 98591  
medicaid and a medicaid managed care organization entered into 98592  
under section 5167.10 of the Revised Code shall require the 98593  
organization to conduct internal cross checks of its data 98594  
systems for all of the following information concerning medicaid 98595  
enrollees under the organization's medicaid MCO plan: 98596

(A) Name; 98597

(B) Date of birth; 98598

(C) Social security number; 98599

(D) Home address. 98600

**Sec. 5167.25.** (A) The department of medicaid shall conduct 98601  
an annual financial audit of each medicaid managed care 98602  
organization. The audit shall, at a minimum, examine the 98603  
administrative costs and total expenditures of each medicaid 98604  
managed care organization. 98605

(B) As part of an audit conducted under this section, each 98606  
medicaid managed care organization shall submit to the 98607  
department a detailed breakdown of the organization's costs for 98608  
all capitated payment contracts. The department shall utilize 98609  
information provided by a medicaid managed care organization 98610  
under this section to ensure that the organization complies with 98611  
all medical loss ratio requirements. 98612

(C) The department shall prepare an annual report 98613  
detailing the findings of audits conducted under this section. 98614  
The report shall be submitted to the general assembly in 98615  
accordance with section 101.68 of the Revised Code and the joint 98616  
medicaid oversight committee. 98617

**Sec. 5168.08.** (A) Before or during each program year, the 98618  
department of medicaid shall issue to each hospital the 98619  
preliminary determination of the amount that the hospital is 98620  
assessed under section 5168.06 of the Revised Code during the 98621  
program year. The preliminary determination of a hospital's 98622  
assessment shall be calculated for a cost-reporting period that 98623  
is specified in rules adopted under section 5168.02 of the 98624  
Revised Code. 98625

The department shall consult with hospitals each year when 98626  
determining the date on which it will issue the preliminary 98627  
determinations in order to minimize hospitals' cash flow 98628  
difficulties. 98629

If no hospital submits a request for reconsideration under 98630  
division (B) of this section, the preliminary determination 98631  
constitutes the final reconciliation of each hospital's 98632  
assessment under section 5168.06 of the Revised Code. The final 98633  
reconciliation ~~is~~ constitutes an interim final order and may be 98634  
subject to adjustments under-made by the United States centers 98635  
for medicare and medicaid services pursuant to division (D) of 98636  
this section. 98637

(B) Not later than fourteen days after the preliminary 98638  
determinations are issued, any hospital may submit to the 98639  
department a written request to reconsider the preliminary 98640  
determinations. The request shall be accompanied by written 98641  
materials setting forth the basis for the reconsideration, which 98642

may be delivered to the department by regular mail, electronic 98643  
mail, or in-person delivery. ~~If one or more hospitals submit a~~ 98644  
~~request, the department shall hold a public hearing not later~~ 98645  
~~than thirty days after the preliminary determinations are issued~~ 98646  
~~to reconsider the preliminary determinations. The department~~ 98647  
~~shall issue to each hospital a written notice of the date, time,~~ 98648  
~~and place of the hearing at least ten days prior to the hearing.~~ 98649  
On the basis of the evidence submitted to the department ~~or~~ 98650  
~~presented at the public hearing,~~ the department shall reconsider 98651  
and may adjust the preliminary determinations. The result of the 98652  
reconsideration is the final reconciliation of the hospital's 98653  
assessment under section 5168.06 of the Revised Code. The final 98654  
reconciliation ~~is~~ constitutes an interim final order and may be 98655  
subject to adjustments under by the United States centers for 98656  
medicare and medicaid services pursuant to division (D) of this 98657  
section. 98658

(C) The department shall issue to each hospital a written 98659  
notice of its assessment for the program year under the final 98660  
reconciliation. A hospital may appeal the final reconciliation 98661  
of its assessment to the court of common pleas of Franklin 98662  
county, pursuant to Chapter 2505. of the Revised Code. The 98663  
complete record of the proceedings shall include all 98664  
documentation considered by the department in issuing the final 98665  
reconciliation. While a judicial appeal is pending, the hospital 98666  
shall pay, in accordance with the schedules required by division 98667  
(B) of section 5168.06 of the Revised Code, any amount of its 98668  
assessment that is not in dispute into the hospital care 98669  
assurance program fund created in section 5168.11 of the Revised 98670  
Code. 98671

(D) In the course of any program year, the department may 98672  
adjust the assessment rate or rates established in rules 98673

pursuant to section 5168.06 of the Revised Code or adjust the 98674  
amounts of intergovernmental transfers required under section 98675  
5168.07 of the Revised Code and, as a result of the adjustment, 98676  
adjust each hospital's assessment and intergovernmental 98677  
transfer, to reflect refinements made by the United States 98678  
centers for medicare and medicaid services during that program 98679  
year to the limits it prescribed under the "Social Security 98680  
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 98681  
assessment rate or rates must comply with division (A) of 98682  
section 5168.06 of the Revised Code. An adjusted 98683  
intergovernmental transfer must comply with division (A) of 98684  
section 5168.07 of the Revised Code. The department shall notify 98685  
hospitals of adjustments made under this division and adjust for 98686  
the remainder of the program year the installments paid by 98687  
hospitals under sections 5168.06 and 5168.07 of the Revised Code 98688  
in accordance with rules adopted under section 5168.02 of the 98689  
Revised Code. 98690

**Sec. 5168.11.** (A) Except as provided in section 5162.52 of 98691  
the Revised Code, all payments of assessments by hospitals under 98692  
section 5168.06 of the Revised Code and all intergovernmental 98693  
transfers under section 5168.07 of the Revised Code shall be 98694  
deposited in the state treasury to the credit of the hospital 98695  
care assurance program fund, hereby created. All investment 98696  
earnings of the hospital care assurance program fund shall be 98697  
credited to the fund. The department of medicaid shall maintain 98698  
records that show the amount of money in the hospital care 98699  
assurance program fund at any time that has been paid by each 98700  
hospital and the amount of any investment earnings on that 98701  
amount. All moneys credited to the hospital care assurance 98702  
program fund shall be used solely to make payments to hospitals 98703  
under division (D) of this section and section 5168.09 of the 98704



Revised Code. 98705

(B) All federal matching funds received as a result of the 98706  
department distributing funds from the hospital care assurance 98707  
program fund to hospitals under section 5168.09 of the Revised 98708  
Code shall be credited to the health care - federal fund created 98709  
under section 5162.50 of the Revised Code. 98710

(C) All distributions of funds to hospitals under section 98711  
5168.09 of the Revised Code are conditional on: 98712

(1) Expiration of the time for appeals under section 98713  
5168.08 of the Revised Code without the filing of an appeal, or 98714  
on court determinations, in the event of appeals, that the 98715  
hospital is entitled to the funds; 98716

(2) The sum of the following being sufficient to 98717  
distribute the funds after the final determination of any 98718  
appeals: 98719

(a) The available money in the hospital care assurance 98720  
program fund; 98721

(b) The available portion of the money in the health care 98722  
- federal fund that is credited to that fund pursuant to 98723  
division (B) of this section. 98724

(3) The hospital's compliance with section 5168.14 of the 98725  
Revised Code. 98726

(D) If an audit conducted by the department, pursuant to 98727  
42 C.F.R. 455.304, of the amounts of payments made and funds 98728  
received by hospitals under sections 5168.06, 5168.07, and 98729  
5168.09 of the Revised Code identifies amounts that, due to 98730  
errors by the department, a hospital should not have been 98731  
required to pay but did pay, should have been required to pay 98732

but did not pay, should not have received but did receive, or 98733  
should have received but did not receive, the department shall: 98734

(1) Make payments to any hospital that the audit reveals 98735  
paid amounts it should not have been required to pay or did not 98736  
receive amounts it should have received; 98737

(2) Take action to recover from a hospital any amounts 98738  
that the audit reveals it should have been required to pay but 98739  
did not pay or that it should not have received but did receive. 98740

Payments made under division (D) (1) of this section shall 98741  
be made from the hospital care assurance program fund. Amounts 98742  
recovered under division (D) (2) of this section shall be 98743  
deposited to the credit of that fund. ~~Any hospital may appeal~~ 98744  
~~the amount.~~ An action authorized under Chapter 2721. of the 98745  
Revised Code and filed in Franklin county shall be the exclusive 98746  
remedy for any hospital that disagrees with the amount that the 98747  
hospital is to be paid under division (D) (1) or the amount that 98748  
is to be recovered from the hospital under division (D) (2) of 98749  
this section to the court of common pleas of Franklin county. 98750  
While any judicial proceeding is pending under division (D) of 98751  
this section, a hospital shall pay to the hospital care 98752  
assurance program fund any amount identified pursuant to 98753  
division (D) (2) of this section that is not in dispute. 98754

**Sec. 5168.22.** (A) Before or during each assessment program 98755  
year, the department of medicaid shall issue to each hospital 98756  
the preliminary determination of the amount that the hospital is 98757  
assessed under section 5168.21 of the Revised Code for the 98758  
assessment program year. Except as provided in division (B) of 98759  
this section, the preliminary determination becomes the final 98760  
determination for the assessment program year fifteen days after 98761  
the preliminary determination is issued to the hospital. 98762

(B) A hospital may request that the department reconsider 98763  
the preliminary determination issued to the hospital under 98764  
division (A) of this section by submitting to the department a 98765  
written request for a reconsideration not later than fourteen 98766  
days after the hospital's preliminary determination is issued to 98767  
the hospital. The request must be accompanied by written 98768  
materials setting forth the basis for the reconsideration, which 98769  
may be delivered to the department by regular mail, electronic 98770  
mail, or in-person delivery. On receipt of the timely request, 98771  
the department shall reconsider the preliminary determination 98772  
and may adjust the preliminary determination on the basis of the 98773  
written materials accompanying the request. The result of the 98774  
reconsideration is the final determination of the hospital's 98775  
assessment under section 5168.21 of the Revised Code for the 98776  
assessment program year. 98777

(C) The department shall issue to each hospital a written 98778  
notice of the final determination of its assessment for the 98779  
assessment program year. A hospital may appeal the final 98780  
determination to the court of common pleas of Franklin county, 98781  
pursuant to Chapter 2505. of the Revised Code. The complete 98782  
record of the proceedings shall include all documentation 98783  
considered by the department in issuing the final determination. 98784  
While a judicial appeal is pending, the hospital shall pay, in 98785  
accordance with section 5168.23 of the Revised Code, any amount 98786  
of its assessment that is not in dispute. 98787

**Sec. ~~5104.50~~ 5180.04.** (A) The governor shall create the 98788  
~~early childhood~~ children and youth advisory council in 98789  
accordance with 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441 and 98790  
shall appoint one of its members to serve as chairperson of the 98791  
council with the director of children and youth serving as co- 98792  
chair. The council shall serve as both the state advisory 98793

council on early childhood education and care, as described in 98794  
42 U.S.C. 9837b(b) (1), and the state interagency coordinating 98795  
council, as described in 20 U.S.C. 1441. ~~In addition to the~~ 98796  
~~duties specified in 42 U.S.C. 9837b(b) (1), the~~ The council shall 98797  
~~promote~~ advise the governor on the availability, accessibility, 98798  
affordability, and quality of services provided through the 98799  
prenatal and child-serving systems. This includes fostering a 98800  
continuum of care that promotes family-centered programs and 98801  
services that acknowledge and support the social, emotional, 98802  
cognitive, intellectual, and physical development of children 98803  
and the vital role of families in ensuring the well-being and 98804  
success of children. 98805

(B) (1) The advisory council shall include up to twenty- 98806  
five members appointed by the governor, including the following: 98807

(a) At least one representative of the department of 98808  
children and youth; 98809

(b) At least one representative of the department of 98810  
medicaid; 98811

(c) At least one representative of the department of job 98812  
and family services; 98813

(d) At least one representative of the department of 98814  
mental health and addiction services; 98815

(e) At least one representative of the department of 98816  
education and workforce; 98817

(f) At least one representative of the department of 98818  
health; 98819

(g) At least one representative of the department of 98820  
developmental disabilities; 98821

<u>(h) At least one representative of the department of youth services;</u>	98822
	98823
<u>(i) At least one representative from each of the following stakeholder groups, selected from multi-sized municipal corporations and geographically diverse areas of the state, including rural, urban, and suburban areas:</u>	98824
	98825
	98826
	98827
<u>(i) Maternal and infant vitality;</u>	98828
<u>(ii) Early intervention;</u>	98829
<u>(iii) Home visiting;</u>	98830
<u>(iv) Early childhood education;</u>	98831
<u>(v) Child care centers providing publicly funded child care;</u>	98832
	98833
<u>(vi) Family child care homes providing publicly funded child care;</u>	98834
	98835
<u>(vii) School child programs;</u>	98836
<u>(viii) Preschool programs;</u>	98837
<u>(ix) Children's services.</u>	98838
<u>(2) In making appointments to the advisory council, the governor shall ensure that the membership of the council reasonably represents the population of the state.</u>	98839
	98840
	98841
<u>(C) (1) The advisory council shall create topic-specific advisory groups that address a continuum of services including the following:</u>	98842
	98843
	98844
<u>(a) Early childhood education and care;</u>	98845
<u>(b) Children services;</u>	98846

<u>(c) Maternal and infant vitality;</u>	98847
<u>(d) Early childhood mental health services and supports;</u>	98848
<u>(e) Early intervention services.</u>	98849
<u>(2) No representative of the department of children and youth shall serve as a chairperson for a topic-specific advisory group.</u>	98850 98851 98852
<u>(3) The governor shall appoint additional members as necessary to the early childhood education and care advisory group and the early intervention services advisory group to satisfy the requirements of 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441.</u>	98853 98854 98855 98856 98857
<u>(4) The director of children and youth shall appoint each representative appointed pursuant to division (B) (1) (i) of this section to at least one topic-specific advisory group.</u>	98858 98859 98860
<b>Sec. 5180.14.</b> (A) As used in this section and sections 5180.15, 5180.16, and 5180.17 of the Revised Code:	98861 98862
(1) "Child care center," "type A family child care home," and "licensed type B family child care home" have the same meanings as in section 5104.01 of the Revised Code.	98863 98864 98865
(2) "Child care facility" means a child care center, a type A family child care home, or a licensed type B family child care home.	98866 98867 98868
(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	98869 98870
(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code.	98871 98872
(5) "Hospital" has the same meaning as in section 3722.01	98873

- of the Revised Code to which either of the following applies: 98874
- (a) The hospital has a maternity unit. 98875
  - (b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth. 98876  
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  - (6) "Infant" means a child who is less than one year of age. 98879  
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  - (7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided. 98881  
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  - (8) "Other person responsible for the infant" includes a foster caregiver. 98883  
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  - (9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed. 98885  
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  - (10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child. 98891  
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- (B) The director of children and youth shall establish the shaken baby syndrome education program by doing all of the following: 98896  
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- (1) Developing educational materials that present readily comprehensible information on shaken baby syndrome; 98899  
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(2) Making available on the department of children and youth web site in an easily accessible format the educational materials developed under division (B) (1) of this section;

(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:

(a) Evaluating the reports received pursuant to section ~~5101.135~~ 5180.405 of the Revised Code;

(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;

(c) Reviewing the manner in which the educational materials are distributed, as described in section 5180.15 of the Revised Code, to determine if modifications to that manner should be made.

(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 5180.15 of the Revised Code.

**Sec. 5180.21.** (A) The department of children and youth shall establish the help me grow program as the state's evidence-based parent support program that encourages early prenatal and well-baby care, as well as provides parenting education to promote the comprehensive health and development of children. The program shall provide home visiting services to families with a pregnant woman or child under five years of age that meet the eligibility requirements established in rules adopted under this section. Home visiting services shall be provided through evidence-based home visiting models or innovative, promising home visiting models recommended by the



~~Ohio home visiting consortium children and youth advisory~~ 98930  
~~council created under section 5180.23-5180.04 of the Revised~~ 98931  
~~Code.~~ 98932

(B) Families shall be referred to the appropriate home 98933  
visiting services through the central intake and referral system 98934  
created under section 5180.22 of the Revised Code. 98935

(C) To the extent possible, the goals of the help me grow 98936  
program shall be consistent with the goals of the federal home 98937  
visiting program, as specified by the maternal and child health 98938  
bureau of the health resources and services administration in 98939  
the United States department of health and human services or its 98940  
successor. 98941

(D) The director of children and youth may enter into an 98942  
interagency agreement with one or more state agencies to 98943  
implement the help me grow program and ensure coordination of 98944  
early childhood programs. 98945

(E) The director may distribute help me grow program funds 98946  
through contracts, grants, or subsidies to entities providing 98947  
services under the program. 98948

(F) As a condition of receiving payments for home visiting 98949  
services, providers shall report to the director data on the 98950  
program performance indicators, specified in rules adopted under 98951  
division (G) of this section, that are used to assess progress 98952  
toward achieving all of the following: 98953

(1) The benchmark domains established for the federal home 98954  
visiting program, including improvement in maternal and newborn 98955  
health; reduction in child injuries, abuse, and neglect; 98956  
improved school readiness and achievement; reduction in crime 98957  
and domestic violence; and improved family economic self- 98958

sufficiency; 98959

(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section 5180.12 of the Revised Code; 98960  
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(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children. 98963  
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The providers shall report the data in the format and within the time frames specified in the rules. 98965  
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The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of children and youth. 98967  
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(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following: 98971  
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(1) Subject to division (H) of this section, eligibility requirements for home visiting services; 98975  
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(2) Eligibility requirements for providers of home visiting services; 98977  
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(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation; 98979  
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(4) Procedures for appealing the denial of an application for program services or the termination of services; 98982  
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(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of 98984  
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the department's approval of a provider; 98986

(6) Procedures for addressing complaints; 98987

(7) The program performance indicators on which data must 98988  
be reported by providers of home visiting services under 98989  
division (F) of this section, which, to the extent possible, 98990  
shall be consistent with federal reporting requirements for 98991  
federally funded home visiting services; 98992

(8) The format in which reports must be submitted under 98993  
division (F) of this section and the time frames within which 98994  
the reports must be submitted; 98995

(9) Criteria for payment of approved providers of program 98996  
services; 98997

(10) Any other rules necessary to implement the program. 98998

(H) When adopting rules required by division (G)(1) of 98999  
this section, the department shall specify that families 99000  
residing in the urban and rural communities specified in rules 99001  
adopted under section 3701.142 of the Revised Code are to 99002  
receive priority over other families for home visiting services. 99003

**Sec. 5180.22.** (A) The department of children and youth 99004  
shall create a central intake and referral system for all home 99005  
visiting programs operating in this state. Through a competitive 99006  
bidding process, the department of children and youth may select 99007  
one or more persons or government entities to operate the 99008  
system. 99009

(B) If the department of children and youth chooses to 99010  
select one or more system operators as described in division (A) 99011  
of this section, a contract with any system operator shall 99012  
require that the system do both of the following: 99013

(1) Serve as a single point of entry for access, 99014  
assessment, and referral of families to appropriate home 99015  
visiting services based on each family's location of residence; 99016

(2) Use a standardized form or other mechanism to assess 99017  
for each family member's risk factors and social determinants of 99018  
health, as well as ensure that the family is referred to the 99019  
appropriate home visiting program, which may include a program 99020  
that uses home visiting contractors who provide services within 99021  
a community HUB that fully or substantially complies with the 99022  
pathways community HUB certification standards developed by the 99023  
pathways community HUB institute. 99024

(C) The standardized form or other mechanism described in 99025  
division (B) (2) of this section shall be agreed to by the home 99026  
visiting consortium created under section 5180.23 of the Revised 99027  
Code. 99028

(D) A contract entered into under division (B) of this 99029  
section shall require a system operator to issue an annual 99030  
report to the department of children and youth that includes 99031  
data regarding referrals made by the central intake and referral 99032  
system, costs associated with the referrals, and the quality of 99033  
services received by families who were referred to services 99034  
through the system. The report shall be distributed to the ~~home-~~ 99035  
~~visiting consortium~~ children and youth advisory council created 99036  
under section ~~5180.23~~ 5180.04 of the Revised Code. 99037

(E) Nothing in this section is intended to do any of the 99038  
following: 99039

(1) Prohibit the department of children and youth from 99040  
using alternative promotional materials or names for the central 99041  
intake and referral system; 99042

(2) Require the use of help me grow program promotional materials or names; 99043  
99044

(3) Prohibit providers, central coordinators, the department of children and youth, or stakeholders from using the help me grow name for promotional materials for home visiting. 99045  
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99047

**Sec. ~~5101.76~~ 5180.26.** (A) A residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure epinephrine autoinjectors for use in emergency situations identified under division (C) (5) of this section by doing one of the following: 99048  
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(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.483, 4730.433, or 4731.96 of the Revised Code, personally furnish the epinephrine autoinjectors to the camp or issue a prescription for them in the name of the camp; 99058  
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(2) Obtaining a prescriber-issued protocol that includes definitive orders for epinephrine autoinjectors and the dosages of epinephrine to be administered through them. 99063  
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A camp that elects to procure epinephrine autoinjectors under this section is encouraged to maintain at least two epinephrine autoinjectors at all times. 99066  
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(B) A camp that elects to procure epinephrine autoinjectors under this section shall adopt a policy governing their maintenance and use. Before adopting the policy, the camp 99069  
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shall consult with a licensed health professional authorized to  
prescribe drugs. 99072  
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(C) The policy adopted under division (B) of this section 99074  
shall do all of the following: 99075

(1) Identify the one or more locations in which an 99076  
epinephrine autoinjector must be stored; 99077

(2) Specify the conditions under which an epinephrine 99078  
autoinjector must be stored, replaced, and disposed; 99079

(3) Specify the individuals employed by or under contract 99080  
with the camp who may access and use an epinephrine autoinjector 99081  
to provide a dosage of epinephrine to an individual in an 99082  
emergency situation identified under division (C) (5) of this 99083  
section; 99084

(4) Specify any training that employees or contractors 99085  
specified under division (C) (3) of this section must complete 99086  
before being authorized to access and use an epinephrine 99087  
autoinjector; 99088

(5) Identify the emergency situations, including when an 99089  
individual exhibits signs and symptoms of anaphylaxis, in which 99090  
employees or contractors specified under division (C) (3) of this 99091  
section may access and use an epinephrine autoinjector; 99092

(6) Specify that assistance from an emergency medical 99093  
service provider must be requested immediately after an 99094  
epinephrine autoinjector is used; 99095

(7) Specify the individuals to whom a dosage of 99096  
epinephrine may be administered through an epinephrine 99097  
autoinjector in an emergency situation specified under division 99098  
(C) (5) of this section. 99099

(D) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A camp;

(b) A camp employee or contractor;

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(E) A camp may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(F) A camp that elects to procure epinephrine autoinjectors under this section shall report to the department of children and youth each procurement and occurrence in which an epinephrine autoinjector is used from a camp's supply of epinephrine autoinjectors.

(G) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same

meanings as in section 4729.01 of the Revised Code. 99129

**Sec. ~~5101.77~~ 5180.261.** (A) As used in this section, 99130  
"inhaler" means a device that delivers medication to alleviate 99131  
asthmatic symptoms, is manufactured in the form of a metered 99132  
dose inhaler or dry powdered inhaler, and may include a spacer, 99133  
holding chamber, or other device that attaches to the inhaler 99134  
and is used to improve the delivery of the medication. 99135

(B) A residential camp, as defined in section 2151.011 of 99136  
the Revised Code, a child day camp, as defined in section 99137  
5104.01 of the Revised Code, or a child day camp operated by any 99138  
county, township, municipal corporation, township park district 99139  
created under section 511.18 of the Revised Code, park district 99140  
created under section 1545.04 of the Revised Code, or joint 99141  
recreation district established under section 755.14 of the 99142  
Revised Code may procure inhalers for use in emergency 99143  
situations identified under division (D)(5) of this section. A 99144  
camp that elects to procure inhalers under this section is 99145  
encouraged to maintain at least two inhalers at all times. 99146

(C) A camp that elects to procure inhalers under this 99147  
section shall adopt a policy governing their maintenance and 99148  
use. Before adopting the policy, the camp shall consult with a 99149  
licensed health professional authorized to prescribe drugs, as 99150  
defined in section 4729.01 of the Revised Code. 99151

(D) A component of a policy adopted by a camp under 99152  
division (C) of this section shall be a prescriber-issued 99153  
protocol specifying definitive orders for inhalers, including 99154  
the dosages of medication to be administered through them, the 99155  
number of times that each inhaler may be used before disposal, 99156  
and the methods of disposal. The policy also shall do all of the 99157  
following: 99158



- (1) Identify the one or more locations in which an inhaler must be stored; 99159  
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- (2) Specify the conditions under which an inhaler must be stored, replaced, and disposed; 99161  
99162
- (3) Specify the individuals employed by or under contract with the camp who may access and use an inhaler to provide a dosage of medication to an individual in an emergency situation identified under division (D) (5) of this section; 99163  
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- (4) Specify any training that employees or contractors specified under division (D) (3) of this section must complete before being authorized to access and use an inhaler; 99167  
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- (5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which employees or contractors specified under division (D) (3) of this section may access and use an inhaler; 99170  
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- (6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee or contractor, other than a licensed health professional, uses an inhaler; 99174  
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- (7) Specify the individuals to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D) (5) of this section. 99178  
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- (E) A camp or camp employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct. 99181  
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This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(F) A camp may accept donations of inhalers from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(G) A camp that elects to procure inhalers under this section shall report to the department of children and youth each procurement and occurrence in which an inhaler is used from a camp's supply of inhalers.

**Sec. ~~5101.78~~ 5180.262.** (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) A residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure injectable or nasally administered glucagon for use in emergency situations identified under division (D) (5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.4811,

4730.437, or 4731.92 of the Revised Code, personally furnish the 99216  
injectable or nasally administered glucagon to the camp or issue 99217  
a prescription for the drug in the name of the camp; 99218

(2) Obtaining a prescriber-issued protocol that includes 99219  
definitive orders for injectable or nasally administered 99220  
glucagon and the dosages to be administered; 99221

A camp that elects to procure injectable or nasally 99222  
administered glucagon under this section is encouraged to 99223  
maintain at least two doses of the drug at all times. 99224

(C) A camp that elects to procure injectable or nasally 99225  
administered glucagon under this section shall adopt a policy 99226  
governing maintenance and use of the drug. Before adopting the 99227  
policy, the camp shall consult with a licensed health 99228  
professional authorized to prescribe drugs. 99229

(D) The policy adopted under division (C) of this section 99230  
shall do all of the following: 99231

(1) Identify the one or more locations at the camp in 99232  
which injectable or nasally administered glucagon must be 99233  
stored; 99234

(2) Specify the conditions under which injectable or 99235  
nasally administered glucagon must be stored, replaced, or 99236  
disposed; 99237

(3) Specify the individuals employed by or under contract 99238  
with the camp, or who volunteer at the camp, who may access and 99239  
use injectable or nasally administered glucagon in an emergency 99240  
situation identified under division (D) (5) of this section; 99241

(4) Specify any training that employees, contractors, or 99242  
volunteers specified under division (D) (3) of this section must 99243

complete before being authorized to access and use injectable or 99244  
nasally administered glucagon; 99245

(5) Identify the emergency situations, including when an 99246  
individual exhibits signs and symptoms of severe hypoglycemia, 99247  
in which employees, contractors, or volunteers specified under 99248  
division (D) (3) of this section may access and use injectable or 99249  
nasally administered glucagon; 99250

(6) Specify that assistance from an emergency medical 99251  
service provider must be requested immediately after a dose of 99252  
glucagon is administered; 99253

(7) Specify the individuals to whom a dose of glucagon may 99254  
be administered in an emergency situation specified under 99255  
division (D) (5) of this section. 99256

(E) (1) The following are not liable in damages in a civil 99257  
action for injury, death, or loss to person or property that 99258  
allegedly arises from an act or omission associated with 99259  
procuring, maintaining, accessing, or using injectable or 99260  
nasally administered glucagon under this section, unless the act 99261  
or omission constitutes willful or wanton misconduct: 99262

(a) A camp; 99263

(b) A camp employee, contractor, or volunteer; 99264

(c) A licensed health professional authorized to prescribe 99265  
drugs who personally furnishes or prescribes injectable or 99266  
nasally administered glucagon, provides a consultation, or 99267  
issues a protocol pursuant to this section; 99268

(2) This section does not eliminate, limit, or reduce any 99269  
other immunity or defense that a camp; camp employee, 99270  
contractor, or volunteer; or licensed health professional may be 99271

entitled to under Chapter 2744. or any other provision of the 99272  
Revised Code or under the common law of this state. 99273

(F) A camp may accept donations of injectable or nasally 99274  
administered glucagon from a wholesale distributor of dangerous 99275  
drugs or manufacturer of dangerous drugs, as defined in section 99276  
4729.01 of the Revised Code, and may accept donations of money 99277  
from any person to purchase the drug. 99278

(G) A camp that elects to procure injectable or nasally 99279  
administered glucagon under this section shall report to the 99280  
department of children and youth each procurement and each 99281  
occurrence in which a dose of the drug is used from the camp's 99282  
supply. 99283

**Sec. ~~3738.01~~ 5180.27.** (A) As used in this section and 99284  
sections ~~3738.02~~ 5180.271 to ~~3738.09~~ 5180.278 of the Revised 99285  
Code, "pregnancy-associated death" means the death of a woman 99286  
while pregnant or anytime within one year of pregnancy 99287  
regardless of cause. 99288

(B) There is hereby established in the department of 99289  
~~health~~ children and youth a pregnancy-associated mortality 99290  
review (PAMR) board to identify and review all pregnancy- 99291  
associated deaths statewide for the purpose of reducing the 99292  
incidence of those deaths. 99293

**Sec. ~~3738.02~~ 5180.271.** The PAMR board may not conduct a 99294  
review of a pregnancy-associated death while an investigation of 99295  
the death or prosecution of a person for causing the death is 99296  
pending unless the prosecuting attorney agrees to allow the 99297  
review. The law enforcement agency conducting the criminal 99298  
investigation, on the conclusion of the investigation, and the 99299  
prosecuting attorney prosecuting the case, on the conclusion of 99300

the prosecution, shall notify the chairperson of the PAMR board 99301  
of the conclusion. 99302

**Sec. ~~3738.03~~ 5180.272.** All of the following apply with 99303  
respect to the PAMR board: 99304

(A) The director of ~~health-children and youth~~ shall 99305  
appoint the board's members. In doing so, the director shall 99306  
make a good faith effort to select members who represent all 99307  
regions of the state and multiple areas of expertise and 99308  
constituencies concerned with the care of pregnant and 99309  
postpartum women. 99310

(B) The board, by a majority vote of a quorum of its 99311  
members, shall select an individual to serve as its chairperson. 99312  
The board may replace a chairperson in the same manner. 99313

(C) An appointed member shall hold office until a 99314  
successor is appointed. The director of ~~health-children and~~ 99315  
~~youth~~ shall fill a vacancy as soon as practicable. 99316

(D) A member shall not receive any compensation for, and 99317  
shall not be paid for any expenses incurred pursuant to, 99318  
fulfilling the member's duties on the board. 99319

(E) The board shall meet at the call of the board's 99320  
chairperson as often as the chairperson determines necessary for 99321  
timely completion of pregnancy-associated death reviews. The 99322  
reviews shall be conducted in accordance with rules adopted 99323  
under section ~~3738.09~~ 5180.278 of the Revised Code. 99324

(F) The department of ~~health-children and youth~~ shall 99325  
provide meeting space, staff services, and other technical 99326  
assistance required by the board in carrying out its duties. 99327

**Sec. ~~3738.04~~ 5180.273.** The PAMR board shall seek to reduce 99328

the incidence of pregnancy-associated deaths in this state by 99329  
doing all of the following: 99330

(A) Promoting cooperation, collaboration, and 99331  
communication between all groups, professions, agencies, and 99332  
entities that serve pregnant and postpartum women and families; 99333

(B) Recommending and developing plans for implementing 99334  
service and program changes, as well as changes to the groups, 99335  
professions, agencies, and entities that serve pregnant and 99336  
postpartum women and families; 99337

(C) Providing the department of ~~health~~children and youth 99338  
with aggregate data, trends, and patterns regarding pregnancy- 99339  
associated deaths using data and other relevant information 99340  
specified in rules adopted under section ~~3738.09~~5180.278 of the 99341  
Revised Code; 99342

(D) Developing effective interventions to reduce the 99343  
mortality of pregnant and postpartum women. 99344

**Sec. ~~3738.05~~ 5180.274.** (A) Notwithstanding section 99345  
3701.243 and any other section of the Revised Code pertaining to 99346  
confidentiality, and except as provided in division (B) of this 99347  
section, an individual, government entity, agency that provides 99348  
services specifically to individuals or families, law 99349  
enforcement agency, health care provider, or other public or 99350  
private entity that provided services to a woman whose death is 99351  
being reviewed by the PAMR board shall submit to the board a 99352  
copy of any record it possesses that the board requests. In 99353  
addition, such an individual or entity may make available to the 99354  
board additional information, documents, or reports that could 99355  
be useful to the board's investigation. 99356

(B) No person, government entity, law enforcement agency, 99357

or prosecuting attorney shall provide any information regarding 99358  
a pregnancy-associated death while an investigation of the death 99359  
or prosecution of a person for causing the death is pending 99360  
unless the prosecuting attorney agrees to allow the review. 99361

(C) A family member of the deceased may decline to 99362  
participate in an interview as part of the review process. In 99363  
that case, the review shall continue without the family member's 99364  
participation. 99365

**Sec. ~~3738.06~~ 5180.275.** (A) Any record, document, report, 99366  
or other information presented to the PAMR board, as well as all 99367  
statements made by board members during board meetings, all work 99368  
products of the board, and data submitted to the department of 99369  
~~health-children and youth~~ by the board, other than the biennial 99370  
reports described in section ~~3738.08~~ 5180.277 of the Revised 99371  
Code, are confidential and not a public record under section 99372  
149.43 of the Revised Code. Such materials shall be used by the 99373  
board and department only in the exercise of the proper 99374  
functions of the board and department. 99375

(B) No person shall permit or encourage the unauthorized 99376  
dissemination of confidential information described in division 99377  
(A) of this section. 99378

~~(C) Whoever violates division (B) of this section is  
guilty of a misdemeanor of the second degree.~~ 99379  
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**Sec. ~~3738.07~~ 5180.276.** (A) An individual or public or 99381  
private entity providing records, documents, reports, or other 99382  
information to the PAMR board is immune from any civil liability 99383  
for injury, death, or loss to person or property that otherwise 99384  
might be incurred or imposed as a result of providing the 99385  
records, documents, reports, or information to the board. 99386



(B) Each board member is immune from any civil liability 99387  
for injury, death, or loss to person or property that might 99388  
otherwise be incurred or imposed as a result of the member's 99389  
participation on the board. 99390

**Sec. ~~3738.08~~ 5180.277.** (A) The PAMR board shall prepare a 99391  
biennial report that does all of the following: 99392

(1) Summarizes the board's findings from the reviews 99393  
completed in the immediately preceding two calendar years, 99394  
including any trends or patterns identified by the board; 99395

(2) Makes recommendations on how pregnancy-associated 99396  
deaths may be prevented, including changes that should be made 99397  
to policies and laws; 99398

(3) Includes any other information related to pregnancy- 99399  
associated mortality the board considers useful. 99400

(B) A report shall not contain individually identifiable 99401  
information regarding any woman whose death was reviewed by the 99402  
board. 99403

(C) The board shall submit a copy of each report to the 99404  
director of ~~health~~children and youth, the general assembly, and 99405  
the governor. The copy to the general assembly shall be 99406  
submitted in accordance with section 101.68 of the Revised Code. 99407  
The initial report shall be submitted not later than March 1, 99408  
2020, with subsequent reports submitted not later than March 1 99409  
every two years thereafter. 99410

The director shall make a copy of each report available on 99411  
the department of ~~health's~~children and youth's web site. 99412

(D) Reports prepared under this section are public records 99413  
under section 149.43 of the Revised Code. 99414

**Sec. ~~3738.09~~ 5180.278.** The director of ~~health-children and~~ youth shall adopt rules that are necessary for the implementation of sections ~~3738.01-5180.27~~ to ~~3738.08-5180.277~~ of the Revised Code, including rules that do all of the following:

(A) Establish a procedure for the PAMR board to follow in conducting pregnancy-associated death reviews;

(B) Specify the data and other relevant information the board must use when conducting pregnancy-associated death reviews;

(C) Establish guidelines for the board to follow to prevent an unauthorized dissemination of confidential information in violation of division (B) of section ~~3738.06-5180.275~~ of the Revised Code.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. ~~5101.13~~ 5180.40.** (A) The department of children and youth shall establish and maintain a uniform statewide automated child welfare information system in accordance with the requirements of ~~42 U.S.C.A.~~ U.S.C. 674(a)(3)(C) and related federal regulations and guidelines. The information system shall contain records regarding any of the following:

(1) Investigations of children and families, and children's care in out-of-home care, in accordance with sections 2151.421 and 5153.16 of the Revised Code;

(2) Care and treatment provided to children and families;

(3) Any other information related to children and families that state or federal law, regulation, or rule requires the

department or a public children services agency to maintain. 99443

~~(B) The department shall plan implementation of the information system on a county-by-county basis and shall finalize statewide implementation by all public children services agencies as described in section 5153.02 of the Revised Code not later than January 1, 2008.~~ 99444  
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~~(C) The department shall promptly notify all public children services agencies of the initiation and completion of statewide implementation of the statewide information system established under division (A) of this section.~~ 99449  
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~~(D) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.~~ 99453  
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**Sec. ~~5101.131~~ 5180.401.** Except as provided in section 99455  
~~5101.132-5180.402~~ of the Revised Code, information contained in 99456  
or obtained from the information system established and 99457  
maintained under section ~~5101.13-5180.40~~ of the Revised Code is 99458  
confidential and is not subject to disclosure pursuant to 99459  
section 149.43 or 1347.08 of the Revised Code. 99460

**Sec. ~~5101.132~~ 5180.402.** (A) Information contained in the 99461  
information system established and maintained under section 99462  
~~5101.13-5180.40~~ of the Revised Code may be accessed or entered 99463  
only as follows: 99464

(1) The department of job and family services, the 99465  
department of children and youth, a public children services 99466  
agency, a title IV-E agency, a prosecuting attorney, a private 99467  
child placing agency, and a private noncustodial agency may 99468  
access or enter the information when either of the following is 99469  
the case: 99470

(a) The access or entry is directly connected with 99471

assessment, investigation, or services regarding a child or 99472  
family; 99473

(b) The access or entry is permitted by state or federal 99474  
law, rule, or regulation. 99475

(2) A person may access or enter the information in a 99476  
manner, to the extent, and for the purposes authorized by rules 99477  
adopted by the department. 99478

(B) As used in this section, "title IV-E agency" means a 99479  
public children services agency or a public entity with which 99480  
the department of job and family services or department of 99481  
children and youth has a title IV-E subgrant agreement in 99482  
effect. 99483

**Sec. ~~5101.133~~ 5180.403.** No person shall access or use 99484  
information contained in the information system established and 99485  
maintained under section ~~5101.13~~5180.40 of the Revised Code 99486  
other than in accordance with section ~~5101.132~~5180.402 of the 99487  
Revised Code or rules authorized by that section. 99488

No person shall disclose information obtained from the 99489  
information system established and maintained under section 99490  
~~5101.13~~5180.40 of the Revised Code in a manner not specified by 99491  
rules authorized by section ~~5101.134~~5180.404 of the Revised 99492  
Code. 99493

**Sec. ~~5101.134~~ 5180.404.** (A) Notwithstanding any provision 99494  
of the Revised Code that requires confidentiality of information 99495  
that is contained in the uniform statewide automated child 99496  
welfare information system established in section ~~5101.13~~ 99497  
5180.40 of the Revised Code, the department of children and 99498  
youth shall adopt rules in accordance with Chapter 119. of the 99499  
Revised Code regarding a private child placing agency's or 99500

private noncustodial agency's access, data entry, and use of 99501  
information in the uniform statewide automated child welfare 99502  
information system. 99503

(B) (1) The department of children and youth may adopt 99504  
rules in accordance with section 111.15 of the Revised Code, as 99505  
if they were internal management rules, as necessary to carry 99506  
out the purposes of sections ~~5101.13~~5180.40 to ~~5101.133~~ 99507  
5180.403 of the Revised Code. 99508

(2) The department may adopt rules in accordance with 99509  
Chapter 119. of the Revised Code as necessary to carry out the 99510  
purposes of division (A) (2) of section ~~5101.132~~5180.402 of the 99511  
Revised Code. 99512

(C) Public children services agencies shall implement and 99513  
use the information system established pursuant to section 99514  
~~5101.13~~5180.40 of the Revised Code in accordance with rules 99515  
adopted by the department. 99516

**Sec. ~~5101.135~~ 5180.405.** (A) A public children services 99517  
employee who is entering a report of an investigation of child 99518  
abuse in the statewide automated child welfare information 99519  
system, as required by section ~~5101.13~~5180.40 of the Revised 99520  
Code, shall make a notation on each case of child abuse that 99521  
indicates whether the child abuse arose from an act that caused 99522  
the child to suffer from, or resulted in the child suffering 99523  
from, shaken baby syndrome. 99524

(B) On the first day of March of each year, the department 99525  
of children and youth shall report to the director of health the 99526  
number of reports of child abuse that arose from an act that 99527  
caused the child to suffer from, or resulted in the child 99528  
suffering from, shaken baby syndrome and that arose during the 99529

calendar year immediately preceding the calendar year in which 99530  
the report is made, as determined by an examination of the 99531  
statewide automated child welfare information system established 99532  
and maintained under section ~~5101.13~~5180.40 of the Revised 99533  
Code. 99534

(C) As used in this section, "shaken baby syndrome" has 99535  
the same meaning as in section 5180.14 of the Revised Code. 99536

**Sec. ~~5101.136~~ 5180.406.** If a person requests the 99537  
department of ~~job and family services~~children and youth to 99538  
conduct a search of whether that person's name has been placed 99539  
or remains in the statewide automated child welfare information 99540  
system as an alleged perpetrator of child abuse or neglect and a 99541  
search reveals that a "substantiated" disposition exists, the 99542  
department shall send a letter to the person who requested the 99543  
search indicating a "match." 99544

**Sec. ~~5101.137~~ 5180.407.** The department of ~~job and family~~  
~~services~~children and youth shall work with stakeholders to 99545  
establish an expungement policy regarding dispositions of child 99546  
abuse or neglect in Ohio's central registry on child abuse and 99547  
neglect by March 1, 2024. 99548  
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**Sec. ~~5101.14~~ 5180.41.** (A) As used in this section and 99550  
section ~~5101.144~~5180.411 of the Revised Code, "children 99551  
services" means services provided to children pursuant to 99552  
Chapter 5153. of the Revised Code. 99553

(B) Within available funds, the department of children and 99554  
youth shall distribute funds to the counties within thirty days 99555  
after the beginning of each calendar quarter for a part of the 99556  
counties' costs for children services. 99557

Funds provided to the county under this section shall be 99558

deposited into the children services fund created pursuant to 99559  
section ~~5101.144~~5180.411 of the Revised Code. 99560

(C) In each fiscal year, the amount of funds available for 99561  
distribution under this section shall be allocated to counties 99562  
as follows: 99563

(1) If the amount is less than the amount initially 99564  
appropriated for the immediately preceding fiscal year, each 99565  
county shall receive an amount equal to the percentage of the 99566  
funding it received in the immediately preceding fiscal year, 99567  
exclusive of any releases from or additions to the allocation or 99568  
any sanctions imposed under this section; 99569

(2) If the amount is equal to the amount initially 99570  
appropriated for the immediately preceding fiscal year, each 99571  
county shall receive an amount equal to the amount it received 99572  
in the preceding fiscal year, exclusive of any releases from or 99573  
additions to the allocation or any sanctions imposed under this 99574  
section; 99575

(3) If the amount is greater than the amount initially 99576  
appropriated for the immediately preceding fiscal year, each 99577  
county shall receive the amount determined under division (C) (2) 99578  
of this section as a base allocation, plus a percentage of the 99579  
amount that exceeds the amount initially appropriated for the 99580  
immediately preceding fiscal year. The amount exceeding the 99581  
amount initially appropriated in the immediately preceding 99582  
fiscal year shall be allocated to the counties as follows: 99583

(a) Twelve per cent divided equally among all counties; 99584

(b) Forty-eight per cent in the ratio that the number of 99585  
residents of the county under the age of eighteen bears to the 99586  
total number of such persons residing in this state; 99587

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C) (3) (c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

(D) Within ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department.

(E) The director of children and youth may adopt the following rules in accordance with section 111.15 of the Revised Code:

(1) Rules that are necessary for the allocation of funds under this section;

(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

**Sec. ~~5101.144~~ 5180.411.** Each county shall deposit all funds its public children services agency receives from appropriations made by the board of county commissioners or any other source for the purpose of providing children services into a special fund in the county treasury known as the children services fund. A county shall use money in the fund only for the purposes of meeting the expenses of providing children services.

**Sec. ~~5101.141~~ 5180.42.** (A) As used in sections ~~5101.141~~



<u>5180.42</u> to <del>5101.1417</del> <u>5180.4214</u> of the Revised Code:	99617
(1) "Adopted young adult" means a person:	99618
(a) Who was in the temporary or permanent custody of a public children services agency;	99619 99620
(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective;	99621 99622 99623
(c) Who has attained the age of eighteen; and	99624
(d) Who has not yet attained the age of twenty-one.	99625
(2) "Child" means any of the following:	99626
(a) A person who meets the requirements of division (B) (3) of section 5153.01 of the Revised Code;	99627 99628
(b) An adopted young adult;	99629
(c) An emancipated young adult.	99630
(3) "Emancipated young adult" means a person:	99631
(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;	99632 99633 99634 99635 99636
(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and	99637 99638
(c) Who has not yet attained the age of twenty-one.	99639
(4) "Kinship guardianship young adult" means an individual that meets the following criteria:	99640 99641

- (a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A) (4) (b) of this section; 99642  
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- (b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective; 99646  
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- (c) Has attained the age of eighteen; 99650
- (d) Has not yet attained the age of twenty-one. 99651
- (5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older: 99652  
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- (a) The following individuals related by blood or adoption to the child: 99654  
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- (i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great"; 99656  
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- (ii) Siblings; 99658
- (iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand"; 99659  
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- (iv) First cousins and first cousins once removed. 99662
- (b) Stepparents and stepsiblings of the child; 99663
- (c) Spouses and former spouses of individuals named in divisions (A) (5) (a) and (b) of this section; 99664  
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- (d) A legal guardian of the child; 99666
- (e) A legal custodian of the child; 99667

(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties. 99668  
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(6) "Representative" means a person with whom the department of children and youth has entered into a contract, pursuant to division (B) (2) (b) of this section. 99671  
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(7) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 99674  
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(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) ~~and~~ (4) of this section, the department of children and youth shall act as the single state agency to administer federal payments for foster care, kinship guardianship assistance, and adoption assistance made pursuant to Title IV-E. The director of children and youth shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child placing agencies and private noncustodial agencies and rules establishing eligibility, program participation, and other requirements concerning Title IV-E shall be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules. 99676  
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~~(2) If the~~ (2) (a) The department shall implement the state plan as amended under divisions (A) and (B) of section 5101.1411-5180.428 of the Revised Code, both of the following 99695  
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~~shall apply:—~~ 99698

~~(a) Implementation of the amendments to the plan shall begin fifteen months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, if both of the following apply:—~~ 99699  
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~~(i) The plan as amended is approved by the secretary of health and human services;—~~ 99703  
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~~(ii) The if the general assembly has appropriated sufficient funds to operate the program required under the plan as amended.~~ 99705  
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(b) The department shall have, exercise, and perform all new duties required under the plan as amended. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E. 99708  
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~~(3) If the state plan is amended under division (C) of section 5101.1411 of the Revised Code, both of the following apply:—~~ 99712  
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~~(a) Implementation of the amendments to the plan shall begin fifteen months after September 30, 2021, if both of the following apply:—~~ 99715  
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~~(i) The plan as amended is approved by the secretary of health and human services.—~~ 99718  
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~~(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.~~ 99720  
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~~(b) The department shall perform all new duties required under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.—~~ 99722  
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~~(4) If The department shall implement the state plan ~~is as~~ 99726  
amended under section ~~5101.1416~~ 5180.4213 of the Revised Code, 99727  
~~and is approved by the secretary of health and human services,~~ 99728  
~~implementation of the amendments to the plan shall begin fifteen~~ 99729  
~~months after September 30, 2021.~~ 99730~~

(C) (1) Except with regard to the new duties imposed on the 99731  
department or its contractor under ~~divisions~~ division (B) (2) (b) 99732  
~~and (B) (3) (b)~~ of this section that are not imposed on the 99733  
county, the county, on behalf of each child eligible for foster 99734  
care maintenance payments under Title IV-E, shall make payments 99735  
to cover the cost of providing all of the following: 99736

(a) The child's food, clothing, shelter, daily 99737  
supervision, and school supplies; 99738

(b) The child's personal incidentals; 99739

(c) Reasonable travel to the child's home for visitation. 99740

(2) In addition to payments made under division (C) (1) of 99741  
this section, the county may, on behalf of each child eligible 99742  
for foster care maintenance payments under Title IV-E, make 99743  
payments to cover the cost of providing the following: 99744

(a) Liability insurance with respect to the child; 99745

(b) If the county is participating in the demonstration 99746  
project established under division (A) of section ~~5101.142~~ 99747  
5180.421 of the Revised Code, services provided under the 99748  
project. 99749

(3) With respect to a child who is in a child-care 99750  
institution, including any type of group home designed for the 99751  
care of children or any privately operated program consisting of 99752  
two or more certified foster homes operated by a common 99753

administrative unit, the foster care maintenance payments made 99754  
by the county on behalf of the child shall include the 99755  
reasonable cost of the administration and operation of the 99756  
institution, group home, or program, as necessary to provide the 99757  
items described in divisions (C) (1) and (2) of this section. 99758

(D) To the extent that either foster care maintenance 99759  
payments under division (C) of this section, Title IV-E kinship 99760  
guardianship assistance, or Title IV-E adoption assistance 99761  
payments for maintenance costs require the expenditure of county 99762  
funds, the board of county commissioners shall report the nature 99763  
and amount of each expenditure of county funds to the 99764  
department. 99765

(E) The department shall distribute to public children 99766  
services agencies that incur and report expenditures of the type 99767  
described in division (D) of this section federal financial 99768  
participation received for administrative and training costs 99769  
incurred in the operation of foster care maintenance, kinship 99770  
guardianship assistance, and adoption assistance programs. The 99771  
department may withhold not more than three per cent of the 99772  
federal financial participation received. The funds withheld may 99773  
be used only to fund the following: 99774

(1) The Ohio child welfare training program established 99775  
under section 5103.30 of the Revised Code; 99776

(2) The university partnership program for college and 99777  
university students majoring in social work who have committed 99778  
to work for a public children services agency upon graduation; 99779

(3) Efforts supporting organizational excellence, 99780  
including voluntary activities to be accredited by a nationally 99781  
recognized accreditation organization. 99782

The funds withheld shall be in addition to any 99783  
administration and training cost for which the department is 99784  
reimbursed through its own cost allocation plan. 99785

(F) All federal financial participation funds received by 99786  
a county pursuant to this section shall be deposited into the 99787  
county's children services fund created pursuant to section 99788  
~~5101.144~~5180.411 of the Revised Code. 99789

~~(G)~~(G) (1) The department shall periodically publish and 99790  
distribute the maximum amounts that the department will 99791  
reimburse public children services agencies for making payments 99792  
on behalf of children eligible for foster care maintenance 99793  
payments. 99794

(2) The department may issue a request for proposals to 99795  
establish statewide rate cards for placement and care of 99796  
children eligible for foster care maintenance payments. If a 99797  
request for proposals is issued, the department shall review and 99798  
accept the reasonable cost of providing the items described in 99799  
division (C) of this section. 99800

(H) The department, by and through its director, is hereby 99801  
authorized to develop, participate in the development of, 99802  
negotiate, and enter into one or more interstate compacts on 99803  
behalf of this state with agencies of any other states, for the 99804  
provision of social services to children in relation to whom all 99805  
of the following apply: 99806

(1) They have special needs. 99807

(2) This state or another state that is a party to the 99808  
interstate compact is providing kinship guardianship assistance 99809  
or adoption assistance on their behalf. 99810

(3) They move into this state from another state or move 99811

out of this state to another state. 99812

**Sec. ~~5101.142~~ 5180.421.** (A) The department of children and 99813  
youth may apply to the United States secretary of health and 99814  
human services for a waiver of requirements established under 99815  
Title IV-E, or regulations adopted thereunder, to conduct a 99816  
demonstration project expanding eligibility for and services 99817  
provided under Title IV-E. The department may enter into 99818  
agreements with the secretary necessary to implement the 99819  
demonstration project, including agreements establishing the 99820  
terms and conditions of the waiver authorizing the project. If a 99821  
demonstration project is to be established, the department shall 99822  
do all of the following: 99823

(1) Have the director of children and youth adopt rules in 99824  
accordance with Chapter 119. of the Revised Code governing the 99825  
project. The rules shall be consistent with the agreements the 99826  
department enters into with the secretary. 99827

(2) Enter into agreements with public children services 99828  
agencies that the department selects for participation in the 99829  
project. The department shall not select an agency that objects 99830  
to participation or refuses to be bound by the terms and 99831  
conditions of the project. 99832

(3) Contract with persons or governmental agencies 99833  
providing services under the project; 99834

(4) Amend the state plan required by section 471 of the 99835  
"Social Security Act," 42 ~~U.S.C.A.~~U.S.C. 671, as amended, as 99836  
needed to implement the project; 99837

(5) Conduct ongoing evaluations of the project; 99838

(6) Perform other administrative and operational 99839  
activities required by the agreement with the secretary. 99840



(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," ~~81 Stat. 821,~~ 42 U.S.C.A.U.S.C. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function.

**Sec. ~~5101.145~~ 5180.422.** (A) In adopting rules under section ~~5101.141~~ 5180.42 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, private noncustodial agencies, and government entities that provide Title IV-E reimbursable placement services to children, the department of children and youth ~~shall~~ may establish both of the following:

(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;

(2) Procedures to monitor cost reports submitted by the agencies or entities.

(B) The procedures established under division (A) (2) of this section shall ~~be implemented not later than October 1, 2003.~~ ~~The procedures shall~~ be used to do both of the following:

(1) Determine which of the costs are reimbursable under Title IV-E;

(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division (B) (1) of this section.

**Sec. ~~5101.146~~ 5180.423.** The department of children and youth shall establish the following penalties, which shall be enforced at the discretion of the department, for the failure of a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children to comply with procedures the department establishes to ensure fiscal accountability:

(A) For initial failure, the department and the agency or entity involved shall jointly develop and implement a corrective action plan according to a specific schedule. If requested by the agency or entity involved, the department shall provide technical assistance to the agency or entity to ensure the fiscal accountability procedures and goals of the plan are met.

(B) For subsequent failures or failure to achieve the goals of the plan described in division (A) of this section, one of the following:

(1) For public children services agencies, the department may take any action permitted under division (C) (2), (4), (5), or (6) of section 5101.24 of the Revised Code.

(2) For private child placing agencies or private noncustodial agencies, cancellation of any Title IV-E allowability rates for the agency involved pursuant to section ~~5101.141~~ 5180.42 of the Revised Code or revocation pursuant to Chapter 119. of the Revised Code of that agency's certificate issued under section 5103.03 of the Revised Code;

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E

allowability rates for the entity involved pursuant to section 99899  
~~5101.141~~5180.42 of the Revised Code. 99900

**Sec. ~~5101.147~~ 5180.424.** If a public children services 99901  
agency fails to comply with the fiscal accountability procedures 99902  
established by the department of children and youth, the 99903  
department shall notify the board of county commissioners of the 99904  
county served by the agency. If a private child placing agency 99905  
or private noncustodial agency fails to comply with the fiscal 99906  
accountability procedures, the department shall notify the 99907  
executive director of each public children services agency that 99908  
has entered into a contract for services with the private child 99909  
placing agency or private noncustodial agency. 99910

**Sec. ~~5101.148~~ 5180.425.** If the department of children and 99911  
youth sanctions a public children services agency, private child 99912  
placing agency, or private noncustodial agency, it shall take 99913  
every possible precaution to ensure that any foster children 99914  
that have been placed by the agency under sanction are not 99915  
unnecessarily removed from the certified foster homes in which 99916  
they reside. 99917

**Sec. ~~5101.149~~ 5180.426.** Money from the children services 99918  
fund shall not be used to provide a personal loan to any 99919  
individual. 99920

**Sec. ~~5101.1410~~ 5180.427.** In addition to the remedies 99921  
available under sections ~~5101.146~~ and 5101.24 and 5180.423 of 99922  
the Revised Code, the department of children and youth may 99923  
certify a claim to the attorney general under section 131.02 of 99924  
the Revised Code for the attorney general to take action under 99925  
that section against a public children services agency, private 99926  
child placing agency, private noncustodial agency, or government 99927  
entity that provides Title IV-E reimbursable placement services 99928

to children if all of the following are the case: 99929

(A) The agency or entity files a cost report with the 99930  
department pursuant to rules adopted under division (B) of 99931  
section ~~5101.141~~5180.42 of the Revised Code. 99932

(B) The department receives and distributes federal Title 99933  
IV-E reimbursement funds based on the cost report. 99934

(C) The agency's or entity's misstatement, 99935  
misclassification, overstatement, understatement, or other 99936  
inclusion or omission of any cost included in the cost report 99937  
causes the United States department of health and human services 99938  
to disallow all or part of the federal Title IV-E reimbursement 99939  
funds the department received and distributed. 99940

(D) The agency's or entity's misstatement, 99941  
misclassification, overstatement, understatement, or other 99942  
inclusion or omission of any cost included in the cost report is 99943  
not the direct result of a written directive concerning the 99944  
agency or entity's cost report that the department issued to the 99945  
agency or entity. 99946

**Sec. ~~5101.1411~~ 5180.428.** (A) (1) The director of ~~job and~~ 99947  
~~family services children and youth shall, not later than nine~~ 99948  
~~months after September 13, 2016, the effective date of H.B. 50~~ 99949  
~~of the 131st general assembly, submit an amendment to the state~~ 99950  
~~plan required by 42 U.S.C. 671 to the United States secretary of~~ 99951  
~~health and human services to implement 42 U.S.C. 675(8) to make~~ 99952  
federal payments for foster care under Title IV-E directly to, 99953  
or on behalf of, any emancipated young adult who meets the 99954  
following requirements: 99955

(a) The emancipated young adult signs a voluntary 99956  
participation agreement. 99957

(b) The emancipated young adult satisfies division (D) of this section. 99958  
99959

(2) Any emancipated young adult who meets the requirements of division (A) (1) of this section may apply for foster care payments and make the appropriate application at any time. 99960  
99961  
99962

(B) (1) The director of ~~job and family services children and youth shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to~~ implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements: 99963  
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(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen. 99971  
99972  
99973  
99974

(b) The parent maintains parental responsibility for the adopted young adult. 99975  
99976

(c) The adopted young adult satisfies division (D) of this section. 99977  
99978

(2) Any parent who meets the requirements of division (B) (1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted young adult reaches age twenty-one. 99979  
99980  
99981  
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(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section. 99983  
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99985  
99986

(C) (1) The director of ~~job and family services children~~ and youth shall, ~~not later than nine months after September 30,~~ 2021, ~~submit an amendment to the state plan required by 42-~~ U.S.C. 671 to the United States secretary of health and human- ~~services to~~ implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E available to any relative who meets all of the following requirements: 99987  
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(a) Both of the following apply: 99994

(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order. 99995  
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(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen. 100001  
100002  
100003

(b) The relative maintains parental responsibility for the kinship guardianship young adult. 100004  
100005

(c) The kinship guardianship young adult satisfies division (D) of this section. 100006  
100007

(2) Any person who meets the requirements of division (C) (1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one. 100008  
100009  
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100011

(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section. 100012  
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100014  
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(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria:	100016
	100017
	100018
(1) Is completing secondary education or a program leading to an equivalent credential;	100019
	100020
(2) Is enrolled in an institution that provides post-secondary or vocational education;	100021
	100022
(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;	100023
	100024
(4) Is employed for at least eighty hours per month;	100025
(5) Is incapable of doing any of the activities described in divisions (D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.	100026
	100027
	100028
	100029
(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance, or any parent receiving adoption assistance payments, may refuse the payments at any time.	100030
	100031
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(F)(1) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance and the kinship guardianship young adult, or a parent receiving adoption assistance payments and the adopted young adult shall be eligible for services set forth in the federal, "Fostering	100037
	100038
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Connections to Success and Increasing Adoptions Act of 2008,"	100045
P.L. 110-351, <del>122 Stat. 3949.</del>	100046
(2) An emancipated young adult described in division (A)	100047
(1) of this section who is directly receiving foster care	100048
payments, or on whose behalf such foster care payments are	100049
received, pursuant to this section, may be eligible to reside in	100050
a supervised independent living setting, including apartment	100051
living, room and board arrangements, college or university	100052
dormitories, host homes, and shared roommate settings.	100053
(G) Any determination by the department of <del>job and family</del>	100054
<del>services or the department of children and youth</del> that denies or	100055
terminates foster care assistance, kinship guardianship	100056
assistance, <del>kinship support program payments,</del> or adoption	100057
assistance payments shall be subject to a state hearing pursuant	100058
to section 5101.35 of the Revised Code.	100059
<b>Sec. <del>5101.1412</del> <u>5180.429</u>.</b> (A) Without the approval of a	100060
court, an emancipated young adult who receives payments, or on	100061
whose behalf payments are received, under division (A) of	100062
section <del>5101.1411</del> <u>5180.428</u> of the Revised Code, may enter into a	100063
voluntary participation agreement with the department of	100064
children and youth, or its representative, for the emancipated	100065
young adult's care and placement. The agreement shall stay in	100066
effect until one of the following occurs:	100067
(1) The emancipated young adult enrolled in the program	100068
notifies the department, or its representative, that they want	100069
to terminate the agreement.	100070
(2) The emancipated young adult becomes ineligible for the	100071
program.	100072
(B) In order to maintain Title IV-E eligibility for the	100073



emancipated young adult, both of the following apply: 100074

(1) Not later than one hundred eighty days after the 100075  
effective date of the voluntary participation agreement, the 100076  
department or its representative must petition the court for, 100077  
and obtain, a judicial determination that the emancipated young 100078  
adult's best interest is served by continuing the care and 100079  
placement with the department or its representative. 100080

(2) Not later than twelve months after the effective date 100081  
of the voluntary participation agreement, and at least once 100082  
every twelve months thereafter, the department or its 100083  
representative must petition the court for, and obtain, a 100084  
judicial determination that the department or its representative 100085  
has made reasonable efforts to finalize a permanency plan to 100086  
prepare the emancipated young adult for independence. 100087

**Sec. ~~5101.1413~~ 5180.4210.** Notwithstanding section ~~5101.141~~ 100088  
~~5180.42~~ of the Revised Code and any rules adopted thereunder, 100089  
the department of children and youth shall pay the full 100090  
nonfederal share of payments made pursuant to section ~~5101.1411~~ 100091  
~~5180.428~~ of the Revised Code. No public children services agency 100092  
shall be responsible for the cost of any payments made pursuant 100093  
to section ~~5101.1411~~ 5180.428 of the Revised Code. 100094

**Sec. ~~5101.1414~~ 5180.4211.** (A) The department of children 100095  
and youth shall adopt rules necessary to carry out the purposes 100096  
of sections ~~5101.1411~~ 5180.428 to ~~5101.1413~~ 5180.4210 of the 100097  
Revised Code, including rules that do all of the following: 100098

(1) Allow an emancipated young adult described in division 100099  
(A) (1) of section ~~5101.1411~~ 5180.428 of the Revised Code who is 100100  
directly receiving foster care payments, or on whose behalf such 100101  
foster care payments are received, or an adopted young adult 100102

whose adoptive parents are receiving adoption assistance 100103  
payments, to maintain eligibility while transitioning into, or 100104  
out of, qualified employment or educational activities; 100105

(2) Require that a thirty-day notice of termination be 100106  
given by the department to an emancipated young adult described 100107  
in division (A) (1) of section ~~5101.1411~~5180.428 of the Revised 100108  
Code who is receiving foster care payments, or on whose behalf 100109  
such foster care payments are received, or to a parent receiving 100110  
adoption assistance payments for an adopted young adult 100111  
described in division (B) (1) of section ~~5101.1411~~5180.428 of 100112  
the Revised Code, who is determined to be ineligible for 100113  
payments; 100114

(3) Establish the scope of practice and training necessary 100115  
for case managers and supervisors who care for emancipated young 100116  
adults described in division (A) (1) of section ~~5101.1411~~ 100117  
5180.428 of the Revised Code who are receiving foster care 100118  
payments, or on whose behalf such foster care payments are 100119  
received, under section ~~5101.1411~~5180.428 of the Revised Code. 100120

(B) The department of children and youth shall create an 100121  
advisory council to evaluate and make recommendations for 100122  
statewide implementation of sections ~~5101.1411~~5180.428 and 100123  
~~5101.1412~~5180.429 of the Revised Code. 100124

**Sec. ~~5101.1415~~ 5180.4212.** The provisions of divisions (A) 100125  
and (D) to (G) of section ~~5101.1411~~5180.428 of the Revised Code 100126  
shall not apply if the person is eligible for temporary or 100127  
permanent custody until age twenty-one pursuant to a 100128  
dispositional order under sections 2151.353, 2151.414, and 100129  
2151.415 of the Revised Code. 100130

**Sec. ~~5101.1416~~ 5180.4213.** (A) ~~Not later than nine months~~ 100131

~~after the effective date of this section , the~~ The director of 100132  
~~job and family services children and youth shall submit an~~ 100133  
~~amendment to the state plan required by 42 U.S.C. 671 to the~~ 100134  
~~United States secretary of health and human services to~~ 100135  
implement 42 U.S.C. 673(d) to provide kinship guardianship 100136  
assistance under Title IV-E on behalf of a child to a relative 100137  
who meets the following requirements: 100138

(1) The relative has cared for the eligible child pursuant 100139  
to division (B) of this section as a foster caregiver as defined 100140  
by section 5103.02 of the Revised Code for at least six 100141  
consecutive months. 100142

(2) Both of the following apply: 100143

(a) A juvenile court issued an order granting legal 100144  
custody of the child to the relative, or a probate court issued 100145  
an order granting guardianship of the child to the relative, and 100146  
the order is not a temporary court order. 100147

(b) The relative has committed to care for the child on a 100148  
permanent basis. 100149

(3) The relative signs a kinship guardianship assistance 100150  
agreement required by 42 U.S.C. 673. 100151

(B) A child is an eligible child for kinship guardianship 100152  
assistance under this section if the following are met: 100153

(1) The child has been removed from his or her home 100154  
pursuant to a voluntary placement agreement or as a result of a 100155  
judicial determination to the effect that continuation in the 100156  
home would be contrary to the welfare of the child. 100157

(2) The child has been eligible for foster care 100158  
maintenance payments under section ~~5101.141~~ 5180.42 of the 100159

Revised Code while residing for at least six consecutive months 100160  
in the home of a relative described in division (A) of this 100161  
section. 100162

(3) Returning the child home or adoption of the child are 100163  
not appropriate permanency options for the child. 100164

(4) The child demonstrates a strong attachment to the 100165  
child's relative described in division (A) of this section and 100166  
the relative has a strong commitment to caring permanently for 100167  
the child. 100168

(5) With respect to a child who has attained fourteen 100169  
years of age, the child has been consulted regarding the kinship 100170  
guardianship arrangement. 100171

**Sec. ~~5101.1417~~ 5180.4214.** The department of children and 100172  
youth shall adopt rules necessary to carry out the purposes of 100173  
sections ~~5101.1411~~5180.42, ~~5101.1411~~5180.428, and ~~5101.1416~~ 100174  
5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the 100175  
"Social Security Act," including rules that do all of the 100176  
following: 100177

(A) Allow a kinship guardianship young adult described in 100178  
division (C) of section ~~5101.1411~~5180.428 of the Revised Code 100179  
on whose behalf kinship guardianship assistance is received, to 100180  
maintain eligibility while transitioning into, or out of, 100181  
qualified employment or educational activities; 100182

(B) Require that a thirty-day notice of termination be 100183  
given by the department to a person receiving kinship 100184  
guardianship assistance for a kinship guardianship young adult 100185  
described in division (C) of section ~~5101.1411~~5180.428 of the 100186  
Revised Code, who is determined to be ineligible for assistance. 100187

**Sec. ~~5101.1418~~ 5180.43.** (A) (1) If, after a child's 100188

adoption is finalized, the department of children and youth 100189  
considers the child to be in need of public care or protective 100190  
services, the department may, to the extent state funds are 100191  
available for this purpose, enter into an agreement with the 100192  
child's adoptive parent under which the department may make post 100193  
adoption special services subsidy payments on behalf of the 100194  
child as needed when both of the following apply: 100195

(a) The child has a physical or developmental disability 100196  
or mental or emotional condition that either: 100197

(i) Existed before the adoption petition was filed; or 100198

(ii) Developed after the adoption petition was filed and 100199  
can be directly attributed to factors in the child's preadoption 100200  
background, medical history, or biological family's background 100201  
or medical history. 100202

(b) The department determines the expenses necessitated by 100203  
the child's disability or condition are beyond the adoptive 100204  
parent's economic resources. 100205

(2) Services for which the department may make post 100206  
adoption special services subsidy payments on behalf of a child 100207  
under this section shall include medical, surgical, psychiatric, 100208  
psychological, and counseling services, including residential 100209  
treatment. 100210

(3) The department shall establish clinical standards to 100211  
evaluate a child's physical or developmental disability or 100212  
mental or emotional condition and assess the child's need for 100213  
services. 100214

(4) The total dollar value of post adoption special 100215  
services subsidy payments made on a child's behalf shall not 100216  
exceed ten thousand dollars in any fiscal year, unless the 100217

department determines that extraordinary circumstances exist 100218  
that necessitate further funding of services for the child. 100219  
Under such extraordinary circumstances, the value of the 100220  
payments made on the child's behalf shall not exceed fifteen 100221  
thousand dollars in any fiscal year. 100222

(5) The adoptive parent or parents of a child who receives 100223  
post adoption special services subsidy payments shall pay at 100224  
least five per cent of the total cost of all services provided 100225  
to the child; except that the department may waive this 100226  
requirement if the gross annual income of the child's adoptive 100227  
family is not more than two hundred per cent of the federal 100228  
poverty guideline. 100229

(6) The department may use other sources of revenue to 100230  
make post adoption special services subsidy payments, in 100231  
addition to any state funds appropriated for that purpose. 100232

(7) The department may contract with another person to 100233  
carry out any of the duties described in this section. 100234

(B) No payment shall be made on behalf of any person 100235  
eighteen years of age or older beyond the end of the school year 100236  
during which the person attains the age of eighteen or on behalf 100237  
of a mentally or physically disabled person twenty-one years of 100238  
age or older. 100239

(C) The director of children and youth shall adopt rules 100240  
in accordance with Chapter 119. of the Revised Code necessary to 100241  
implement this section. The rules shall establish all of the 100242  
following: 100243

(1) The application process for all forms of assistance 100244  
provided under this section; 100245

(2) Standards for determining the children who qualify to 100246

receive assistance provided under this section; 100247

(3) The method of determining the amount, duration, and 100248  
scope of services provided to a child; 100249

(4) The method of transitioning the post adoption special 100250  
services subsidy program from public children services agencies 100251  
to the department; 100252

(5) Any other rule, requirement, or procedure the 100253  
department considers appropriate for the implementation of this 100254  
section. 100255

~~(D) The department shall implement this section not later 100256  
than July 1, 2022. 100257~~

**Sec. ~~5101.15~~ 5180.44.** Within available funds the 100258  
department of children and youth may reimburse counties in 100259  
accordance with this section for a portion of the salaries paid 100260  
to child welfare workers employed under section 5153.12 of the 100261  
Revised Code. No county with a population of eighty thousand or 100262  
less, according to the latest census accepted by the department 100263  
as official, shall be entitled to reimbursement on the salaries 100264  
of more than two child welfare workers, and no county with a 100265  
population of more than eighty thousand, according to such 100266  
census, shall be entitled to reimbursement on the salaries of 100267  
more than two child welfare workers plus one additional child 100268  
welfare worker for each one hundred thousand of population in 100269  
excess of eighty thousand. 100270

The maximum reimbursement to which a county may be 100271  
entitled on any child welfare worker shall be as follows: 100272

(A) Twenty-seven hundred dollars a year for a child 100273  
welfare worker who is a graduate of an accredited high school, 100274  
college, or university; 100275

(B) Thirty-three hundred dollars a year for a child 100276  
welfare worker who has one year or more of graduate training in 100277  
social work or a field which the department finds to be related 100278  
to social work; 100279

(C) Thirty-nine hundred dollars a year for a child welfare 100280  
worker who has completed two years of social work training. 100281

The salary of the executive director, designated in 100282  
accordance with section 5153.10 of the Revised Code, shall be 100283  
subject to reimbursement under this section, provided that the 100284  
executive director qualifies under division (A), (B), or (C) of 100285  
this section. No funds shall be allocated under this section 100286  
until the director of children and youth has approved a plan of 100287  
child welfare services for the county submitted by the public 100288  
children services agency. 100289

**Sec. ~~5101.19~~ 5180.45.** As used in sections ~~5101.19~~ 5180.45 100290  
to ~~5101.194~~ 5180.454 of the Revised Code: 100291

(A) "Adopted child" means a person who is less than 100292  
eighteen years of age when the person becomes subject to a final 100293  
order of adoption, an interlocutory order of adoption, or when 100294  
the adoption is recognized by this state under section 3107.18 100295  
of the Revised Code. 100296

(B) "Adoption" includes an adoption arranged by an 100297  
attorney, a public children services agency, private child 100298  
placing agency, or a private noncustodial agency, an interstate 100299  
adoption, or an international or foreign adoption. 100300

(C) "Adoptive parent" means the person or persons who 100301  
obtain parental rights and responsibilities over an adopted 100302  
child pursuant to a final order of adoption, an interlocutory 100303  
order of adoption, or an adoption recognized by this state under 100304



section 3107.18 of the Revised Code. 100305

(D) "Casework services" means services performed or 100306  
arranged by a public children services agency, private child 100307  
placing agency, private noncustodial agency, or public entity 100308  
with whom the department of children and youth has a Title IV-E 100309  
subgrant agreement in effect, to manage the progress, provide 100310  
supervision and protection of the child and the child's parent, 100311  
guardian, or custodian. 100312

(E) "Foster caregiver" has the same meaning as in section 100313  
5103.02 of the Revised Code. 100314

(F) "Qualified professional" means an individual that is, 100315  
but not limited to, any one of the following: 100316

- (1) Audiologist; 100317
- (2) Orthopedist; 100318
- (3) Physician; 100319
- (4) Certified nurse practitioner; 100320
- (5) Physician assistant; 100321
- (6) Psychiatrist; 100322
- (7) Psychologist; 100323
- (8) School psychologist; 100324
- (9) Licensed marriage and family therapist; 100325
- (10) Speech and language pathologist; 100326
- (11) Licensed independent social worker; 100327
- (12) Licensed professional clinical counselor; 100328
- (13) Licensed social worker who is under the direct 100329

supervision of a licensed independent social worker; 100330

(14) Licensed professional counselor who is under the 100331  
direct supervision of a licensed professional clinical 100332  
counselor. 100333

(G) "Special needs" means any of the following: 100334

(1) A developmental disability as defined in section 100335  
5123.01 of the Revised Code; 100336

(2) A physical or mental impairment that substantially 100337  
limits one or more of the major life activities; 100338

(3) Any physiological disorder or condition, cosmetic 100339  
disfigurement, or anatomical loss affecting one or more body 100340  
systems; 100341

(4) Any mental or psychological disorder; 100342

(5) A medical condition causing distress, pain, 100343  
dysfunction, or social problems as diagnosed by a qualified 100344  
professional that results in ongoing medical treatment. 100345

**Sec. ~~5101.191~~ 5180.451.** (A) The director of children and 100346  
youth shall establish and administer the Ohio adoption grant 100347  
program in accordance with sections ~~5101.19~~ 5180.45 to ~~5101.194~~ 100348  
5180.454 of the Revised Code. 100349

(B) The director shall provide ~~one, but not both,~~ either of 100350  
the following one-time payments for an adopted child to the 100351  
child's adoptive parent if the requirements of division (A) of 100352  
section ~~5101.192~~ 5180.452 of the Revised Code, but not division 100353  
(B) of that section, are satisfied regarding the child: 100354

(1) Ten thousand dollars; 100355

(2) Fifteen thousand dollars, if the parent was a foster 100356

caregiver who cared for the child prior to adoption. 100357

(C) The director shall provide a one-time payment for an 100358  
adopted child of twenty thousand dollars to the child's adoptive 100359  
parent if the requirements of divisions (A) and (B) of section 100360  
~~5101.192~~5180.452 of the Revised Code are satisfied regarding 100361  
the child. 100362

(D) The payment described in divisions (B) and (C) of this 100363  
section shall be provided to all eligible applicants to the 100364  
extent state funds are available for this purpose. 100365

**Sec. ~~5101.192~~ 5180.452.** (A) To receive a grant payment 100366  
under division (B) of section ~~5101.191~~5180.451 of the Revised 100367  
Code, all of the following must be satisfied: 100368

(1) The adoptive parent has not previously received a 100369  
grant payment from the Ohio adoption grant program for the 100370  
adopted child for whom the parent is seeking payment. 100371

(2) The adoptive parent does not also currently claim an 100372  
adoption tax credit pursuant to former section 5747.37 of the 100373  
Revised Code for the adopted child for whom the parent is 100374  
seeking payment. 100375

(3) The adoptive parent applies for the grant not later 100376  
than one year after the final adoption order, interlocutory 100377  
order of adoption, or recognition of the adoption by this state 100378  
under section 3107.18 of the Revised Code for the adopted child 100379  
for whom the grant payment is sought. 100380

(4) The adoption was not by a parent whose spouse is a 100381  
biological or adoptive parent of the child prior to the adoption 100382  
for which the payment is sought. 100383

(5) The adoption is finalized on or after January 1, 2023. 100384

(6) The adoptive parent was a resident of Ohio at the time the adoption was finalized. 100385  
100386

(B) To receive a grant payment under division (C) of section ~~5101.191~~5180.451 of the Revised Code, both of the following must be satisfied: 100387  
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(1) The requirements of division (A) of this section must be satisfied. 100390  
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(2) A qualified professional who does not provide casework services to the adopted child diagnoses the child with one or more special needs in the professional's area of expertise prior to the final order of adoption, interlocutory order of adoption, or recognition of the adoption by this state under section 3107.18 of the Revised Code. 100392  
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**Sec. ~~5101.193~~ 5180.453.** (A) The director of children and youth shall adopt rules to administer and implement the Ohio adoption grant program. The director, in consultation with the tax commissioner, shall also adopt rules authorizing the department to withhold and remit to the Internal Revenue Service federal income tax from grant payments under division (B) of section ~~5101.191~~5180.451 of the Revised Code, provided such withholding is authorized under federal law or approved by the Internal Revenue Service. 100398  
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(B) No application fee shall be charged for the grant program. 100407  
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(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following: 100409  
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100411

(1) ~~The submission~~ Certified copies of any court or legal document necessary to prove a final order of adoption, an 100412  
100413

interlocutory order of adoption, or recognition of the adoption 100414  
under section 3107.18 of the Revised Code; 100415

(2) Any department, agency, court, or division of the 100416  
state, including the department of health, to provide any 100417  
document related to the adoption. 100418

~~(D)~~ (D) (1) No person shall knowingly produce or submit any 100419  
false or misleading documentation or information to the 100420  
department of children and youth in an effort to qualify for or 100421  
obtain a grant from the Ohio adoption grant program. 100422

(2) Whoever violates division (D) (1) of this section is 100423  
guilty of falsification in accordance with section 2921.13 of 100424  
the Revised Code. 100425

(E) Notwithstanding any provision of section 121.95 of the 100426  
Revised Code to the contrary, a regulatory restriction contained 100427  
in a rule adopted under section ~~5101.193~~5180.453 of the Revised 100428  
Code is not subject to sections 121.95 to 121.953 of the Revised 100429  
Code. 100430

**Sec. ~~5101.194~~ 5180.454.** Any document provided to the 100431  
department of children and youth under division (C) of section 100432  
~~5101.193~~5180.453 of the Revised Code remains ~~a~~ : 100433

(A) A public record under section 149.43 of the Revised 100434  
Code if it was a public record under that section before being 100435  
provided to the department; 100436

(B) Confidential if it was confidential under any state or 100437  
federal law before being provided to the department. 100438

**Sec. ~~5101.85~~ 5180.50.** As used in sections ~~5101.851~~5180.51 100439  
to ~~5101.856~~5180.514 of the Revised Code, "kinship caregiver" 100440  
means any of the following who is eighteen years of age or older 100441

and is caring for a child in place of the child's parents:	100442
(A) The following individuals related by blood or adoption to the child:	100443
(1) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	100444
(2) Siblings;	100445
(3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	100446
(4) First cousins and first cousins once removed.	100447
(B) Stepparents and stepsiblings of the child;	100448
(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;	100449
(D) A legal guardian of the child;	100450
(E) A legal custodian of the child;	100451
(F) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.	100452
<b>Sec. <del>5101.851</del> <u>5180.51</u>.</b> The department of children and youth shall establish a statewide kinship care navigator program to assist kinship caregivers who are seeking information regarding, or assistance obtaining, services and benefits available at the state and local level that address the needs of those caregivers residing in each county. The program shall provide to kinship caregivers information and referral services and assistance obtaining support services including the following:	100453
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(A) Publicly funded child care;	100469
(B) Respite care;	100470
(C) Training related to caring for special needs children;	100471
(D) A toll-free telephone number that may be called to obtain basic information about the rights of, and services available to, kinship caregivers;	100472 100473 100474
(E) Legal services.	100475
<b>Sec. <del>5101.853</del> <u>5180.511</u>.</b> The director of children and youth shall divide the state into not less than five and not greater than twelve regions, for the kinship care navigator program under section <del>5101.851</del> - <u>5180.51</u> of the Revised Code. The director shall take the following into consideration when establishing the regions:	100476 100477 100478 100479 100480 100481
(A) The population size;	100482
(B) The estimated number of kinship caregivers;	100483
(C) The expertise of kinship navigators;	100484
(D) Any other factor the director considers relevant.	100485
<b>Sec. <del>5101.854</del> <u>5180.512</u>.</b> The program in each kinship care navigator region established under section <del>5101.853</del> - <u>5180.511</u> of the Revised Code shall provide information and referral services and assistance in obtaining support services for kinship caregivers within its region.	100486 100487 100488 100489 100490
<b>Sec. <del>5101.855</del> <u>5180.513</u>.</b> The department of children and youth shall adopt rules to implement the kinship care navigator program. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the program	100491 100492 100493 100494 100495

are internal management rules and shall be adopted under section 100496  
111.15 of the Revised Code. 100497

**Sec. ~~5101.856~~ 5180.514.** (A) (1) The kinship care navigator 100498  
program shall be funded to the extent that general revenue funds 100499  
have been appropriated by the general assembly for that purpose. 100500

(2) The director of children and youth shall take any 100501  
action necessary to obtain funds available for the kinship care 100502  
navigator program under Title IV-E of the "Social Security Act," 100503  
~~94 Stat. 501 (1980),~~ 42 U.S.C. 670, as amended. 100504

(B) The department shall pay the full nonfederal share for 100505  
the kinship care navigator program. No county department of job 100506  
and family services or public children services agency shall be 100507  
responsible for the cost of the program. 100508

**Sec. ~~5101.802~~ 5180.52.** (A) As used in this section: 100509

(1) "Custodian," "guardian," and "minor child" have the 100510  
same meanings as in section 5107.02 of the Revised Code. 100511

(2) "Federal poverty guidelines" has the same meaning as 100512  
in section 5101.46 of the Revised Code. 100513

(3) "Kinship caregiver" has the same meaning as in section 100514  
~~5101.85~~ 5180.50 of the Revised Code. 100515

(B) Subject to division (E) of section 5101.801 of the 100516  
Revised Code, there is hereby created the kinship permanency 100517  
incentive program to promote permanency for a minor child in the 100518  
legal and physical custody of a kinship caregiver. The program 100519  
shall provide an initial one-time incentive payment to the 100520  
kinship caregiver to defray the costs of initial placement of 100521  
the minor child in the kinship caregiver's home. The program may 100522  
provide additional permanency incentive payments for the minor 100523



child at six-month intervals, based on the availability of 100524  
funds. An eligible caregiver may receive a maximum of eight 100525  
incentive payments per minor child. 100526

(C) A kinship caregiver may participate in the program if 100527  
all of the following requirements are met: 100528

(1) The kinship caregiver applies to a public children 100529  
services agency in accordance with the application process 100530  
established in rules authorized by division (E) of this section; 100531

(2) Not earlier than July 1, 2005, a juvenile court issues 100532  
an order granting legal custody to the kinship caregiver, or a 100533  
probate court grants guardianship to the kinship caregiver, 100534  
except that a temporary court order is not sufficient to meet 100535  
this requirement; 100536

(3) The kinship caregiver is either the minor child's 100537  
custodian or guardian; 100538

(4) The minor child resides with the kinship caregiver 100539  
pursuant to a placement approval process established in rules 100540  
authorized by division (E) of this section; 100541

(5) Excluding any income excluded under rules adopted 100542  
under division (E) of this section, the gross income of the 100543  
kinship caregiver's family, including the minor child, does not 100544  
exceed three hundred per cent of the federal poverty guidelines. 100545

(6) The kinship caregiver is not receiving kinship 100546  
guardianship assistance under Title IV-E of the "Social Security 100547  
Act," 42 U.S.C. 673(d), as amended, or the program described in 100548  
section ~~5101.1411~~ 5180.428 of the Revised Code or the program 100549  
described in section 5153.163 of the Revised Code. 100550

(D) Public children services agencies shall make initial 100551

and ongoing eligibility determinations for the kinship 100552  
permanency incentive program in accordance with rules authorized 100553  
by division (E) of this section. The director of children and 100554  
youth shall supervise public children services agencies' duties 100555  
under this section. 100556

(E) The director of children and youth shall adopt rules 100557  
under division (C) of section 5101.801 of the Revised Code as 100558  
necessary to implement the kinship permanency incentive program. 100559  
The rules shall establish all of the following: 100560

(1) The application process for the program; 100561

(2) The placement approval process through which a minor 100562  
child is placed with a kinship caregiver for the kinship 100563  
caregiver to be eligible for the program; 100564

(3) The initial and ongoing eligibility determination 100565  
process for the program, including the computation of income 100566  
eligibility; 100567

(4) The amount of the incentive payments provided under 100568  
the program; 100569

(5) The method by which the incentive payments are 100570  
provided to a kinship caregiver. 100571

(F) The amendments made to this section by Am. Sub. H.B. 100572  
119 of the 127th general assembly shall not affect the 100573  
eligibility of any kinship caregiver whose eligibility was 100574  
established before June 30, 2007. 100575

**Sec. ~~5101.88~~ 5180.53.** As used in sections ~~5101.881-~~ 100576  
~~5180.531~~ to ~~5101.8811-~~5180.536 of the Revised Code: 100577

(A) "Cost-of-living adjustment" has the same meaning as in 100578  
section 5107.04 of the Revised Code. 100579

(B) "Kinship caregiver" has the same meaning as in section 100580  
~~5101.85~~ 5180.50 of the Revised Code. 100581

**Sec. ~~5101.881~~ 5180.531.** There is hereby established the 100582  
kinship support program. The department of children and youth 100583  
shall coordinate and administer the program to the extent funds 100584  
are appropriated and allocated for this purpose. 100585

**Sec. ~~5101.884~~ 5180.532.** The kinship support program shall 100586  
provide financial payments to kinship caregivers who: 100587

(A) Receive placement of a child who is in the temporary 100588  
or permanent custody of a public children services agency or 100589  
under the Title IV-E agency with legal responsibility for the 100590  
care and placement of the child; and 100591

(B) Do not have foster home certification under section 100592  
5103.03 of the Revised Code. 100593

**Sec. ~~5101.885~~ 5180.533.** Kinship support program payments 100594  
under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten 100595  
dollars and twenty cents per child, per day, to the extent funds 100596  
are available. The department of children and youth shall 100597  
increase the payment amount on January 1, 2022, and on the first 100598  
day of each January thereafter by the cost-of-living adjustment 100599  
made in the immediately preceding December. 100600

**Sec. ~~5101.886~~ 5180.534.** Kinship support program payments 100601  
shall be made to kinship caregivers ~~as follows:~~ 100602

~~(A) For not more than nine months after the effective date 100603  
of this section, if a child has been placed with the kinship- 100604  
caregiver as of the effective date of this section; 100605~~

~~(B) For not more than than nine months after the placement 100606  
of a child with the kinship caregiver, if the placement occurs- 100607~~

~~during the nine-month period that begins on the effective date  
of this section;~~ 100608  
100609

~~(C) For for not more than six months after the date of  
placement of a child with the kinship caregiver, ~~if the~~  
~~placement occurs after the nine-month period that began on the~~  
~~effective date of this section.~~ 100610  
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**Sec. ~~5101.887~~ 5180.535.** Kinship support program payments 100614  
under section ~~5101.884~~ 5180.532 of the Revised Code shall cease 100615  
when any of the following occur: 100616

(A) The kinship caregiver obtains foster home 100617  
certification under section 5103.03 of the Revised Code. 100618

(B) In accordance with section ~~5101.886~~ 5180.534 of the 100619  
Revised Code; 100620

(C) Placement with the kinship caregiver is terminated or 100621  
otherwise ceases. 100622

**Sec. ~~5101.8811~~ 5180.536.** The director of children and 100623  
youth may adopt rules for the administration of the kinship 100624  
support program in accordance with section 111.15 of the Revised 100625  
Code. 100626

**Sec. ~~5101.8812~~ 5180.56.** Benefits and services provided 100627  
under the kinship guardianship assistance program, extended 100628  
kinship guardianship assistance program, kinship support 100629  
program, and kinship permanency incentive program are 100630  
inalienable whether by way of assignment, charge, or otherwise 100631  
and exempt from execution, attachment, ~~guardianship~~ garnishment, 100632  
and other like processes. 100633

**Sec. ~~5101.889~~ 5180.57.** A kinship caregiver, on obtaining 100634  
foster home certification under section 5103.03 of the Revised 100635

Code, shall receive foster care maintenance payments equal to 100636  
the custodial agency rate as determined by the certifying 100637  
agency, which is either the custodial agency, private child 100638  
placing agency, or private non-custodial agency. 100639

**Sec. ~~5101.34~~ 5180.70.** (A) There is hereby created in the 100640  
department of children and youth the Ohio commission on 100641  
fatherhood. The commission shall consist of the following 100642  
members: 100643

(1) (a) Four members of the house of representatives 100644  
appointed by the speaker of the house, not more than two of whom 100645  
are members of the same political party. Two of the members must 100646  
be from legislative districts that include a county or part of a 100647  
county that is among the one-third of counties in this state 100648  
with the highest number per capita of households headed by 100649  
females. 100650

(b) Two members of the senate appointed by the president 100651  
of the senate, each from a different political party. One of the 100652  
members must be from a legislative district that includes a 100653  
county or part of a county that is among the one-third of 100654  
counties in this state with the highest number per capita of 100655  
households headed by females. 100656

(2) The governor, or the governor's designee; 100657

(3) One representative of the judicial branch of 100658  
government appointed by the chief justice of the supreme court; 100659

(4) The directors of health, children and youth, 100660  
rehabilitation and correction, mental health and addiction 100661  
services, youth services, and education and workforce, or their 100662  
designees; 100663

(5) One representative of the Ohio family and children 100664

first cabinet council created under section 121.37 of the 100665  
Revised Code appointed by the chairperson of the council; 100666

(6) Five representatives of the general public appointed 100667  
by the governor. These members shall have extensive experience 100668  
in issues related to fatherhood. 100669

(B) Members appointed to the Ohio commission on fatherhood 100670  
shall serve two-year terms. A member appointed pursuant to 100671  
division (A)(1) of this section shall serve on the commission 100672  
until the end of the general assembly from which the member was 100673  
appointed or until the member ceases to serve in the chamber of 100674  
the general assembly in which the member serves at the time of 100675  
appointment, whichever occurs first. The governor or the 100676  
governor's designee shall serve on the commission until the 100677  
governor ceases to be governor. The directors or their designees 100678  
shall serve on the commission until they cease, or the director 100679  
a designee represents ceases, to be director. Each member shall 100680  
serve on the commission from the date of appointment until the 100681  
end of the term for which the member was appointed. Members may 100682  
be reappointed. 100683

Vacancies shall be filled in the manner provided for 100684  
original appointments. Any member appointed to fill a vacancy 100685  
occurring prior to the expiration date of the term for which the 100686  
member's predecessor was appointed shall serve on the commission 100687  
for the remainder of that term. A member shall continue to serve 100688  
on the commission subsequent to the expiration date of the 100689  
member's term until the member's successor is appointed or until 100690  
a period of sixty days has elapsed, whichever occurs first. 100691  
Members shall serve without compensation but shall be reimbursed 100692  
for necessary expenses. 100693

**Sec. ~~5101.341~~ 5180.701.** (A) The Ohio commission on 100694

fatherhood shall elect a chairperson from among its members in every odd-numbered year. 100695  
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(B) The governor shall appoint an individual to serve as the commission's executive director. The executive director shall serve at the pleasure of the governor and shall report to the director of children and youth or the director's designee. 100697  
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The governor shall fix the executive director's salary on the basis of the executive director's experience and the executive director's responsibilities and duties. The executive director shall be in the unclassified civil service. 100701  
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The department of children and youth shall provide staff and other support services as necessary for the commission to fulfill its duties. 100705  
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(C) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's duties. The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission pursuant to this division shall be used solely to support the operations of the commission. 100708  
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**Sec. ~~5101.342~~ 5180.702.** The Ohio commission on fatherhood shall do both of the following: 100716  
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(A) Organize a state summit on fatherhood every four years; 100718  
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(B) Prepare a report each year that does the following: 100720

(1) Identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do 100721  
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the following:	100723
(a) Build the parenting skills of fathers;	100724
(b) Provide employment-related services for low-income, noncustodial fathers;	100725 100726
(c) Prevent premature fatherhood;	100727
(d) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families;	100728 100729 100730 100731 100732 100733
(e) Reconcile fathers with their families;	100734
(f) Increase public awareness of the critical role fathers play.	100735 100736
(2) Describes the commission's expectations for the outcomes of fatherhood-related programs and initiatives and the methods the commission uses for conducting annual measures of those outcomes;	100737 100738 100739 100740
(3) Evaluates the number of fathers and children served and the number and types of additional services provided as a result of the recommendations made to the director of job and family services pursuant to section <del>5101.805</del> <u>5180.704</u> of the Revised Code.	100741 100742 100743 100744 100745
The commission shall submit each report to the general assembly in accordance with section 101.68 of the Revised Code.	100746 100747
(C) Pursuant to section <del>5101.805</del> <u>5180.704</u> of the Revised Code, the commission may make recommendations to the director of	100748 100749



~~job and family services children and youth~~ regarding funding, 100750  
approval, and implementation of fatherhood programs in this 100751  
state that meet at least one of the four purposes of the 100752  
temporary assistance for needy families block grant, as 100753  
specified in 42 U.S.C. 601. 100754

(D) The portion of the report prepared pursuant to 100755  
division (B)(2) of this section shall be prepared by the 100756  
commission in collaboration with the director of children and 100757  
youth. 100758

(E) The commission shall submit each report prepared 100759  
pursuant to division (B) of this section to the president and 100760  
minority leader of the senate, speaker and minority leader of 100761  
the house of representatives, governor, and chief justice of the 100762  
supreme court. The first report is due not later than one year 100763  
after the last of the initial appointments to the commission is 100764  
made under section ~~5101.341~~ 5180.701 of the Revised Code. 100765

**Sec. ~~5101.343~~ 5180.703.** Sections 101.82 to 101.87 of the 100766  
Revised Code do not apply to the Ohio commission on fatherhood. 100767

**Sec. ~~5101.805~~ 5180.704.** (A) Subject to division (E) of 100768  
section 5101.801 of the Revised Code, the Ohio commission on 100769  
fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised 100770  
Code, may make recommendations to the director of ~~job and family~~ 100771  
~~services children and youth~~ concerning the funding, approval, 100772  
and implementation of fatherhood programs in this state that 100773  
meet at least one of the four purposes of the temporary 100774  
assistance for needy families block grant, as specified in 42 100775  
U.S.C. 601. 100776

(B) The department of ~~job and family services children and~~ 100777  
~~youth~~ may provide funding under this section to government 100778

entities and, to the extent permitted by federal law, private, 100779  
not-for-profit entities with which the department enters into 100780  
agreements under division (B) (4) of section 5101.801 of the 100781  
Revised Code. 100782

**Sec. ~~5101.804~~ 5180.71.** (A) Subject to division (E) of 100783  
section 5101.801 of the Revised Code, there is hereby created 100784  
the Ohio parenting and pregnancy program to provide services for 100785  
pregnant women and parents or other relatives caring for 100786  
children twelve months of age or younger that do both of the 100787  
following: 100788

(1) Promote childbirth, parenting, and alternatives to 100789  
abortion; 100790

(2) Meet one or more of the four purposes of the temporary 100791  
assistance for needy families block grant as specified in 42 100792  
U.S.C. 601. 100793

(B) To the extent permitted by federal law, the department 100794  
of children and youth may provide funds under the program to 100795  
entities with which the department enters into agreements under 100796  
division (B) (3) of section 5101.801 of the Revised Code. In 100797  
accordance with criteria the department develops, the department 100798  
may solicit proposals from entities seeking to provide services 100799  
under the program. The department may enter into an agreement 100800  
with an entity only if it meets all of the following conditions: 100801

(1) Is a private, not-for-profit entity; 100802

(2) Is an entity whose primary purpose is to promote 100803  
childbirth, rather than abortion, through counseling and other 100804  
services, including parenting and adoption support; 100805

(3) Provides services to pregnant women and parents or 100806  
other relatives caring for children twelve months of age or 100807

younger, including clothing, counseling, diapers, food, 100808  
furniture, health care, parenting classes, postpartum recovery, 100809  
shelter, and any other supportive services, programs, or related 100810  
outreach; 100811

(4) Does not charge pregnant women and parents or other 100812  
relatives caring for children twelve months of age or younger a 100813  
fee for any services received; 100814

(5) Is not involved in or associated with any abortion 100815  
activities, including providing abortion counseling or referrals 100816  
to abortion clinics, performing abortion-related medical 100817  
procedures, or engaging in pro-abortion advertising; 100818

(6) Does not discriminate in its provision of services on 100819  
the basis of race, religion, color, age, marital status, 100820  
national origin, disability, or gender. 100821

(C) An entity that has entered into an agreement with the 100822  
department under division (B) (3) of section 5101.801 of the 100823  
Revised Code may enter into a subcontract with another entity 100824  
under which the other entity provides all or part of the 100825  
services described in division (B) (3) of this section. A 100826  
subcontract may be entered into with another entity only if that 100827  
entity meets all of the following conditions: 100828

(1) Is a private, not-for-profit entity; 100829

(2) Is physically and financially separate from any 100830  
entity, or component of an entity, that engages in abortion 100831  
activities; 100832

(3) Is not involved in or associated with any abortion 100833  
activities, including providing abortion counseling or referrals 100834  
to abortion clinics, performing abortion-related medical 100835  
procedures, or engaging in pro-abortion advertising. 100836

(D) The director of children and youth shall adopt rules 100837  
under division (C) of section 5101.801 of the Revised Code as 100838  
necessary to implement the Ohio parenting and pregnancy program. 100839

**Sec. ~~3701.65~~ 5180.72.** (A) There is hereby created in the 100840  
state treasury the "choose life" fund. The fund shall consist of 100841  
the contributions that are paid to the registrar of motor 100842  
vehicles by applicants who voluntarily elect to obtain "choose 100843  
life" license plates pursuant to section 4503.91 of the Revised 100844  
Code and any money returned to the fund under division (E) (1) (d) 100845  
of this section. All investment earnings of the fund shall be 100846  
credited to the fund. 100847

(B) (1) At least annually, the director of ~~health-children~~ 100848  
and youth shall distribute the money in the fund to any private, 100849  
nonprofit organization that is eligible to receive funds under 100850  
this section and that applies for funding under division (C) of 100851  
this section. 100852

(2) The director shall allocate the funds to each county 100853  
in proportion to the number of "choose life" license plates 100854  
issued during the preceding year to vehicles registered in each 100855  
county. The director shall distribute funds allocated for a 100856  
county as follows: 100857

(a) To one or more eligible organizations located within 100858  
the county; 100859

(b) If no eligible organization located within the county 100860  
applies for funding, to one or more eligible organizations 100861  
located in contiguous counties; 100862

(c) If no eligible organization located within the county 100863  
or a contiguous county applies for funding, to one or more 100864  
eligible organizations within any other county. 100865

(3) The director shall ensure that any funds allocated for a county are distributed equally among eligible organizations that apply for funding within the county.

(C) Any organization seeking funds under this section annually shall apply for distribution of the funds based on the county in which the organization is located. An organization also may apply for funding in a county in which it is not located if it demonstrates that it provides services for pregnant women residing in that county. The director shall develop an application form and may determine the schedule and procedures that an organization shall follow when annually applying for funds. The application shall inform the applicant of the conditions for receiving and using funds under division (E) of this section. The application shall require evidence that the organization meets all of the following requirements:

- (1) Is a private, nonprofit organization;
- (2) Is committed to counseling pregnant women about the option of adoption;
- (3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women;
- (4) Does not charge women for any services received;
- (5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;
- (6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, disability, gender, or age;

(7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county.

(D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section.

(E) (1) An organization receiving funds under this section shall do all of the following:

(a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;

(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;

(c) Not use any of the funds distributed to it for administrative expenses, legal expenses, or capital expenditures;

(d) Annually return to the fund created under division (A) of this section any unused money that exceeds ten per cent of the money distributed to the organization.

(2) The organization annually shall submit to the director an audited financial statement verifying its compliance with division (E) (1) of this section.

(F) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this section. 100923  
100924

It is not the intent of the general assembly that the department create a new position within the department to implement and administer this section. It is the intent of the general assembly that the implementation and administration of this section be accomplished by existing department personnel. 100925  
100926  
100927  
100928  
100929

(G) If funds that have been allocated to a county for any previous year have not been distributed to one or more eligible organizations, the director may distribute those funds in accordance with this section. 100930  
100931  
100932  
100933

**Sec. ~~5180.40~~ 5180.73.** To increase participation in evidence-based parenting education programs, the department of children and youth shall ensure state departments, agencies, and boards have information to communicate with parents, caregivers, and child care providers about such programs to promote their benefits, including their parenting, caregiving, and educational resources. 100934  
100935  
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100940

**Sec. 5180.99.** (A) Whoever violates division (B) of section 5180.275 of the Revised Code is guilty of a misdemeanor of the second degree. 100941  
100942  
100943

(B) Whoever violates section 5180.403 of the Revised Code is guilty of a misdemeanor of the fourth degree. 100944  
100945

**Sec. 5303.34.** An action may be brought by a person that owns mineral rights, against any person that, without lawful authority, does either of the following: 100946  
100947  
100948

(A) Trespasses upon the land containing such minerals and extracts, exploits, or otherwise converts the minerals; 100949  
100950

(B) Trespasses upon the land containing such minerals and, 100951  
as a result of the entry, renders the development and extraction 100952  
of the minerals by the owner commercially unfeasible. 100953

**Sec. 5303.35.** (A) As used in this section, "bad faith" 100954  
means a trespass committed with either of the following: 100955

(1) Actual knowledge of unlawful entry onto property 100956  
containing minerals; 100957

(2) Willful or wanton disregard for the lawful property or 100958  
mineral rights of another person and with the intent of 100959  
depriving the lawful owner of the economic benefit of the 100960  
minerals. 100961

"Bad faith" does not include an entry onto property 100962  
committed in good faith that was based on a reasonable belief 100963  
that such entry or extraction occurring after such entry was 100964  
lawful. 100965

(B) Subject to division (C) of this section, in an action 100966  
brought under division (A) of section 5303.34 of the Revised 100967  
Code, damages shall be equal to the following: 100968

(1) In the case of minerals, such as coal, stone, or ore, 100969  
that are extracted by underground or surface mining methods, the 100970  
revenue received from the sale of the minerals measured at the 100971  
mouth of the mine, less the cost of extraction, less any sums 100972  
previously paid. 100973

(2) In the case of minerals, such as hydrocarbons or other 100974  
minerals, in liquid or gaseous states that are extracted by 100975  
drilling, the revenue received from the sale of such minerals 100976  
measured at the wellhead, less the cost of extraction, less any 100977  
sums previously paid. 100978



(C) When calculating damages under division (B) (1) or (2) 100979  
of this section, if the person who trespassed is determined to 100980  
have trespassed on the land in bad faith, no reduction for the 100981  
cost of extraction shall be allowed, and the damaged party is 100982  
entitled to the full revenue received from the sale of the 100983  
minerals, regardless of extraction method, less any sums 100984  
previously paid. 100985

(D) (1) Subject to division (D) (2) of this section, in an 100986  
action brought under division (B) of section 5303.34 of the 100987  
Revised Code, damages shall be equal to the putative reasonably 100988  
expected revenue, on a present value basis, that could have been 100989  
received from the sale of such minerals either at the mine or at 100990  
the wellhead, less the cost of extraction, as established using 100991  
commercially reasonable indices applicable to the location of 100992  
such minerals. 100993

(2) If the person is determined to have trespassed on the 100994  
land in bad faith, when calculating damages under division (D) 100995  
(1) of this section, damages shall be equal to the putative 100996  
reasonably expected revenue, on a present value basis, that 100997  
could have been received from the sale of such minerals either 100998  
at the mine or at the wellhead, less any sums previously paid. 100999

(E) A party bringing an action under division (A) or (B) 101000  
of section 5303.34 of the Revised Code is not to be entitled to 101001  
punitive or treble damages. 101002

**Sec. 5502.30.** (A) The state, any political subdivision, 101003  
any municipal agency, any emergency management volunteer, 101004  
another state, or an emergency management agency thereof or of 101005  
the federal government or of another country or province or 101006  
subdivision thereof performing emergency management services in 101007  
this state pursuant to an arrangement, agreement, or compact for 101008

mutual aid and assistance, or any agency, member, agent, or 101009  
representative of any of them, or any individual, partnership, 101010  
corporation, association, trustee, or receiver, or any of the 101011  
agents thereof, in good faith carrying out, complying with, or 101012  
attempting to comply with any state or federal law or any 101013  
arrangement, agreement, or compact for mutual aid and 101014  
assistance, or any order issued by federal or state military 101015  
authorities relating to emergency management, is not liable for 101016  
any injury to or death of persons or damage to property as the 101017  
result thereof during training periods, test periods, practice 101018  
periods, or other emergency management operations, or false 101019  
alerts, as well as during any hazard, actual or imminent, and 101020  
subsequent to the same except in cases of willful misconduct. As 101021  
used in this division, "emergency management volunteer" means 101022  
only an individual who is authorized to assist any agency 101023  
performing emergency management during a hazard. 101024

(B) The state, any political subdivision, any individual, 101025  
partnership, corporation, association, trustee, or receiver, or 101026  
any agent, agency, representative, officer, or employee of any 101027  
of them that owns, maintains, occupies, operates, or controls 101028  
all or part of any building, structure, or premises shall not be 101029  
liable for any injury or death sustained by any person or damage 101030  
caused to any property while that person or property is in the 101031  
building, structure, or premises for duty, training, or shelter 101032  
purposes during a hazard, drill, test, or false warning, or is 101033  
entering therein for such purposes or departing therefrom, or 101034  
for any injury, death, or property damage as the result of any 101035  
condition in or on the building, structure, or premises or of 101036  
any act or omission with respect thereto, except a willful act 101037  
intended to cause injury or damage. 101038

(C) Any person deployed by the emergency management agency 101039

to render aid in another state pursuant to section 5502.40 of 101040  
the Revised Code, including a full-time or part-time paid 101041  
employee of a political subdivision of this state or a nonprofit 101042  
organization, a paid or unpaid volunteer of a for-profit or 101043  
nonprofit organization, and a health care worker of a for-profit 101044  
or nonprofit organization, that is rendering aid in another 101045  
state is considered an officer or employee of the state for 101046  
purposes of the immunity established under Article VI of the 101047  
emergency management assistance compact enacted under section 101048  
5502.40 of the Revised Code. Nothing in this division entitles 101049  
~~an employee of a political subdivision~~ any person deployed 101050  
pursuant to section 5502.40 of the Revised Code to any other 101051  
right or benefit of a state officer or employee. 101052

(D) This section does not affect the right of any person 101053  
to receive benefits to which the person may be entitled under 101054  
Chapter 4123. of the Revised Code or any pension law, nor the 101055  
rights of any person to receive any benefits or compensation 101056  
under any act of congress or under any law of this state. 101057

**Sec. 5513.01.** (A) The director of transportation shall 101058  
make all purchases of machinery, materials, supplies, or other 101059  
articles in the manner provided in this section. In all cases 101060  
except those in which the director provides written 101061  
authorization for purchases by district deputy directors of 101062  
transportation, the director shall make all such purchases at 101063  
the central office of the department of transportation in 101064  
Columbus. Before making any purchase at that office, the 101065  
director, as provided in this section, shall give notice to 101066  
bidders of the director's intention to purchase. Where the 101067  
expenditure does not exceed the amount applicable to the 101068  
purchase of ~~supplies~~ goods specified in division ~~(A)~~ (B) of 101069  
section 125.05 of the Revised Code, the director shall give such 101070

notice as the director considers proper, or the director may 101071  
make the purchase without notice. Where the expenditure exceeds 101072  
the amount applicable to the purchase of supplies-goods 101073  
specified in division (A) of section 125.05 of the Revised Code, 101074  
the director shall give notice by posting for not less than ten 101075  
days a written, typed, or printed invitation to bidders on a 101076  
bulletin board. The director shall locate the notice in a place 101077  
in the offices assigned to the department and open to the public 101078  
during business hours. 101079

Producers or distributors of any product may notify the 101080  
director, in writing, of the class of articles for the 101081  
furnishing of which they desire to bid and their post-office 101082  
addresses. In that circumstance, the director shall mail copies 101083  
of all invitations to bidders relating to the purchase of such 101084  
articles to such persons by regular first class mail at least 101085  
ten days prior to the time fixed for taking bids. The director 101086  
also may mail copies of all invitations to bidders to news 101087  
agencies or other agencies or organizations distributing 101088  
information of this character. Requests for invitations are not 101089  
valid and do not require action by the director unless renewed 101090  
by the director, either annually or after such shorter period as 101091  
the director may prescribe by a general rule. 101092

The director shall include in an invitation to bidders a 101093  
brief statement of the general character of the article that it 101094  
is intended to purchase, the approximate quantity desired, and a 101095  
statement of the time and place where bids will be received, and 101096  
may relate to and describe as many different articles as the 101097  
director thinks proper, it being the intent and purpose of this 101098  
section to authorize the inclusion in a single invitation of as 101099  
many different articles as the director desires to invite bids 101100  
upon at any given time. The director shall give invitations 101101

issued during each calendar year consecutive numbers, and ensure 101102  
that the number assigned to each invitation appears on all 101103  
copies thereof. In all cases where notice is required by this 101104  
section, the director shall require sealed bids, on forms 101105  
prescribed and furnished by the director. The director shall not 101106  
permit the modification of bids after they have been opened. 101107

(B) The director may permit a state agency, the Ohio 101108  
turnpike and infrastructure commission, any political 101109  
subdivision, and any state university or college to participate 101110  
in contracts into which the director has entered for the 101111  
purchase of machinery, materials, supplies, or other articles. 101112  
The turnpike and infrastructure commission and any political 101113  
subdivision or state university or college desiring to 101114  
participate in such purchase contracts shall file with the 101115  
director a certified copy of the bylaws or rules of the turnpike 101116  
and infrastructure commission or the ordinance or resolution of 101117  
the legislative authority, board of trustees, or other governing 101118  
board requesting authorization to participate in such contracts 101119  
and agreeing to be bound by such terms and conditions as the 101120  
director prescribes. Purchases made by a state agency, the 101121  
turnpike and infrastructure commission, political subdivisions, 101122  
or state universities or colleges under this division are exempt 101123  
from any competitive bidding required by law for the purchase of 101124  
machinery, materials, supplies, or other articles. 101125

(C) As used in this section: 101126

(1) "Political subdivision" means any county, township, 101127  
municipal corporation, conservancy district, township park 101128  
district, park district created under Chapter 1545. of the 101129  
Revised Code, port authority, regional transit authority, 101130  
regional airport authority, regional water and sewer district, 101131

county transit board, school district as defined in section 101132  
5513.04 of the Revised Code, regional planning commission formed 101133  
under section 713.21 of the Revised Code, regional council of 101134  
government formed under section 167.01 of the Revised Code, or 101135  
other association of local governments established pursuant to 101136  
an agreement under sections 307.14 to 307.19 of the Revised 101137  
Code. 101138

(2) "State university or college" has the same meaning as 101139  
in division (A) (1) of section 3345.32 of the Revised Code. 101140

(3) "Ohio turnpike and infrastructure commission" means 101141  
the commission created by section 5537.02 of the Revised Code. 101142

(4) "State agency" means every organized body, office, 101143  
board, authority, commission, or agency established by the laws 101144  
of the state for the exercise of any governmental or quasi- 101145  
governmental function of state government, regardless of the 101146  
funding source for that entity, other than any state institution 101147  
of higher education, the office of the governor, lieutenant 101148  
governor, auditor of state, treasurer of state, secretary of 101149  
state, or attorney general, the general assembly, the courts or 101150  
any judicial agency, or any state retirement system or 101151  
retirement program established by or referenced in the Revised 101152  
Code. 101153

**Sec. 5513.02.** (A) Specifications describing the character 101154  
of the articles that the department of transportation is 101155  
proposing to purchase, and the conditions governing shipment and 101156  
delivery, shall be kept on file at the department and open to 101157  
public inspection throughout the time during which an invitation 101158  
to bidders is required to be posted. The director of 101159  
transportation may require bids to be accompanied by a certified 101160  
check payable to the director in an amount fixed by the director 101161

and stated in the invitation to bidders. Persons, firms, or 101162  
corporations desiring to bid on more than one invitation shall 101163  
be relieved from furnishing certified checks with their bids 101164  
provided they first furnish a bond payable to the state, in an 101165  
amount and with surety approved by the director, conditioned for 101166  
the faithful performances of all contracts that may be awarded 101167  
to them, and otherwise conditioned as the director requires. All 101168  
bids shall be publicly opened and read at the time and place 101169  
mentioned in the notice. All purchases shall be made by the 101170  
director from the lowest responsive and responsible bidder for 101171  
each item in accordance with section 9.312 of the Revised Code, 101172  
except where the director has established in the bidding 101173  
documents a provision for multiple awards for the purchase of 101174  
items such as asphalt, aggregates, machinery parts, and others 101175  
as the director determines necessary, and except that in the 101176  
purchase of machinery, equipment, or supplies for which fixed 101177  
and definite specifications cannot be prepared, the director may 101178  
purchase the articles meeting the general specifications 101179  
prescribed and which the director finds are most suitable for 101180  
the uses intended. Sections 5513.01 to 5513.04 of the Revised 101181  
Code shall apply to the exchange of machinery and equipment and 101182  
in force account operations where the director desires to 101183  
combine in one order the furnishing, hauling, and placing of 101184  
material. The director may purchase or authorize the purchase 101185  
without notice, or upon such notice as the director prescribes, 101186  
of materials that in the director's judgment may be required for 101187  
the immediate repair of roads or bridges destroyed or damaged by 101188  
flood, landslide, or other casualty. No person shall place 101189  
separate orders for the purpose of defeating such sections, and 101190  
contracts of purchase shall not be valid unless made in 101191  
conformity with this section. 101192

(B) Section ~~125.092~~125.091 and division (B) of section 101193  
125.11 of the Revised Code apply to the purchase of products by 101194  
the director pursuant to sections 5513.01 to 5513.04 of the 101195  
Revised Code. 101196

**Sec. 5525.03.** (A) All prospective bidders other than 101197  
environmental remediators and specialty contractors for which 101198  
there are no classes of work provided for in the rules adopted 101199  
by the director of transportation shall apply for qualification 101200  
on forms prescribed and furnished by the director. The 101201  
application shall be ~~accompanied by a certificate of compliance~~ 101202  
~~with affirmative action programs issued pursuant to section 9.47~~ 101203  
~~of the Revised Code and dated no earlier than one hundred eighty~~ 101204  
days before the date fixed for the opening of bids for a 101205  
particular project. 101206

(B) The director shall act upon an application for 101207  
qualification within thirty days after it is presented to the 101208  
director. Upon the receipt of any application for qualification, 101209  
the director shall examine the application to determine whether 101210  
the applicant is competent and responsible and possesses the 101211  
financial resources required by section 5525.04 of the Revised 101212  
Code. If the applicant is found to possess the qualifications 101213  
prescribed by sections 5525.02 to 5525.09 of the Revised Code 101214  
and by rules adopted by the director, ~~including a certificate of~~ 101215  
~~compliance with affirmative action programs,~~ a certificate of 101216  
qualification shall be issued to the applicant, which shall be 101217  
valid for the period of one year or such shorter period of time 101218  
as the director prescribes, unless revoked by the director for 101219  
cause as defined by rules adopted by the director under section 101220  
5525.05 of the Revised Code. 101221

(C) The certificate of qualification shall contain a 101222



statement fixing the aggregate amount of work, for any or all 101223  
owners, that the applicant may have under construction and 101224  
uncompleted at any one time and may contain a statement limiting 101225  
such bidder to the submission of bids upon a certain class of 101226  
work. Subject to any restriction as to amount or class of work 101227  
therein contained, the certificate of qualification shall 101228  
authorize its holder to bid on all work on which bids are taken 101229  
by the department of transportation during the period of time 101230  
therein specified. 101231

(D) An applicant who has received a certificate of 101232  
qualification and desires to amend the certificate by the dollar 101233  
amount or by the classes of work may submit to the director such 101234  
documentation as the director considers appropriate. The 101235  
director shall review the documentation submitted by the 101236  
applicant and, within fifteen days, shall either amend the 101237  
certificate of qualification or deny the request. If the 101238  
director denies the request to amend the certificate, the 101239  
applicant may appeal that decision to the director's 101240  
prequalification review board in accordance with section 5525.07 101241  
of the Revised Code. Two or more persons, partnerships, or 101242  
corporations may bid jointly on any one project, but only on 101243  
condition that prior to the time bids are taken on the project 101244  
the bidders make a joint application for qualification and 101245  
obtain a joint certificate qualification. 101246

(E) The director may debar from participating in future 101247  
contracts with the department any bidding company as well as any 101248  
partner of a partnership, or the officers and directors of an 101249  
association or corporation if the certificate of qualification 101250  
of the company, partnership, association, or corporation is 101251  
revoked or not renewed by the director. When the director 101252  
reasonably believes that grounds for revocation and debarment 101253

exist, the director shall send the bidding company and any individual involved a notice of proposed revocation and debarment indicating the grounds for such action as established in rules adopted by the director under section 5525.05 of the Revised Code and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the bidding company or individual does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall revoke the certificate and issue the debarment decision without a hearing and shall notify the bidding company or individual of the decision by certified mail, return receipt requested.

(F) The debarment period may be of any length determined by the director and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue a certificate of qualification for any company, partnership, association, or corporation affiliated with a debarred individual. After the debarment period expires, the bidding company or individual, and any partnership, association, or corporation affiliated with the individual may make an application for qualification if such entity or individual is not otherwise debarred.

**Sec. 5537.01.** As used in this chapter:

(A) "Commission" means the Ohio turnpike and infrastructure commission created by section 5537.02 of the Revised Code or, if that commission is abolished, the board, body, officer, or commission succeeding to the principal functions thereof or to which the powers given by this chapter to the commission are given by law.

(B) "Turnpike project" means any express or limited access

highway, super highway, or motorway constructed, operated, or 101284  
improved, under the jurisdiction of the commission and pursuant 101285  
to this chapter, ~~at a location or locations reviewed by the~~ 101286  
~~turnpike legislative review committee~~ and approved by the 101287  
governor, including all bridges, tunnels, overpasses, 101288  
underpasses, interchanges, entrance plazas, approaches, those 101289  
portions of connecting public roads that serve interchanges and 101290  
are determined by the commission and the director of 101291  
transportation to be necessary for the safe merging of traffic 101292  
between the turnpike project and those public roads, toll 101293  
booths, service facilities, and administration, storage, and 101294  
other buildings, property, and facilities that the commission 101295  
considers necessary for the operation or policing of the 101296  
turnpike project, together with all property and rights which 101297  
may be acquired by the commission for the construction, 101298  
maintenance, or operation of the turnpike project, and includes 101299  
any sections or extensions of a turnpike project designated by 101300  
the commission as such for the particular purpose. Each turnpike 101301  
project shall be separately designated, by name or number, and 101302  
may be constructed, improved, or extended in such sections as 101303  
the commission may from time to time determine. Construction 101304  
includes the improvement and renovation of a previously 101305  
constructed turnpike project, including additional interchanges, 101306  
whether or not the turnpike project was initially constructed by 101307  
the commission. 101308

(C) "Infrastructure project" means any public express or 101309  
limited access highway, super highway, or motorway, including 101310  
all bridges, tunnels, overpasses, underpasses, interchanges, 101311  
entrance plazas, approaches, and those portions of connecting 101312  
public roads that serve interchanges, that is constructed or 101313  
improved, in whole or in part, with infrastructure funding 101314

approved pursuant to criteria established under section 5537.18 101315  
of the Revised Code. 101316

(D) "Cost," as applied to construction of a turnpike 101317  
project or an infrastructure project, includes the cost of 101318  
construction, including bridges over or under existing highways 101319  
and railroads, acquisition of all property acquired either by 101320  
the commission or by the owner of the infrastructure project for 101321  
the construction, demolishing or removing any buildings or 101322  
structures on land so acquired, including the cost of acquiring 101323  
any lands to which the buildings or structures may be moved, 101324  
site clearance, improvement, and preparation, diverting public 101325  
roads, interchanges with public roads, access roads to private 101326  
property, including the cost of land or easements therefor, all 101327  
machinery, furnishings, and equipment, communications 101328  
facilities, financing expenses, interest prior to and during 101329  
construction and for one year after completion of construction, 101330  
traffic estimates, indemnity and surety bonds and premiums on 101331  
insurance, title work and title commitments, insurance, and 101332  
guarantees, engineering, feasibility studies, and legal 101333  
expenses, plans, specifications, surveys, estimates of cost and 101334  
revenues, other expenses necessary or incident to determining 101335  
the feasibility or practicability of constructing or operating a 101336  
turnpike project or an infrastructure project, administrative 101337  
expenses, and any other expense that may be necessary or 101338  
incident to the construction of the turnpike project or an 101339  
infrastructure project, the financing of the construction, and 101340  
the placing of the turnpike project or an infrastructure project 101341  
in operation. Any obligation or expense incurred by the 101342  
department of transportation with the approval of the commission 101343  
for surveys, borings, preparation of plans and specifications, 101344  
and other engineering services in connection with the 101345

construction of a turnpike project or an infrastructure project, 101346  
or by the federal government with the approval of the commission 101347  
for any public road projects which must be reimbursed as a 101348  
condition to the exercise of any of the powers of the commission 101349  
under this chapter, shall be regarded as a part of the cost of 101350  
the turnpike project or an infrastructure project and shall be 101351  
reimbursed to the state or the federal government, as the case 101352  
may be, from revenues, state taxes, or the proceeds of bonds as 101353  
authorized by this chapter. 101354

(E) "Owner" includes all persons having any title or 101355  
interest in any property authorized to be acquired by the 101356  
commission for turnpike projects under this chapter, or the 101357  
public entity for whom an infrastructure project is funded, in 101358  
whole or in part, by the commission under this chapter. 101359

(F) "Revenues" means all tolls, service revenues, 101360  
investment income on special funds, rentals, gifts, grants, and 101361  
all other moneys coming into the possession of or under the 101362  
control of the commission by virtue of this chapter, except the 101363  
proceeds from the sale of bonds. "Revenues" does not include 101364  
state taxes. 101365

(G) "Public roads" means all public highways, roads, and 101366  
streets in the state, whether maintained by a state agency or 101367  
any other governmental agency. 101368

(H) "Public utility facilities" means tracks, pipes, 101369  
mains, conduits, cables, wires, towers, poles, and other 101370  
equipment and appliances of any public utility. 101371

(I) "Financing expenses" means all costs and expenses 101372  
relating to the authorization, issuance, sale, delivery, 101373  
authentication, deposit, custody, clearing, registration, 101374

transfer, exchange, fractionalization, replacement, payment, and 101375  
servicing of bonds including, without limitation, costs and 101376  
expenses for or relating to publication and printing, postage, 101377  
delivery, preliminary and final official statements, offering 101378  
circulars, and informational statements, travel and 101379  
transportation, underwriters, placement agents, investment 101380  
bankers, paying agents, registrars, authenticating agents, 101381  
remarketing agents, custodians, clearing agencies or 101382  
corporations, securities depositories, financial advisory 101383  
services, certifications, audits, federal or state regulatory 101384  
agencies, accounting and computation services, legal services 101385  
and obtaining approving legal opinions and other legal opinions, 101386  
credit ratings, redemption premiums, and credit enhancement 101387  
facilities. 101388

(J) "Bond proceedings" means the resolutions, trust 101389  
agreements, certifications, notices, sale proceedings, leases, 101390  
lease-purchase agreements, assignments, credit enhancement 101391  
facility agreements, and other agreements, instruments, and 101392  
documents, as amended and supplemented, or any one or more or 101393  
any combination thereof, authorizing, or authorizing or 101394  
providing for the terms and conditions applicable to, or 101395  
providing for the security or sale or award or liquidity of, 101396  
bonds, and includes the provisions set forth or incorporated in 101397  
those bonds and bond proceedings. 101398

(K) "Bond service charges" means principal, including any 101399  
mandatory sinking fund or mandatory redemption requirements for 101400  
the retirement of bonds, and interest and any redemption premium 101401  
payable on bonds, as those payments come due and are payable to 101402  
the bondholder or to a person making payment under a credit 101403  
enhancement facility of those bond service charges to a 101404  
bondholder. 101405

(L) "Bond service fund" means the applicable fund created 101406  
by the bond proceedings for and pledged to the payment of bond 101407  
service charges on bonds provided for by those proceedings, 101408  
including all moneys and investments, and earnings from 101409  
investments, credited and to be credited to that fund as 101410  
provided in the bond proceedings. 101411

(M) "Bonds" means bonds, notes, including notes 101412  
anticipating bonds or other notes, commercial paper, 101413  
certificates of participation, or other evidences of obligation, 101414  
including any interest coupons pertaining thereto, issued by the 101415  
commission pursuant to this chapter. 101416

(N) "Infrastructure fund" means the applicable fund or 101417  
funds created by the bond proceedings, which shall be used to 101418  
pay or defray the cost of infrastructure projects recommended by 101419  
the director of transportation and evaluated and approved by the 101420  
commission. 101421

(O) "Net revenues" means revenues lawfully available to 101422  
pay both current operating expenses of the commission and bond 101423  
service charges in any fiscal year or other specified period, 101424  
less current operating expenses of the commission and any amount 101425  
necessary to maintain a working capital reserve for that period. 101426

(P) "Pledged revenues" means net revenues, moneys and 101427  
investments, and earnings on those investments, in the 101428  
applicable bond service fund and any other special funds, and 101429  
the proceeds of any bonds issued for the purpose of refunding 101430  
prior bonds, all as lawfully available and by resolution of the 101431  
commission committed for application as pledged revenues to the 101432  
payment of bond service charges on particular issues of bonds. 101433

(Q) "Service facilities" means service stations, 101434

restaurants, and other facilities for food service, roadside 101435  
parks and rest areas, parking, camping, tenting, rest, and 101436  
sleeping facilities, hotels or motels, and all similar and other 101437  
facilities providing services to the traveling public in 101438  
connection with the use of a turnpike project and owned, leased, 101439  
licensed, or operated by the commission. 101440

(R) "Service revenues" means those revenues of the 101441  
commission derived from its ownership, leasing, licensing, or 101442  
operation of service facilities. 101443

(S) "Special funds" means the applicable bond service fund 101444  
and any accounts and subaccounts in that fund, any other funds 101445  
or accounts permitted by and established under, and identified 101446  
as a "special fund" or "special account" in, the bond 101447  
proceedings, including any special fund or account established 101448  
for purposes of rebate or other requirements under federal 101449  
income tax laws. 101450

(T) "State agencies" means the state, officers of the 101451  
state, and boards, departments, branches, divisions, or other 101452  
units or agencies of the state. 101453

(U) "State taxes" means receipts of the commission from 101454  
the proceeds of state taxes or excises levied and collected, or 101455  
appropriated by the general assembly to the commission, for the 101456  
purposes and functions of the commission. State taxes do not 101457  
include tolls, or investment earnings on state taxes except on 101458  
those state taxes referred to in Section 5a of Article XII, Ohio 101459  
Constitution. 101460

(V) "Tolls" means tolls, special fees or permit fees, or 101461  
other charges by the commission to the owners, lessors, lessees, 101462  
or operators of motor vehicles for the operation of or the right 101463



to operate those vehicles on a turnpike project. 101464

(W) "Credit enhancement facilities" means letters of 101465  
credit, lines of credit, standby, contingent, or firm securities 101466  
purchase agreements, insurance, or surety arrangements, 101467  
guarantees, and other arrangements that provide for direct or 101468  
contingent payment of bond service charges, for security or 101469  
additional security in the event of nonpayment or default in 101470  
respect of bonds, or for making payment of bond service charges 101471  
and at the option and on demand of bondholders or at the option 101472  
of the commission or upon certain conditions occurring under put 101473  
or similar arrangements, or for otherwise supporting the credit 101474  
or liquidity of the bonds, and includes credit, reimbursement, 101475  
marketing, remarketing, indexing, carrying, interest rate hedge, 101476  
and subrogation agreements, and other agreements and 101477  
arrangements for payment and reimbursement of the person 101478  
providing the credit enhancement facility and the security for 101479  
that payment and reimbursement. 101480

(X) "Person" has the same meaning as in section 1.59 of 101481  
the Revised Code and, unless the context otherwise provides, 101482  
also includes any governmental agency and any combination of 101483  
those persons. 101484

(Y) "Refund" means to fund and retire outstanding bonds, 101485  
including advance refunding with or without payment or 101486  
redemption prior to stated maturity. 101487

(Z) "Governmental agency" means any state agency, federal 101488  
agency, political subdivision, or other local, interstate, or 101489  
regional governmental agency, and any combination of those 101490  
agencies. 101491

(AA) "Property" has the same meaning as in section 1.59 of 101492

the Revised Code, and includes interests in property. 101493

(BB) "Administrative agent," "agent," "commercial paper," 101494  
"floating rate interest structure," "indexing agent," "interest 101495  
rate hedge," "interest rate period," "put arrangement," and 101496  
"remarketing agent" have the same meanings as in section 9.98 of 101497  
the Revised Code. 101498

(CC) "Outstanding," as applied to bonds, means outstanding 101499  
in accordance with the terms of the bonds and the applicable 101500  
bond proceedings. 101501

(DD) "Ohio turnpike system" or "system" means all existing 101502  
and future turnpike projects constructed, operated, and 101503  
maintained under the jurisdiction of the commission. 101504

(EE) "Ohio turnpike and infrastructure system" means 101505  
turnpike projects and infrastructure projects funded by the 101506  
commission existing on and after July 1, 2013, that facilitate 101507  
access to, use of, and egress from the Ohio turnpike system, and 101508  
also facilitate access to and from areas of population, 101509  
commerce, and industry that are connected to the Ohio turnpike 101510  
system. 101511

**Sec. 5537.02.** (A) There is hereby created a commission to 101512  
be known on and after July 1, 2013, as the "Ohio turnpike and 101513  
infrastructure commission." The commission is a body both 101514  
corporate and politic, constituting an instrumentality of the 101515  
state, and the exercise by it of the powers conferred by this 101516  
chapter in the construction, operation, and maintenance of the 101517  
Ohio turnpike system, and also in entering into agreements with 101518  
the department of transportation to pay the cost or a portion of 101519  
the costs of infrastructure projects, are and shall be held to 101520  
be essential governmental functions of the state, but the 101521

commission shall not be immune from liability by reason thereof. 101522  
Chapter 2744. of the Revised Code applies to the commission and 101523  
the commission is a political subdivision of the state for 101524  
purposes of that chapter. The commission is subject to all 101525  
provisions of law generally applicable to state agencies which 101526  
do not conflict with this chapter. 101527

(B) (1) The commission shall consist of ten members as 101528  
follows: 101529

(a) Six members appointed by the governor with the advice 101530  
and consent of the senate, no more than three of whom shall be 101531  
members of the same political party; 101532

(b) The director of transportation, or the director's 101533  
designee, who shall be a voting member, and the director of 101534  
budget and management, or the director's designee. The directors 101535  
or their designees, as applicable, shall serve as ex officio 101536  
members, without compensation; 101537

(c) One member of the senate, appointed by the president 101538  
of the senate, ~~who shall represent either a district in which is~~ 101539  
~~located or through which passes a portion of a turnpike project~~ 101540  
~~that is part of the Ohio turnpike system or a district located~~ 101541  
~~in the vicinity of a turnpike project that is part of the Ohio~~ 101542  
~~turnpike system;~~ 101543

(d) One member of the house of representatives, appointed 101544  
by the speaker of the house of representatives, ~~who shall~~ 101545  
~~represent either a district in which is located or through which~~ 101546  
~~passes a portion of a turnpike project that is part of the Ohio~~ 101547  
~~turnpike system or a district located in the vicinity of a~~ 101548  
~~turnpike project that is part of the Ohio turnpike system.~~ 101549

(2) The members appointed by the governor shall be 101550

residents of the state, shall have been qualified electors 101551  
therein for a period of at least five years next preceding their 101552  
appointment. In making the appointments, the governor may 101553  
appoint persons who reside in different geographic areas of the 101554  
state, taking into consideration the various turnpike and 101555  
infrastructure projects in the state. Members appointed to the 101556  
commission prior to July 1, 2013, shall serve terms of eight 101557  
years commencing on the first day of July and ending on the 101558  
thirtieth day of June. Thereafter, members appointed by the 101559  
governor shall serve terms of five years commencing on the first 101560  
day of July and ending on the thirtieth day of June. Those 101561  
members appointed by the president of the senate or the speaker 101562  
of the house of representatives shall serve a term of the 101563  
remainder of the general assembly during which the senator or 101564  
representative is appointed. Each appointed member shall hold 101565  
office from the date of appointment until the end of the term 101566  
for which the member was appointed. If a commission member dies 101567  
or resigns, or if a senator or representative who is a member of 101568  
the commission ceases to be a senator or representative, or if 101569  
an ex officio member ceases to hold the applicable office, the 101570  
vacancy shall be filled in the same manner as provided in 101571  
division (B)(1) of this section. Any member who fills a vacancy 101572  
occurring prior to the end of the term for which the member's 101573  
predecessor was appointed shall, if appointed by the governor, 101574  
hold office for the remainder of such term or, if appointed by 101575  
the president of the senate or the speaker of the house of 101576  
representatives, shall hold office for the remainder of the term 101577  
or for a shorter period of time as determined by the president 101578  
or the speaker. Any member appointed by the governor shall 101579  
continue in office subsequent to the expiration date of the 101580  
member's term until the member's successor takes office, or 101581  
until a period of sixty days has elapsed, whichever occurs 101582

first. A member of the commission is eligible for reappointment. 101583  
Each member of the commission appointed by the governor, before 101584  
entering upon the member's duties, shall take an oath as 101585  
provided by Section 7 of Article XV, Ohio Constitution. The 101586  
governor, the president of the senate, or the speaker of the 101587  
house of representatives, may at any time remove their 101588  
respective appointees to the commission for misfeasance, 101589  
nonfeasance, or malfeasance in office. 101590

(3) (a) A member of the commission who is appointed by the 101591  
president of the senate or the speaker of the house of 101592  
representatives shall not participate in any vote of the 101593  
commission. Serving as an appointed member of the commission 101594  
under divisions (B) (1) (c), (1) (d), or (2) of this section does 101595  
not constitute grounds for resignation from the senate or the 101596  
house of representatives under section 101.26 of the Revised 101597  
Code. 101598

(b) The director of budget and management shall not 101599  
participate in any vote of the commission. 101600

(C) The voting members of the commission shall elect one 101601  
of the voting members as chairperson and another as vice- 101602  
chairperson, and shall appoint a secretary-treasurer who need 101603  
not be a member of the commission. Four of the voting members of 101604  
the commission constitute a quorum, and the affirmative vote of 101605  
four voting members is necessary for any action taken by the 101606  
commission. No vacancy in the membership of the commission 101607  
impairs the rights of a quorum to exercise all the rights and 101608  
perform all the duties of the commission. 101609

(D) Each member of the commission appointed by the 101610  
governor shall give a surety bond to the commission in the penal 101611  
sum of twenty-five thousand dollars and the secretary-treasurer 101612

shall give such a bond in at least the penal sum of fifty 101613  
thousand dollars. The commission may require any of its officers 101614  
or employees to file surety bonds including a blanket bond as 101615  
provided in section 3.06 of the Revised Code. Each such bond 101616  
shall be in favor of the commission and shall be conditioned 101617  
upon the faithful performance of the duties of the office, 101618  
executed by a surety company authorized to transact business in 101619  
this state, approved by the governor, and filed in the office of 101620  
the secretary of state. The costs of the surety bonds shall be 101621  
paid or reimbursed by the commission from revenues. Each member 101622  
of the commission appointed by the governor shall receive an 101623  
annual salary of five thousand dollars, payable in monthly 101624  
installments. Each member shall be reimbursed for the member's 101625  
actual expenses necessarily incurred in the performance of the 101626  
member's duties. All costs and expenses incurred by the 101627  
commission in carrying out this chapter shall be payable solely 101628  
from revenues and state taxes, and no liability or obligation 101629  
shall be incurred by the commission beyond the extent to which 101630  
revenues have been provided for pursuant to this chapter. 101631

**Sec. 5537.03.** In order to remove present and anticipated 101632  
impediments and potential hazards on the congested highways in 101633  
this state, to facilitate vehicular traffic throughout the 101634  
state, to finance infrastructure projects that improve and 101635  
enhance mobility in Ohio, and also to promote the agricultural, 101636  
recreational, tourism, and commercial, industrial, and economic 101637  
development of the state, and to provide for the general welfare 101638  
by the construction, improvement, and maintenance of modern 101639  
express highways embodying safety devices, including without 101640  
limitation center divisions, ample shoulder widths, long sight 101641  
distances, multiple lanes in each direction, and grade 101642  
separations at intersections with other public roads and 101643

railroads, the Ohio turnpike and infrastructure commission may 101644  
do the following: 101645

(A) Subject to section 5537.26 of the Revised Code, 101646  
construct, maintain, repair, and operate a system of turnpike 101647  
projects at ~~locations that are reviewed by the turnpike-~~ 101648  
~~legislative review committee and~~ approved by the governor, and 101649  
in accordance with alignment and design standards that are 101650  
approved by the director of transportation, and issue revenue 101651  
bonds of this state, payable solely from pledged revenues, to 101652  
pay the cost of those projects. The turnpikes and turnpike 101653  
projects authorized by this chapter are hereby or shall be made 101654  
part of the Ohio turnpike system. 101655

(B) Provide the infrastructure funds to pay the cost or a 101656  
portion of the cost of infrastructure projects as recommended by 101657  
the director of transportation pursuant to a determination made 101658  
by the commission based on criteria set forth in rules adopted 101659  
by the commission under section 5537.18 of the Revised Code. A 101660  
determination by the commission to provide infrastructure funds 101661  
for an infrastructure project shall be conclusive and 101662  
incontestable. 101663

**Sec. 5537.27.** The Ohio turnpike and infrastructure 101664  
commission, the director of transportation or the director's 101665  
designee, and another person designated by the governor shall 101666  
establish a procedure whereby a political subdivision or other 101667  
government agency or agencies may submit a written application 101668  
to the commission, requesting the commission to construct and 101669  
operate a turnpike project within the boundaries of the 101670  
subdivision, agency, or agencies making the request. The 101671  
procedure shall include a requirement that the commission send a 101672  
written reply to the subdivision, agency, or agencies, 101673

explaining the disposition of the request. The procedure 101674  
established pursuant to this section shall not become effective 101675  
unless it is approved by the commission and by the director or 101676  
the director's designee and the designee of the governor, ~~and~~ 101677  
~~shall require submission of the proposed turnpike project to the~~ 101678  
~~turnpike legislative review committee if the project must be~~ 101679  
~~approved by the governor.~~ 101680

**Sec. 5540.02.** (A) A transportation improvement district 101681  
may be created by the board of county commissioners of a county. 101682  
The board, by resolution, shall determine the structure of the 101683  
board of trustees of the transportation improvement district it 101684  
creates by adopting the structure contained either in division 101685  
(C) (1) or (2) of this section. 101686

(B) A transportation improvement district is a body both 101687  
corporate and politic, and the exercise by it of the powers 101688  
conferred by this chapter in the financing, construction, 101689  
maintenance, repair, and operation of a project are and shall be 101690  
held to be essential governmental functions. 101691

(C) (1) If the board of county commissioners so elects, a 101692  
transportation improvement district shall be governed by a board 101693  
of trustees consisting of the following members: 101694

(a) Two members appointed by the board of county 101695  
commissioners; 101696

(b) Three members appointed by the legislative authority 101697  
of the most populous municipal corporation in the district; 101698

(c) Two members appointed by the legislative authority of 101699  
the second most populous municipal corporation in the district; 101700

(d) Two members appointed by the board of township 101701  
trustees of the township in the county that is most populous in 101702



its unincorporated area; 101703

(e) The county engineer; 101704

(f) One member appointed by the legislative authority of 101705  
any township or municipal corporation that cannot otherwise 101706  
appoint a member to the board pursuant to this section, and that 101707  
is wholly or partially within the area of the transportation 101708  
improvement district as the district was originally designated 101709  
by the board of county commissioners; 101710

(g) If the area of a transportation improvement district 101711  
is expanded by the board of county commissioners, the 101712  
legislative authority of any township or municipal corporation 101713  
that is wholly or partially within the area of expansion and 101714  
that cannot otherwise appoint a member to the board pursuant to 101715  
this section, with the consent of the board of trustees of the 101716  
district, may appoint one member to the board; 101717

(h) One member appointed by the regional planning 101718  
commission for the county, who shall be a nonvoting member of 101719  
the board; 101720

~~(i) One member appointed at the discretion of the speaker 101721  
of the house of representatives, who, if appointed, shall be a 101722  
nonvoting member of the board and who may be a member of the 101723  
house of representatives. 101724~~

One of each of the appointments made by the board of 101725  
county commissioners, the legislative authority of a municipal 101726  
corporation, and the board of township trustees under divisions 101727  
(C) (1) (a), (b), (c), and (d) of this section, shall be members 101728  
of the chamber of commerce for the respective political 101729  
subdivision. 101730

Whenever the addition of members to the board of trustees 101731

of a transportation improvement district pursuant to division 101732  
(C) (1) (f) or (g) of this section results in an even number of 101733  
total voting members on the board, the board of trustees of the 101734  
district may appoint an additional person to its membership to 101735  
maintain an odd number of voting members. 101736

(2) As an alternative to the structure prescribed in 101737  
division (C) (1) of this section, a board of county 101738  
commissioners, by resolution, may elect that the transportation 101739  
improvement district it creates be governed by a board of 101740  
trustees consisting of ~~the following members:~~ 101741

~~(a) Five~~ five members appointed by the board of county 101742  
commissioners; 101743

~~(b) One member appointed at the discretion of the speaker~~ 101744  
~~of the house of representatives, who, if appointed, shall be a~~ 101745  
~~nonvoting member of the board and who may be a member of the~~ 101746  
~~house of representatives.~~ 101747

(D) Each appointed member of the board shall hold office 101748  
for a term of two years but subject to removal at the pleasure 101749  
of the authority that appointed the member. Members may be 101750  
reappointed. Except as otherwise provided in this division, any 101751  
vacancy on the board shall be filled in the same manner as the 101752  
original appointment. Any vacancy on a board appointed under 101753  
division (C) (1) of this section lasting longer than thirty days 101754  
due to the failure of the legislative authority of a municipal 101755  
corporation or a board of township trustees to make an 101756  
appointment shall be filled by the board of trustees of the 101757  
transportation improvement district. 101758

(E) The voting members of the board shall elect from the 101759  
entire board membership a chairperson, vice-chairperson, and 101760

secretary-treasurer. A majority of the voting members of the board constitutes a quorum, the affirmative vote of which is necessary for any action of the district. No vacancy in the membership of the board impairs the right of a quorum to exercise all the rights and perform all duties of the district.

(F) The board of county commissioners of any county, the legislative authority of any municipal corporation, and the board of township trustees of any township may make appropriations from moneys available to them and not otherwise appropriated to pay costs incurred by the district in the exercise of its functions under this chapter, provided those moneys are available to use for that purpose.

(G) An organizational meeting of the board of trustees of a transportation improvement district created under this section shall be held at the time and place designated by the board member who has served the most years as a member of the board of county commissioners that created the transportation improvement district.

**Sec. 5701.11.** The effective date to which this section refers is the effective date of this section as amended by S.B. 10 of the 135th general assembly.

(A) (1) Except as provided under division (A) (2) or (B) of this section, any reference in Title LVII or section 149.311, 3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 3775.16 of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title 101790  
LVII of the Revised Code to the Internal Revenue Code as of a 101791  
date certain specifying the day, month, and year, or to other 101792  
laws of the United States as of a date certain specifying the 101793  
day, month, and year. 101794

(B) (1) For purposes of applying section 5733.04, 5745.01, 101795  
or 5747.01 of the Revised Code to a taxpayer's taxable year 101796  
ending after February 17, 2022, and before the effective date, a 101797  
taxpayer may irrevocably elect to incorporate the provisions of 101798  
the Internal Revenue Code or other laws of the United States 101799  
that are in effect for federal income tax purposes for that 101800  
taxable year if those provisions differ from the provisions 101801  
that, under division (A) of this section, would otherwise apply. 101802  
The filing by the taxpayer for that taxable year of a report or 101803  
return that incorporates the provisions of the Internal Revenue 101804  
Code or other laws of the United States applicable for federal 101805  
income tax purposes for that taxable year, and that does not 101806  
include any adjustments to reverse the effects of any 101807  
differences between those provisions and the provisions that 101808  
would otherwise apply, constitutes the making of an irrevocable 101809  
election under this division for that taxable year. 101810

(2) Elections under prior versions of division (B) (1) of 101811  
this section remain in effect for the taxable years to which 101812  
they apply. 101813

**Sec. 5703.052.** (A) There is hereby created in the state 101814  
treasury the tax refund fund, from which refunds shall be paid 101815  
for amounts illegally or erroneously assessed or collected, or 101816  
for any other reason overpaid, with respect to taxes levied by 101817  
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 101818  
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. 101819

and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 101820  
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 101821  
Code. Refunds for fees levied under sections 3734.90 to 101822  
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 101823  
under section 128.40 of the Revised Code, next generation 9-1-1 101824  
access fees imposed under sections 128.41 and 128.42 of the 101825  
Revised Code, or any penalties assessed with respect to such 101826  
fees or charges, that are illegally or erroneously assessed or 101827  
collected, or for any other reason overpaid, also shall be paid 101828  
from the fund. Refunds for amounts illegally or erroneously 101829  
assessed or collected by the tax commissioner, or for any other 101830  
reason overpaid, that are due under section 1509.50 of the 101831  
Revised Code shall be paid from the fund. Refunds for amounts 101832  
illegally or erroneously assessed or collected by the 101833  
commissioner, or for any other reason overpaid to the 101834  
commissioner, under sections 718.80 to 718.95 of the Revised 101835  
Code shall be paid from the fund. However, refunds for amounts 101836  
illegally or erroneously assessed or collected by the 101837  
commissioner, or for any other reason overpaid to the 101838  
commissioner, with respect to taxes levied under section 101839  
5739.101 of the Revised Code shall not be paid from the tax 101840  
refund fund, but shall be paid as provided in section 5739.104 101841  
of the Revised Code. 101842

(B) (1) Upon certification by the tax commissioner to the 101843  
treasurer of state of a tax refund, a wireless 9-1-1 charge 101844  
refund, a next generation 9-1-1 access fee refund, or another 101845  
amount refunded, or by the superintendent of insurance of a 101846  
domestic or foreign insurance tax refund, the treasurer of state 101847  
shall place the amount certified to the credit of the fund. The 101848  
certified amount transferred shall be derived from the receipts 101849  
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 101850

1-1 access fee, or other amount from which the refund arose. 101851

(2) When a refund is for a tax, fee, wireless 9-1-1 101852  
charge, next generation 9-1-1 access fee, or other amount that 101853  
is not levied by the state or that was illegally or erroneously 101854  
distributed to a taxing jurisdiction, the tax commissioner shall 101855  
recover the amount of that refund from the next distribution of 101856  
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 101857  
access fee, or other amount that otherwise would be made to the 101858  
taxing jurisdiction. If the amount to be recovered would exceed 101859  
twenty-five per cent of the next distribution of that tax, fee, 101860  
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 101861  
other amount, the commissioner may spread the recovery over more 101862  
than one future distribution, taking into account the amount to 101863  
be recovered and the amount of the anticipated future 101864  
distributions. In no event may the commissioner spread the 101865  
recovery over a period to exceed ~~thirty-six~~ seventy-two months. 101866

**Sec. 5703.059.** (A) ~~The~~ Notwithstanding any provision in 101867  
the Revised Code to the contrary, the tax commissioner may ~~adopt~~ 101868  
~~rules requiring returns, including any accompanying schedule or~~ 101869  
~~statement, for any~~ require either or both of the following: 101870

(1) Any tax or fee administered by the commissioner to be 101871  
filed electronically using the Ohio business gateway as defined 101872  
in section 718.01 of the Revised Code, filed telephonically 101873  
using the system known as the Ohio telefile system, or filed by 101874  
any other electronic means prescribed by the commissioner. 101875

~~(B) The commissioner may adopt rules requiring any~~ (2) Any 101876  
payment of tax shown on such a return to be due to be made 101877  
electronically in a manner approved by the commissioner. 101878

~~(C) A rule adopted under this section does not apply to~~ 101879

~~returns or reports filed or payments made before the effective~~ 101880  
~~date of the rule.~~ (B) The commissioner shall publicize any new 101881  
electronic filing requirement on the department's web site. The 101882  
commissioner shall educate the public of the requirement through 101883  
seminars, workshops, conferences, or other outreach activities. 101884

~~(D)~~ (C) Any person required to file returns and make 101885  
payments electronically ~~under rules adopted under this section~~ 101886  
may apply to the commissioner, on a form prescribed by the 101887  
commissioner, to be excused from that requirement. For good 101888  
cause shown, the commissioner may excuse the applicant from the 101889  
requirement and permit the applicant to file the returns or 101890  
reports or make the payments required under this section by 101891  
nonelectronic means. 101892

**Sec. 5703.19.** (A) To carry out the purposes of the laws 101893  
that the tax commissioner is required to administer, the 101894  
commissioner or any person employed by the commissioner for that 101895  
purpose, upon demand, may inspect books, accounts, records, and 101896  
memoranda of any person or public utility subject to those laws, 101897  
and may examine under oath any officer, agent, or employee of 101898  
that person or public utility. If such books, accounts, records, 101899  
or memoranda are kept electronically or available in an 101900  
electronic format, the person or public utility shall provide 101901  
such records to the commissioner electronically or in an 101902  
electronic format at the commissioner's request. Any person 101903  
other than the commissioner who makes a demand pursuant to this 101904  
section shall produce the person's authority to make the 101905  
inspection. 101906

(B) If a person or public utility receives at least ten 101907  
days' written notice of a demand made under division (A) of this 101908  
section and refuses to comply with that demand, a penalty of 101909

five hundred dollars shall be imposed upon the person or public utility for each day the person or public utility refuses to comply with the demand. Penalties imposed under this division may be assessed and collected in the same manner as assessments made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., or 5753., or sections 718.90, 3734.90 to 3734.9014, of the Revised Code.

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B) (1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A) (7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are



required to testify in a court or proceeding under compulsion of 101941  
legal process. Whoever violates this provision shall thereafter 101942  
be disqualified from acting as an officer or employee or in any 101943  
other capacity under appointment or employment of the auditor of 101944  
state. 101945

(2) For purposes of an internal audit pursuant to section 101946  
126.45 of the Revised Code, the officers and employees of the 101947  
office of internal audit in the office of budget and management 101948  
charged with directing the internal audit shall have access to 101949  
and the right to examine any state tax returns and state tax 101950  
return information in the possession of the department to the 101951  
extent that the access and examination are necessary for 101952  
purposes of the internal audit. Any information acquired as the 101953  
result of that access and examination shall not be divulged for 101954  
any purpose other than as required for the internal audit or 101955  
unless the officers and employees are required to testify in a 101956  
court or proceeding under compulsion of legal process. Whoever 101957  
violates this provision shall thereafter be disqualified from 101958  
acting as an officer or employee or in any other capacity under 101959  
appointment or employment of the office of internal audit. 101960

(3) As provided by section 6103(d)(2) of the Internal 101961  
Revenue Code, any federal tax returns or federal tax information 101962  
that the department has acquired from the internal revenue 101963  
service, through federal and state statutory authority, may be 101964  
disclosed to the auditor of state or the office of internal 101965  
audit solely for purposes of an audit of the department. 101966

(4) For purposes of Chapter 3739. of the Revised Code, an 101967  
agent of the department of taxation may share information with 101968  
the division of state fire marshal that the agent finds during 101969  
the course of an investigation. 101970

(C) Division (A) of this section does not prohibit any of 101971  
the following: 101972

(1) Divulging information contained in applications, 101973  
complaints, and related documents filed with the department 101974  
under section 5715.27 of the Revised Code or in applications 101975  
filed with the department under section 5715.39 of the Revised 101976  
Code; 101977

(2) Providing to the attorney general information the 101978  
department obtains under division (J) of section 1346.01 of the 101979  
Revised Code; 101980

(3) Permitting properly authorized officers, employees, or 101981  
agents of a municipal corporation from inspecting reports or 101982  
information pursuant to section 718.84 of the Revised Code or 101983  
rules adopted under section 5745.16 of the Revised Code; 101984

(4) Providing information regarding the name, account 101985  
number, or business address of a holder of a vendor's license 101986  
issued pursuant to section 5739.17 of the Revised Code, a holder 101987  
of a direct payment permit issued pursuant to section 5739.031 101988  
of the Revised Code, or a seller having a use tax account 101989  
maintained pursuant to section 5741.17 of the Revised Code, or 101990  
information regarding the active or inactive status of a 101991  
vendor's license, direct payment permit, or seller's use tax 101992  
account; 101993

(5) Providing to a county auditor notices or documents 101994  
concerning or affecting the taxable value of property in the 101995  
county auditor's county. Unless authorized by law to disclose 101996  
documents so provided, the county auditor shall not disclose 101997  
such documents; 101998

(6) Providing to a county auditor a sales or use tax 101999

return or audit information under section 333.06 of the Revised Code; 102000  
102001

(7) Disclosing to a state or federal government agency, 102002  
for use in the performance of that agency's official duties in 102003  
this state, information in the possession of the tax 102004  
commissioner necessary to verify compliance with any provision 102005  
of the Revised Code or federal law relating to that agency. 102006  
Unless disclosure is otherwise authorized by law, information 102007  
provided to any state or federal government agency under this 102008  
section remains confidential and is not subject to further 102009  
disclosure; 102010

(8) Disclosing to a current or former employee, for use in 102011  
preparation of the employee's income tax return, the account 102012  
number issued by the tax commissioner to an employer for use in 102013  
filing returns and making payments under section 5747.07 of the 102014  
Revised Code. The commissioner may require the employee to 102015  
provide evidence of current or past employment before such 102016  
disclosure; 102017

(9) Publishing or disclosing the amount of revenue 102018  
distributed to a county, municipal corporation, township, school 102019  
district, or any other political subdivision from any tax or 102020  
fund administered by the tax commissioner. 102021

**Sec. 5703.261.** (A) As used in this section: 102022

(1) "Instrument" has the same meaning as in section 102023  
1303.03 of the Revised Code. 102024

(2) "Financial transaction device" has the same meaning as 102025  
in section 113.40 of the Revised Code. 102026

(B) If a taxpayer or employer required by any tax 102027  
administered by the department of taxation to pay taxes, 102028

penalties, interest, or other charges arising from unpaid taxes 102029  
makes payment of the taxes, penalties, interest, or other 102030  
charges with a dishonored instrument, an instrument that is 102031  
determined to be nonnegotiable, or with any financial 102032  
transaction device that is declined, returned, or dishonored, a 102033  
penalty of fifty dollars shall be added to the amount due. The 102034  
penalty imposed by this section shall be assessed and collected 102035  
in the same manner as the taxes, penalties, interest, or other 102036  
charges. ~~All or part of any penalty imposed under this section~~ 102037  
~~may be abated by the tax commissioner.~~ The commissioner may 102038  
assess only one penalty under this section against the same 102039  
instrument or the same financial transaction device for the same 102040  
payment. 102041

**Sec. 5703.262.** (A) As used in this section: 102042

(1) "Document" means any report, return, schedule, 102043  
statement, claim, or other document intended for submission to 102044  
any state or county official or department concerning any tax 102045  
administered by the department of taxation. 102046

(2) "Preparer" means any person who, for compensation, 102047  
prepares for another, or assists another in preparing, any 102048  
document. 102049

(B) The tax commissioner may designate documents that must 102050  
be signed by preparers. If a preparer fails to sign a document 102051  
designated by the commissioner and the unsigned document is 102052  
submitted to the intended state or county official or 102053  
department, a penalty of one hundred dollars shall be imposed 102054  
upon the preparer who failed to sign the document. 102055

(C) If a false or fraudulent document is prepared by a 102056  
preparer, who previously has been warned, in writing, by the tax 102057

commissioner concerning the consequences of continuing to file 102058  
false or fraudulent documents, and the document is submitted to 102059  
the intended state or county official or department, a penalty 102060  
of one thousand dollars shall be imposed upon the preparer who 102061  
prepared or assisted another in preparing the document, knowing 102062  
it to be false or fraudulent. 102063

~~(D) All or part of any penalty imposed under division (B) 102064~~  
~~or (C) of this section may be abated by the tax commissioner. 102065~~

**Sec. 5703.263.** (A) (1) "Tax return preparer" means any 102066  
person other than an accountant or an attorney that operates a 102067  
business that prepares, or directly or indirectly employs 102068  
another person to prepare, for a taxpayer a tax return or 102069  
application for refund in exchange for compensation or 102070  
remuneration from the taxpayer or the taxpayer's related member. 102071  
The preparation of a substantial portion of a tax return or 102072  
application for refund shall be considered to be the same as the 102073  
preparation of the return or application for refund. "Tax return 102074  
preparer" does not include an individual who performs only one 102075  
or more of the following activities: 102076

(a) Furnishes typing, reproducing, or other mechanical 102077  
assistance; 102078

(b) Prepares an application for refund or a return on 102079  
behalf of an employer by whom the individual is regularly and 102080  
continuously employed, or on behalf of an officer or employee of 102081  
that employer; 102082

(c) Prepares as a fiduciary an application for refund or a 102083  
return; 102084

(d) Prepares an application for refund or a return for a 102085  
taxpayer in response to a notice of deficiency issued to the 102086

taxpayer or the taxpayer's related member, or in response to a 102087  
waiver of restriction after the commencement of an audit of the 102088  
taxpayer or the taxpayer's related member. 102089

(2) "Related member" has the same meaning as in section 102090  
5733.042 of the Revised Code. 102091

(3) "Accountant" means any of the following: 102092

(a) An individual who holds both a CPA certificate and an 102093  
Ohio permit or Ohio registration issued by the accountancy board 102094  
under section 4701.10 of the Revised Code; 102095

(b) An individual who holds a foreign certificate; 102096

(c) An individual who is employed by a public accounting 102097  
firm with respect to any return prepared under the supervision 102098  
of an individual described in division (A) (3) (a) or (b) of this 102099  
section, regardless of whether the public accounting firm is 102100  
required to register with the accountancy board under section 102101  
4701.04 of the Revised Code. 102102

(4) "CPA certificate" and "foreign certificate" have the 102103  
same meanings as in section 4701.01 of the Revised Code. 102104

(5) "Attorney" means an individual who has been admitted 102105  
to the bar by order of the supreme court in compliance with its 102106  
prescribed and published rules, is permitted to practice as an 102107  
attorney and counselor at law in this state under Chapter 4705. 102108  
of the Revised Code, and is not currently suspended or removed 102109  
from such practice under that chapter. 102110

(6) A tax return preparer engages in "prohibited conduct" 102111  
if the preparer does any of the following: 102112

(a) Prepares any return or application for refund that 102113  
includes an understatement of a taxpayer's tax liability due to 102114

an unreasonable position or due to willful or reckless conduct. 102115  
For the purposes of this division, "unreasonable position" and 102116  
"willful or reckless conduct" have the meanings as used in 102117  
section 6694 of the Internal Revenue Code. 102118

(b) When required under any provision of Title LVII of the 102119  
Revised Code, the preparer fails to do any of the following: 102120

(i) Provide copies of a return or application for refund; 102121

(ii) Provide the preparer's signature or federal preparer 102122  
tax identification number on a return or application for refund; 102123

(iii) Retain copies of the preparer's records; 102124

(iv) Provide any information or documents requested by the 102125  
tax commissioner; 102126

(v) Act diligently in determining a taxpayer's eligibility 102127  
for tax credits, deductions, or exemptions. 102128

(c) Negotiates a check or other negotiable instrument 102129  
issued to a taxpayer by the department of taxation without the 102130  
permission of the taxpayer; 102131

(d) Engages in any conduct subject to criminal penalties 102132  
under Title LVII of the Revised Code; 102133

(e) Misrepresents the preparer's eligibility to file 102134  
returns or applications for refund on behalf of taxpayers, or 102135  
otherwise misrepresents the preparer's experience or education; 102136

(f) Guarantees the payment of any tax refund or the 102137  
allowance of any tax credit, deduction, or exemption; 102138

(g) Engages in any other fraudulent or deceptive conduct 102139  
that substantially interferes with the proper administration of 102140  
any provision of Title LVII of the Revised Code. 102141

(7) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States.

(B) When a tax return preparer engages in prohibited conduct, the commissioner, may do either or both of the following:

(1) If the commissioner has previously warned the tax return preparer in writing of the consequences of continuing to engage in prohibited conduct, impose a penalty not exceeding one hundred dollars per instance of prohibited conduct;

(2) Regardless of whether the commissioner has previously warned the tax return preparer, request that the attorney general apply to a court of competent jurisdiction for an injunction to restrain the preparer from further engaging in the prohibited conduct. The court may take either of the following actions:

(a) If the court finds that injunctive relief is appropriate to prevent the recurrence of the prohibited conduct, the court shall issue an injunction against the preparer enjoining the preparer from engaging in such conduct.

(b) If the court finds that the preparer has continually or repeatedly engaged in prohibited conduct, and that enjoining the preparer solely from engaging in such conduct would not be sufficient to prevent the preparer's interference with the proper administration of any provision of Title LVII of the Revised Code, the court may issue an injunction against the preparer enjoining the preparer from acting as a tax return preparer in this state.

If a tax return preparer has been enjoined from preparing



tax returns or applications for refunds by a federal court or by 102171  
another state court in the five years preceding the date on 102172  
which an injunction is requested under this section, that prior 102173  
injunction shall be sufficient to establish a prima facie case 102174  
for the issuance of an injunction under division (B)(2) of this 102175  
section. 102176

(C) The commissioner may require a tax return preparer to 102177  
include the preparer's name and federal preparer tax 102178  
identification number when filing any return or application for 102179  
refund. If a tax return preparer fails to include this 102180  
information when required to do so by the commissioner, or if 102181  
the information provided is false, inaccurate, or incomplete, 102182  
the commissioner may impose a penalty of fifty dollars for each 102183  
such failure, provided that the maximum penalty imposed on a 102184  
preparer under this division in a calendar year shall not exceed 102185  
twenty-five thousand dollars. 102186

(D) The penalties imposed under divisions (B)(1) and (C) 102187  
of this section may be assessed and collected in the same manner 102188  
as assessments made under Chapter 3769., 4305., 5727., 5728., 102189  
5733., 5735., 5736., 5739., 5743., 5745., 5747., 5749., 5751., 102190  
or 5753., section 718.90, or sections 3734.90 to 3734.9014 of 102191  
the Revised Code. ~~The commissioner may abate all or a portion of~~ 102192  
~~any penalty imposed under this section upon the showing of good-~~ 102193  
~~cause by the tax return preparer.~~ 102194

**Sec. 5703.37.** (A)(1) Except as provided in division (B) of 102195  
this section, whenever service of a notice or order is required 102196  
in the manner provided in this section, a copy of the notice or 102197  
order shall be served upon the person affected thereby either by 102198  
personal service, by certified mail, or by a delivery service 102199  
authorized under section 5703.056 of the Revised Code that 102200

notifies the tax commissioner of the date of delivery. 102201

(2) In lieu of serving a copy of a notice or order through 102202  
one of the means provided in division (A)(1) of this section, 102203  
the commissioner may serve a notice or order upon the person 102204  
affected thereby through alternative means as provided in this 102205  
section, including, but not limited to, delivery by secure 102206  
electronic mail as provided in division (F) of this section or 102207  
by ordinary mail. Delivery by such means satisfies the 102208  
requirements for delivery under this section. 102209

(B)(1)(a) If certified or ordinary mail is returned 102210  
because of an undeliverable address, the commissioner shall 102211  
first utilize reasonable means to ascertain a new last known 102212  
address, including the use of a change of address service 102213  
offered by the United States postal service or an authorized 102214  
delivery service under section 5703.056 of the Revised Code. If, 102215  
after using reasonable means, the commissioner is unable to 102216  
ascertain a new last known address, the assessment is final for 102217  
purposes of section 131.02 of the Revised Code sixty days after 102218  
the notice or order ~~sent by certified mail~~ is first returned to 102219  
the commissioner, and the commissioner shall certify the notice 102220  
or order, if applicable, to the attorney general for collection 102221  
under section 131.02 of the Revised Code. 102222

(b) Notwithstanding certification to the attorney general 102223  
under division (B)(1)(a) of this section, once the commissioner 102224  
or attorney general, or the designee of either, makes an initial 102225  
contact with the person to whom the notice or order is directed, 102226  
the person may protest an assessment by filing a petition for 102227  
reassessment within sixty days after the initial contact. The 102228  
certification of an assessment under division (B)(1)(a) of this 102229  
section is prima-facie evidence that delivery is complete and 102230

that the notice or order is served. 102231

(2) If mailing of a notice or order by certified or 102232  
ordinary mail is returned for some cause other than an 102233  
undeliverable address or if a person does not access an 102234  
electronic notice or order within the time provided in division 102235  
(F) of this section, the commissioner shall resend the notice or 102236  
order by ordinary mail. The notice or order shall show the date 102237  
the commissioner sends the notice or order and include the 102238  
following statement: 102239

"This notice or order is deemed to be served on the 102240  
addressee under applicable law ten days from the date this 102241  
notice or order was mailed by the commissioner as shown on the 102242  
notice or order, and all periods within which an appeal may be 102243  
filed apply from and after that date." 102244

Unless the mailing is returned because of an undeliverable 102245  
address, the mailing of that information is prima-facie evidence 102246  
that delivery of the notice or order was completed ten days 102247  
after the commissioner ~~sent~~resent the notice or order by 102248  
ordinary mail and that the notice or order was served. 102249

If the ~~ordinary mail mailing~~ is subsequently returned 102250  
because of an undeliverable address, the commissioner shall 102251  
proceed under division (B) (1) (a) of this section. A person may 102252  
challenge the presumption of delivery and service under this 102253  
division in accordance with division (C) of this section. 102254

(C) (1) A person disputing the presumption of delivery and 102255  
service under division (B) of this section bears the burden of 102256  
proving by a preponderance of the evidence that the address to 102257  
which the notice or order was sent was not an address with which 102258  
the person was associated at the time the commissioner 102259

originally mailed the notice or order ~~by certified mail~~. For the 102260  
purposes of this section, a person is associated with an address 102261  
at the time the commissioner originally mailed the notice or 102262  
order if, at that time, the person was residing, receiving legal 102263  
documents, or conducting business at the address; or if, before 102264  
that time, the person had conducted business at the address and, 102265  
when the notice or order was mailed, the person's agent or the 102266  
person's affiliate was conducting business at the address. For 102267  
the purposes of this section, a person's affiliate is any other 102268  
person that, at the time the notice or order was mailed, owned 102269  
or controlled at least twenty per cent, as determined by voting 102270  
rights, of the addressee's business. 102271

(2) If the person elects to protest an assessment 102272  
certified to the attorney general for collection, the person 102273  
must do so within sixty days after the attorney general's 102274  
initial contact with the person. The attorney general may enter 102275  
into a compromise with the person under sections 131.02 and 102276  
5703.06 of the Revised Code if the person does not file a 102277  
petition for reassessment with the commissioner. 102278

(D) Nothing in this section prohibits the commissioner or 102279  
the commissioner's designee from delivering a notice or order by 102280  
personal service. 102281

(E) Collection actions taken pursuant to section 131.02 of 102282  
the Revised Code upon any assessment being challenged under 102283  
division (B)(1)(b) of this section shall be stayed upon the 102284  
pendency of an appeal under this section. If a petition for 102285  
reassessment is filed pursuant to this section on a claim that 102286  
has been certified to the attorney general for collection, the 102287  
claim shall be uncertified. 102288

(F)(1) The commissioner may serve a notice or order upon 102289

the person affected by the notice or order or that person's 102290  
authorized representative through secure electronic means 102291  
associated with the person's or representative's last known 102292  
address, but only with the person's consent. The commissioner 102293  
must inform the recipient, electronically or by mail, that a 102294  
notice or order is available for electronic review and provide 102295  
instructions to access and print the notice or order. The types 102296  
of electronic notification the commissioner may use include 102297  
electronic mail, text message, or any other form of electronic 102298  
communication. The recipient's electronic access of the notice 102299  
or order satisfies the requirements for delivery under this 102300  
section. If the recipient fails to access the notice or order 102301  
electronically within ten business days, then the commissioner 102302  
shall inform the recipient a second time, electronically or by 102303  
mail, that a notice or order is available for electronic review 102304  
and provide instructions to access and print the notice or 102305  
order. If the recipient fails to access the notice or order 102306  
electronically within ten business days of the second 102307  
notification, the notice or order shall be served upon the 102308  
person through the means provided in division (B) (2) of this 102309  
section. 102310

(2) The tax commissioner shall establish a system to issue 102311  
notification of assessments to taxpayers through secure 102312  
electronic means. 102313

(G) As used in this section: 102314

(1) "Last known address" means the address the department 102315  
has at the time the document is originally sent by certified or 102316  
ordinary mail, or any address the department can ascertain using 102317  
reasonable means such as the use of a change of address service 102318  
offered by the United States postal service or an authorized 102319

delivery service under section 5703.056 of the Revised Code. For 102320  
documents sent by secure electronic means, "last known address" 102321  
means an electronic mode of communication that is identified on 102322  
a form prescribed by the commissioner for such purpose or that 102323  
is associated with the person or the authorized representative 102324  
of the person as of the date the notification was sent on the 102325  
Ohio business gateway, as defined in section 718.01 of the 102326  
Revised Code, ~~as of the date the notification was sent~~ or another 102327  
electronic filing or payment system prescribed by the 102328  
commissioner. 102329

(2) "Undeliverable address" means an address to which the 102330  
United States postal service or an authorized delivery service 102331  
under section 5703.056 of the Revised Code is not able to 102332  
deliver a notice or order, except when the reason for 102333  
nondelivery is because the addressee fails to acknowledge or 102334  
accept the notice or order. 102335

**Sec. 5703.70.** (A) On the filing of an application for 102336  
refund under section 718.91, 3734.905, 4307.05, 4307.07, 102337  
5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 102338  
5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 102339  
5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 102340  
5751.08, or 5753.06 of the Revised Code, or an application for 102341  
compensation under section 5739.061 of the Revised Code, if the 102342  
tax commissioner determines that the amount of the refund or 102343  
compensation to which the applicant is entitled is less than the 102344  
amount claimed in the application, the commissioner shall give 102345  
the applicant written notice electronically or by ordinary mail 102346  
of the amount. ~~The~~ If sent by ordinary mail, the notice shall be 102347  
sent to the address shown on the application unless the 102348  
applicant notifies the commissioner of a different address. If 102349  
sent electronically, the notice shall be sent to the person or 102350

the person's authorized representative through secure electronic 102351  
means associated with the person's or representative's last 102352  
known electronic mail address, but only with the person's 102353  
consent. The applicant shall have sixty days from the date the 102354  
commissioner electronically sends or mails the notice to provide 102355  
additional information to the commissioner or request a hearing, 102356  
or both. 102357

(B) If the applicant neither requests a hearing nor 102358  
provides additional information to the tax commissioner within 102359  
the time prescribed by division (A) of this section, the 102360  
commissioner shall take no further action, and the refund or 102361  
compensation amount denied becomes final. 102362

(C) (1) If the applicant requests a hearing within the time 102363  
prescribed by division (A) of this section, the tax commissioner 102364  
shall assign a time and place for the hearing and notify the 102365  
applicant of such time and place, but the commissioner may 102366  
continue the hearing from time to time, as necessary. After the 102367  
hearing, the commissioner may make such adjustments to the 102368  
refund or compensation as the commissioner finds proper, and 102369  
shall issue a final determination thereon. 102370

(2) If the applicant does not request a hearing, but 102371  
provides additional information, within the time prescribed by 102372  
division (A) of this section, the commissioner shall review the 102373  
information, make such adjustments to the refund or compensation 102374  
as the commissioner finds proper, and issue a final 102375  
determination thereon. The commissioner may review such 102376  
information and make such adjustments as many times as the 102377  
commissioner finds proper before the issuance of a final 102378  
determination. 102379

(3) If the applicant requests a hearing and provides 102380

additional information within the time prescribed by division 102381  
(A) of this section, the commissioner may review the information 102382  
and make such adjustments to the refund or compensation as the 102383  
commissioner finds proper. The commissioner may review such 102384  
information and make such adjustments as many times as the 102385  
commissioner finds proper before the issuance of a final 102386  
determination. 102387

The commissioner shall assign a time and place for the 102388  
hearing and notify the applicant of such time and place, but the 102389  
commissioner may continue the hearing from time to time, as 102390  
necessary. After the hearing, the commissioner may make any 102391  
additional adjustments to the refund or compensation as the 102392  
commissioner finds proper and shall issue a final determination 102393  
thereon. 102394

(4) The commissioner shall serve a copy of the final 102395  
determination made under division (C) (1), (2), or (3) of this 102396  
section on the applicant in the manner provided in section 102397  
5703.37 of the Revised Code, and the decision is final, subject 102398  
to appeal under section 5717.02 of the Revised Code. 102399

(D) The tax commissioner shall certify to the director of 102400  
budget and management and treasurer of state for payment from 102401  
the tax refund fund created by section 5703.052 of the Revised 102402  
Code, the amount of the refund to be refunded under division (B) 102403  
or (C) of this section. The commissioner also shall certify to 102404  
the director and treasurer of state for payment from the general 102405  
revenue fund the amount of compensation to be paid under 102406  
division (B) or (C) of this section. 102407

Sec. 5703.901. The tax commissioner may, in whole or in 102408  
part, abate any penalty, including an interest penalty, or any 102409  
other charge the commissioner imposes to enforce any tax or fee 102410



the commissioner administers. 102411

**Sec. 5705.14.** No transfer shall be made from one fund of a 102412  
subdivision to any other fund, by order of the court or 102413  
otherwise, except as follows: 102414

(A) The unexpended balance in a bond fund that is no 102415  
longer needed for the purpose for which such fund was created 102416  
shall be transferred to the sinking fund or bond retirement fund 102417  
from which such bonds are payable. 102418

(B) The unexpended balance in any specific permanent 102419  
improvement fund, other than a bond fund, after the payment of 102420  
all obligations incurred in the acquisition of such improvement, 102421  
shall be transferred to the sinking fund or bond retirement fund 102422  
of the subdivision; provided that if such money is not required 102423  
to meet the obligations payable from such funds, it may be 102424  
transferred to a special fund for the acquisition of permanent 102425  
improvements, or, with the approval of the court of common pleas 102426  
of the county in which such subdivision is located, to the 102427  
general fund of the subdivision. 102428

(C) (1) Except as provided in division (C) (2) of this 102429  
section, the unexpended balance in the sinking fund or bond 102430  
retirement fund of a subdivision, after all indebtedness, 102431  
interest, and other obligations for the payment of which such 102432  
fund exists have been paid and retired, shall be transferred, in 102433  
the case of the sinking fund, to the bond retirement fund, and 102434  
in the case of the bond retirement fund, to the sinking fund; 102435  
provided that if such transfer is impossible by reason of the 102436  
nonexistence of the fund to receive the transfer, such 102437  
unexpended balance, with the approval of the court of common 102438  
pleas of the county in which such division is located, may be 102439  
transferred to any other fund of the subdivision. 102440

(2) Money in a bond fund or bond retirement fund of a city, local, exempted village, cooperative education, or joint vocational school district may be transferred to a specific permanent improvement fund provided that the county budget commission of the county in which the school district is located approves the transfer upon its determination that the money transferred will not be required to meet the obligations payable from the bond fund or bond retirement fund. In arriving at such a determination, the county budget commission shall consider the balance of the bond fund or bond retirement fund, the outstanding obligations payable from the fund, and the sources and timing of the fund's revenue.

(D) The unexpended balance in any special fund, other than an improvement fund, existing in accordance with division (D), (F), or (G) of section 5705.09 or section 5705.12 of the Revised Code, may be transferred to the general fund or to the sinking fund or bond retirement fund after the termination of the activity, service, or other undertaking for which such special fund existed, but only after the payment of all obligations incurred and payable from such special fund.

(E) Money may be transferred from the general fund to any other fund of the subdivision.

(F) Moneys retained or received by a county under section 4501.04 or division (A) (2) of section 5735.27 of the Revised Code may be transferred from the fund into which they were deposited to the sinking fund or bond retirement fund from which any principal, interest, or charges for which such moneys may be used is payable.

(G) Moneys retained or received by a municipal corporation under section 4501.04 or division (A) (1) of section 5735.27 of

the Revised Code may be transferred from the fund into which 102471  
they were deposited to the sinking fund or bond retirement fund 102472  
from which any principal, interest, or charges for which such 102473  
moneys may be used is payable. 102474

(H) (1) Money may be transferred from the county 102475  
developmental disabilities general fund to the county 102476  
developmental disabilities capital fund established under 102477  
section 5705.091 of the Revised Code or to any other fund 102478  
created for the purposes of the county board of developmental 102479  
disabilities, so long as money in the fund to which the money is 102480  
transferred can be spent for the particular purpose of the 102481  
transferred money. The county board of developmental 102482  
disabilities may request, by resolution, that the board of 102483  
county commissioners make the transfer. The county board of 102484  
developmental disabilities shall transmit a certified copy of 102485  
the resolution to the board of county commissioners. Upon 102486  
receiving the resolution, the board of county commissioners may 102487  
make the transfer. Money transferred to a fund shall be credited 102488  
to an account appropriate to its particular purpose. 102489

(2) An unexpended balance in an account in the county 102490  
developmental disabilities capital fund or any other fund 102491  
created for the purposes of the county board of developmental 102492  
disabilities may be transferred back to the county developmental 102493  
disabilities general fund. The transfer may be made if the 102494  
unexpended balance is no longer needed for its particular 102495  
purpose and all outstanding obligations have been paid. Money 102496  
transferred back to the county developmental disabilities 102497  
general fund shall be credited to an account for current 102498  
expenses within that fund. The county board of developmental 102499  
disabilities may request, by resolution, that the board of 102500  
county commissioners make the transfer. The county board of 102501

developmental disabilities shall transmit a certified copy of 102502  
the resolution to the board of county commissioners. Upon 102503  
receiving the resolution, the board of county commissioners may 102504  
make the transfer. 102505

(I) Money may be transferred from the public assistance 102506  
fund established under section 5101.161 of the Revised Code to 102507  
either of the following funds, so long as the money to be 102508  
transferred from the public assistance fund may be spent for the 102509  
purposes for which money in the receiving fund may be used: 102510

(1) The children services fund established under section 102511  
~~5101.144~~5180.411 of the Revised Code; 102512

(2) The child support enforcement administrative fund 102513  
established, as authorized under rules adopted by the director 102514  
of job and family services, in the county treasury for use by 102515  
any county family services agency. 102516

(J) Notwithstanding this section, money in any fund or 102517  
account of a village dissolved in accordance with sections 102518  
703.31 to 703.39 of the Revised Code may be transferred by the 102519  
receiver-trustee to a special account for the purpose of paying 102520  
the debts, obligations, and liabilities of the dissolved village 102521  
or to the general fund of any township into which the territory 102522  
of the village is dissolved for any purpose that directly or 102523  
indirectly benefits the former territory of the dissolved 102524  
village. 102525

(K) Except in the case of transfer pursuant to division 102526  
(E) or (J) of this section, transfers authorized by this section 102527  
shall only be made by resolution of the taxing authority passed 102528  
with the affirmative vote of two-thirds of the members. 102529

**Sec. 5705.31.** The county auditor shall present to the 102530

county budget commission the annual tax budgets submitted under 102531  
sections 5705.01 to 5705.47 of the Revised Code, together with 102532  
an estimate prepared by the auditor of the amount of any state 102533  
levy, the rate of any school tax levy as previously determined, 102534  
~~the tax commissioner's estimate of the amount to be received in~~ 102535  
~~the county public library fund,~~ the tax rates provided under 102536  
section 5705.281 of the Revised Code if adoption of the tax 102537  
budget was waived under that section, and such other information 102538  
as the commission requests or the tax commissioner prescribes. 102539  
The budget commission shall examine such budget and ascertain 102540  
the total amount proposed to be raised in the county for the 102541  
purposes of each subdivision and other taxing units in the 102542  
county. 102543

The commission shall ascertain that the following levies 102544  
have been properly authorized and, if so authorized, shall 102545  
approve them without modification: 102546

(A) All levies in excess of the ten-mill limitation; 102547

(B) All levies for debt charges not provided for by levies 102548  
in excess of the ten-mill limitation, including levies necessary 102549  
to pay notes issued for emergency purposes; 102550

(C) The levies prescribed by division (B) of sections 102551  
742.33 and 742.34 of the Revised Code; 102552

(D) Except as otherwise provided in this division, a 102553  
minimum levy within the ten-mill limitation for the current 102554  
expense and debt service of each subdivision or taxing unit, 102555  
which shall equal two-thirds of the average levy for current 102556  
expenses and debt service allotted within the fifteen-mill 102557  
limitation to such subdivision or taxing unit during the last 102558  
five years the fifteen-mill limitation was in effect unless such 102559

subdivision or taxing unit requests an amount requiring a lower 102560  
rate. Except as provided in section 5705.312 of the Revised 102561  
Code, if the levies required in divisions (B) and (C) of this 102562  
section for the subdivision or taxing unit equal or exceed the 102563  
entire minimum levy of the subdivision as fixed, the minimum 102564  
levies of the other subdivisions or taxing units shall be 102565  
reduced by the commission to provide for the levies and an 102566  
operating levy for the subdivision. Such additional levy shall 102567  
be deducted from the minimum levies of each of the other 102568  
subdivisions or taxing units, but the operating levy for a 102569  
school district shall not be reduced below a figure equivalent 102570  
to forty-five per cent of the millage available within the ten- 102571  
mill limitation after all the levies in divisions (B) and (C) of 102572  
this section have been provided for. 102573

If a municipal corporation and a township have entered 102574  
into an annexation agreement under section 709.192 of the 102575  
Revised Code in which they agree to reallocate their shares of 102576  
the minimum levies established under this division and if that 102577  
annexation agreement is submitted along with the annual tax 102578  
budget of both the township and the municipal corporation, then, 102579  
when determining the minimum levy under this division, the 102580  
auditor shall allocate, to the extent possible, the minimum levy 102581  
for that municipal corporation and township in accordance with 102582  
their annexation agreement. 102583

(E) The levies prescribed by section 3709.29 of the 102584  
Revised Code. 102585

Divisions (A) to (E) of this section are mandatory, and 102586  
commissions shall be without discretion to reduce such minimum 102587  
levies except as provided in such divisions or section 5705.316 102588  
of the Revised Code. 102589

If any debt charge is omitted from the budget, the 102590  
commission shall include it therein. 102591

Sec. 5705.316. A board of education of a city, local, or 102592  
exempted village school district shall submit to the county 102593  
auditor of each county in which the district is located the 102594  
five-year projections of operational revenues and expenditures 102595  
required by section 5705.391 of the Revised Code to be submitted 102596  
to the department of education and workforce and the auditor of 102597  
state on or before the thirtieth day of November. The board 102598  
shall submit it at the same time that the board makes the 102599  
submission to the department and auditor of state. 102600

The county budget commission or, if applicable, joint 102601  
budget commission shall convene on or before the fifteenth day 102602  
of December to review the projections to determine if the amount 102603  
of carry-over balance in the district's general operating budget 102604  
from the preceding fiscal year exceeds twenty-five per cent of 102605  
the district's general fund expenditures made in the preceding 102606  
fiscal year. 102607

If a district's carry-over balance exceeds that threshold, 102608  
the commission shall reduce the rate of, or the annual amount of 102609  
money to be raised by any or all of the current expense taxes 102610  
levied by the district for the current tax year so as to reduce 102611  
the district's collections by the amount by which the district's 102612  
general operating budget carry-over balance exceeded the 102613  
threshold. 102614

This section does not apply to an island school district 102615  
or a joint state school district. Nothing in this section 102616  
prohibits a county budget commission from reducing the rate of a 102617  
current levy as otherwise authorized by law. 102618

Sec. 5705.32. (A) The county budget commission shall 102619  
adjust the estimated amounts required from the general property 102620  
tax for each fund, as shown by the tax budgets or other 102621  
information required to be provided under section 5705.281 of 102622  
the Revised Code, so as to bring the tax levies required 102623  
therefor within the limitations specified in sections 5705.01 to 102624  
5705.47 of the Revised Code, for such levies, but no levy shall 102625  
be reduced below a minimum fixed by law. The commission may 102626  
revise and adjust the estimate of balances and receipts from all 102627  
sources for each fund and shall determine the total 102628  
appropriations that may be made therefrom. 102629

(B) The commission shall fix the amount of the county 102630  
public library fund to be distributed to each board of public 102631  
library trustees that has qualified under section 5705.28 of the 102632  
Revised Code for participation in the proceeds of such fund. The 102633  
amount paid to all libraries in the county from such fund shall 102634  
never be a smaller per cent of the fund than the average of the 102635  
percentages of the county's classified taxes that were 102636  
distributed to libraries in 1982, 1983, and 1984, as determined 102637  
by the county auditor. The commission shall base the amount for 102638  
distribution on the needs of such library for the construction 102639  
of new library buildings, parts of buildings, improvements, 102640  
operation, maintenance, or other expenses. In determining the 102641  
needs of each library board of trustees, and in calculating the 102642  
amount to be distributed to any library board of trustees on the 102643  
basis of its needs, the commission shall make no reduction in 102644  
its allocation from the fund on account of additional revenues 102645  
realized by a library from increased taxes or service charges 102646  
voted by its electorate, from revenues received through federal 102647  
or state grants, projects, or programs, or from grants from 102648  
private sources. 102649



(C) Notwithstanding the fact that alternative methods of financing such needs are available, after fixing the amount to be distributed to libraries, the commission shall fix the amount, if any, of the county public library fund to be distributed to each board of township park commissioners, the county, and each municipal corporation in accordance with the following:

(1) Each municipal corporation in the county shall receive a per cent of the remainder that equals the per cent that the county auditor determines the classified property taxes originating in such municipal corporation in 1984 were of the total of all of the county's classified property taxes in 1984. The commission may deduct from this amount any amount that the budget commission allows to the board of township park commissioners of a township park district, the boundaries of which are coextensive with or contained within the boundaries of the municipal corporation.

(2) The county shall receive a per cent of the remainder that equals the per cent that the county auditor determines the classified property taxes originating outside of the boundaries of municipal corporations in the county in 1984 were of the total of all of the county's classified property taxes in 1984. The commission may deduct from this amount any amount that the budget commission allows to the board of township park commissioners of a township park district, the boundaries of which are not coextensive with or contained within those of any municipal corporation in the county.

(D) The commission shall separately set forth the amounts fixed and determined under divisions (B) and (C) of this section in the "official certificate of estimated resources," as

provided in section 5705.35 of the Revised Code, and separately 102680  
certify such amount to the county auditor who shall be guided 102681  
thereby in the distribution of the county public library fund 102682  
for and during the fiscal year. ~~In determining such amounts, the~~ 102683  
~~commission shall be guided by the estimate certified by the tax-~~ 102684  
~~commissioner and presented by the auditor under section 5705.31-~~ 102685  
~~of the Revised Code, as to the total amount of revenue to be-~~ 102686  
~~received in the county public library fund during such fiscal-~~ 102687  
~~year.~~ 102688

(E) (1) At least five days before the date of any meeting 102689  
at which the budget commission plans to discuss the distribution 102690  
of the county public library fund, it shall notify each 102691  
legislative authority and board of public library trustees, 102692  
county commissioners, and township park commissioners eligible 102693  
to participate in the distribution of the fund of the date, 102694  
time, place, and agenda for the meeting. Any legislative 102695  
authority or board entitled to notice under this division may 102696  
designate an officer or employee of such legislative authority 102697  
or board to whom the commission shall deliver the notice. 102698

(2) Before the final determination of the amount to be 102699  
allotted to each subdivision from any source, the commission 102700  
shall permit representatives of each subdivision and of each 102701  
board of public library trustees to appear before it to explain 102702  
its financial needs. 102703

(F) If any public library receives and expends any funds 102704  
allocated to it under this section for the construction of new 102705  
library buildings or parts of buildings, such library shall be 102706  
free and open to the inhabitants of the county in which it is 102707  
located. Any board of library trustees that receives funds under 102708  
this section and section ~~5747.48~~ 126.68 of the Revised Code 102709

shall have its financial records open for public inspection at 102710  
all reasonable times. 102711

**Sec. 5705.321.** (A) As used in this section: 102712

(1) "City, located wholly or partially in the county, with 102713  
the greatest population" means the city, located wholly or 102714  
partially in the county, with the greatest population residing 102715  
in the county; however, if the county budget commission on or 102716  
before January 1, 1998, adopted an alternative method of 102717  
apportionment that was approved by the city, located partially 102718  
in the county, with the greatest population but not the greatest 102719  
population residing in the county, "city, located wholly or 102720  
partially in the county, with the greatest population" means the 102721  
city, located wholly or partially in the county, with the 102722  
greatest population whether residing in the county or not, if 102723  
this alternative meaning is adopted by action of the board of 102724  
county commissioners and a majority of the boards of township 102725  
trustees and legislative authorities of municipal corporations 102726  
located wholly or partially in the county. 102727

(2) "Participating political subdivision" means a 102728  
municipal corporation or township that satisfies all of the 102729  
following: 102730

(a) It is located wholly or partially in the county. 102731

(b) It is not the city, located wholly or partially in the 102732  
county, with the greatest population. 102733

(c) Public library fund moneys are apportioned to it under 102734  
the county's alternative method or formula of apportionment in 102735  
the current calendar year. 102736

(B) In lieu of the method of apportionment of the county 102737  
public library fund provided by division (C) of section 5705.32 102738

of the Revised Code, the county budget commission may provide 102739  
for the apportionment of the fund under an alternative method or 102740  
on a formula basis as authorized by this section. 102741

Except as otherwise provided in division (C) of this 102742  
section, the alternative method of apportionment shall have 102743  
first been approved by all of the following governmental units: 102744  
the board of county commissioners; the legislative authority of 102745  
the city, located wholly or partially in the county, with the 102746  
greatest population; and a majority of the boards of township 102747  
trustees and legislative authorities of municipal corporations, 102748  
located wholly or partially in the county, excluding the 102749  
legislative authority of the city, located wholly or partially 102750  
in the county, with the greatest population. In granting or 102751  
denying approval for an alternative method of apportionment, the 102752  
board of county commissioners, boards of township trustees, and 102753  
legislative authorities of municipal corporations shall act by 102754  
motion. A motion to approve shall be passed upon a majority vote 102755  
of the members of a board of county commissioners, board of 102756  
township trustees, or legislative authority of a municipal 102757  
corporation, shall take effect immediately, and need not be 102758  
published. 102759

Any alternative method of apportionment adopted and 102760  
approved under this division may be revised, amended, or 102761  
repealed in the same manner as it may be adopted and approved. 102762  
If an alternative method of apportionment adopted and approved 102763  
under this division is repealed, the county public library fund 102764  
shall be apportioned among the subdivisions eligible to 102765  
participate in the fund, commencing in the ensuing calendar 102766  
year, under the apportionment provided in divisions (B) and (C) 102767  
of section 5705.32 of the Revised Code, unless the repeal occurs 102768  
by operation of division (C) of this section or a new method for 102769

apportionment of the fund is provided in the action of repeal. 102770

(C) This division applies only in counties in which the 102771  
city, located wholly or partially in the county, with the 102772  
greatest population has a population of twenty thousand or less 102773  
and a population that is less than fifteen per cent of the total 102774  
population of the county. In such a county, the legislative 102775  
authorities or boards of township trustees of two or more 102776  
participating political subdivisions, which together have a 102777  
population residing in the county that is a majority of the 102778  
total population of the county, each may adopt a resolution to 102779  
exclude the approval otherwise required of the legislative 102780  
authority of the city, located wholly or partially in the 102781  
county, with the greatest population. All of the resolutions to 102782  
exclude that approval shall be adopted not later than the first 102783  
Monday of August of the year preceding the calendar year in 102784  
which distributions are to be made under an alternative method 102785  
of apportionment. 102786

A motion granting or denying approval of an alternative 102787  
method of apportionment under this division shall be adopted by 102788  
a majority vote of the members of the board of county 102789  
commissioners and by a majority vote of a majority of the boards 102790  
of township trustees and legislative authorities of the 102791  
municipal corporations located wholly or partially in the 102792  
county, other than the city, located wholly or partially in the 102793  
county, with the greatest population, shall take effect 102794  
immediately, and need not be published. The alternative method 102795  
of apportionment under this division shall be adopted and 102796  
approved annually, not later than the first Monday of August of 102797  
the year preceding the calendar year in which distributions are 102798  
to be made under it. A motion granting approval of an 102799  
alternative method of apportionment under this division repeals 102800

any existing alternative method of apportionment, effective with 102801  
distributions to be made from the fund in the ensuing calendar 102802  
year. An alternative method of apportionment under this division 102803  
shall not be revised or amended after the first Monday of August 102804  
of the year preceding the calendar year in which distributions 102805  
are to be made under it. 102806

(D) In determining an alternative method of apportionment 102807  
authorized by this section, the county budget commission may 102808  
include in the method any factor considered to be appropriate 102809  
and reliable, in the sole discretion of the county budget 102810  
commission. 102811

(E) On the basis of any alternative method of 102812  
apportionment adopted and approved as authorized by this 102813  
section, as certified by the auditor to the county treasurer, 102814  
the county treasurer shall make distribution of the money in the 102815  
county public library fund to each subdivision eligible to 102816  
participate in the fund, ~~and the auditor, when the amount of~~ 102817  
~~those shares is in the custody of the treasurer in the amounts~~ 102818  
~~so computed to be due the respective subdivisions, shall at the~~ 102819  
~~same time certify to the tax commissioner the percentage share~~ 102820  
~~of the county as a subdivision.~~ All money received into the 102821  
treasury of a subdivision from the county public library fund in 102822  
a county treasury shall be paid into the general fund and used 102823  
for the current operating expenses of the subdivision. 102824

(F) The actions of the county budget commission taken 102825  
pursuant to this section are final and may not be appealed to 102826  
the board of tax appeals, except on the issues of abuse of 102827  
discretion and failure to comply with the formula. 102828

**Sec. 5705.37.** The taxing authority of any subdivision, or 102829  
the board of trustees of any public library, nonprofit 102830

corporation, or library association maintaining a free public 102831  
library that has adopted and certified rules under section 102832  
5705.28 of the Revised Code, that is dissatisfied with any 102833  
action of the county budget commission may, through its fiscal 102834  
officer, appeal to the board of tax appeals within thirty days 102835  
after the receipt by the subdivision of the official certificate 102836  
or notice of the commission's action. In like manner, but 102837  
through its clerk, any park district may appeal to the board of 102838  
tax appeals. An appeal under this section shall be taken by the 102839  
filing of a notice of appeal, either in person or by certified 102840  
mail, express mail, or authorized delivery service as provided 102841  
in section 5703.056 of the Revised Code, with the board and with 102842  
the commission. If notice of appeal is filed by certified mail, 102843  
express mail, or authorized delivery service, date of the United 102844  
States postmark placed on the sender's receipt by the postal 102845  
service or the date of receipt recorded by the authorized 102846  
delivery service shall be treated as the date of filing. Upon 102847  
receipt of the notice of appeal, the commission, by certified 102848  
mail, shall notify all persons who were parties to the 102849  
proceeding before the commission of the filing of the notice of 102850  
appeal and shall file proof of notice with the board of tax 102851  
appeals. The secretary of the commission shall forthwith certify 102852  
to the board a transcript of the full and accurate record of all 102853  
proceedings before the commission, together with all evidence 102854  
presented in the proceedings or considered by the commission, 102855  
pertaining to the action from which the appeal is taken. The 102856  
secretary of the commission also shall certify to the board any 102857  
additional information that the board may request. 102858

The board of tax appeals, in a de novo proceeding, shall 102859  
forthwith consider the matter presented to the commission, and 102860  
may modify any action of the commission with reference to the 102861

budget, the estimate of revenues and balances, the allocation of 102862  
the county public library fund, or the fixing of tax rates. The 102863  
finding of the board of tax appeals shall be substituted for the 102864  
findings of the commission, and shall be sent to the tax 102865  
commissioner, the county auditor, and the taxing authority of 102866  
the subdivision affected, or to the board of public library 102867  
trustees affected, as the action of the commission under 102868  
sections 5705.01 to 5705.47 of the Revised Code. At the request 102869  
of the taxing authority, board of trustees, or park district 102870  
that appealed an action of the county budget commission under 102871  
this section, the findings of the board of tax appeals shall be 102872  
sent by certified mail at the requestor's expense. 102873

This section does not give the board of tax appeals any 102874  
authority to place any tax levy authorized by law within the 102875  
ten-mill limitation outside of that limitation, or to reduce any 102876  
levy below any minimum fixed by law. 102877

**Sec. 5707.04.** Annual taxes are hereby levied on the kinds 102878  
of intangible property, enumerated in this section, on the 102879  
classified tax list in the office of the county auditor and the 102880  
duplicate thereof in the office of the county treasurer at the 102881  
following rates: 102882

(A) On investments, five per cent of income yield or of 102883  
income as provided by section 5711.10 of the Revised Code for 102884  
the 1983, 1984, and 1985 return years and no tax for subsequent 102885  
years; 102886

(B) On unproductive investments, two mills on the dollar 102887  
for the 1983, 1984, and 1985 return years and no tax for 102888  
subsequent years; 102889

(C) On deposits, one and three-eighths mills on the dollar 102890



for the 1982 and 1983 return years and no tax for subsequent return years;

(D) On money, credits, and all other taxable intangibles, three mills on the dollar for the 1983, 1984, and 1985 return years and no tax for subsequent years.

The object and distribution of such taxes shall be as provided in sections 126.68 and 5705.32 ~~and 5747.48~~ of the Revised Code.

**Sec. 5709.212.** (A) ~~With~~ Except for applications filed for an industrial water pollution control facility, with every application for an exempt facility certificate filed pursuant to section 5709.21 of the Revised Code, the applicant shall pay a fee equal to one-half of one per cent of the total exempt facility project cost, not to exceed two thousand dollars. If the director of environmental protection is required to provide the opinion for an application for an air pollution control facility or noise pollution control facility, the fee shall be credited to the non-Title V clean air fund created in section 3704.035 of the Revised Code for use in administering section 5709.211 of the Revised Code, ~~unless the application is for an industrial water pollution control facility. In such a case, the fee shall be credited to the surface water protection fund created in section 6111.038 of the Revised Code for use in administering section 5709.211 of the Revised Code.~~ If the director of development or director of natural resources is required to provide the opinion for an application, the fee for each exempt facility application shall be credited to the exempt facility inspection fund, which is hereby created in the state treasury, for appropriation to the department of development ~~services agency or department of natural resources, as~~

applicable, for use in administering section 5709.211 of the Revised Code. 102921  
102922

An applicant is not entitled to any tax exemption under section 5709.25 of the Revised Code until the fee required by this section is paid. The fee required by this section is not refundable, and is due with the application for an exempt facility certificate even if an exempt facility certificate ultimately is not issued or is withdrawn. Any application submitted without payment of the fee shall be deemed incomplete until the fee is paid. 102923  
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(B) The application fee imposed under division (A) of this section for a jointly owned facility shall be equal to one-half of one per cent of the total exempt facility project cost, not to exceed two thousand dollars for each facility that is the subject of the application. 102931  
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**Sec. 5709.93.** (A) As used in this section: 102936

(1) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 102937  
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(2) "Threshold per cent" means two per cent for fiscal year 2016; and, for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points. 102941  
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(3) "Public library" means a county, municipal, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code. 102944  
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(4) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a 102947  
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township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time.

(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, less any reduction required under division (B)(2) of this section.

(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time.

(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section existed at that time.

(9) "Qualifying levy" means a levy for which payment was made in calendar year 2014 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time.

(10) "Total resources," in the case of county mental health and disability related functions, means the sum of the

amounts in divisions (A) (10) (a) and (b) of this section less any 102979  
reduction required under division (B) (1) of this section. 102980

(a) The sum of the payments received by the county for 102981  
mental health and developmental disability related functions in 102982  
calendar year 2014 under division (A) (1) of section 5727.86 and 102983  
division (A) (1) of section 5751.22 of the Revised Code as they 102984  
existed at that time; 102985

(b) With respect to taxes levied by the county for mental 102986  
health and developmental disability related purposes, the taxes 102987  
charged and payable for such purposes against all property on 102988  
the tax list of real and public utility property for tax year 102989  
2014. 102990

(11) "Total resources," in the case of county senior 102991  
services related functions, means the sum of the amounts in 102992  
divisions (A) (11) (a) and (b) of this section less any reduction 102993  
required under division (B) (1) of this section. 102994

(a) The sum of the payments received by the county for 102995  
senior services related functions in calendar year 2014 under 102996  
division (A) (1) of section 5727.86 and division (A) (1) of 102997  
section 5751.22 of the Revised Code as they existed at that 102998  
time; 102999

(b) With respect to taxes levied by the county for senior 103000  
services related purposes, the taxes charged and payable for 103001  
such purposes against all property on the tax list of real and 103002  
public utility property for tax year 2014. 103003

(12) "Total resources," in the case of county children's 103004  
services related functions, means the sum of the amounts in 103005  
divisions (A) (12) (a) and (b) of this section less any reduction 103006  
required under division (B) (1) of this section. 103007

(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A) (13) (a) and (b) of this section less any reduction required under division (B) (1) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(14) "Total resources," in the case of all county functions not included in divisions (A) (10) to (13) of this section, means the sum of the amounts in divisions (A) (14) (a) to (e) of this section less any reduction required under division (B) (1) or (2) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A) (1) of

section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time; 103037  
103038

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 103039  
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(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges; 103046  
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(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code; 103051  
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103053

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015. 103054  
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(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A) (15) (a) to (h) of this section less any reduction required under division (B) (1) or (2) of this section. 103057  
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103060

(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time; 103061  
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103063  
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(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) The sum of the amounts distributed to the municipal corporation in calendar year 2014 pursuant to section 5747.50 of the Revised Code;

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for municipal current expenses for tax year 2014;

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner;

(f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the municipal corporation has reported such data to the commissioner;

(g) The sum of the amounts distributed to the municipal corporation from the gross casino revenue host city fund from July 2014 through April 2015;

(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015. 103095  
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(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A) (16) (a) to (c) of this section less any reduction required under division (B) (1) or (2) of this section. 103098  
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103100  
103101

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A) (1) of section 5727.86 of the Revised Code and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes; 103102  
103103  
103104  
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(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 103107  
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103110  
103111  
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(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from levies imposed under section 5705.23 of the Revised Code. 103114  
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(17) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A) (17) (a) to (e) of this section less any reduction required under division 103120  
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103122  
103123



(B) (1) of this section.	103124
(a) The sum of the payments received by the local taxing unit in calendar year 2014 pursuant to division (A) (1) of section 5727.86 of the Revised Code and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;	103125 103126 103127 103128 103129
(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;	103130 103131 103132 103133 103134 103135 103136
(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from a levy imposed under section 5705.23 of the Revised Code;	103137 103138 103139 103140 103141 103142
(d) The amount received from the tax commissioner during calendar year 2014 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code;	103143 103144 103145
(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the chancellor of higher education and reported to the state controlling board.	103146 103147 103148 103149 103150
(18) "Total resources," in the case of a county, municipal corporation, school district, or township public library that	103151 103152

receives the proceeds of a tax levied under section 5705.23 of 103153  
the Revised Code, means the sum of the amounts in divisions (A) 103154  
(18) (a) to (d) of this section less any reduction required under 103155  
division (B) (1) of this section. 103156

(a) The sum of the payments received by the county, 103157  
municipal corporation, school district, or township public 103158  
library in calendar year 2014 pursuant to sections 5727.86 and 103159  
5751.22 of the Revised Code, as they existed at that time, for 103160  
fixed-rate levy losses attributable to a tax levied under 103161  
section 5705.23 of the Revised Code for the benefit of the 103162  
public library; 103163

(b) The public library's percentage share of county 103164  
undivided local government fund allocations as certified to the 103165  
tax commissioner for calendar year 2015 by the county auditor 103166  
under division (J) of section 5747.51 of the Revised Code or 103167  
division (F) of section 5747.53 of the Revised Code multiplied 103168  
by the total amount actually distributed in calendar year 2014 103169  
from the county undivided local government fund; 103170

(c) With respect to a tax levied pursuant to section 103171  
5705.23 of the Revised Code for the benefit of the public 103172  
library, the amount of such tax that is charged and payable 103173  
against all property on the tax list of real and public utility 103174  
property for tax year 2014 excluding any tax that is charged and 103175  
payable for the purpose of paying debt charges; 103176

(d) The sum of the amounts distributed to the library 103177  
district from the county public library fund in calendar year 103178  
2014, as reported to the tax commissioner by the county auditor. 103179

(19) "Municipal current expense property tax levies" means 103180  
all property tax levies of a municipality, except those with the 103181

following levy names: library; airport resurfacing; bond or any 103182  
levy name including the word "bond"; capital improvement or any 103183  
levy name including the word "capital"; debt or any levy name 103184  
including the word "debt"; equipment or any levy name including 103185  
the word "equipment," unless the levy is for combined operating 103186  
and equipment; employee termination fund; fire pension or any 103187  
levy containing the word "pension," including police pensions; 103188  
fireman's fund or any practically similar name; sinking fund; 103189  
road improvements or any levy containing the word "road"; fire 103190  
truck or apparatus; flood or any levy containing the word 103191  
"flood"; conservancy district; county health; note retirement; 103192  
sewage, or any levy containing the words "sewage" or "sewer"; 103193  
park improvement; parkland acquisition; storm drain; street or 103194  
any levy name containing the word "street"; lighting, or any 103195  
levy name containing the word "lighting"; and water. 103196

(20) "Operating fixed-rate levy loss" means, in the case 103197  
of local taxing units other than municipal corporations, fixed- 103198  
rate levy losses of levies imposed for purposes other than 103199  
paying debt charges or, in the case of municipal corporations, 103200  
fixed-rate levy losses of municipal current expense property tax 103201  
levies. 103202

(21) (a) "Qualifying municipal corporation" means a 103203  
municipal corporation in the territory of which a qualifying end 103204  
user is located. 103205

(b) "Qualifying end user" means an end user of at least 103206  
seven million qualifying kilowatt hours of electricity annually. 103207

(c) "Qualifying kilowatt hours" means kilowatt hours of 103208  
electricity generated by a renewable energy resource, as defined 103209  
in section 5727.01 of the Revised Code, using wind energy and 103210  
the distribution of which is subject to the tax levied under 103211

section 5727.81 of the Revised Code for any measurement period 103212  
beginning after June 30, 2015. 103213

(22) Any term used in this section has the same meaning as 103214  
in section 5727.84 or 5751.20 of the Revised Code unless 103215  
otherwise defined by this section. 103216

(B) (1) "Total resources" used to compute payments to be 103217  
made under division (C) of this section shall be reduced to the 103218  
extent that payments distributed in calendar year 2014 were 103219  
attributable to levies no longer charged and payable. 103220

(2) "Current expense allocation" used to compute payments 103221  
to be made under division (C) of this section shall be reduced 103222  
to the extent that payments distributed in calendar year 2014 103223  
were attributable to levies no longer charged and payable. 103224

(C) (1) Except as provided in division (D) of this section, 103225  
the tax commissioner shall compute payments for operating fixed- 103226  
rate levy losses of local taxing units and public libraries for 103227  
fiscal year 2016 and each year thereafter as prescribed in 103228  
divisions (C) (1) (a) and (b) of this section: 103229

(a) For public libraries and local taxing units other than 103230  
municipal corporations: 103231

(i) If the ratio of current expense allocation to total 103232  
resources is equal to or less than the threshold per cent, zero; 103233

(ii) If the ratio of current expense allocation to total 103234  
resources is greater than the threshold per cent, the current 103235  
expense allocation minus the product of total resources 103236  
multiplied by the threshold per cent. 103237

(b) For municipal corporations: 103238

(i) If the ratio of the municipal current expense 103239

allocation to total resources is equal to or less than the 103240  
threshold per cent, zero; 103241

(ii) If the ratio of the municipal current expense 103242  
allocation to total resources is greater than the threshold per 103243  
cent, the municipal current expense allocation minus the product 103244  
of total resources multiplied by the threshold per cent. 103245

(2) For any local taxing unit or public library with 103246  
operating fixed-rate levy losses greater than zero, the 103247  
operating fixed-rate levy loss shall be allocated among all 103248  
qualifying operating fixed-rate levies in proportion to each 103249  
such levy's share of the payments received in tax year 2014. In 103250  
fiscal year 2016 and thereafter, if a levy to which operating 103251  
fixed-rate levy loss is allocated is no longer charged and 103252  
payable, the payment to the local taxing unit or public library 103253  
shall be reduced by the amount allocated to the levy that is no 103254  
longer charged and payable. 103255

(D) (1) Except as provided in division (D) (2) of this 103256  
section, the tax commissioner shall make payments to local 103257  
taxing units equal to the sum of TPP inside millage debt levy 103258  
loss and S.B. 3 inside millage debt levy loss. No payment shall 103259  
be made if the levy for which the levy loss is computed is not 103260  
charged and payable for debt purposes in fiscal year 2016 or any 103261  
year thereafter. 103262

(2) No payment shall be made for TPP inside millage debt 103263  
levy loss in calendar year 2018 or thereafter. No payment shall 103264  
be made for S.B.3 inside millage debt levy loss in calendar year 103265  
2017 or thereafter. 103266

(E) For a qualifying municipal corporation, the tax 103267  
commissioner shall compute payments for fiscal year 2016 and 103268

each ensuing fiscal year in an amount equal to the amount of tax 103269  
imposed under section 5727.81 of the Revised Code and paid on 103270  
the basis of qualifying kilowatt hours of electricity 103271  
distributed through the meter of a qualifying end user located 103272  
in the municipal corporation for measurement periods ending in 103273  
the preceding calendar year. The payment shall be computed 103274  
regardless of whether the qualifying municipal corporation 103275  
qualifies for a payment under any other division of this section 103276  
for the fiscal year in which the payment is computed under this 103277  
division. For the purposes of this division, the commissioner 103278  
may require an electric distribution company distributing 103279  
qualifying kilowatt hours or, if the end user is a self- 103280  
assessing purchaser, the end user, to report to the commissioner 103281  
the number of qualifying kilowatt hours distributed through the 103282  
meter of the qualifying end user. 103283

(F) (1) The payments required to be made under divisions 103284  
(C), (D), and (H) of this section shall be paid from the ~~local-~~ 103285  
~~government tangible property tax replacement~~ general revenue 103286  
fund to the county undivided income tax fund in the proper 103287  
county treasury. Beginning in August 2015, one-half of the 103288  
amount determined under each of those divisions shall be paid on 103289  
or before the last day of August each year, and one-half shall 103290  
be paid on or before the last day of February each year. Within 103291  
thirty days after receipt of such payments, the county treasurer 103292  
shall distribute amounts determined under this section to the 103293  
proper local taxing unit or public library as if they had been 103294  
levied and collected as taxes, and the local taxing unit or 103295  
public library shall allocate the amounts so received among its 103296  
funds in the same proportions as if those amounts had been 103297  
levied and collected as taxes. 103298

(2) On or before the last day of August and of February of 103299

each fiscal year that follows a calendar year in which taxes are 103300  
paid on the basis of qualifying kilowatt hours of electricity 103301  
distributed through the meter of a qualifying end user located 103302  
in a qualifying municipal corporation, one-half of the payment 103303  
computed under division (E) of this section shall be paid from 103304  
the ~~local government tangible personal property tax replacement~~ 103305  
general revenue fund directly to the qualifying municipal 103306  
corporation. The municipal corporation shall credit the payments 103307  
to a special fund created for the purpose of providing grants or 103308  
other financial assistance to the qualifying end user or to 103309  
compensate the municipal corporation for municipal income tax or 103310  
other tax credits or reductions as the legislative authority may 103311  
grant to the qualifying end user. Such grants or other financial 103312  
assistance may be provided for by ordinance or resolution of the 103313  
legislative authority of the qualifying municipal corporation 103314  
and may continue for as long as is provided by the ordinance or 103315  
resolution. 103316

(G) If all or a part of the territories of two or more 103317  
local taxing units are merged, or unincorporated territory of a 103318  
township is annexed by a municipal corporation, the tax 103319  
commissioner shall adjust the payments made under this section 103320  
to each of the local taxing units in proportion to the square 103321  
mileage of the merged or annexed territory as a percentage of 103322  
the total square mileage of the jurisdiction from which the 103323  
territory originated, or as otherwise provided by a written 103324  
agreement between the legislative authorities of the local 103325  
taxing units certified to the commissioner not later than the 103326  
first day of June of the calendar year in which the payment is 103327  
to be made. 103328

(H) For fiscal years 2022 through 2026, if the total 103329  
amount to be received under division (C) of this section by a 103330

joint fire district that has a nuclear power plant located 103331  
within its territory is less than the amount the district 103332  
received under this section in fiscal year 2017, the district 103333  
shall receive a supplemental payment equal to the difference 103334  
between the amount to be received under that division for the 103335  
fiscal year and the amount received under this section in fiscal 103336  
year 2017. 103337

**Sec. 5715.19.** (A) As used in this section: 103338

"Member" has the same meaning as in section 1706.01 of the 103339  
Revised Code. 103340

"Internet identifier of record" has the same meaning as in 103341  
section 9.312 of the Revised Code. 103342

"Interim period" means, for each county, the tax year to 103343  
which section 5715.24 of the Revised Code applies and each 103344  
subsequent tax year until the tax year in which that section 103345  
applies again. 103346

"Legislative authority" means a board of county 103347  
commissioners, a board of township trustees of any township with 103348  
territory in the county, the board of education of any school 103349  
district with territory in the county, or the legislative 103350  
authority of a municipal corporation with territory in the 103351  
county. 103352

"Original complaint" means a complaint filed under 103353  
division (A) of this section. 103354

"Counter-complaint" means a complaint filed under division 103355  
(B) of this section in response to an original complaint. 103356

"Third party complainant" means a complainant other than 103357  
the property owner, the owner's spouse, a tenant authorized to 103358



file an original complaint, or any person acting on behalf of a 103359  
property owner. "Third party complainant" does not include a 103360  
legislative authority or a mayor of a municipal corporation, but 103361  
does include the prosecuting attorney or treasurer of a county\_ 103362  
or any person acting on behalf of a legislative authority or 103363  
mayor. 103364

For purposes of this section, a person is considered to be 103365  
acting on behalf of a legislative authority or mayor if the 103366  
person is an official or employee of the political subdivision 103367  
or has been hired, contracted, or directed by such an official 103368  
or employee to file a complaint or counter-complaint under this 103369  
section on behalf of the political subdivision. 103370

(1) Subject to division (A) (2) of this section, a 103371  
complaint against any of the following determinations for the 103372  
current tax year shall be filed with the county auditor on or 103373  
before the thirty-first day of March of the ensuing tax year or 103374  
the date of closing of the collection for the first half of real 103375  
and public utility property taxes for the current tax year, 103376  
whichever is later: 103377

(a) Any classification made under section 5713.041 of the 103378  
Revised Code; 103379

(b) Any determination made under section 5713.32 or 103380  
5713.35 of the Revised Code; 103381

(c) Any recoupment charge levied under section 5713.35 of 103382  
the Revised Code; 103383

(d) The determination of the total valuation or assessment 103384  
of any parcel that appears on the tax list, except parcels 103385  
assessed by the tax commissioner pursuant to section 5727.06 of 103386  
the Revised Code; 103387

(e) The determination of the total valuation of any parcel 103388  
that appears on the agricultural land tax list, except parcels 103389  
assessed by the tax commissioner pursuant to section 5727.06 of 103390  
the Revised Code; 103391

(f) Any determination made under division (A) of section 103392  
319.302 of the Revised Code. 103393

If such a complaint is filed by mail or certified mail, 103394  
the date of the United States postmark placed on the envelope or 103395  
sender's receipt by the postal service shall be treated as the 103396  
date of filing. A private meter postmark on an envelope is not a 103397  
valid postmark for purposes of establishing whether a complaint 103398  
has been timely filed. 103399

Subject to division (A) (6) of this section, any person 103400  
owning taxable real property in the county or in a taxing 103401  
district with territory in the county; such a person's spouse; a 103402  
tenant of the property owner, if the property is classified as 103403  
to use for tax purposes as commercial or industrial, the lease 103404  
requires the tenant to pay the entire amount of taxes charged 103405  
against the property, and the lease allows, or the property 103406  
owner otherwise authorizes, the tenant to file such a complaint 103407  
with respect to the property; an individual who is retained by 103408  
such a person or tenant and who holds a designation from a 103409  
professional assessment organization, such as the institute for 103410  
professionals in taxation, the national council of property 103411  
taxation, or the international association of assessing 103412  
officers; a public accountant who holds a permit under section 103413  
4701.10 of the Revised Code, a general or residential real 103414  
estate appraiser licensed or certified under Chapter 4763. of 103415  
the Revised Code, or a real estate broker licensed under Chapter 103416  
4735. of the Revised Code, who is retained by such a person or 103417

tenant; if the person or tenant is a firm, company, association, 103418  
partnership, limited liability company, or corporation, an 103419  
officer, a salaried employee, a partner, or a member of that 103420  
person or tenant; if the person or tenant is a trust, a trustee 103421  
of the trust; the prosecuting attorney or treasurer of the 103422  
county; or the legislative authority of a subdivision or the 103423  
mayor of a municipal corporation may file such a complaint 103424  
regarding any such determination affecting any real property in 103425  
the county, except that a person owning taxable real property in 103426  
another county may file such a complaint only with regard to any 103427  
such determination affecting real property in the county that is 103428  
located in the same taxing district as that person's real 103429  
property is located. The county auditor shall present to the 103430  
county board of revision all complaints filed with the auditor. 103431

(2) No person, legislative authority, or officer shall 103432  
file a complaint against the valuation or assessment of any 103433  
parcel that appears on the tax list if it filed a complaint 103434  
against the valuation or assessment of that parcel for any prior 103435  
tax year in the same interim period, unless the person, 103436  
legislative authority, or officer alleges that the valuation or 103437  
assessment should be changed due to one or more of the following 103438  
circumstances that occurred after the tax lien date for the tax 103439  
year for which the prior complaint was filed and that the 103440  
circumstances were not taken into consideration with respect to 103441  
the prior complaint: 103442

(a) The property was sold in an arm's length transaction, 103443  
as described in section 5713.03 of the Revised Code; 103444

(b) The property lost value due to some casualty; 103445

(c) Substantial improvement was added to the property; 103446

(d) An increase or decrease of at least fifteen per cent 103447  
in the property's occupancy has had a substantial economic 103448  
impact on the property. 103449

(3) If a county board of revision, the board of tax 103450  
appeals, or any court dismisses a complaint filed under this 103451  
section or section 5715.13 of the Revised Code for the reason 103452  
that the act of filing the complaint was the unauthorized 103453  
practice of law or the person filing the complaint was engaged 103454  
in the unauthorized practice of law, the party affected by a 103455  
decrease in valuation or the party's agent, or the person owning 103456  
taxable real property in the county or in a taxing district with 103457  
territory in the county, may refile the complaint, 103458  
notwithstanding division (A)(2) of this section. 103459

(4)(a) No complaint filed under this section or section 103460  
5715.13 of the Revised Code shall be dismissed for the reason 103461  
that the complaint fails to accurately identify the owner of the 103462  
property that is the subject of the complaint. 103463

(b) If a complaint fails to accurately identify the owner 103464  
of the property that is the subject of the complaint, the board 103465  
of revision shall exercise due diligence to ensure the correct 103466  
property owner is notified as required by divisions (B) and (C) 103467  
of this section. 103468

(5) Notwithstanding division (A)(2) of this section, a 103469  
person, legislative authority, or officer may file a complaint 103470  
against the valuation or assessment of any parcel that appears 103471  
on the tax list if it filed a complaint against the valuation or 103472  
assessment of that parcel for any prior tax year in the same 103473  
interim period if the person, legislative authority, or officer 103474  
withdrew the complaint before the complaint was heard by the 103475  
board. 103476

(6) The legislative authority of a subdivision, the mayor of a municipal corporation, or a third party complainant shall not file an original complaint with respect to property the subdivision or complainant does not own or lease unless both of the following conditions are met:

(a) If the complaint is based on a determination described in division (A) (1) (d) or (e) of this section, ~~the property was~~ (i) sold all of the following requirements are met:

(i) The complaint seeks an increase in the valuation of the property based upon the sale of the property in an arm's length transaction, as described in section 5713.03 of the Revised Code, before, but not after, .

(ii) That sale is evidenced by a conveyance fee statement, attached to the complaint, that declares the value of the property conveyed pursuant to section 319.202 of the Revised Code and that was filed during the two years preceding the tax lien date for the tax year for which the complaint is to be filed, and (ii) the .

(iii) That sale price exceeds the true value of the property appearing on the tax list for that tax year by both ten per cent and the amount of the filing threshold determined under division (J) of this section .

(b) If the complaint is filed by a legislative authority ~~or, mayor, or third party complainant acting on behalf of a legislative authority or mayor,~~ the legislative authority or, in the case of a mayor, the legislative authority of the municipal corporation, first adopts a resolution authorizing the filing of the original complaint at a public meeting of the legislative authority.

(7) A resolution adopted under division (A) (6) (b) of this section shall include all of the following information:

(a) Identification of the parcel or parcels that are the subject of the original complaint by street address, if available from online records of the county auditor, and by permanent parcel number;

(b) The name of at least one of the record owners of the parcel or parcels;

(c) The basis for the complaint under divisions (A) (1) (a) to (f) of this section relative to each parcel identified in the resolution;

(d) The tax year for which the complaint will be filed, which shall be a year for which a complaint may be timely filed under this section at the time of the resolution's adoption.

A legislative authority shall not adopt a resolution required under division (A) (6) (b) of this section that identifies more than one parcel under division (A) (7) (a) of this section, except that a single resolution may identify more than one parcel under that division if each parcel has the same record owner or the same record owners, as applicable. A legislative authority may adopt multiple resolutions required under division (A) (6) (b) of this section by a single vote, provided that the vote is separate from the question of whether to adopt any resolution that is not adopted under division (A) (6) (b) of this section.

Before adopting a resolution required by division (A) (6) (b) of this section, the legislative authority shall mail a written notice to at least one of the record owners of the parcel or parcels identified in the resolution stating the

intent of the legislative authority in adopting the resolution, 103535  
the proposed date of adoption, and the basis for the complaint 103536  
under divisions (A) (1) (a) to (f) of this section relative to 103537  
each parcel identified in the resolution. The notice shall be 103538  
sent by certified mail to the last known tax-mailing address of 103539  
at least one of the record owners and, if different from that 103540  
tax-mailing address, to the street address of the parcel or 103541  
parcels identified in the resolution. Alternatively, if the 103542  
legislative authority has record of an internet identifier of 103543  
record associated with at least one of the record owners, the 103544  
legislative authority may send the notice by ordinary mail and 103545  
by that internet identifier of record. The notice shall be 103546  
postmarked or, if sent by internet identifier of record, sent at 103547  
least seven calendar days before the legislative authority 103548  
adopts the resolution. 103549

A board of revision has jurisdiction to consider a 103550  
complaint filed pursuant to a resolution adopted under division 103551  
(A) (6) (b) of this section only if the legislative authority 103552  
notifies the board of revision of the resolution in the manner 103553  
prescribed in division ~~(A) (8)~~ (A) (8) (a) of this section. The 103554  
failure to accurately identify the street address or the name of 103555  
the record owners of the parcel in the resolution does not 103556  
invalidate the resolution nor is it a cause for dismissal of the 103557  
complaint. 103558

~~(8)~~ (8) (a) A complaint form prescribed by a board of 103559  
revision or the tax commissioner for the purpose of this section 103560  
shall include a box that must be checked, when a legislative 103561  
authority, mayor, or third party complainant acting on behalf of 103562  
either files an original complaint, to indicate that a 103563  
resolution authorizing the complaint was adopted in accordance 103564  
with divisions (A) (6) (b) and (7) of this section and that notice 103565

was mailed or sent in accordance with division (A) (7) of this 103566  
section before adoption of the resolution to at least one of the 103567  
record owners of the property that is the subject of the 103568  
complaint. 103569

(b) Any third party complainant shall submit, with the 103570  
complaint, a sworn affidavit stating whether the third party 103571  
complainant is or is not acting on behalf of a legislative 103572  
authority or mayor. 103573

~~(B)~~(B) (1) Within thirty days after the last date such 103574  
complaints may be filed, the auditor shall give notice of each 103575  
complaint in which the stated amount of overvaluation, 103576  
undervaluation, discriminatory valuation, illegal valuation, or 103577  
incorrect determination is at least seventeen thousand five 103578  
hundred dollars in taxable value to each property owner whose 103579  
property is the subject of the complaint, if the complaint was 103580  
not filed by the owner or the owner's spouse. A board of 103581  
education, subject to this division; a property owner; the 103582  
owner's spouse; a tenant of the owner, if that tenant would be 103583  
eligible to file a complaint under division (A) of this section 103584  
with respect to the property; an individual who is retained by 103585  
such an owner or tenant and who holds a designation from a 103586  
professional assessment organization, such as the institute for 103587  
professionals in taxation, the national council of property 103588  
taxation, or the international association of assessing 103589  
officers; a public accountant who holds a permit under section 103590  
4701.10 of the Revised Code, a general or residential real 103591  
estate appraiser licensed or certified under Chapter 4763. of 103592  
the Revised Code, or a real estate broker licensed under Chapter 103593  
4735. of the Revised Code, who is retained by such an owner or 103594  
tenant; or, if the owner or tenant is a firm, company, 103595  
association, partnership, limited liability company, 103596



corporation, or trust, an officer, a salaried employee, a 103597  
partner, a member, or trustee of that owner or tenant, may file 103598  
a counter-complaint in support of or objecting to the amount of 103599  
alleged overvaluation, undervaluation, discriminatory valuation, 103600  
illegal valuation, or incorrect determination stated in a 103601  
previously filed original complaint or objecting to the current 103602  
valuation. 103603

(2) A board of education may file a counter-complaint only 103604  
if the original complaint (a) was filed by the owner of the 103605  
property that is the subject of the complaint, a tenant of that 103606  
property owner, or any person acting on behalf of such owner or 103607  
tenant, and (b) states an amount of overvaluation, 103608  
undervaluation, discriminatory valuation, illegal valuation, or 103609  
incorrect determination of at least seventeen thousand five 103610  
hundred dollars in taxable value. 103611

The board shall file the counter-complaint within thirty 103612  
days after the original complaint is filed or after the last day 103613  
such complaints may be filed, whichever is later, and any other 103614  
person shall file the counter-complaint within thirty days after 103615  
receiving the notice required under this division. 103616

(3) Upon the filing of a counter-complaint, the board of 103617  
education, property owner, or tenant shall be made a party to 103618  
the action. 103619

(C) Each board of revision shall notify any complainant 103620  
and counter-complainant, and also the property owner, if the 103621  
property owner's address is known, and the complaint is filed by 103622  
one other than the property owner, not less than ten days prior 103623  
to the hearing, either by certified mail or, if the board has 103624  
record of an internet identifier of record associated with the 103625  
owner, by ordinary mail and by that internet identifier of 103626

record of the time and place the same will be heard. The board 103627  
of revision shall hear and render its decision on an original 103628  
complaint within one hundred eighty days after the last day such 103629  
a complaint may be filed with the board under division (A) (1) of 103630  
this section or, if a counter-complaint is filed, within one 103631  
hundred eighty days after such filing. If the original complaint 103632  
is filed by the legislative authority of a subdivision, the 103633  
mayor of a municipal corporation with territory in the county, 103634  
or a third party complainant, and if the board of revision has 103635  
not rendered its decision on the complaint within one year after 103636  
the date the complaint was filed, the board may dismiss the 103637  
complaint. 103638

(D) The determination of any such original complaint or 103639  
counter-complaint shall relate back to the date when the lien 103640  
for taxes or recoupment charges for the current year attached or 103641  
the date as of which liability for such year was determined. 103642  
Liability for taxes and recoupment charges for such year and 103643  
each succeeding year until the complaint is finally determined 103644  
and for any penalty and interest for nonpayment thereof within 103645  
the time required by law shall be based upon the determination, 103646  
valuation, or assessment as finally determined. Each complaint 103647  
shall state the amount of overvaluation, undervaluation, 103648  
discriminatory valuation, illegal valuation, or incorrect 103649  
classification or determination upon which the complaint is 103650  
based. The treasurer shall accept any amount tendered as taxes 103651  
or recoupment charge upon property concerning which a complaint 103652  
is then pending, computed upon the claimed valuation as set 103653  
forth in the complaint. Unless dismissal is required under 103654  
division (C) of this section, if an original complaint or 103655  
counter-complaint filed for the current year is not determined 103656  
by the board within the time prescribed for such determination, 103657

the complaint and any proceedings in relation thereto shall be 103658  
continued by the board as a valid complaint for any ensuing year 103659  
until that original complaint or counter-complaint is finally 103660  
determined by the board or upon any appeal from a decision of 103661  
the board. In such case, the original complaint and counter- 103662  
complaint shall continue in effect without further filing by the 103663  
original taxpayer, the original taxpayer's assignee, or any 103664  
other person or entity authorized to file a complaint under this 103665  
section. 103666

(E) If a taxpayer files a complaint as to the 103667  
classification, valuation, assessment, or any determination 103668  
affecting the taxpayer's own property and tenders less than the 103669  
full amount of taxes or recoupment charges as finally 103670  
determined, an interest charge shall accrue as follows: 103671

(1) If the amount finally determined is less than the 103672  
amount billed but more than the amount tendered, the taxpayer 103673  
shall pay interest at the rate per annum prescribed by section 103674  
5703.47 of the Revised Code, computed from the date that the 103675  
taxes were due on the difference between the amount finally 103676  
determined and the amount tendered. This interest charge shall 103677  
be in lieu of any penalty or interest charge under section 103678  
323.121 of the Revised Code unless the taxpayer failed to file a 103679  
complaint and tender an amount as taxes or recoupment charges 103680  
within the time required by this section, in which case section 103681  
323.121 of the Revised Code applies. 103682

(2) If the amount of taxes finally determined is equal to 103683  
or greater than the amount billed and more than the amount 103684  
tendered, the taxpayer shall pay interest at the rate prescribed 103685  
by section 5703.47 of the Revised Code from the date the taxes 103686  
were due on the difference between the amount finally determined 103687

and the amount tendered, such interest to be in lieu of any 103688  
interest charge but in addition to any penalty prescribed by 103689  
section 323.121 of the Revised Code. 103690

(F) Upon request of a complainant, the tax commissioner 103691  
shall determine the common level of assessment of real property 103692  
in the county for the year stated in the request that is not 103693  
valued under section 5713.31 of the Revised Code, which common 103694  
level of assessment shall be expressed as a percentage of true 103695  
value and the common level of assessment of lands valued under 103696  
such section, which common level of assessment shall also be 103697  
expressed as a percentage of the current agricultural use value 103698  
of such lands. Such determination shall be made on the basis of 103699  
the most recent available sales ratio studies of the 103700  
commissioner and such other factual data as the commissioner 103701  
deems pertinent. 103702

(G) A complainant shall provide to the board of revision 103703  
all information or evidence within the complainant's knowledge 103704  
or possession that affects the real property that is the subject 103705  
of the complaint. A complainant who fails to provide such 103706  
information or evidence is precluded from introducing it on 103707  
appeal to the board of tax appeals or the court of common pleas, 103708  
except that the board of tax appeals or court may admit and 103709  
consider the evidence if the complainant shows good cause for 103710  
the complainant's failure to provide the information or evidence 103711  
to the board of revision. 103712

(H) In case of the pendency of any proceeding in court 103713  
based upon an alleged excessive, discriminatory, or illegal 103714  
valuation or incorrect classification or determination, the 103715  
taxpayer may tender to the treasurer an amount as taxes upon 103716  
property computed upon the claimed valuation as set forth in the 103717

complaint to the court. The treasurer may accept the tender. If 103718  
the tender is not accepted, no penalty shall be assessed because 103719  
of the nonpayment of the full taxes assessed. 103720

(I) A legislative authority, or any person acting on 103721  
behalf of a legislative authority, may not enter into a private 103722  
payment agreement with respect to any complaint filed or 103723  
contemplated under this section or section 5715.13 of the 103724  
Revised Code, and any such agreement is void and unenforceable. 103725  
As used in this division, "private payment agreement" means any 103726  
type of agreement in which a property owner, a tenant authorized 103727  
to file a complaint under division (A) of this section, or any 103728  
person acting on behalf of a property owner or such a tenant 103729  
agrees to make one or more payments to a subdivision in exchange 103730  
for the legislative authority of that subdivision, or any person 103731  
acting on behalf of that subdivision, doing any of the 103732  
following: 103733

(1) Refraining from filing a complaint or counter- 103734  
complaint under this section; 103735

(2) Dismissing a complaint or counter-complaint filed 103736  
under this section by the legislative authority ~~under this~~ 103737  
~~section~~ or any person acting on behalf of the legislative 103738  
authority; 103739

(3) Resolving a claim under this section by settlement 103740  
agreement. 103741

A "private payment agreement" does not include any 103742  
agreement to resolve a claim under this section pursuant to 103743  
which an agreed-upon valuation for the property that is the 103744  
subject of the claim is approved by the county auditor and 103745  
reflected on the tax list, provided that agreement does not 103746

require any payments described in this division. 103747

(J) For the purpose of division (A) (6) (a) of this section, 103748  
the filing threshold for tax year 2022 equals five hundred 103749  
thousand dollars. For tax year 2023 and each tax year 103750  
thereafter, the tax commissioner shall adjust the filing 103751  
threshold used in that division by completing the following 103752  
calculations in September of each year: 103753

(1) Determine the percentage increase in the gross 103754  
domestic product deflator determined by the bureau of economic 103755  
analysis of the United States department of commerce from the 103756  
first day of January of the preceding year to the last day of 103757  
December of the preceding year; 103758

(2) Multiply that percentage increase by the filing 103759  
threshold for the current year; 103760

(3) Add the resulting product to the filing threshold for 103761  
the current year; 103762

(4) Round the resulting sum to the nearest multiple of one 103763  
thousand dollars. 103764

The commissioner shall certify the amount resulting from 103765  
the adjustment to each county auditor not later than the first 103766  
day of October each year. The certified amount applies to 103767  
complaints filed for the tax year in which the amount is 103768  
certified. The commissioner shall not make the adjustment for 103769  
any tax year in which the amount resulting from the adjustment 103770  
would be less than the filing threshold for the current tax 103771  
year. 103772

(K) If a board of revision dismisses a complaint filed by 103773  
a legislative authority, mayor, or person acting on behalf of 103774  
either on the basis that the complaint does not comply with the 103775

requirements of divisions (A) (6) to (8) of this section, the 103776  
board shall order the legislative authority, mayor, or person to 103777  
pay any costs and reasonable attorney's fees incurred by the 103778  
property owner in connection with the complaint. 103779

The political subdivision shall remit the costs and 103780  
attorney's fees to the board of revision within sixty days after 103781  
the board dismisses the complaint, and the board shall remit 103782  
those amounts to the property owner. If the political 103783  
subdivision fails to pay the required amount within sixty days 103784  
after the complaint was dismissed, the board shall notify the 103785  
prosecuting attorney of the county in which the property is 103786  
located, and the prosecuting attorney shall proceed to collect 103787  
the amount owed. The prosecuting attorney may recover from the 103788  
political subdivision any costs related to the collection 103789  
action. 103790

(L) Any person who knowingly makes a false statement in an 103791  
affidavit furnished under division (A) (8) (b) of this section is 103792  
guilty of falsification under division (A) (11) of section 103793  
2921.13 of the Revised Code. 103794

**Sec. 5717.01.** An appeal from a decision of a county board 103795  
of revision may be taken to the board of tax appeals within 103796  
thirty days after notice of the decision of the county board of 103797  
revision is mailed as provided in division (A) of section 103798  
5715.20 of the Revised Code. Such an appeal may be taken by the 103799  
county auditor, the tax commissioner, or any board, legislative 103800  
authority, public official, or taxpayer authorized by section 103801  
5715.19 of the Revised Code to file complaints against 103802  
valuations or assessments with the auditor, except that a 103803  
subdivision ~~that files an original complaint or counter-~~ 103804  
~~complaint under that section with respect to property the-~~ 103805

~~subdivision does not own or lease may not appeal the decision of~~ 103806  
~~the board of revision with respect to that original complaint or~~ 103807  
~~counter-complaint~~ the legislative authority or mayor of a 103808  
subdivision may file such an appeal only if the subdivision owns 103809  
or leases the property that is the subject of the board of 103810  
revision's decision, and except that no such appeal may be taken 103811  
by a third party complainant, as defined in that section. Such 103812  
appeal shall be taken by the filing of a notice of appeal, in 103813  
person or by certified mail, express mail, facsimile 103814  
transmission, electronic transmission, or by authorized delivery 103815  
service, with the board of tax appeals and with the county board 103816  
of revision. If notice of appeal is filed by certified mail, 103817  
express mail, or authorized delivery service as provided in 103818  
section 5703.056 of the Revised Code, the date of the United 103819  
States postmark placed on the sender's receipt by the postal 103820  
service or the date of receipt recorded by the authorized 103821  
delivery service shall be treated as the date of filing. If 103822  
notice of appeal is filed by facsimile transmission or 103823  
electronic transmission, the date and time the notice is 103824  
received by the board shall be the date and time reflected on a 103825  
timestamp provided by the board's electronic system, and the 103826  
appeal shall be considered filed with the board on the date 103827  
reflected on that timestamp. Any timestamp provided by another 103828  
computer system or electronic submission device shall not affect 103829  
the time and date the notice is received by the board. Upon 103830  
receipt of such notice of appeal such county board of revision 103831  
shall notify all persons thereof who were parties to the 103832  
proceeding before such county board of revision by either 103833  
certified mail or, if the board has record of an internet 103834  
identifier of record associated with such a person, by ordinary 103835  
mail and by that internet identifier of record, and shall file 103836  
proof of such notice or, in the case of ordinary mail, an 103837



affidavit attesting that the board sent the notice with the 103838  
board of tax appeals. The county board of revision shall 103839  
thereupon certify to the board of tax appeals a transcript of 103840  
the record of the proceedings of the county board of revision 103841  
pertaining to the original complaint, and all evidence offered 103842  
in connection therewith. Such appeal may be heard by the board 103843  
of tax appeals at its offices in Columbus or in the county where 103844  
the property is listed for taxation, or the board of tax appeals 103845  
may cause its examiners to conduct such hearing and to report to 103846  
it their findings for affirmation or rejection. An appeal may 103847  
proceed pursuant to section 5703.021 of the Revised Code on the 103848  
small claims docket if the appeal qualifies under that section. 103849

The board of tax appeals may order the appeal to be heard 103850  
on the record and the evidence certified to it by the county 103851  
board of revision, or it may order the hearing of additional 103852  
evidence, and it may make such investigation concerning the 103853  
appeal as it deems proper. 103854

As used in this section, "internet identifier of record" 103855  
has the same meaning as in section 9.312 of the Revised Code. 103856

**Sec. 5719.041.** If the payment of a general personal 103857  
property or classified property tax is not made on or before the 103858  
last day prescribed by section 5719.03 or 5719.031 of the 103859  
Revised Code, an interest charge shall begin to accrue and shall 103860  
continue until all charges are paid, except that no interest 103861  
charge shall accrue for or in the month in which such payment 103862  
was due under such section or under the circumstances and for 103863  
the period described in division (A) (2) of section 5711.33 of 103864  
the Revised Code or upon delinquent taxes that are the subject 103865  
of a delinquent tax contract entered into pursuant to section 103866  
5719.05 of the Revised Code. 103867

The interest charge shall accrue against the balance of such taxes and any penalty thereon outstanding that remains unpaid on the last day of each month and shall be at the rate per calendar month, rounded to the nearest one-hundredth of one per cent, equal to one-twelfth of the federal short-term rate determined by the tax commissioner under section 5703.47 of the Revised Code for the calendar year that includes the month for which the charge accrues. The charge is payable in addition to the unpaid balance of taxes and penalties on the day the charge accrues, unless the entire balance is sooner paid.

If a delinquent tax contract becomes void, interest shall be charged on the day on which the contract becomes void in the amount that would have been charged had the delinquent tax contract not been entered into and shall thereafter accrue as provided in this section.

Interest shall be allowed, at the same rate per calendar month as is applicable that month for underpayments, on any overpayment of the tax charged on a general personal property or a classified property tax duplicate, from the first day of the month following the date of the overpayment until the last day of the month preceding the date of the refund of the overpayment. The interest shall be paid from the fund or funds to which the overpayment was credited.

When the county treasurer makes the treasurer's annual settlement with the county auditor under division (D) of section 321.24 of the Revised Code, the treasurer shall certify to the auditor a list of all entries on the cumulative delinquent tax duplicate that are at that time in the process of being paid in installments under a valid delinquent tax contract. For each entry that appears on the duplicate that is not on the certified

list, the auditor shall compute the full amount of interest 103898  
charges which have accrued against such entry since the 103899  
preceding such settlement was made and shall include such 103900  
charges through the last day of the month preceding the current 103901  
settlement. The auditor shall include such amounts on the tax 103902  
list and duplicates prepared by the auditor as prescribed in 103903  
section 5719.04 of the Revised Code unless the interest is less 103904  
than one dollar, in which case it shall not be added to such tax 103905  
lists and duplicates. 103906

Before the county treasurer accepts any payment of taxes 103907  
against which there are accrued interest charges that do not 103908  
appear on the delinquent tax duplicate, the treasurer shall 103909  
notify the auditor who shall issue a certificate to the 103910  
treasurer showing the amount of such interest charges, and the 103911  
treasurer shall collect the amount shown on such certificate at 103912  
the time of accepting payment of such taxes. If the amount of 103913  
such interest charges is less than one dollar, no such 103914  
certificate shall be issued. In the case of delinquent personal 103915  
property taxes, the interest shown on such certificate shall be 103916  
credited to the undivided general tax fund, and distributed in 103917  
the same manner as the delinquent taxes upon which the interest 103918  
charges accrued. In the case of delinquent classified property 103919  
taxes, the interest shown on such certificate shall be credited 103920  
to the county public library fund and distributed in accordance 103921  
with section ~~5747.48~~126.68 of the Revised Code. When the 103922  
payment of delinquent taxes is credited on the tax duplicate the 103923  
treasurer shall make a separate notation thereon indicating the 103924  
amount collected and the index number of the auditor's 103925  
certificate herein prescribed. 103926

**Sec. 5725.01.** As used in sections 5725.01 to 5725.26 of 103927  
the Revised Code: 103928

(A) "Financial institution" means:	103929
(1) A national bank organized and existing as a national bank association pursuant to the "National Bank Act," 12 U.S.C. 21;	103930 103931 103932
(2) A federal savings association or federal savings bank that is chartered under 12 U.S.C. 1464;	103933 103934
(3) A bank, banking association, trust company, savings and loan association, savings bank, or other banking institution that is incorporated or organized under the laws of any state;	103935 103936 103937
(4) Any corporation organized under 12 U.S.C. 611 to 631;	103938
(5) Any agency or branch of a foreign depository as defined in 12 U.S.C. 3101;	103939 103940
(6) A company licensed as a small business investment company under the "Small Business Investment Act of 1958," 72 Stat. 689, 15 U.S.C. 661, as amended; or	103941 103942 103943
(7) A company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended.	103944 103945
Corporations or institutions organized under the "Federal Farm Loan Act" and amendments thereto, insurance companies, and credit unions shall not be considered financial institutions or dealers in intangibles within the meaning of such sections.	103946 103947 103948 103949
<del>(B)</del> (1) (B) "Dealer in intangibles" includes every person who keeps an office or other place of business in this state and engages at such office or other place in a business that consists primarily of lending money, or discounting, buying, or selling bills of exchange, drafts, acceptances, notes, mortgages, or other evidences of indebtedness, or of buying or selling bonds, stocks, or other investment securities, whether	103950 103951 103952 103953 103954 103955 103956

on the person's own account with a view to profit, or as agent 103957  
or broker for others, with a view to profit or personal 103958  
earnings. Dealer in intangibles excludes institutions used 103959  
exclusively for charitable purposes, insurance companies, and 103960  
financial institutions. The investment of funds as personal 103961  
accumulations or as business reserves or working capital does 103962  
not constitute engaging in a business within the meaning of this 103963  
division; but a person who, having engaged in a business that 103964  
consists primarily of lending money, or discounting, buying, or 103965  
selling bills of exchange, drafts, acceptances, notes, 103966  
mortgages, or other evidences of indebtedness on the person's 103967  
own account, remains in business primarily for the purpose of 103968  
realizing upon the assets of the business is deemed a dealer in 103969  
intangibles, though not presently engaged in a business that 103970  
consists primarily of lending money or discounting or buying 103971  
such securities. 103972

~~(2) The tax commissioner shall adopt a rule defining 103973  
"primarily" as that term is used in division (B) (1) of this 103974  
section. 103975~~

(C) "Insurance company" includes every corporation, 103976  
association, and society engaged in the business of insurance of 103977  
any character, or engaged in the business of entering into 103978  
contracts substantially amounting to insurance of any character, 103979  
or of indemnifying or guaranteeing against loss or damage, or 103980  
acting as surety on bonds or undertakings. "Insurance company" 103981  
also includes any health insuring corporation as defined in 103982  
section 1751.01 of the Revised Code. 103983

(D) "Domestic insurance company" includes every insurance 103984  
company organized and existing under the laws of this state, and 103985  
every unincorporated association and society formed under the 103986

laws of this state for the purpose of engaging in said business, 103987  
except a company, association, or society that is an insurance 103988  
holding company affiliate controlled by a nonresident affiliate 103989  
and has risks in this state formerly written by its foreign 103990  
affiliates in a total amount exceeding the risks outstanding on 103991  
the taxpayer's latest annual report that arise from business 103992  
initially written by it in this state; and excludes every 103993  
foreign insurance company. As used in this division, terms 103994  
defined in section 3901.32 of the Revised Code have the same 103995  
meanings given to them in that section. 103996

(E) "Foreign insurance company" includes every insurance 103997  
company organized or existing under the laws of any other state, 103998  
territory, country, or the United States and every insurance 103999  
holding company affiliate excepted under division (D) of this 104000  
section. 104001

(F) "Credit union" means a nonprofit cooperative financial 104002  
institution organized or chartered under the laws of this state, 104003  
of another state, or of the United States. 104004

**Sec. 5725.23.** Taxes, interest, and penalties may be 104005  
recovered from a delinquent domestic insurance company or person 104006  
in an action brought in the name of the state in the court of 104007  
common pleas of Franklin county or any county in which such 104008  
company or person has an office or place of business, and such 104009  
court shall have jurisdiction of such action regardless of the 104010  
amount involved. The attorney general, on request of the 104011  
superintendent of insurance or tax commissioner, shall institute 104012  
such action in the court of common pleas of Franklin county or 104013  
any other county the superintendent or commissioner directs. In 104014  
any such action, it shall be sufficient to allege that the tax, 104015  
interest, and penalty sought to be recovered stand charged on 104016

the tax list of domestic insurance company franchise taxes ~~or~~ 104017  
~~intangible property taxes~~ in the office of the treasurer of 104018  
state and have been unpaid for a period of forty-five days after 104019  
having been placed thereon. Sums recovered in any such action 104020  
shall be paid into the state treasury and distributed as 104021  
provided in section 5725.24 of the Revised Code. 104022

**Sec. 5726.03.** (A) (1) Annually, on or before the fifteenth 104023  
day of October, the reporting person for each taxpayer shall 104024  
make a report in writing to the tax commissioner, in such form 104025  
as the commissioner prescribes, and shall remit to the 104026  
commissioner the amount of tax shown to be due on the report. 104027  
The remittance shall be made payable to the treasurer of state. 104028  
~~The commissioner shall make available, on the official internet~~ 104029  
~~web site of the department of taxation, copies of the forms~~ 104030  
~~prescribed by the commissioner for the purpose of making the~~ 104031  
~~annual report.~~ 104032

(2) An annual report shall be signed by the president, 104033  
vice-president, secretary, treasurer, general manager, 104034  
superintendent, or managing agent in this state of the reporting 104035  
person. 104036

(3) An annual report shall contain the facts, figures, 104037  
computations, and attachments that result in the determination 104038  
of the amount of tax due from a taxpayer under this chapter. 104039

(B) (1) In the case of a financial institution described in 104040  
division (H) (1) of section 5726.01 of the Revised Code, the 104041  
annual report filed for a taxable year shall list, and include 104042  
information related to, each person includable in an FR Y-9 104043  
filed by the reporting person for that taxable year. 104044

(2) In the case of a financial institution described in 104045

division (H) (2) or (3) of section 5726.01 of the Revised Code, 104046  
the annual report for a taxable year shall list, and include 104047  
information related to, each person includable in a call report 104048  
filed by the reporting person for that taxable year. 104049

(C) (1) The reporting person for a taxpayer shall remit 104050  
each tax payment and, if required by the commissioner, file each 104051  
annual or estimated tax report electronically. The commissioner 104052  
may require reporting persons to use the Ohio business gateway 104053  
as defined in section 718.01 of the Revised Code to file reports 104054  
and remit the tax, or may provide another means for reporting 104055  
persons to file and remit the tax electronically. 104056

(2) The payment of taxes as provided in division (C) of 104057  
this section shall not affect a taxpayer's obligation to file an 104058  
annual report required under division (A) of this section. 104059

(3) The reporting person for a taxpayer that is required 104060  
to remit tax payments electronically under this section may 104061  
apply to the tax commissioner, in the manner prescribed by the 104062  
commissioner, to be excused from that requirement. The 104063  
commissioner may excuse the taxpayer from the requirements of 104064  
division (C) of this section for good cause. 104065

(4) If the reporting person for a taxpayer that is 104066  
required to remit tax payments or file reports electronically 104067  
under this section fails to do so, the commissioner may impose a 104068  
penalty not to exceed the following: 104069

(a) For either of the first two reports the person so 104070  
fails, five per cent of the amount of the payment that was 104071  
required to be remitted; 104072

(b) For the third and any subsequent reports the person so 104073  
fails, ten per cent of the amount of the payment that was 104074



required to be remitted. 104075

The penalty imposed under this section is in addition to 104076  
any other penalty or charge imposed under this chapter and shall 104077  
be considered as revenue arising from the tax levied under this 104078  
chapter. A penalty may be collected by assessment in the manner 104079  
prescribed by section 5726.20 of the Revised Code. ~~The tax-~~ 104080  
~~commissioner may abate all or a portion of such a penalty and-~~ 104081  
~~may adopt rules governing such abatements.~~ 104082

**Sec. 5726.20.** (A) The tax commissioner may make an 104083  
assessment, based on any information in the commissioner's 104084  
possession, against any person that fails to file a return or 104085  
report or pay any tax as required by this chapter. The reporting 104086  
person for a taxpayer shall file the annual report required 104087  
under section 5726.03 of the Revised Code and remit the tax 104088  
imposed by this chapter. Each person included in the annual 104089  
report of the taxpayer is jointly and severally liable for the 104090  
tax imposed by this chapter and any penalties and interest 104091  
thereon. If the reporting person fails, for any reason, to file 104092  
and remit any tax, the amount due may be collected by assessment 104093  
against the reporting person and against any or all other 104094  
persons required to be included in the annual report of the 104095  
taxpayer as provided in section 5703.90 of the Revised Code. The 104096  
commissioner shall make the assessment in the manner provided in 104097  
this section. The commissioner shall give the person assessed 104098  
written notice of the assessment as provided in section 5703.37 104099  
of the Revised Code. With the notice, the commissioner shall 104100  
provide instructions on the manner in which to petition for 104101  
reassessment and request a hearing with respect to the petition. 104102

(B) No assessment shall be made or issued against a person 104103  
under this section more than four years after the later of the 104104

final date the report subject to assessment was required to be 104105  
filed or the date such report was filed. Such time limit may be 104106  
extended if both the person and the commissioner consent in 104107  
writing to the extension or if an agreement waiving or extending 104108  
the time limit has been entered into pursuant to section 122.171 104109  
of the Revised Code. Any such extension shall extend the four- 104110  
year time limit prescribed in division (A) of section 5726.30 of 104111  
the Revised Code for the same period of time. There shall be no 104112  
bar or limit to an assessment against a person that fails to 104113  
file a report subject to assessment as required by this chapter, 104114  
or that files a fraudulent report. 104115

(C) Unless the person assessed, within sixty days after 104116  
service of the notice of assessment, files with the tax 104117  
commissioner, ~~either in person or by certified mail,~~ a written 104118  
petition for reassessment signed by the person or the person's 104119  
authorized agent having knowledge of the facts, the assessment 104120  
shall become final, and the amount of the assessment is due and 104121  
payable from the person assessed to the treasurer of state. A 104122  
petition shall indicate the objections of the person assessed, 104123  
but additional objections may be raised in writing if received 104124  
by the commissioner prior to the date shown on the final 104125  
determination. If a petition for reassessment has been properly 104126  
filed, the commissioner shall proceed under section 5703.60 of 104127  
the Revised Code. 104128

(D) (1) After an assessment becomes final, if any portion 104129  
of the assessment, including any accrued interest, remains 104130  
unpaid, a certified copy of the tax commissioner's entry making 104131  
the assessment final may be filed in the office of the clerk of 104132  
the court of common pleas in the county in which the person 104133  
resides or has its principal place of business in this state, or 104134  
in the office of the clerk of court of common pleas of Franklin 104135

county. 104136

(2) Immediately upon the filing of the entry, the clerk 104137  
shall enter judgment for the state against the person assessed 104138  
in the amount shown on the entry. The judgment may be filed by 104139  
the clerk in a loose-leaf book entitled, "special judgments for 104140  
the financial institution tax" and shall have the same effect as 104141  
other judgments. Execution shall issue upon the judgment at the 104142  
request of the tax commissioner, and all laws applicable to 104143  
sales on execution shall apply to sales made under the judgment. 104144

(3) If the assessment is not paid in its entirety within 104145  
sixty days after the day the assessment was issued, the portion 104146  
of the assessment consisting of tax due shall bear interest at 104147  
the rate per annum prescribed by section 5703.47 of the Revised 104148  
Code from the date the tax commissioner issues the assessment 104149  
until the date the assessment is paid or until it is certified 104150  
to the attorney general for collection under section 131.02 of 104151  
the Revised Code, whichever comes first. If the unpaid portion 104152  
of the assessment is certified to the attorney general for 104153  
collection, the entire unpaid portion of the assessment shall 104154  
bear interest at the rate per annum prescribed by section 104155  
5703.47 of the Revised Code from the date of certification until 104156  
the date it is paid in its entirety. Interest shall be paid in 104157  
the same manner as the tax and may be collected by the issuance 104158  
of an assessment under this section. 104159

(E) If the tax commissioner believes that collection of 104160  
the tax imposed by this chapter will be jeopardized unless 104161  
proceedings to collect or secure collection of the tax are 104162  
instituted without delay, the commissioner may issue a jeopardy 104163  
assessment against the person liable for the tax. Immediately 104164  
upon the issuance of the jeopardy assessment, the commissioner 104165

shall file an entry with the clerk of the court of common pleas 104166  
in the manner prescribed by division (D) of this section. Notice 104167  
of the jeopardy assessment shall be served on the person 104168  
assessed or the person's authorized agent in the manner provided 104169  
in section 5703.37 of the Revised Code within five days of the 104170  
filing of the entry with the clerk. The total amount assessed 104171  
shall be immediately due and payable, unless the person assessed 104172  
files a petition for reassessment in accordance with division 104173  
(C) of this section and provides security in a form satisfactory 104174  
to the commissioner and in an amount sufficient to satisfy the 104175  
unpaid balance of the assessment. Full or partial payment of the 104176  
assessment shall not prejudice the commissioner's consideration 104177  
of the petition for reassessment. 104178

(F) The tax commissioner shall immediately forward to the 104179  
treasurer of state all amounts the commissioner receives under 104180  
this section. Such amounts shall be considered as revenue 104181  
arising from the tax imposed by this chapter. 104182

(G) If the tax commissioner possesses information 104183  
indicating that the amount of tax a taxpayer is required to pay 104184  
under this chapter exceeds the amount the reporting person for 104185  
the taxpayer paid, the tax commissioner may audit a sample of 104186  
the taxpayer's gross receipts over a representative period of 104187  
time to ascertain the amount of tax due, and may issue an 104188  
assessment based on the audit. The tax commissioner shall make a 104189  
good faith effort to reach agreement with the taxpayer in 104190  
selecting a representative sample. The tax commissioner may 104191  
apply a sampling method only if the commissioner has prescribed 104192  
the method by rule. 104193

(H) If the whereabouts of a person subject to this chapter 104194  
is not known to the tax commissioner, the secretary of state is 104195

hereby deemed to be that person's agent for purposes of service 104196  
of process or notice of any assessment, action, or proceedings 104197  
instituted in this state against the person under this chapter. 104198  
Such process or notice shall be served on such person by the 104199  
commissioner or by an agent of the commissioner by leaving a 104200  
true and attested copy of the process or notice at the office of 104201  
the secretary of state at least fifteen days before the return 104202  
day of such process or notice, and by sending a copy of the 104203  
process or notice to such person by ordinary mail, with an 104204  
endorsement thereon of the service upon the secretary of state, 104205  
addressed to such person at the person's last known address. 104206

**Sec. 5726.21.** (A) In addition to any other penalty imposed 104207  
by this chapter or Chapter 5703. of the Revised Code, the 104208  
following penalties shall apply: 104209

(1) If a taxpayer required to file any report under this 104210  
chapter fails to make and file the report within the time 104211  
prescribed, a penalty may be imposed not exceeding the greater 104212  
of fifty dollars per month or fraction of a month, not to exceed 104213  
five hundred dollars, or five per cent per month or fraction of 104214  
a month, not to exceed fifty per cent of the tax required to be 104215  
shown on the report, for each month or fraction of a month 104216  
elapsing between the due date and the date on which the report 104217  
is filed. 104218

(2) If a taxpayer fails to pay the amount of tax required 104219  
to be paid under this chapter, except for estimated tax under 104220  
section 5726.06 of the Revised Code, by the dates prescribed in 104221  
this chapter for payment, a penalty may be imposed not exceeding 104222  
fifteen per cent of the delinquent payment. 104223

(3) If a taxpayer files what purports to be a report 104224  
required by this chapter that does not contain information upon 104225

which the substantial correctness of the report may be judged or 104226  
contains information that on its face indicates that the report 104227  
is substantially incorrect, and the filing of the report in that 104228  
manner is due to a position that is frivolous or a desire that 104229  
is apparent from the report to delay or impede the 104230  
administration of the tax levied under this chapter, a penalty 104231  
of up to five hundred dollars may be imposed. 104232

(4) If a taxpayer makes a fraudulent attempt to evade the 104233  
reporting or payment of the tax required to be shown on any 104234  
report required under this chapter, a penalty may be imposed not 104235  
exceeding the greater of one thousand dollars or one hundred per 104236  
cent of the tax required to be shown on the report. 104237

(5) If a taxpayer makes a false or fraudulent claim for a 104238  
refund under this chapter, a penalty may be imposed not 104239  
exceeding the greater of one thousand dollars or one hundred per 104240  
cent of the claim. 104241

(B) The tax commissioner may collect any penalty imposed 104242  
by this section in the same manner as the tax levied under this 104243  
chapter. Penalties so collected shall be considered as revenue 104244  
arising from the tax levied under this chapter. 104245

(C) For purposes of this section, the tax required to be 104246  
shown on the report shall be reduced by the amount of any part 104247  
of the tax paid on or before the date prescribed for filing the 104248  
report. 104249

~~(D) The tax commissioner may abate all or a portion of any 104250  
penalties imposed under this section and may adopt rules 104251  
governing such abatements. 104252~~

**Sec. 5726.98.** (A) To provide a uniform procedure for 104253  
calculating the amount of tax due under section 5726.02 of the 104254

Revised Code, a taxpayer shall claim any credits to which the	104255
taxpayer is entitled under this chapter in the following order:	104256
The nonrefundable job retention credit under division (B)	104257
of section 5726.50 of the Revised Code;	104258
The nonrefundable credit for purchases of qualified low-	104259
income community investments under section 5726.54 of the	104260
Revised Code;	104261
The nonrefundable credit for qualified research expenses	104262
under section 5726.56 of the Revised Code;	104263
The nonrefundable credit for qualifying dealer in	104264
intangibles taxes under section 5726.57 of the Revised Code;	104265
The nonrefundable Ohio low-income housing tax credit under	104266
section 5726.58 of the Revised Code;	104267
The nonrefundable affordable single-family home credit	104268
under section 5726.60 of the Revised Code;	104269
The nonrefundable welcome home Ohio (WHO) program credit	104270
under section 122.633 of the Revised Code;	104271
The nonrefundable opportunity zone investment credit under	104272
section 5726.61 of the Revised Code;	104273
The refundable credit for rehabilitating an historic	104274
building under section 5726.52 of the Revised Code;	104275
The refundable job retention or job creation credit under	104276
division (A) of section 5726.50 of the Revised Code;	104277
The refundable credit under section 5726.53 of the Revised	104278
Code for losses on loans made under the Ohio venture capital	104279
program under sections 150.01 to 150.10 of the Revised Code;	104280
The refundable motion picture and Broadway theatrical	104281

production credit under section 5726.55 of the Revised Code, 104282

~~The refundable credit for film and theater capital~~ 104283  
~~improvement projects under section 5726.59 of the Revised Code.~~ 104284

(B) For any credit except the refundable credits 104285  
enumerated in this section, the amount of the credit for a 104286  
taxable year shall not exceed the tax due after allowing for any 104287  
other credit that precedes it in the order required under this 104288  
section. Any excess amount of a particular credit may be carried 104289  
forward if authorized under the section creating that credit. 104290  
Nothing in this chapter shall be construed to allow a taxpayer 104291  
to claim, directly or indirectly, a credit more than once for a 104292  
taxable year. 104293

**Sec. 5727.08.** On or before the first day of March, 104294  
annually, each public utility and interexchange 104295  
telecommunications company, and, for tax years 2009 and 104296  
thereafter, each public utility property lessor, shall file a 104297  
report with the tax commissioner, on a form prescribed by the 104298  
tax commissioner. The report shall include such information as 104299  
the tax commissioner requires to enable the tax commissioner to 104300  
make any assessment or apportionment required under this 104301  
chapter. 104302

The report shall be signed by either the owner of the 104303  
public utility, interexchange telecommunications company, or 104304  
public utility property lessor or the president, secretary, 104305  
treasurer, or another duly authorized person. 104306

If such a public utility, interexchange telecommunications 104307  
company, or lessor fails to file the report on or before the 104308  
first day of March, or the date it is due under an extension 104309  
allowed pursuant to section 5727.48 of the Revised Code, or 104310



fails to accurately report all taxable property, the tax 104311  
commissioner may impose a penalty of up to fifty per cent of the 104312  
taxable value of the property that was not timely or accurately 104313  
reported. However, if such a public utility, company, or lessor 104314  
files, within sixty days after the first day of March or the 104315  
extended due date, the report or an amended report and discloses 104316  
all items of taxable property that are required by this chapter 104317  
to be reported, the penalty shall not be more than five per cent 104318  
of the taxable value that was not timely or accurately reported. 104319  
The penalty shall be added to and considered a part of the total 104320  
taxable value of the property that was not timely or accurately 104321  
reported, ~~and may be abated in whole or in part by the tax-~~ 104322  
~~commissioner pursuant to a petition for reassessment filed under~~ 104323  
~~section 5727.47 of the Revised Code.~~ 104324

**Sec. 5727.25.** (A) Except as provided in division (B) of 104325  
this section, within forty-five days after the last day of 104326  
March, June, September, and December, each natural gas company 104327  
or combined company subject to the excise tax imposed by section 104328  
5727.24 of the Revised Code shall file a return with the tax 104329  
commissioner, in such form as the commissioner prescribes, and 104330  
pay the full amount of the tax due on its taxable gross receipts 104331  
for the preceding calendar quarter. All payments made under this 104332  
division shall be made electronically in accordance with section 104333  
5727.311 of the Revised Code. 104334

(B) Any natural gas company or combined company subject to 104335  
the excise tax imposed by this section that has an annual tax 104336  
liability for the preceding calendar year ending on the thirty- 104337  
first day of December of less than three hundred twenty-five 104338  
thousand dollars may elect to file an annual return with the tax 104339  
commissioner, in such form as the commissioner prescribes, for 104340  
the next year. A company that elects to file an annual return 104341

for the calendar year shall file the return and remit the taxes 104342  
due on its taxable gross receipts within forty-five days after 104343  
the thirty-first day of December. The minimum tax for a natural 104344  
gas company or combined company subject to this division shall 104345  
be fifty dollars, and the company shall not be required to remit 104346  
the tax due electronically. 104347

(C) A return required to be filed under division (A) or 104348  
(B) of this section shall show the amount of tax due from the 104349  
company for the period covered by the return and any other 104350  
information as prescribed by the tax commissioner. A return 104351  
shall be considered filed when received by the commissioner. The 104352  
commissioner may extend the time for making and filing returns 104353  
and paying the tax. 104354

(D) Any natural gas company or combined company that fails 104355  
to file a return or pay the full amount of the tax due within 104356  
the period prescribed under this section shall pay an additional 104357  
charge of fifty dollars or ten per cent of the tax required to 104358  
be paid for the reporting period, whichever is greater. If any 104359  
tax due is not paid timely in accordance with this section, the 104360  
company liable for the tax shall pay interest, calculated at the 104361  
rate per annum prescribed by section 5703.47 of the Revised 104362  
Code, from the date the tax payment was due to the date of 104363  
payment or to the date an assessment was issued, whichever 104364  
occurs first. The tax commissioner may collect any additional 104365  
charge or interest imposed by this section by assessment in the 104366  
manner provided in section 5727.26 of the Revised Code. ~~The~~ 104367  
~~commissioner may abate all or a portion of the additional charge~~ 104368  
~~and may adopt rules governing such abatements.~~ 104369

(E) The taxes, additional charges, penalties, and interest 104370  
collected under sections 5727.24 to 5727.29 of the Revised Code 104371

shall be credited in accordance with section 5727.45 of the Revised Code.

**Sec. 5727.26.** (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas company or combined company that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.24 to 5727.29 of the Revised Code. The commissioner shall give the company assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition. A penalty of up to fifteen per cent may be added to all amounts assessed under this section. ~~The tax commissioner may adopt rules providing for the imposition and remission of the penalty.~~

(B) Unless the company assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, ~~either personally or by certified mail,~~ a written petition signed by the company's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the company assessed to the commissioner. The petition shall indicate the objections of the company assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination.

If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a

certified copy of the tax commissioner's entry making the 104402  
assessment final may be filed in the office of the clerk of the 104403  
court of common pleas in the county in which the natural gas 104404  
company's or combined company's principal place of business is 104405  
located, or in the office of the clerk of court of common pleas 104406  
of Franklin county. 104407

Immediately on the filing of the entry, the clerk shall 104408  
enter judgment for the state against the company assessed in the 104409  
amount shown on the entry. The judgment may be filed by the 104410  
clerk in a loose-leaf book entitled, "special judgments for the 104411  
public utility excise tax on natural gas and combined 104412  
companies," and shall have the same effect as other judgments. 104413  
Execution shall issue upon the judgment at the request of the 104414  
tax commissioner, and all laws applicable to sales on execution 104415  
shall apply to sales made under the judgment. 104416

If the assessment is not paid in its entirety within sixty 104417  
days after the day the assessment was issued, the portion of the 104418  
assessment consisting of tax due shall bear interest at the rate 104419  
per annum prescribed by section 5703.47 of the Revised Code from 104420  
the day the tax commissioner issues the assessment until it is 104421  
paid or until it is certified to the attorney general for 104422  
collection under section 131.02 of the Revised Code, whichever 104423  
comes first. If the unpaid portion of the assessment is 104424  
certified to the attorney general for collection, the entire 104425  
unpaid portion of the assessment shall bear interest at the rate 104426  
per annum prescribed by section 5703.47 of the Revised Code from 104427  
the date of certification until the date it is paid in its 104428  
entirety. Interest shall be paid in the same manner as the tax 104429  
and may be collected by the issuance of an assessment under this 104430  
section. 104431

(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the company liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the company assessed or the company's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the company assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives under this section, and such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(F) No assessment shall be made or issued against a natural gas company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

**Sec. 5727.38.** On or before the first Monday of November, 104462  
annually, the tax commissioner may assess an excise tax against 104463  
a public utility subject to the excise tax under section 5727.30 104464  
of the Revised Code. The tax shall be computed by multiplying 104465  
the taxable gross receipts as determined by the commissioner 104466  
under section 5727.33 of the Revised Code by six and three- 104467  
fourths per cent in the case of pipe-line companies, and four 104468  
and three-fourths per cent in the case of all other companies. 104469  
The minimum tax for any such company for owning property or 104470  
doing business in this state shall be fifty dollars. The 104471  
assessment shall be ~~mailed to the taxpayer~~ served on the public 104472  
utility in the manner prescribed by section 5703.37 of the 104473  
Revised Code. 104474

**Sec. 5727.42.** (A) The tax commissioner shall collect the 104475  
excise tax imposed by section 5727.30 of the Revised Code and 104476  
the taxpayer shall pay all taxes and any penalties thereon. 104477  
Payments of the tax may be made by mail, in person, 104478  
electronically if required to do so by section 5727.311 of the 104479  
Revised Code, or by any other means authorized by the 104480  
commissioner. The commissioner may adopt rules concerning the 104481  
methods and timeliness of payment. 104482

(B) Each tax assessment issued pursuant to this section 104483  
shall separately reflect the taxes and any penalty due, and any 104484  
other information considered necessary. ~~The commissioner shall~~ 104485  
~~mail the assessment to the taxpayer, and the mailing of it shall~~ 104486  
~~be prima-facie evidence of receipt thereof by the taxpayer~~ The 104487  
assessment shall be served on the taxpayer in the manner 104488  
prescribed by section 5703.37 of the Revised Code. 104489

(C) The commissioner shall refund taxes levied and 104490  
payments made for the tax imposed by section 5727.30 of the 104491

~~Revised Code as provided in this section, but no refund shall be~~ 104492  
~~made to a taxpayer having a delinquent claim certified pursuant~~ 104493  
~~to this section that remains unpaid. The commissioner may~~ 104494  
~~consult the attorney general regarding such claims.~~ 104495

(D) After receiving any excise tax annual statement for 104496  
the tax imposed by section 5727.30 of the Revised Code, the 104497  
commissioner shall: 104498

(1) Ascertain the difference between the total taxes owed 104499  
and the sum of all payments made for that year. 104500

(2) If the difference is a deficiency, the commissioner 104501  
shall issue an assessment. 104502

(3) If the difference is an excess, the commissioner shall 104503  
issue a refund of that amount to the taxpayer. If the amount of 104504  
the refund is less than that claimed by the taxpayer, the 104505  
taxpayer, within sixty days of the issuance of the refund, may 104506  
provide to the commissioner additional information to support 104507  
the claim or may request a hearing. Upon receiving such 104508  
information or request within that time, the commissioner shall 104509  
follow the same procedures set forth in divisions (C) and (D) of 104510  
section 5703.70 of the Revised Code for the determination of 104511  
refund applications. 104512

If the taxpayer has a deficiency for one tax year and an 104513  
excess for another tax year, or any combination thereof for more 104514  
than two years, the commissioner may determine the net result 104515  
and, depending on such result, proceed to issue an assessment or 104516  
certify a refund. 104517

(E) If a taxpayer fails to pay the amount of taxes 104518  
required to be paid, or fails to make an estimated payment on or 104519  
before the due date prescribed in division (B) of section 104520

5727.31 of the Revised Code, the commissioner shall impose a 104521  
penalty in the amount of fifteen per cent of the unpaid amount, 104522  
and the commissioner shall issue an assessment for the unpaid 104523  
amount and penalty. Unless a timely petition for reassessment is 104524  
filed under section 5727.47 of the Revised Code, the attorney 104525  
general shall proceed to collect the delinquent taxes and 104526  
penalties thereon in the manner prescribed by law and notify the 104527  
commissioner of all collections. 104528

(F) If a taxpayer entitled to a refund under this section 104529  
is indebted to the state for any tax or fee administered by the 104530  
tax commissioner, or any charge, penalty, or interest arising 104531  
from such a tax or fee, the amount refundable may be applied in 104532  
satisfaction of that debt. If the amount refundable is less than 104533  
the amount of the debt, it may be applied in partial 104534  
satisfaction of the debt. If the amount refundable is greater 104535  
than the amount of the debt, the amount remaining after 104536  
satisfaction of the debt shall be refunded. 104537

**Sec. 5727.47.** (A) Notice of each assessment certified or 104538  
issued pursuant to section 5727.23 or 5727.38 of the Revised 104539  
Code shall be mailed to the public utility, and its mailing- 104540  
~~shall be prima-facie evidence of its receipt by the public-~~ 104541  
~~utility to which it is addressed~~served on the public utility or 104542  
public utility property lessor in the manner prescribed by 104543  
section 5703.37 of the Revised Code. With the notice, the tax 104544  
commissioner shall provide instructions on how to petition for 104545  
reassessment and request a hearing on the petition. If a public 104546  
utility objects to such an assessment, it may file with the 104547  
commissioner, ~~either personally or by certified mail,~~ within 104548  
sixty days after the mailing of the notice of assessment a 104549  
written petition for reassessment signed by the utility's 104550  
authorized agent having knowledge of the facts. The date the 104551



commissioner receives the petition shall be considered the date 104552  
of filing. The petition shall indicate the utility's objections, 104553  
but additional objections may be raised in writing if received 104554  
by the commissioner prior to the date shown on the final 104555  
determination. 104556

In the case of a petition seeking a reduction in taxable 104557  
value filed with respect to an assessment certified under 104558  
section 5727.23 of the Revised Code, the petitioner shall state 104559  
in the petition the total amount of reduction in taxable value 104560  
sought by the petitioner. If the petitioner objects to the 104561  
percentage of true value at which taxable property is assessed 104562  
by the commissioner, the petitioner shall state in the petition 104563  
the total amount of reduction in taxable value sought both with 104564  
and without regard to the objection pertaining to the percentage 104565  
of true value at which its taxable property is assessed. If a 104566  
petitioner objects to the commissioner's apportionment of the 104567  
taxable value of the petitioner's taxable property, the 104568  
petitioner shall distinctly state in the petition that the 104569  
petitioner objects to the commissioner's apportionment, and, 104570  
within forty-five days after filing the petition for 104571  
reassessment, shall submit the petitioner's proposed 104572  
apportionment of the taxable value of its taxable property among 104573  
taxing districts. If a petitioner that objects to the 104574  
commissioner's apportionment fails to state its objections to 104575  
that apportionment in its petition for reassessment or fails to 104576  
submit its proposed apportionment within forty-five days after 104577  
filing the petition for reassessment, the commissioner shall 104578  
dismiss the petitioner's objection to the commissioner's 104579  
apportionment, and the taxable value of the petitioner's taxable 104580  
property, subject to any adjustment to taxable value pursuant to 104581  
the petition or appeal, shall be apportioned in the manner used 104582

by the commissioner in the preliminary or amended preliminary 104583  
assessment certified under section 5727.23 of the Revised Code. 104584

If an additional objection seeking a reduction in taxable 104585  
value in excess of the reduction stated in the original petition 104586  
is properly and timely raised with respect to an assessment 104587  
issued under section 5727.23 of the Revised Code, the petitioner 104588  
shall state the total amount of the reduction in taxable value 104589  
sought in the additional objection both with and without regard 104590  
to any reduction in taxable value pertaining to the percentage 104591  
of true value at which taxable property is assessed. If a 104592  
petitioner fails to state the reduction in taxable value sought 104593  
in the original petition or in additional objections properly 104594  
raised after the petition is filed, the commissioner shall 104595  
notify the petitioner of the failure in the manner provided in 104596  
section 5703.37 of the Revised Code. If the petitioner fails to 104597  
notify the commissioner in writing of the reduction in taxable 104598  
value sought in the petition or in an additional objection 104599  
within thirty days after receiving the commissioner's notice, 104600  
the commissioner shall dismiss the petition or the additional 104601  
objection in which that reduction is sought. 104602

(B) (1) Subject to divisions (B) (2) and (3) of this 104603  
section, a public utility filing a petition for reassessment 104604  
regarding an assessment certified or issued under section 104605  
5727.23 or 5727.38 of the Revised Code shall pay the tax with 104606  
respect to the assessment objected to as required by law. The 104607  
acceptance of any tax payment by the tax commissioner or any 104608  
county treasurer shall not prejudice any claim for taxes on 104609  
final determination by the commissioner or final decision by the 104610  
board of tax appeals or any court. 104611

(2) If a public utility properly and timely files a 104612

petition for reassessment regarding an assessment certified 104613  
under section 5727.23 of the Revised Code, the petitioner shall 104614  
pay the tax as prescribed by divisions (B) (2) (a), (b), and (c) 104615  
of this section: 104616

(a) If the petitioner does not object to the 104617  
commissioner's apportionment of the taxable value of the 104618  
petitioner's taxable property, the petitioner is not required to 104619  
pay the part of the tax otherwise due on the taxable value that 104620  
the petitioner seeks to have reduced, subject to division (B) (2) 104621  
(c) of this section. 104622

(b) If the petitioner objects to the commissioner's 104623  
apportionment of the taxable value of the petitioner's taxable 104624  
property, the petitioner is not required to pay the tax 104625  
otherwise due on the part of the taxable value apportioned to 104626  
any taxing district that the petitioner objects to, subject to 104627  
division (B) (2) (c) of this section. If, pursuant to division (A) 104628  
of this section, the petitioner has, in a proper and timely 104629  
manner, apportioned taxable value to a taxing district to which 104630  
the commissioner did not apportion the petitioner's taxable 104631  
value, the petitioner shall pay the tax due on the taxable value 104632  
that the petitioner has apportioned to the taxing district, 104633  
subject to division (B) (2) (c) of this section. 104634

(c) If a petitioner objects to the percentage of true 104635  
value at which taxable property is assessed by the commissioner, 104636  
the petitioner shall pay the tax due on the basis of the 104637  
percentage of true value at which the public utility's taxable 104638  
property is assessed by the commissioner. In any case, the 104639  
petitioner's payment of tax shall not be less than the amount of 104640  
tax due based on the taxable value reflected on the last appeal 104641  
notice issued by the commissioner under division (C) of this 104642

section. Until the county auditor receives notification under 104643  
division (E) of this section and proceeds under section 5727.471 104644  
of the Revised Code to issue any refund that is found to be due, 104645  
the county auditor shall not issue a refund for any increase in 104646  
the reduction in taxable value that is sought by a petitioner 104647  
later than forty-five days after the petitioner files the 104648  
original petition as required under division (A) of this 104649  
section. 104650

(3) Any part of the tax that, under division (B) (2) (a) or 104651  
(b) of this section, is not paid shall be collected upon receipt 104652  
of the notification as provided in section 5727.471 of the 104653  
Revised Code with interest thereon computed in the same manner 104654  
as interest is computed under division (E) of section 5715.19 of 104655  
the Revised Code, subject to any correction of the assessment by 104656  
the commissioner under division (E) of this section or the final 104657  
judgment of the board of tax appeals or a court to which the 104658  
board's final judgment is appealed. The penalty imposed under 104659  
section 323.121 of the Revised Code shall apply only to the 104660  
unpaid portion of the tax if the petitioner's tax payment is 104661  
less than the amount of tax due based on the taxable value 104662  
reflected on the last appeal notice issued by the commissioner 104663  
under division (C) of this section. 104664

(C) Upon receipt of a properly filed petition for 104665  
reassessment with respect to an assessment certified under 104666  
section 5727.23 of the Revised Code, the tax commissioner shall 104667  
notify the treasurer of state or the auditor of each county to 104668  
which the assessment objected to has been certified. In the case 104669  
of a petition with respect to an assessment certified under 104670  
section 5727.23 of the Revised Code, the commissioner shall 104671  
issue an appeal notice within thirty days after receiving the 104672  
amount of the taxable value reduction and apportionment changes 104673

sought by the petitioner in the original petition or in any 104674  
additional objections properly and timely raised by the 104675  
petitioner. The appeal notice shall indicate the amount of the 104676  
reduction in taxable value sought in the petition or in the 104677  
additional objections and the extent to which the reduction in 104678  
taxable value and any change in apportionment requested by the 104679  
petitioner would affect the commissioner's apportionment of the 104680  
taxable value among taxing districts in the county as shown in 104681  
the assessment. If a petitioner is seeking a reduction in 104682  
taxable value on the basis of a lower percentage of true value 104683  
than the percentage at which the commissioner assessed the 104684  
petitioner's taxable property, the appeal notice shall indicate 104685  
the reduction in taxable value sought by the petitioner without 104686  
regard to the reduction sought on the basis of the lower 104687  
percentage and shall indicate that the petitioner is required to 104688  
pay tax on the reduced taxable value determined without regard 104689  
to the reduction sought on the basis of a lower percentage of 104690  
true value, as provided under division (B) (2) (c) of this 104691  
section. The appeal notice shall include a statement that the 104692  
reduced taxable value and the apportionment indicated in the 104693  
notice are not final and are subject to adjustment by the 104694  
commissioner or by the board of tax appeals or a court on 104695  
appeal. If the commissioner finds an error in the appeal notice, 104696  
the commissioner may amend the notice, but the notice is only 104697  
for informational and tax payment purposes; the notice is not 104698  
subject to appeal by any person. The commissioner also shall 104699  
~~mail~~provide a copy of the appeal notice to the petitioner. Upon 104700  
the request of a taxing authority, the county auditor may 104701  
disclose to the taxing authority the extent to which a reduction 104702  
in taxable value sought by a petitioner would affect the 104703  
apportionment of taxable value to the taxing district or 104704  
districts under the taxing authority's jurisdiction, but such a 104705

disclosure does not constitute a notice required by law to be given for the purpose of section 5717.02 of the Revised Code.

(D) If the petitioner requests a hearing on the petition, the tax commissioner shall assign a time and place for the hearing on the petition and notify the petitioner of such time and place, but the commissioner may continue the hearing from time to time as necessary.

(E) The tax commissioner may make corrections to the assessment as the commissioner finds proper. The commissioner shall serve a copy of the commissioner's final determination on the petitioner in the manner provided in section 5703.37 of the Revised Code. The commissioner's decision in the matter shall be final, subject to appeal under section 5717.02 of the Revised Code. With respect to a final determination issued for an assessment certified under section 5727.23 of the Revised Code, the commissioner also shall transmit a copy of the final determination to the applicable county auditor. In the absence of any further appeal, or when a decision of the board of tax appeals or of any court to which the decision has been appealed becomes final, the commissioner shall notify the public utility and, as appropriate, shall proceed under section 5727.42 of the Revised Code, or notify the applicable county auditor, who shall proceed under section 5727.471 of the Revised Code.

The notification made under this division is not subject to further appeal.

(F) On appeal, no adjustment shall be made in the tax commissioner's assessment certified under section 5727.23 of the Revised Code that reduces the taxable value of a petitioner's taxable property by an amount that exceeds the reduction sought by the petitioner in its petition for reassessment or in any

additional objections properly and timely raised after the 104736  
petition is filed with the commissioner. 104737

**Sec. 5727.48.** The tax commissioner, ~~on application by a~~ 104738  
~~public utility,~~ may extend to the a public utility a further 104739  
specified time, not to exceed thirty days, within which to file 104740  
any report or statement required by this chapter to be filed 104741  
with the commissioner, except reports required by sections 104742  
5727.24 to 5727.29 of the Revised Code. A public utility ~~must~~ 104743  
~~file such an application, in writing, with the commissioner~~ 104744  
shall request this extension, in the form and manner prescribed 104745  
by the commissioner, on or before the date that the report or 104746  
statement is otherwise required to be filed. 104747

**Sec. 5727.60.** If a person fails to file a report within 104748  
the time prescribed by section 5727.08 or 5727.31 of the Revised 104749  
Code, including any extensions of time granted by the tax 104750  
commissioner, a penalty of fifty dollars per month, not to 104751  
exceed five hundred dollars, may be imposed for each month or 104752  
fraction of a month elapsing between the due date of the report, 104753  
including any extensions, and the date the report was filed. The 104754  
penalty under this section for failing to file a report required 104755  
by section 5727.08 of the Revised Code shall be paid into the 104756  
state general revenue fund. The penalty under this section for 104757  
failing to file the report required by section 5727.31 of the 104758  
Revised Code shall be deposited into the state treasury in the 104759  
same manner as the tax, and the commissioner may collect the 104760  
penalty by assessment pursuant to section 5727.38 of the Revised 104761  
Code. ~~The tax commissioner may abate this penalty in full or in~~ 104762  
~~part.~~ 104763

**Sec. 5727.82.** (A) (1) Except as provided in divisions (A) 104764  
(3) and (D) of this section, by the twentieth day of each month, 104765

each electric distribution company required to pay the tax 104766  
imposed by section 5727.81 of the Revised Code shall file with 104767  
the tax commissioner a return as prescribed by the tax 104768  
commissioner and shall make payment of the full amount of tax 104769  
due for the preceding month. The electric distribution company 104770  
shall make payment to the tax commissioner unless required to 104771  
remit the payment electronically as provided in section 5727.83 104772  
of the Revised Code. 104773

(2) By the twentieth day of May, August, November, and 104774  
February, each natural gas distribution company required to pay 104775  
the tax imposed by section 5727.811 of the Revised Code shall 104776  
file with the tax commissioner a return as prescribed by the tax 104777  
commissioner and shall make payment to the tax commissioner of 104778  
the full amount of tax due for the preceding quarter. 104779

(3) If the electric distribution company required to pay 104780  
the tax imposed by section 5727.81 of the Revised Code is a 104781  
municipal electric utility, it may retain in its general fund 104782  
that portion of the tax on the kilowatt hours distributed to end 104783  
users located within the boundaries of the municipal 104784  
corporation. However, the municipal electric utility shall make 104785  
payment in accordance with division (A) (1) of this section of 104786  
the tax due on the kilowatt hours distributed to end users 104787  
located outside the boundaries of the municipal corporation. 104788

(4) By the twentieth day of each month, each self- 104789  
assessing purchaser that under division (C) of section 5727.81 104790  
of the Revised Code pays directly to the tax commissioner the 104791  
tax imposed by section 5727.81 of the Revised Code shall file 104792  
with the tax commissioner a return as prescribed by the tax 104793  
commissioner and shall make payment of the full amount of the 104794  
tax due for the preceding month. 104795



(5) As prescribed by the tax commissioner, a return shall 104796  
be signed by the company or self-assessing purchaser required to 104797  
file it, or an authorized employee, officer, or agent of the 104798  
company or purchaser. The return shall be deemed filed when 104799  
received by the tax commissioner. 104800

(B) Any natural gas distribution company, electric 104801  
distribution company, or self-assessing purchaser required by 104802  
this section to file a return who fails to file it and pay the 104803  
tax within the period prescribed shall pay an additional charge 104804  
of fifty dollars or ten per cent of the tax required to be paid 104805  
for the reporting period, whichever is greater. The tax 104806  
commissioner may collect the additional charge by assessment 104807  
pursuant to section 5727.89 of the Revised Code. ~~The~~ 104808  
~~commissioner may abate all or a portion of the additional charge~~ 104809  
~~and may adopt rules governing such abatements.~~ 104810

(C) If any tax due is not paid timely in accordance with 104811  
this section, the natural gas distribution company, electric 104812  
distribution company, or self-assessing purchaser liable for the 104813  
tax shall pay interest, calculated at the rate per annum 104814  
prescribed by section 5703.47 of the Revised Code, from the date 104815  
the tax payment was due to the date of payment or to the date an 104816  
assessment is issued, whichever occurs first. Interest shall be 104817  
paid in the same manner as the tax, and the commissioner may 104818  
collect the interest by assessment pursuant to section 5727.89 104819  
of the Revised Code. 104820

(D) Not later than the tenth day of each month, a 104821  
qualified end user not making the election to self-assess under 104822  
division (C) of section 5727.81 of the Revised Code shall report 104823  
in writing to the electric distribution company that distributes 104824  
electricity to the end user the kilowatt hours that were 104825

consumed as a qualified end user in a qualifying manufacturing process for the prior month and the number of days, if any, on which the end user was not a qualified end user. For each calendar day during that month, a qualified end user shall report the kilowatt hours that were not used in a qualifying manufacturing process. For each calendar day the end user was not a qualified end user, the end user shall report in writing to the electric distribution company the total number of kilowatt hours used on that day, and the electric distribution company shall pay the tax imposed under section 5727.81 of the Revised Code on each kilowatt hour that was not distributed to a qualified end user in a qualifying manufacturing process. The electric distribution company may rely in good faith on a qualified end user's report filed under this division. If it is determined that the end user was not a qualified end user for any calendar day or the quantity of electricity used by the qualified end user in a qualifying manufacturing process was overstated, the tax commissioner shall assess and collect any tax imposed under section 5727.81 of the Revised Code directly from the qualified end user. As requested by the commissioner, each end user reporting to an electric distribution company that it is a qualified end user shall provide documentation to the commissioner that establishes the volume of electricity consumed daily by the qualified end user and the total number of kilowatt hours consumed in a qualifying manufacturing process.

**Sec. 5727.83.** (A) A natural gas distribution company, an electric distribution company, or a self-assessing purchaser shall remit each tax payment electronically as prescribed by divisions (B) and (C) of this section.

The tax commissioner shall notify each natural gas distribution company, electric distribution company, and self-

assessing purchaser of the obligation to remit taxes 104857  
electronically by using the Ohio business gateway, as defined in 104858  
section 718.01 of the Revised Code, or another means of 104859  
electronic payment. Failure by the commissioner to notify a 104860  
company or self-assessing purchaser subject to this section to 104861  
remit taxes electronically does not relieve the company or self- 104862  
assessing purchaser of its obligation to remit taxes in that 104863  
manner. 104864

(B) A natural gas distribution company, an electric 104865  
distribution company, or a self-assessing purchaser required by 104866  
this section to remit payments electronically shall remit such 104867  
payments on or before the dates specified under section 5727.82 104868  
of the Revised Code. The payment of taxes electronically does 104869  
not affect a company's or self-assessing purchaser's obligation 104870  
to file a return as required under section 5727.82 of the 104871  
Revised Code. 104872

(C) A natural gas distribution company, an electric 104873  
distribution company, or a self-assessing purchaser required by 104874  
this section to remit taxes electronically may apply to the tax 104875  
commissioner in the manner prescribed by the commissioner to be 104876  
excused from that requirement. The commissioner may excuse the 104877  
company or self-assessing purchaser from electronic remittance 104878  
for good cause shown for the period of time requested by the 104879  
company or self-assessing purchaser or for a portion of that 104880  
period. The commissioner shall notify the company or self- 104881  
assessing purchaser of the commissioner's decision as soon as is 104882  
practicable. 104883

(D) If a natural gas distribution company, an electric 104884  
distribution company, or a self-assessing purchaser required by 104885  
this section to remit taxes electronically remits those taxes by 104886

some means other than electronically as prescribed by this 104887  
section , and the tax commissioner determines that such failure 104888  
was not due to reasonable cause or was due to willful neglect, 104889  
the commissioner may collect an additional charge by assessment 104890  
in the manner prescribed by section 5727.89 of the Revised Code. 104891  
The additional charge shall equal five per cent of the amount of 104892  
the taxes required to be paid electronically, but shall not 104893  
exceed five thousand dollars. Any additional charge assessed 104894  
under this section is in addition to any other penalty or charge 104895  
imposed under this chapter, and shall be considered as revenue 104896  
arising from the tax imposed under this chapter. ~~The tax-~~ 104897  
~~commissioner may abate all or a portion of such a charge and may~~ 104898  
~~adopt rules governing such abatements.~~ 104899

No additional charge shall be assessed under this division 104900  
against a natural gas distribution company, an electric 104901  
distribution company, or a self-assessing purchaser that has 104902  
been notified of its obligation to remit taxes electronically 104903  
under this section and that remits its first two tax payments 104904  
after such notification by some other means. The additional 104905  
charge may be assessed upon the remittance of any subsequent tax 104906  
payment that the company or purchaser remits by some means other 104907  
than electronically. 104908

**Sec. 5727.89.** (A) The tax commissioner may make an 104909  
assessment, based on any information in the commissioner's 104910  
possession, against any natural gas distribution company, 104911  
electric distribution company, self-assessing purchaser, or 104912  
qualified end user that fails to file a return or pay any tax, 104913  
interest, or additional charge as required by sections 5727.80 104914  
to 5727.95 of the Revised Code. 104915

When information in the possession of the tax commissioner 104916

indicates that a person liable for the tax imposed by section 104917  
5727.81 or 5727.811 of the Revised Code has not paid the full 104918  
amount of tax due, the commissioner may audit a representative 104919  
sample of the person's business and may issue an assessment 104920  
based on the audit. The commissioner shall give the person 104921  
assessed written notice of the assessment in the manner provided 104922  
in section 5703.37 of the Revised Code. With the notice, the 104923  
commissioner shall provide instructions on how to petition for 104924  
reassessment and request a hearing on the petition. 104925

The tax commissioner may issue an assessment for which the 104926  
tax imposed by section 5727.81 or 5727.811 of the Revised Code 104927  
was due and unpaid on the date the person was informed by an 104928  
agent of the tax commissioner of an investigation or audit of 104929  
the person. Any payment of the tax for the period covered by the 104930  
assessment, after the person is so informed, shall be credited 104931  
against the assessment. 104932

A penalty of up to fifteen per cent may be added to all 104933  
amounts assessed under this section. ~~The commissioner may adopt~~ 104934  
~~rules providing for the imposition and remission of penalties.~~ 104935

(B) Unless the party assessed files with the tax 104936  
commissioner within sixty days after service of the notice of 104937  
assessment, ~~either personally or by certified mail,~~ a written 104938  
petition for reassessment signed by the party assessed or that 104939  
party's authorized agent having knowledge of the facts, the 104940  
assessment becomes final and the amount of the assessment is due 104941  
and payable from the party assessed to the treasurer of state. 104942  
The petition shall indicate the objections of the party 104943  
assessed, but additional objections may be raised in writing if 104944  
received by the commissioner prior to the date shown on the 104945  
final determination. If the petition has been properly filed, 104946

the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the party's business is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for the distribution excise taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate

per annum prescribed by section 5703.47 of the Revised Code from 104977  
the date of certification until the date it is paid in its 104978  
entirety. Interest shall be paid in the same manner as the tax 104979  
and may be collected by the issuance of an assessment under this 104980  
section. 104981

(D) If the tax commissioner believes that collection of 104982  
the tax imposed by section 5727.81 or 5727.811 of the Revised 104983  
Code will be jeopardized unless proceedings to collect or secure 104984  
collection of the tax are instituted without delay, the 104985  
commissioner may issue a jeopardy assessment against the person 104986  
liable for the tax. Immediately upon the issuance of the 104987  
jeopardy assessment, the commissioner shall file an entry with 104988  
the clerk of the court of common pleas in the manner prescribed 104989  
by division (C) of this section. Notice of the jeopardy 104990  
assessment shall be served on the party assessed or the party's 104991  
legal representative within five days of the filing of the entry 104992  
with the clerk. The total amount assessed is immediately due and 104993  
payable, unless the party assessed files a petition for 104994  
reassessment in accordance with division (B) of this section and 104995  
provides security in a form satisfactory to the commissioner and 104996  
in an amount sufficient to satisfy the unpaid balance of the 104997  
assessment. Full or partial payment of the assessment does not 104998  
prejudice the commissioner's consideration of the petition for 104999  
reassessment. 105000

(E) All money collected by the tax commissioner under this 105001  
section shall be paid to the treasurer of state, and when paid 105002  
shall be considered as revenue arising from the taxes imposed by 105003  
sections 5727.81 and 5727.811 of the Revised Code. 105004

**Sec. 5728.09.** (A) Any person who fails to file timely the 105005  
return required by section 5728.08 of the Revised Code may be 105006

required to pay an additional charge equal to the greater of 105007  
fifty dollars or ten per cent of the tax due. ~~The tax~~ 105008  
~~commissioner may adopt rules providing for the imposition and~~ 105009  
~~remission of the additional charges.~~ Any additional charge 105010  
imposed under this section may be collected through an 105011  
assessment as provided in section 5728.10 of the Revised Code. 105012

(B) If the tax imposed by this chapter, or any portion of 105013  
that tax, whether determined by the tax commissioner or the 105014  
taxpayer, is not paid on or before the date prescribed in 105015  
section 5728.08 of the Revised Code, interest shall be collected 105016  
and paid in the same manner as the tax, upon that unpaid amount 105017  
at the rate per annum prescribed by section 5703.47 of the 105018  
Revised Code from the date prescribed for payment of the tax 105019  
until it is paid or until the day an assessment is issued under 105020  
section 5728.10 of the Revised Code, whichever occurs first. Any 105021  
interest imposed under this chapter may be collected through an 105022  
assessment as provided in section 5728.10 of the Revised Code. 105023

**Sec. 5728.10.** (A) If any person required to file a fuel 105024  
use tax return by sections 5728.01 to 5728.14 of the Revised 105025  
Code, fails to file the return within the time prescribed by 105026  
those sections, files an incomplete return, files an incorrect 105027  
return, or fails to remit the full amount of the tax due for the 105028  
period covered by the return, the tax commissioner may make an 105029  
assessment against the person, based upon any information in the 105030  
commissioner's possession, for the period for which the tax was 105031  
due. 105032

No assessment shall be made against any person for any tax 105033  
imposed by this chapter more than four years after the return 105034  
date for the period for which the tax was due or more than four 105035  
years after the return for the period was filed, whichever is 105036



later. This section does not bar an assessment against any 105037  
person who fails to file a fuel use tax return as required by 105038  
this chapter, or who files a fraudulent fuel use tax return. 105039

A penalty of up to fifteen per cent may be added to the 105040  
amount of every assessment made pursuant to this section. ~~The~~ 105041  
~~commissioner may adopt rules providing for the imposition and~~ 105042  
~~remission of penalties added to assessments made under this~~ 105043  
~~section.~~ 105044

The commissioner shall give the party assessed written 105045  
notice of the assessment in the manner provided in section 105046  
5703.37 of the Revised Code. With the notice, the commissioner 105047  
shall provide instructions on how to petition for reassessment 105048  
and request a hearing on the petition. 105049

(B) Unless the party assessed files with the tax 105050  
commissioner within sixty days after service of the notice of 105051  
assessment, ~~either personally or by certified mail,~~ a written 105052  
petition for reassessment, signed by the party assessed, or by 105053  
the party's authorized agent having knowledge of the facts, the 105054  
assessment becomes final and the amount of the assessment is due 105055  
and payable from the party assessed to the treasurer of state. 105056  
The petition shall indicate the objections of the party 105057  
assessed, but additional objections may be raised in writing if 105058  
received by the commissioner prior to the date shown on the 105059  
final determination. If the petition has been properly filed, 105060  
the commissioner shall proceed under section 5703.60 of the 105061  
Revised Code. 105062

(C) After an assessment becomes final, if any portion of 105063  
the assessment remains unpaid, including accrued interest, a 105064  
certified copy of the tax commissioner's entry making the 105065  
assessment final may be filed in the office of the clerk of the 105066

court of common pleas in the county in which the party's place  
of business is located or the county in which the party assessed  
resides. If the party maintains no office in this state and is  
not a resident of this state, the certified copy of the entry  
may be filed in the office of the clerk of the court of common  
pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall  
enter a judgment for the state of Ohio against the party  
assessed in the amount shown on the entry. The judgment may be  
filed by the clerk in a loose-leaf book entitled "special  
judgments for state fuel use tax," and shall have the same  
effect as other judgments. Execution shall issue upon the  
judgment upon the request of the commissioner, and all laws  
applicable to sales on execution shall apply to sales made under  
the judgment.

If the assessment is not paid within sixty days after the  
day the assessment was issued, the portion of the assessment  
consisting of tax due shall bear interest at the rate per annum  
prescribed by section 5703.47 of the Revised Code from the day  
the commissioner issues the assessment until it is paid or until  
it is certified to the attorney general for collection under  
section 131.02 of the Revised Code, whichever comes first. If  
the unpaid portion of the assessment is certified to the  
attorney general for collection, the entire unpaid portion of  
the assessment shall bear interest at the rate per annum  
prescribed by section 5703.47 of the Revised Code from the date  
of certification until the date it is paid in its entirety.  
Interest shall be paid in the same manner as the tax and may be  
collected by the issuance of an assessment under this section.

(D) All money collected by the tax commissioner under this

section shall be paid into the state treasury in the same manner 105097  
as the revenues deriving from the taxes imposed by section 105098  
5728.06 of the Revised Code. 105099

**Sec. 5729.10.** If a company fails to pay the tax levied by 105100  
section 5729.03 of the Revised Code, or to make any partial 105101  
payment thereof as required by law after a statement thereof has 105102  
been made and mailed to it, or if the annual statement required 105103  
by law to be made by it is false or incorrect, the 105104  
superintendent of insurance may revoke the license of such 105105  
company doing business in this state. Upon failure to pay the 105106  
tax or to make partial payment thereof according to law, the 105107  
~~superintendent~~treasurer of state shall certify that fact to the 105108  
attorney general, who shall thereupon begin an action against 105109  
the company in the court of common pleas of Franklin county, or 105110  
any other county ~~he~~the attorney general elects, to recover the 105111  
amount of the tax. If such company ceases to do business in this 105112  
state, it shall thereupon make a report to the superintendent of 105113  
the gross amount of premiums not theretofore reported as 105114  
provided in section 5729.02 or 5729.04 of the Revised Code 105115  
received by it from policies covering risks within this state 105116  
prior to such discontinuance of business, after deducting return 105117  
premiums and considerations received for reinsurance not 105118  
theretofore so reported, and shall forthwith pay to the 105119  
~~superintendent~~treasurer of state a like per cent of tax 105120  
thereon. 105121

**Sec. 5733.022.** (A) Subject to division (C) of this 105122  
section, if a taxpayer's total liability for taxes imposed by 105123  
section 5733.06 of the Revised Code, after reduction for all 105124  
nonrefundable credits allowed the taxpayer, exceeds fifty 105125  
thousand dollars, the taxpayer shall remit each tax payment for 105126  
the tax year electronically as prescribed by divisions (B) and 105127

(C) of this section. 105128

The tax commissioner shall notify each taxpayer required 105129  
to remit taxes electronically of the taxpayer's obligation to do 105130  
so. Failure by the commissioner to notify a taxpayer subject to 105131  
this section to remit taxes electronically does not relieve the 105132  
taxpayer of its obligation to remit taxes in that manner. 105133

(B) Taxpayers required by this section to remit payments 105134  
electronically shall remit such payments in the manner 105135  
prescribed by the tax commissioner. 105136

Except as otherwise provided in this paragraph, the 105137  
electronic payment of taxes does not affect a taxpayer's 105138  
obligation to file the annual corporation report or the 105139  
declaration of estimated tax report as required under sections 105140  
5733.02 and 5733.021 of the Revised Code. 105141

(C) If two or more taxpayers have elected or are required 105142  
to file a combined report under section 5733.052 of the Revised 105143  
Code, the tax liability of those taxpayers for purposes of 105144  
division (A) of this section is the aggregate tax liability of 105145  
those taxpayers after reduction for nonrefundable credits 105146  
allowed the taxpayers. 105147

(D) A taxpayer required by this section to remit taxes 105148  
electronically may apply to the tax commissioner in the manner 105149  
prescribed by the commissioner to be excused from that 105150  
requirement. The commissioner may excuse the taxpayer from 105151  
electronic remittance for good cause shown for the period of 105152  
time requested by the taxpayer or for a portion of that period. 105153  
The commissioner shall notify the taxpayer of the commissioner's 105154  
decision as soon as is practicable. 105155

(E) If a taxpayer required by this section to remit taxes 105156

electronically remits those taxes by some means other than 105157  
electronically as prescribed by this section, and the tax 105158  
commissioner determines that such failure was not due to 105159  
reasonable cause or was due to willful neglect, the commissioner 105160  
may collect an additional charge by assessment in the manner 105161  
prescribed by section 5733.11 of the Revised Code. The 105162  
additional charge shall equal five per cent of the amount of the 105163  
taxes or estimated tax payments required to be paid 105164  
electronically, but shall not exceed five thousand dollars. Any 105165  
additional charge assessed under this section is in addition to 105166  
any other penalty or charge imposed under this chapter, and 105167  
shall be considered as revenue arising from the taxes imposed 105168  
under this chapter. ~~The commissioner may remit all or a portion~~ 105169  
~~of such a charge and may adopt rules governing such remission.~~ 105170

No additional charge shall be assessed under this division 105171  
against a taxpayer that has been notified of its obligation to 105172  
remit taxes electronically under this section and that remits 105173  
its first two tax payments after such notification by some other 105174  
means . The additional charge may be assessed upon the 105175  
remittance of any subsequent tax payment that the taxpayer 105176  
remits by some means other than electronically. 105177

**Sec. 5735.062.** (A) If the tax commissioner so requires, 105178  
the dealer shall remit each monthly tax payment electronically 105179  
as prescribed by division (B) of this section. 105180

The commissioner shall notify each dealer required to 105181  
remit taxes electronically of the dealer's obligation to do so. 105182  
Failure by the commissioner to notify a dealer subject to this 105183  
section to remit taxes electronically does not relieve the 105184  
dealer of its obligation to remit taxes electronically. 105185

(B) Dealers required by division (A) of this section to 105186

remit payments electronically shall remit such payments through 105187  
the Ohio business gateway, as defined in section 718.01 of the 105188  
Revised Code, or in another manner as prescribed by the 105189  
commissioner. Required payments shall be remitted on or before 105190  
the dates specified under section 5735.06 of the Revised Code. 105191  
The payment of taxes electronically does not affect a dealer's 105192  
obligation to file the monthly return as required under section 105193  
5735.06 of the Revised Code. 105194

A dealer required by this section to remit taxes 105195  
electronically may apply to the commissioner to be excused from 105196  
that requirement. The commissioner may excuse the dealer from 105197  
the electronic remittance requirement for good cause shown for 105198  
the period of time requested by the dealer or for a portion of 105199  
that period. 105200

(C) If a dealer required by this section to remit taxes 105201  
electronically fails to do so, the commissioner may impose a 105202  
penalty on the dealer not to exceed one of the following: 105203

(1) For the first return period the dealer fails to remit 105204  
taxes electronically, the greater of twenty-five dollars or five 105205  
per cent of the amount of the payment required to be remitted; 105206

(2) For the second or any subsequent return period the 105207  
dealer fails to remit taxes electronically, the greater of fifty 105208  
dollars or ten per cent of the amount of the payment required to 105209  
be remitted. 105210

The penalty imposed under division (C) of this section is 105211  
in addition to any other penalty imposed under this chapter and 105212  
shall be considered as revenue arising from the taxes imposed 105213  
under this chapter. A penalty may be collected by assessment in 105214  
the manner prescribed by section 5735.12 of the Revised Code. 105215

~~The commissioner may abate all or a portion of a penalty.~~ 105216

(D) The commissioner may adopt rules necessary to 105217  
administer this section. 105218

**Sec. 5735.12.** (A) Any person required by this chapter to 105219  
file reports or pay the tax levied by this chapter who fails to 105220  
do so within the time prescribed may be liable for an additional 105221  
charge not exceeding the greater of ten per cent of the person's 105222  
tax liability for that month or fifty dollars. ~~The tax-~~ 105223  
~~commissioner may remit all or a portion of the additional charge~~ 105224  
~~and may adopt rules relating to the remission of all or a~~ 105225  
~~portion of the charge.~~ 105226

If any person required by this chapter to file reports or 105227  
pay the taxes, interest, or additional charge levied by this 105228  
chapter fails to file the report, files an incomplete or 105229  
incorrect report, or fails to remit the full amount of the tax, 105230  
interest, or additional charge due for the period covered by the 105231  
report, the commissioner may make an assessment against the 105232  
person based upon any information in the commissioner's 105233  
possession. 105234

No assessment shall be made against any motor fuel dealer 105235  
for taxes imposed by this chapter more than four years after the 105236  
date on which the report on which the assessment was based was 105237  
due or was filed, whichever is later. This section does not bar 105238  
an assessment against any motor fuel dealer who fails to file a 105239  
report required by section 5735.06 of the Revised Code, or who 105240  
files a fraudulent motor fuel tax report. 105241

A penalty of up to fifteen per cent may be added to the 105242  
amount of every assessment made under this section. The 105243  
commissioner may adopt rules providing for the imposition and 105244

remission of penalties added to assessments made under this 105245  
section. 105246

The commissioner shall give the party assessed written 105247  
notice of the assessment in the manner provided in section 105248  
5703.37 of the Revised Code. With the notice, the commissioner 105249  
shall provide instructions on how to petition for reassessment 105250  
and request a hearing on the petition. 105251

(B) Unless the party assessed files with the tax 105252  
commissioner within sixty days after service of the notice of 105253  
assessment, ~~either personally or by certified mail,~~ a written 105254  
petition for reassessment in writing, signed by the party 105255  
assessed or that party's authorized agent having knowledge of 105256  
the facts, the assessment becomes final and the amount of the 105257  
assessment is due and payable from the party assessed to the 105258  
treasurer of state. The petition shall indicate the objections 105259  
of the party assessed, but additional objections may be raised 105260  
in writing if received by the commissioner prior to the date 105261  
shown on the final determination. If the petition has been 105262  
properly filed, the commissioner shall proceed under section 105263  
5703.60 of the Revised Code. 105264

(C) After an assessment becomes final, if any portion of 105265  
the assessment remains unpaid, including accrued interest, a 105266  
certified copy of the tax commissioner's entry making the 105267  
assessment final may be filed in the office of the clerk of the 105268  
court of common pleas in the county in which the party assessed 105269  
resides or in which the business of the party assessed is 105270  
conducted. If the party assessed maintains no place of business 105271  
in this state and is not a resident of this state, the certified 105272  
copy of the entry may be filed in the office of the clerk of the 105273  
court of common pleas of Franklin county. 105274



Immediately upon the filing of the entry, the clerk shall 105275  
enter a judgment for the state against the party assessed in the 105276  
amount shown on the entry. The judgment may be filed by the 105277  
clerk in a loose-leaf book entitled "special judgments for state 105278  
motor fuel tax," and shall have the same effect as other 105279  
judgments. Execution shall issue upon the judgment upon the 105280  
request of the tax commissioner, and all laws applicable to 105281  
sales on execution shall apply to sales made under the judgment. 105282

If the assessment is not paid in its entirety within sixty 105283  
days after the day the assessment was issued, the portion of the 105284  
assessment consisting of tax due shall bear interest at the rate 105285  
per annum prescribed by section 5703.47 of the Revised Code from 105286  
the day the commissioner issues the assessment until it is paid 105287  
or until it is certified to the attorney general for collection 105288  
under section 131.02 of the Revised Code, whichever comes first. 105289  
If the unpaid portion of the assessment is certified to the 105290  
attorney general for collection, the entire unpaid portion of 105291  
the assessment shall bear interest at the rate per annum 105292  
prescribed by section 5703.47 of the Revised Code from the date 105293  
of certification until the date it is paid in its entirety. 105294  
Interest shall be paid in the same manner as the tax and may be 105295  
collected by the issuance of an assessment under this section. 105296

(D) All money collected by the tax commissioner under this 105297  
section shall be paid to the treasurer of state, and when paid 105298  
shall be considered as revenue arising from the tax imposed by 105299  
this chapter. 105300

(E) If the tax commissioner determines that the 105301  
commissioner has erroneously refunded motor fuel tax to any 105302  
person, the commissioner may make an assessment against the 105303  
person for recovery of the erroneously refunded tax. 105304

**Sec. 5735.121.** (A) If the tax commissioner finds that any person liable for tax under this chapter is about to depart from the state, remove property from the state, conceal self, or conceal the person's property, or do any other act tending to prejudice, obstruct, or render wholly or partly ineffectual proceedings to collect the tax, unless proceedings are commenced without delay, or if the commissioner believes that the collection of the amount due from any person will be jeopardized by delay, the commissioner may issue a jeopardy assessment against the person for the amount of the tax, plus a penalty of up to fifteen per cent. Upon issuance of a jeopardy assessment under this division, the total amount assessed shall immediately be due and payable unless security is provided pursuant to division (C) of this section. Any assessment issued under this section shall bear interest in the manner prescribed in section 5735.12 of the Revised Code.

(B) The commissioner immediately shall file an entry with the clerk of the court of common pleas in the same manner and with the same effect as provided in section 5735.12 of the Revised Code. Notice of the jeopardy assessment shall be served on the person assessed or the legal representative of the person assessed, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry. The person assessed may petition for reassessment within sixty days of receipt of the notice of jeopardy assessment in the same manner as provided in section 5735.12 of the Revised Code. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the merits of the assessment as contested by the petition for reassessment. Upon notification of the existence of the judgment filed pursuant to this division, any public official having control or custody of any funds or

property of the person assessed immediately shall pay or deliver 105336  
the funds or property to the commissioner as full or partial 105337  
satisfaction of the jeopardy assessment. However, funds or 105338  
property needed as evidence in criminal proceedings or that is 105339  
expected to be forfeited pursuant to Chapter 2981. of the 105340  
Revised Code, need not be relinquished by the public official. 105341  
Upon disposition of criminal and forfeiture proceedings, funds 105342  
and property not needed as evidence and not forfeited shall be 105343  
delivered to the commissioner. 105344

(C) If the person subject to a jeopardy assessment files a 105345  
petition for reassessment and posts security satisfactory to the 105346  
commissioner in an amount sufficient to satisfy the unpaid 105347  
balance of the assessment, execution on the judgment shall be 105348  
stayed pending disposition of the petition for reassessment and 105349  
all appeals resulting from the petition. If the security is 105350  
sufficient to satisfy the full amount of the assessment, the 105351  
commissioner shall return any funds or property of the person 105352  
that previously were seized. Upon satisfaction of the 105353  
assessment, the commissioner shall order the security released 105354  
and the judgment vacated. 105355

~~(D) The commissioner may adopt rules providing for the 105356  
imposition and remission of penalties added to assessments made 105357  
under this section. 105358~~

**Sec. 5736.02.** (A) Beginning with the tax period that 105359  
commences July 1, 2014, and continuing for every tax period 105360  
thereafter, there is hereby levied an excise tax on each 105361  
supplier measured by the supplier's calculated gross receipts 105362  
derived from the first sale of motor fuel within this state. The 105363  
tax due shall be computed by multiplying sixty-five one- 105364  
hundredths of one per cent by the supplier's calculated gross 105365

receipts. 105366

All revenue from the tax shall be distributed as follows: 105367

(1) All revenue from the tax as measured by calculated 105368  
gross receipts derived from the sale of motor fuel used for 105369  
propelling vehicles on public highways and waterways shall be 105370  
used for the purposes of maintaining the state highway system, 105371  
funding the enforcement of traffic laws, and covering the costs 105372  
of hospitalization of indigent persons injured in motor vehicle 105373  
accidents on the public highways. 105374

(2) All revenue from the tax as measured by calculated 105375  
gross receipts derived from the sale of motor fuel used 105376  
exclusively in the operation of aircraft shall be used to fund 105377  
airport improvements. 105378

(3) All revenue not distributed as required by division 105379  
(A) (1) or (2) of this section shall be used for the purpose of 105380  
funding the needs of this state and its local governments. 105381

(B) The tax imposed by this section is in addition to any 105382  
other taxes or fees imposed under the Revised Code. 105383

(C) The tax commissioner shall determine and publish, on 105384  
the web site of the department of taxation, the statewide 105385  
average wholesale prices of a gallon of unleaded regular 105386  
gasoline, of a gallon of propane, and of a gallon of diesel fuel 105387  
for each calendar quarter. The commissioner's determination is 105388  
presumed to be correct unless clearly erroneous. The figure 105389  
shall be published at least fifteen days before the beginning of 105390  
the calendar quarter. The commissioner shall base the average 105391  
price on pricing information available from the United States 105392  
energy information administration or, if such information is not 105393  
available from that agency, from another publicly available 105394

source selected by the commissioner. The commissioner shall 105395  
first make reasonable efforts to obtain data specific to this 105396  
state before using national data to determine the average 105397  
wholesale price. The price shall not include any federal or 105398  
state excise taxes on the gasoline or diesel fuel, or the tax 105399  
imposed by this chapter. The price shall be rounded up to the 105400  
nearest one-tenth of one cent. 105401

(D) Nothing in this chapter prohibits a person from 105402  
separately or proportionately billing or invoicing the tax 105403  
imposed by this section to a purchaser of motor fuel. 105404

(E) The tax imposed by this section applies only to 105405  
suppliers having a substantial nexus with this state, as that 105406  
term is defined in section 5751.01 of the Revised Code. A 105407  
supplier that does not have substantial nexus with the state may 105408  
voluntarily obtain a license from the commissioner under section 105409  
5736.06 of the Revised Code. A supplier that voluntarily obtains 105410  
a license from the commissioner is entitled to the same benefits 105411  
and is subject to the same duties and requirements as are 105412  
suppliers required to be licensed with the commissioner. 105413

**Sec. 5736.04.** (A) Not later than the tenth day of the 105414  
second month after the end of each calendar quarter, every 105415  
taxpayer shall file with the tax commissioner a tax return in 105416  
such form as the commissioner prescribes. The return shall 105417  
include, but is not limited to, the amount of the taxpayer's 105418  
calculated gross receipts for the calendar quarter and shall 105419  
indicate the amount of tax due under section 5736.02 of the 105420  
Revised Code for the calendar quarter. The taxpayer shall 105421  
indicate on each return the portion of the taxpayer's gross 105422  
receipts attributable to motor fuel used for propelling vehicles 105423  
on public highways and waterways, the portion of such receipts 105424

attributable to motor fuel used exclusively in the operation of 105425  
aircraft, and the portion of such receipts attributable to motor 105426  
fuel used for other purposes. For this purpose, the sale of 105427  
gasoline and of diesel fuel that is not dyed diesel fuel shall 105428  
be rebuttably presumed to be distributed or sold for use or used 105429  
to propel vehicles on public highways or waterways. All other 105430  
sales of motor fuel shall be rebuttably presumed not to be 105431  
distributed or sold for use or used to propel vehicles on public 105432  
highways or waterways. 105433

(B) (1) The taxpayer shall remit the tax shown to be due on 105434  
the return, and, if required by the tax commissioner, file the 105435  
return, electronically. The commissioner may require taxpayers 105436  
to use the Ohio business gateway as defined in section 718.01 of 105437  
the Revised Code to file ~~return~~ returns and remit the tax, or 105438  
may provide another means for taxpayers to file and remit the 105439  
tax electronically. 105440

(2) A person required by this section to remit taxes or 105441  
file returns electronically may apply to the commissioner, on 105442  
the form prescribed by the commissioner, to be excused from that 105443  
requirement. The commissioner may excuse a person from such 105444  
requirement for good cause. 105445

(C) The tax rate with respect to calculated gross receipts 105446  
for a calendar quarter is not fixed until the end of the 105447  
measurement period for each calendar quarter. The total amount 105448  
of calculated gross receipts reported for a given calendar 105449  
quarter shall be subject to the tax rate in effect in that 105450  
quarter. 105451

**Sec. 5736.05.** (A) Any taxpayer that fails to file a return 105452  
or pay the full amount of the tax due within the period 105453  
prescribed therefor under this chapter shall pay a penalty in an 105454

amount not exceeding the greater of fifty dollars or ten per cent of the tax required to be paid for the tax period.

(B) (1) If any additional tax is found to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent on the additional tax found to be due.

(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B) of this section. If an assessment is issued under section 5736.09 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment.

(C) If a person required to remit taxes or file a return electronically under section 5736.04 of the Revised Code fails to do so, the commissioner may impose a penalty not to exceed the following:

(1) For either of the first two calendar quarters the person so fails, five per cent of the amount of the payment that was required to be remitted;

(2) For the third and any subsequent calendar quarters the person so fails, ten per cent of the amount of the payment that was required to be remitted.

(D) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter.

~~(E) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.~~

~~(F)~~ If any tax due is not timely paid in accordance with 105484  
this chapter, the taxpayer shall pay interest, calculated at the 105485  
rate per annum prescribed by section 5703.47 of the Revised 105486  
Code, from the date the tax payment was due to the date of 105487  
payment or to the date an assessment was issued, whichever 105488  
occurs first. 105489

**Sec. 5736.09.** (A) The tax commissioner may make an 105490  
assessment, based on any information in the commissioner's 105491  
possession, against any person that fails to file a return or 105492  
pay any ~~tax~~ amounts as required by this chapter. The 105493  
commissioner shall give the person assessed written notice of 105494  
the assessment as provided in section 5703.37 of the Revised 105495  
Code. With the notice, the commissioner shall provide 105496  
instructions on the manner in which to petition for reassessment 105497  
and request a hearing with respect to the petition. 105498

(B) Unless the person assessed, within sixty days after 105499  
service of the notice of assessment, files with the 105500  
commissioner, ~~either personally or by certified mail,~~ a written 105501  
petition signed by the person or the person's authorized agent 105502  
having knowledge of the facts, the assessment becomes final, and 105503  
the amount of the assessment is due and payable from the person 105504  
assessed to the treasurer of state. The petition shall indicate 105505  
the objections of the person assessed, but additional objections 105506  
may be raised in writing if received by the commissioner prior 105507  
to the date shown on the final determination. 105508

If a petition for reassessment has been properly filed, 105509  
the commissioner shall proceed under section 5703.60 of the 105510  
Revised Code. 105511

(C) (1) After an assessment becomes final, if any portion 105512  
of the assessment, including accrued interest, remains unpaid, a 105513



certified copy of the commissioner's entry making the assessment 105514  
final may be filed in the office of the clerk of the court of 105515  
common pleas in the county in which the person resides or has 105516  
its principal place of business in this state, or in the office 105517  
of the clerk of court of common pleas of Franklin county. 105518

(2) Immediately upon the filing of the entry, the clerk 105519  
shall enter judgment for the state against the person assessed 105520  
in the amount shown on the entry. The judgment may be filed by 105521  
the clerk in a loose-leaf book entitled, "special judgments for 105522  
the petroleum activity tax" and shall have the same effect as 105523  
other judgments. Execution shall issue upon the judgment at the 105524  
request of the commissioner, and all laws applicable to sales on 105525  
execution shall apply to sales made under the judgment. 105526

(3) If the assessment is not paid in its entirety within 105527  
sixty days after the day the assessment was issued, the portion 105528  
of the assessment consisting of tax due shall bear interest at 105529  
the rate per annum prescribed by section 5703.47 of the Revised 105530  
Code from the day the commissioner issues the assessment until 105531  
it is paid or until it is certified to the attorney general for 105532  
collection under section 131.02 of the Revised Code, whichever 105533  
comes first. If the unpaid portion of the assessment is 105534  
certified to the attorney general for collection, the entire 105535  
unpaid portion of the assessment shall bear interest at the rate 105536  
per annum prescribed by section 5703.47 of the Revised Code from 105537  
the date of certification until the date it is paid in its 105538  
entirety. Interest shall be paid in the same manner as the tax 105539  
and may be collected by the issuance of an assessment under this 105540  
section. 105541

(D) If the commissioner believes that collection of the 105542  
tax will be jeopardized unless proceedings to collect or secure 105543

collection of the tax are instituted without delay, the 105544  
commissioner may issue a jeopardy assessment against the person 105545  
liable for the tax. Immediately upon the issuance of the 105546  
jeopardy assessment, the commissioner shall file an entry with 105547  
the clerk of the court of common pleas in the manner prescribed 105548  
by division (C) of this section. Notice of the jeopardy 105549  
assessment shall be served on the person assessed or the 105550  
person's authorized agent in the manner provided in section 105551  
5703.37 of the Revised Code within five days of the filing of 105552  
the entry with the clerk. The total amount assessed is 105553  
immediately due and payable, unless the person assessed files a 105554  
petition for reassessment in accordance with division (B) of 105555  
this section and provides security in a form satisfactory to the 105556  
commissioner and in an amount sufficient to satisfy the unpaid 105557  
balance of the assessment. Full or partial payment of the 105558  
assessment does not prejudice the commissioner's consideration 105559  
of the petition for reassessment. 105560

(E) The commissioner shall immediately forward to the 105561  
treasurer of state all amounts the commissioner receives under 105562  
this section, and such amounts shall be considered as revenue 105563  
arising from the tax imposed under this chapter. 105564

(F) Except as otherwise provided in this division, no 105565  
assessment shall be made or issued against a taxpayer for ~~the~~ 105566  
tax amounts imposed under this chapter more than four years 105567  
after the due date for the filing of the return or application 105568  
for the tax period for which the ~~tax~~ amount was reported, or 105569  
more than four years after the return or application for the tax 105570  
period was filed, whichever is later. The time limit may be 105571  
extended if both the taxpayer and the commissioner consent in 105572  
writing to the extension or enter into an agreement waiving or 105573  
extending the time limit. Any such extension shall extend the 105574

four-year time limit in division (A) of section 5736.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the commissioner may audit a sample of the taxpayer's calculated gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

**Sec. 5736.13.** (A) For the purpose of receiving, accounting for, and distributing revenue received from the tax imposed by section 5736.02 of the Revised Code, the following funds are hereby created in the state treasury:

(1) The petroleum activity tax fund;

(2) The petroleum activity tax administration fund. All amounts credited to the petroleum activity tax administration fund shall be used solely for the purpose of paying the expenses of the department of taxation incident to the administration of the tax imposed by section 5736.02 of the Revised Code.

(3) The petroleum activity tax public highways fund.

(B) All money collected from the tax imposed by section 5736.02 of the Revised Code shall be deposited into the petroleum activity tax fund.

(C) From the petroleum activity tax fund, the director of budget and management shall place to the credit of the tax refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to section 5736.08 of the Revised Code.

(D) Not later than the last day of March, June, September, and December of each year, the director of budget and management shall provide for the transfer of the balance of the petroleum activity tax fund as of the last day of the preceding month, excluding any amounts required to be transferred as provided in division (C) of this section, as follows:

(1) To the petroleum activity tax administration fund, one per cent;

(2) To the Ohio airport improvement program fund created in section 4561.03 of the Revised Code, an amount equal to the balance of the fund attributable to the tax on calculated gross receipts derived from the sale of motor fuel used exclusively in the operation of aircraft minus one per cent of that balance;

(3) To the petroleum activity tax public highways fund, an amount that bears the same ratio to the balance in the petroleum activity tax fund, after subtracting the amount transferred under division (D) (1) and (2) of this section, that (a) the calculated gross receipts attributed to motor fuel used for propelling vehicles on public highways and waterways as indicated by returns filed by the last day of the preceding month, bears to (b) all calculated gross receipts as indicated

by those returns; 105633

~~(3)~~(4) To the general revenue fund, the amount remaining 105634  
after the transfers required by divisions (D) (1) ~~and (2)~~to (3) 105635  
of this section. 105636

**Sec. 5739.032.** (A) If the total amount of tax required to 105637  
be paid by a permit holder under section 5739.031 of the Revised 105638  
Code for any calendar year equals or exceeds seventy-five 105639  
thousand dollars, the permit holder shall remit each monthly tax 105640  
payment in the second ensuing and each succeeding year 105641  
electronically as prescribed by division (B) of this section. 105642

If a permit holder's tax payment for each of two 105643  
consecutive years is less than seventy-five thousand dollars, 105644  
the permit holder is relieved of the requirement to remit taxes 105645  
electronically for the year that next follows the second of the 105646  
consecutive years in which the tax payment is less than that 105647  
amount, and is relieved of that requirement for each succeeding 105648  
year, unless the tax payment in a subsequent year equals or 105649  
exceeds seventy-five thousand dollars. 105650

Failure by the tax commissioner to notify a permit holder 105651  
subject to this section to remit taxes electronically does not 105652  
relieve the permit holder of its obligation to remit taxes in 105653  
that manner. 105654

(B) Permit holders required by division (A) of this 105655  
section to remit payments electronically shall remit such 105656  
payments by using the Ohio business gateway, as defined in 105657  
section 718.01 of the Revised Code, or another means of 105658  
electronic payment, and as follows: 105659

(1) On or before the twenty-third day of each month, a 105660  
permit holder shall remit an amount equal to seventy-five per 105661

cent of the anticipated tax liability for that month. 105662

(2) On or before the twenty-third day of each month, a 105663  
permit holder shall report the taxes due for the previous month 105664  
and shall remit that amount, less any amounts paid for that 105665  
month as required by division (B)(1) of this section. 105666

The electronic payment of taxes does not affect a permit 105667  
holder's obligation to file the monthly return as required under 105668  
section 5739.031 of the Revised Code. 105669

(C)(1)(a) If a permit holder that is required to remit 105670  
payments under division (B) of this section fails to make a 105671  
payment, or makes a payment under division (B)(1) of this 105672  
section that is less than seventy-five per cent of the actual 105673  
liability for that month, the commissioner may impose an 105674  
additional charge not to exceed five per cent of that unpaid 105675  
amount. 105676

(b) Division (C)(1)(a) of this section does not apply if 105677  
the permit holder's payment under division (B)(1) of this 105678  
section is equal to or greater than seventy-five per cent of the 105679  
permit holder's reported liability for the same month in the 105680  
immediately preceding calendar year. 105681

(2) If a permit holder required by this section to remit 105682  
taxes electronically remits those taxes by some means other than 105683  
electronically as prescribed by this section and the tax 105684  
commissioner determines that such failure was not due to 105685  
reasonable cause or was due to willful neglect, the commissioner 105686  
may impose an additional charge not to exceed the lesser of five 105687  
per cent of the amount of the taxes required to be paid 105688  
electronically or five thousand dollars. 105689

(3) Any additional charge imposed under division (C)(1) or 105690

(2) of this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5739.13 of the Revised Code. ~~The tax commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.~~

No additional charge shall be imposed under division (C) (2) of this section against a permit holder that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means. The additional charge may be imposed upon the remittance of any subsequent tax payment that the permit holder remits by some means other than electronically.

**Sec. 5739.07.** (A) When, pursuant to this chapter, a vendor has paid taxes to the tax commissioner or the commissioner's agent, the commissioner shall refund to the vendor the amount of taxes paid, and any penalties assessed with respect to such taxes, if the vendor has refunded to the consumer the full amount of taxes the consumer paid illegally or erroneously or if the vendor has illegally or erroneously billed the consumer but has not collected the taxes from the consumer.

(B) When, pursuant to this chapter, a consumer has paid taxes directly to the tax commissioner or the commissioner's agent, and the payment or assessment was illegal or erroneous, the commissioner shall refund to the consumer the full amount of illegal or erroneous taxes paid and any penalties assessed with respect to such taxes.

(C) The commissioner shall refund to the consumer amounts

paid illegally or erroneously to a vendor only if: 105721

(1) The commissioner has not refunded the tax to the 105722  
vendor and the vendor has not refunded the tax to the consumer; 105723  
or 105724

(2) The consumer has received a refund from a manufacturer 105725  
or other person, other than the vendor, of the full purchase 105726  
price, but not the tax, paid to the vendor in settlement of a 105727  
complaint by the consumer about the property or service 105728  
purchased. 105729

The commissioner may require the consumer to obtain or the 105730  
vendor to provide a written statement confirming that the vendor 105731  
has not refunded the tax to the consumer and has not filed an 105732  
application for refund of the tax with the commissioner. 105733

(D) Subject to division (E) of this section, an 105734  
application for refund shall be filed with the tax commissioner 105735  
on the form prescribed by the commissioner within four years 105736  
from the date of the illegal or erroneous payment, unless the 105737  
vendor or consumer waives the time limitation under division (A) 105738  
(3) of section 5739.16 of the Revised Code. If the time 105739  
limitation is waived, the refund application period shall be 105740  
extended for the same period as the waiver. 105741

(E) An application for refund shall be filed in accordance 105742  
with division (D) of this section unless a person is subject to 105743  
an assessment that is subject to the time limit of division (B) 105744  
of section 5703.58 of the Revised Code for amounts not reported 105745  
and paid between the four-year time limit described in division 105746  
(D) of this section and the seven-year limit described in 105747  
division (B) of section 5703.58 of the Revised Code, in which 105748  
case the person may file an application within six months after 105749



the date the assessment is issued. Any refund allowed under this 105750  
division shall not exceed the amount of the assessment due for 105751  
the same period. 105752

(F) On the filing of an application for a refund, the 105753  
commissioner shall determine the amount of refund to which the 105754  
applicant is entitled. If the amount is not less than that 105755  
claimed, the commissioner shall certify that amount to the 105756  
director of budget and management and the treasurer of state for 105757  
payment from the tax refund fund created by section 5703.052 of 105758  
the Revised Code. If the amount is less than that claimed, the 105759  
commissioner shall proceed in accordance with section 5703.70 of 105760  
the Revised Code. 105761

(G) When a refund is granted under this section, it shall 105762  
include interest thereon as provided by section 5739.132 of the 105763  
Revised Code, except that no such interest shall be granted when 105764  
a refund is granted for illegal or erroneous payments made 105765  
pursuant to a direct payment permit issued under section 105766  
5739.031 of the Revised Code or division (I) of section 122.175 105767  
of the Revised Code. 105768

**Sec. 5739.102.** A person who is liable for a tax levied 105769  
under section 5739.101 of the Revised Code shall file a return 105770  
with the tax commissioner showing the person's taxable gross 105771  
receipts from sales described under division (B)(1) or (2) or 105772  
(C) of that section. The tax commissioner shall prescribe the 105773  
form of the return, and the six- or twelve-month reporting 105774  
period. The person shall file the return on or before the last 105775  
day of the month following the end of the reporting period 105776  
prescribed by the commissioner, and shall include with the 105777  
return payment of the tax for the period. The remittance shall 105778  
be made payable to the treasurer of state. 105779

Upon receipt of a return, the tax commissioner shall 105780  
credit any money included with it to the resort area excise tax 105781  
fund, which is hereby created. Within forty-five days after the 105782  
end of each month, the commissioner shall provide for the 105783  
distribution of all money paid during that month into the resort 105784  
area excise tax fund to the appropriate municipal corporations 105785  
and townships, after first subtracting and crediting to the 105786  
general revenue fund one per cent to cover the costs of 105787  
administering the excise tax. 105788

If a person liable for the tax fails to file a return or 105789  
pay the tax as required under this section and the rules of the 105790  
tax commissioner, the person shall pay an additional charge of 105791  
the greater of fifty dollars or ten per cent of the tax due for 105792  
the return period. The additional charge shall be considered 105793  
revenue arising from the tax levied under section 5739.101 of 105794  
the Revised Code, and may be collected by assessment in the 105795  
manner provided in section 5739.13 of the Revised Code. ~~The tax-~~ 105796  
~~commissioner may remit all or a portion of the charge.~~ 105797

**Sec. 5739.12.** (A) (1) Each person who has or is required to 105798  
have a vendor's license, on or before the twenty-third day of 105799  
each month, shall make and file a return for the preceding month 105800  
in the form prescribed by the tax commissioner, and shall pay 105801  
the tax shown on the return to be due. The return shall be filed 105802  
electronically using the Ohio business gateway, as defined in 105803  
section 718.01 of the Revised Code, the Ohio telefile system, or 105804  
any other electronic means prescribed by the commissioner. 105805  
Payment of the tax shown on the return to be due shall be made 105806  
electronically in a manner approved by the commissioner. The 105807  
commissioner may require a vendor that operates from multiple 105808  
locations or has multiple vendor's licenses to report all tax 105809  
liabilities on one consolidated return. The return shall show 105810

the amount of tax due from the vendor to the state for the 105811  
period covered by the return and such other information as the 105812  
commissioner deems necessary for the proper administration of 105813  
this chapter. The commissioner may extend the time for making 105814  
and filing returns and paying the tax, and may require that the 105815  
return for the last month of any annual or semiannual period, as 105816  
determined by the commissioner, be a reconciliation return 105817  
detailing the vendor's sales activity for the preceding annual 105818  
or semiannual period. The reconciliation return shall be filed 105819  
by the last day of the month following the last month of the 105820  
annual or semiannual period. ~~The commissioner may remit all or~~ 105821  
~~any part of amounts or penalties that may become due under this~~ 105822  
~~chapter and may adopt rules relating thereto.~~ Such return shall 105823  
be filed electronically as directed by the tax commissioner, and 105824  
payment of the amount of tax shown to be due thereon, after 105825  
deduction of any discount provided for under this section, shall 105826  
be made electronically in a manner approved by the tax 105827  
commissioner. 105828

(2) Any person required to file returns and make payments 105829  
electronically under division (A) (1) of this section may apply 105830  
to the tax commissioner on a form prescribed by the commissioner 105831  
to be excused from that requirement. For good cause shown, the 105832  
commissioner may excuse the person from that requirement and may 105833  
permit the person to file the returns and make the payments 105834  
required by this section by nonelectronic means. 105835

(B) (1) If the return is filed and the amount of tax shown 105836  
thereon to be due is paid on or before the date such return is 105837  
required to be filed, the vendor shall be entitled to a discount 105838  
of three-fourths of one per cent of the amount shown to be due 105839  
on the return. 105840

(2) A vendor that has selected a certified service provider as its agent shall not be entitled to the discount if the certified service provider receives a monetary allowance pursuant to section 5739.06 of the Revised Code for performing the vendor's sales and use tax functions in this state. Amounts paid to the clerk of courts pursuant to section 4505.06 of the Revised Code shall be subject to the applicable discount. The discount shall be in consideration for prompt payment to the clerk of courts and for other services performed by the vendor in the collection of the tax.

(C) (1) Upon application to the tax commissioner, a vendor who is required to file monthly returns may be relieved of the requirement to report and pay the actual tax due, provided that the vendor agrees to remit to the commissioner payment of not less than an amount determined by the commissioner to be the average monthly tax liability of the vendor, based upon a review of the returns or other information pertaining to such vendor for a period of not less than six months nor more than two years immediately preceding the filing of the application. Vendors who agree to the above conditions shall make and file an annual or semiannual reconciliation return, as prescribed by the commissioner. The reconciliation return shall be filed electronically as directed by the tax commissioner, and payment of the amount of tax shown to be due thereon, after deduction of any discount provided in this section, shall be made electronically in a manner approved by the commissioner. Failure of a vendor to comply with any of the above conditions may result in immediate reinstatement of the requirement of reporting and paying the actual tax liability on each monthly return, and the commissioner may at the commissioner's discretion deny the vendor the right to report and pay based

upon the average monthly liability for a period not to exceed 105872  
two years. The amount ascertained by the commissioner to be the 105873  
average monthly tax liability of a vendor may be adjusted, based 105874  
upon a review of the returns or other information pertaining to 105875  
the vendor for a period of not less than six months nor more 105876  
than two years preceding such adjustment. 105877

(2) The commissioner may authorize vendors whose tax 105878  
liability is not such as to merit monthly returns, as 105879  
ascertained by the commissioner upon the basis of administrative 105880  
costs to the state, to make and file returns at less frequent 105881  
intervals. When returns are filed at less frequent intervals in 105882  
accordance with such authorization, the vendor shall be allowed 105883  
the discount provided in this section in consideration for 105884  
prompt payment with the return, provided the return is filed and 105885  
payment is made of the amount of tax shown to be due thereon, at 105886  
the time specified by the commissioner, but a vendor that has 105887  
selected a certified service provider as its agent shall not be 105888  
entitled to the discount. 105889

(D) Any vendor who fails to file a return or to pay the 105890  
full amount of the tax shown on the return to be due in the 105891  
manner prescribed under this section and the rules of the 105892  
commissioner may, for each such return, be required to forfeit 105893  
and pay into the state treasury an additional charge not 105894  
exceeding fifty dollars or ten per cent of the tax required to 105895  
be paid for the reporting period, whichever is greater, as 105896  
revenue arising from the tax imposed by this chapter, and such 105897  
sum may be collected by assessment in the manner provided in 105898  
section 5739.13 of the Revised Code. ~~The commissioner may remit~~ 105899  
~~all or a portion of the additional charge and may adopt rules~~ 105900  
~~relating to the imposition and remission of the additional~~ 105901  
~~charge.~~ 105902

(E) If the amount required to be collected by a vendor 105903  
from consumers is in excess of the applicable percentage of the 105904  
vendor's receipts from sales that are taxable under section 105905  
5739.02 of the Revised Code, or in the case of sales subject to 105906  
a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 105907  
of the Revised Code, in excess of the percentage equal to the 105908  
aggregate rate of such taxes and the tax levied by section 105909  
5739.02 of the Revised Code, such excess shall be remitted along 105910  
with the remittance of the amount of tax due under section 105911  
5739.10 of the Revised Code. 105912

(F) The commissioner, if the commissioner deems it 105913  
necessary in order to insure the payment of the tax imposed by 105914  
this chapter, may require returns and payments to be made for 105915  
other than monthly periods. 105916

(G) Any vendor required to file a return and pay the tax 105917  
under this section whose total payment for a year equals or 105918  
exceeds the amount shown in division (A) of section 5739.122 of 105919  
the Revised Code is subject to the accelerated tax payment 105920  
requirements in divisions (B) and (C) of that section. For a 105921  
vendor that operates from multiple locations or has multiple 105922  
vendor's licenses, in determining whether the vendor's total 105923  
payment equals or exceeds the amount shown in division (A) of 105924  
that section, the vendor's total payment amount shall be the 105925  
amount of the vendor's total tax liability for the previous 105926  
calendar year for all of the vendor's locations or licenses. 105927

**Sec. 5739.122.** (A) If the total amount of tax required to 105928  
be paid by a vendor under section 5739.12 of the Revised Code 105929  
for any calendar year equals or exceeds seventy-five thousand 105930  
dollars, the vendor shall remit each monthly tax payment in the 105931  
second ensuing and each succeeding tax year on an accelerated 105932

basis as prescribed by divisions (B) and (C) of this section. 105933

If a vendor's tax payment for each of two consecutive 105934  
years is less than seventy-five thousand dollars, the vendor is 105935  
relieved of the requirement to remit taxes in the manner 105936  
prescribed by this section for the year that next follows the 105937  
second of the consecutive years in which the tax payment is less 105938  
than that amount, and is relieved of that requirement for each 105939  
succeeding year, unless the tax payment in a subsequent year 105940  
equals or exceeds seventy-five thousand dollars. 105941

The tax commissioner shall notify each vendor required to 105942  
make accelerated tax payments of the vendor's obligation to do 105943  
so and shall maintain an updated list of those vendors. Failure 105944  
by the tax commissioner to notify a vendor subject to this 105945  
section to remit taxes on an accelerated basis does not relieve 105946  
the vendor of its obligation to remit taxes as provided under 105947  
division (B) of this section. 105948

(B) Vendors required by division (A) of this section to 105949  
make accelerated tax payments shall electronically remit such 105950  
payments to the tax commissioner in a manner approved by the 105951  
commissioner, as follows: 105952

(1) On or before the twenty-third day of each month, a 105953  
vendor shall remit an amount equal to seventy-five per cent of 105954  
the anticipated tax liability for that month. 105955

(2) On or before the twenty-third day of each month, a 105956  
vendor shall report the taxes collected for the previous month 105957  
and shall remit that amount, less any amounts paid for that 105958  
month as required by division (B) (1) of this section. 105959

The payment of taxes on an accelerated basis under this 105960  
section does not affect a vendor's obligation to file returns 105961

and pay the tax shown on the returns to be due as required under 105962  
section 5739.12 of the Revised Code. 105963

(C) A vendor required by this section to remit taxes on an 105964  
accelerated basis may apply to the tax commissioner, in the 105965  
manner prescribed by the commissioner, to be excused from that 105966  
requirement. The commissioner may excuse the vendor from 105967  
remittance on an accelerated basis for good cause shown for the 105968  
period of time requested by the vendor or for a portion of that 105969  
period. 105970

(D) (1) (a) If a vendor that is required to remit payments 105971  
under division (B) of this section fails to make a payment 105972  
required under division (B) (1) of this section, or makes a 105973  
payment under division (B) (1) of this section that is less than 105974  
seventy-five per cent of the actual liability for that month, 105975  
the commissioner may impose an additional charge not to exceed 105976  
five per cent of that unpaid amount. 105977

(b) Division (D) (1) (a) of this section does not apply if 105978  
the vendor's payment under division (B) (1) of this section is 105979  
equal to or greater than seventy-five per cent of the vendor's 105980  
reported liability for the same month in the immediately 105981  
preceding calendar year. 105982

(2) Any additional charge imposed under division (D) (1) 105983  
of this section is in addition to any other penalty or charge 105984  
imposed under this chapter, and shall be considered as revenue 105985  
arising from taxes imposed under this chapter. An additional 105986  
charge may be collected by assessment in the manner prescribed 105987  
by section 5739.13 of the Revised Code. ~~The tax commissioner may~~ 105988  
~~waive all or a portion of such a charge and may adopt rules~~ 105989  
~~governing such waiver.~~ 105990



**Sec. 5739.124.** (A) If required by the tax commissioner, a permit holder required to make payments under section 5739.032 of the Revised Code shall file all returns and reports electronically. The commissioner may require the permit holder to use the Ohio business gateway, as defined in section 718.01 of the Revised Code, or any other electronic means approved by the commissioner, to file the returns and reports, or to remit the tax, in lieu of the manner prescribed under section 5739.032 of the Revised Code.

(B) A person required under this section to file reports and returns electronically may apply to the tax commissioner to be excused from that requirement. Applications shall be made on a form prescribed by the commissioner. The commissioner may approve the application for good cause.

(C) (1) If a person required to file a report or return electronically under this section fails to do so, the tax commissioner may impose an additional charge not to exceed the following:

(a) For each of the first two failures, five per cent of the amount required to be reported on the report or return;

(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the report or return.

(2) The charges authorized under division (C) (1) of this section are in addition to any other charge or penalty authorized under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5739.13 of the Revised Code. ~~The commissioner may waive all or a portion of such a charge and may~~

~~adopt rules governing such waiver.~~

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**Sec. 5739.13.** (A) If any vendor collects the tax imposed  
by or pursuant to section 5739.02, 5739.021, 5739.023, or  
5739.026 of the Revised Code, and fails to remit the tax to the  
state as prescribed, or on the sale of a motor vehicle,  
watercraft, or outboard motor required to be titled, fails to  
remit payment to a clerk of a court of common pleas as provided  
in section 1548.06 or 4505.06 of the Revised Code, the vendor  
shall be personally liable for any tax collected and not  
remitted. The tax commissioner may make an assessment against  
such vendor based upon any information in the commissioner's  
possession.

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If any vendor fails to collect the tax or any consumer  
fails to pay the tax imposed by or pursuant to section 5739.02,  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any  
transaction subject to the tax, the vendor or consumer shall be  
personally liable for the amount of the tax applicable to the  
transaction. The commissioner may make an assessment against  
either the vendor or consumer, as the facts may require, based  
upon any information in the commissioner's possession.

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An assessment against a vendor when the tax imposed by or  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of  
the Revised Code has not been collected or paid, shall not  
discharge the purchaser's or consumer's liability to reimburse  
the vendor for the tax applicable to such transaction.

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An assessment issued against either, pursuant to this  
section, shall not be considered an election of remedies, nor a  
bar to an assessment against the other for the tax applicable to  
the same transaction, provided that no assessment shall be  
issued against any person for the tax due on a particular

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transaction if the tax on that transaction actually has been 106050  
paid by another. 106051

The commissioner may make an assessment against any vendor 106052  
who fails to file a return or remit the proper amount of tax 106053  
required by this chapter, or against any consumer who fails to 106054  
pay the proper amount of tax required by this chapter. When 106055  
information in the possession of the commissioner indicates that 106056  
the amount required to be collected or paid under this chapter 106057  
is greater than the amount remitted by the vendor or paid by the 106058  
consumer, the commissioner may audit a sample of the vendor's 106059  
sales or the consumer's purchases for a representative period, 106060  
to ascertain the per cent of exempt or taxable transactions or 106061  
the effective tax rate and may issue an assessment based on the 106062  
audit. The commissioner shall make a good faith effort to reach 106063  
agreement with the vendor or consumer in selecting a 106064  
representative sample. 106065

The commissioner may make an assessment, based on any 106066  
information in the commissioner's possession, against any person 106067  
who fails to file a return or remit the proper amount of tax 106068  
required by section 5739.102 of the Revised Code. 106069

The commissioner may issue an assessment on any 106070  
transaction for which any tax imposed under this chapter or 106071  
Chapter 5741. of the Revised Code was due and unpaid on the date 106072  
the vendor or consumer was informed by an agent of the tax 106073  
commissioner of an investigation or audit. If the vendor or 106074  
consumer remits any payment of the tax for the period covered by 106075  
the assessment after the vendor or consumer was informed of the 106076  
investigation or audit, the payment shall be credited against 106077  
the amount of the assessment. 106078

The commissioner shall give the party assessed written 106079

notice of the assessment in the manner provided in section 106080  
5703.37 of the Revised Code. With the notice, the commissioner 106081  
shall provide instructions on how to petition for reassessment 106082  
and request a hearing on the petition. 106083

(B) Unless the party assessed files with the commissioner 106084  
within sixty days after service of the notice of assessment,~~—~~ 106085  
~~either personally or by certified mail,~~ a written petition for 106086  
reassessment, signed by the party assessed or that party's 106087  
authorized agent having knowledge of the facts, the assessment 106088  
becomes final and the amount of the assessment is due from the 106089  
party assessed and payable to the treasurer of state and 106090  
remitted to the tax commissioner. The petition shall indicate 106091  
the objections of the party assessed, but additional objections 106092  
may be raised in writing if received by the commissioner prior 106093  
to the date shown on the final determination. If the petition 106094  
has been properly filed, the commissioner shall proceed under 106095  
section 5703.60 of the Revised Code. 106096

(C) After an assessment becomes final, if any portion of 106097  
the assessment remains unpaid, including accrued interest, a 106098  
certified copy of the commissioner's entry making the assessment 106099  
final may be filed in the office of the clerk of the court of 106100  
common pleas in the county in which the place of business of the 106101  
party assessed is located or the county in which the party 106102  
assessed resides. If the party assessed maintains no place of 106103  
business in this state and is not a resident of this state, the 106104  
certified copy of the entry may be filed in the office of the 106105  
clerk of the court of common pleas of Franklin county. 106106

Immediately upon the filing of the entry, the clerk shall 106107  
enter a judgment for the state against the party assessed in the 106108  
amount shown on the entry. The judgment may be filed by the 106109

clerk in a loose-leaf book entitled "special judgments for 106110  
state, county, and transit authority retail sales tax" or, if 106111  
appropriate, "special judgments for resort area excise tax," and 106112  
shall have the same effect as other judgments. Execution shall 106113  
issue upon the judgment upon the request of the tax 106114  
commissioner, and all laws applicable to sales on execution 106115  
shall apply to sales made under the judgment except as otherwise 106116  
provided in this chapter. 106117

If the assessment is not paid in its entirety within sixty 106118  
days after the date the assessment was issued, the portion of 106119  
the assessment consisting of tax due shall bear interest at the 106120  
rate per annum prescribed by section 5703.47 of the Revised Code 106121  
from the day the tax commissioner issues the assessment until 106122  
the assessment is paid or until it is certified to the attorney 106123  
general for collection under section 131.02 of the Revised Code, 106124  
whichever comes first. If the unpaid portion of the assessment 106125  
is certified to the attorney general for collection, the entire 106126  
unpaid portion of the assessment shall bear interest at the rate 106127  
per annum prescribed by section 5703.47 of the Revised Code from 106128  
the date of certification until the date it is paid in its 106129  
entirety. Interest shall be paid in the same manner as the tax 106130  
and may be collected by issuing an assessment under this 106131  
section. 106132

(D) All money collected by the tax commissioner under this 106133  
section shall be paid to the treasurer of state, and when paid 106134  
shall be considered as revenue arising from the taxes imposed by 106135  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 106136

**Sec. 5739.132.** (A) If a tax, fee, or charge due under this 106137  
chapter or Chapter 128. or 5741. of the Revised Code is not paid 106138  
on or before the day the payment is required to be paid, 106139

interest shall accrue on the unpaid tax, fee, or charge at the 106140  
rate per annum prescribed by section 5703.47 of the Revised Code 106141  
from the day the tax, fee, or charge was required to be paid 106142  
until the tax, fee, or charge is paid or until the day an 106143  
assessment is issued under section 5739.13 or 5739.15 of the 106144  
Revised Code, whichever occurs first. Interest shall be paid in 106145  
the same manner as the tax, fee, or charge, and may be collected 106146  
by assessment. 106147

~~(B) Interest~~ (B) (1) Except as provided in division (B) (2) 106148  
of this section, interest shall be allowed and paid on any 106149  
refund granted pursuant to section 128.47, 5739.07, or 5741.10 106150  
of the Revised Code from the date of the overpayment. The 106151  
interest shall be computed at the rate per annum prescribed by 106152  
section 5703.47 of the Revised Code. 106153

(2) No interest shall be allowed or paid on a refund of a 106154  
tax levied pursuant to section 5739.021, 5739.026, 5741.021, or 106155  
5741.023 of the Revised Code. 106156

**Sec. 5739.133.** (A) A penalty may be added to every amount 106157  
assessed under section 5739.13 or 5739.15 of the Revised Code as 106158  
follows: 106159

(1) In the case of an assessment against a person who 106160  
fails to collect and remit the tax required by this chapter or 106161  
Chapter 5741. of the Revised Code, up to fifty per cent of the 106162  
amount assessed; 106163

(2) In the case of a person whom the tax commissioner 106164  
believes has collected the tax but failed to remit it to the 106165  
state as required by this chapter or Chapter 5741. of the 106166  
Revised Code, up to fifty per cent of the amount assessed; 106167

(3) In the case of all other assessments, up to fifteen 106168

per cent of the amount assessed. 106169

No amount assessed under section 5739.13 or 5739.15 of the 106170  
Revised Code shall be subject to a penalty under this section in 106171  
excess of fifty per cent of the amount assessed. 106172

(B) All assessments issued under section 5739.13 and 106173  
5739.15 of the Revised Code shall include preassessment interest 106174  
computed at the rate per annum prescribed by section 5703.47 of 106175  
the Revised Code. Beginning January 1, 1988, preassessment 106176  
interest shall begin to accrue on the first day of January of 106177  
the year following the date on which the person assessed was 106178  
required to report and pay the tax under this chapter or Chapter 106179  
5741. of the Revised Code, and shall run until the date of the 106180  
notice of assessment. If an assessment is issued within the 106181  
first twelve months after the interest begins to accrue, no 106182  
preassessment interest shall be assessed. With respect to taxes 106183  
required to be paid under this chapter or Chapter 5741. of the 106184  
Revised Code on or after January 1, 1998, interest shall accrue 106185  
as prescribed in division (A) of section 5739.132 of the Revised 106186  
Code. 106187

~~(C) The commissioner may adopt rules providing for the 106188  
imposition and remission of any penalty provided for under this 106189  
section. 106190~~

**Sec. 5739.31.** (A) (1) No person shall engage in the 106191  
business of selling at retail or sell at retail incidental to 106192  
any other regularly conducted business without having a license 106193  
therefor, as required by sections 5739.01 to 5739.31 of the 106194  
Revised Code. 106195

(2) No person shall engage in the business of selling at 106196  
retail as a transient vendor, as defined in section 5739.17 of 106197

the Revised Code, without first having obtained a license as 106198  
required by that section. 106199

(B) No person shall continue to engage in the business of 106200  
selling at retail or sell at retail incidental to any other 106201  
regularly conducted business after the license issued to that 106202  
person pursuant to section 5739.17 of the Revised Code has been 106203  
suspended by the tax commissioner under division (B)(2) of 106204  
section 5739.30 of the Revised Code, nor shall any person obtain 106205  
a new license from ~~the any~~ county auditor or the tax 106206  
commissioner while such suspension is in effect. If a 106207  
corporation's license has been suspended, none of its officers, 106208  
or employees having control or supervision of or charged with 106209  
the responsibility of filing returns and making payments of tax 106210  
due, shall obtain a license from ~~the any~~ county auditor or the 106211  
tax commissioner during the period of such suspension. The tax 106212  
commissioner may cancel any licenses granted while the 106213  
suspension is in effect. 106214

**Sec. 5741.121.** (A) If the total amount of tax required to 106215  
be paid by a seller or consumer under section 5741.12 of the 106216  
Revised Code for any year equals or exceeds seventy-five 106217  
thousand dollars, the seller or consumer shall remit each 106218  
monthly tax payment in the second ensuing and each succeeding 106219  
year on an accelerated basis as prescribed by division (B) of 106220  
this section. 106221

If a seller's or consumer's tax payment for each of two 106222  
consecutive years is less than seventy-five thousand dollars, 106223  
the seller or consumer is relieved of the requirement to remit 106224  
taxes on an accelerated basis for the year that next follows 106225  
the second of the consecutive years in which the tax payment is 106226  
less than that amount, and is relieved of that requirement for 106227



each succeeding year, unless the tax payment in a subsequent 106228  
year equals or exceeds seventy-five thousand dollars. 106229

The tax commissioner shall notify each seller or consumer 106230  
required to make accelerated tax payments of the seller's or 106231  
consumer's obligation to do so and shall maintain an updated 106232  
list of those sellers and consumers. Failure by the tax 106233  
commissioner to notify a seller or consumer subject to this 106234  
section to remit taxes on an accelerated basis does not relieve 106235  
the seller or consumer of the obligation to remit taxes as 106236  
provided under division (B) of this section. 106237

(B) Sellers and consumers required by division (A) of this 106238  
section to make accelerated tax payments shall electronically 106239  
remit such payments to the tax commissioner, in a manner 106240  
approved by the commissioner, as follows: 106241

(1) On or before the twenty-third day of each month, a 106242  
seller or consumer shall remit an amount equal to seventy-five 106243  
per cent of the anticipated tax liability for that month. 106244

(2) On or before the twenty-third day of each month, a 106245  
seller shall report the taxes collected and a consumer shall 106246  
report the taxes due for the previous month and shall remit that 106247  
amount, less any amounts paid for that month as required by 106248  
division (B) (1) of this section. 106249

The payment of taxes on an accelerated basis under this 106250  
section does not affect a seller's or consumer's obligation to 106251  
file returns and pay the tax shown on the returns to be due as 106252  
required under section 5741.12 of the Revised Code. 106253

(C) A seller or consumer required by this section to remit 106254  
taxes on an accelerated basis may apply to the tax commissioner 106255  
in the manner prescribed by the commissioner to be excused from 106256

that requirement. The commissioner may excuse the seller or 106257  
consumer from remittance on an accelerated basis for good cause 106258  
shown for the period of time requested by the seller or consumer 106259  
or for a portion of that period. 106260

(D) (1) (a) If a seller or consumer that is required to 106261  
remit payments under division (B) of this section fails to make 106262  
a payment required under division (B) (1) of this section, or 106263  
makes a payment under division (B) (1) of this section that is 106264  
less than seventy-five per cent of the actual liability for that 106265  
month, the commissioner may impose an additional charge not to 106266  
exceed five per cent of that unpaid amount. 106267

(b) Division (D) (1) (a) of this section does not apply if 106268  
the seller's or consumer's payment under division (B) (1) of this 106269  
section is equal to or greater than seventy-five per cent of the 106270  
seller's or consumer's reported liability for the same month in 106271  
the immediately preceding calendar year. 106272

(2) Any additional charge imposed under division (D) (1) 106273  
of this section is in addition to any other penalty or charge 106274  
imposed under this chapter, and shall be considered as revenue 106275  
arising from taxes imposed under this chapter. An additional 106276  
charge may be collected by assessment in the manner prescribed 106277  
by section 5741.13 of the Revised Code. ~~The tax commissioner may~~ 106278  
~~waive all or a portion of such a charge and may adopt rules-~~ 106279  
~~governing such waiver.~~ 106280

**Sec. 5741.122.** (A) If required by the tax commissioner, a 106281  
person required to make payments under section 5741.121 of the 106282  
Revised Code shall file all returns and reports electronically. 106283  
The commissioner may require the person to use the Ohio business 106284  
gateway, as defined in section 718.01 of the Revised Code, or 106285  
any other electronic means approved by the commissioner, to file 106286

the returns and reports, or to remit the tax, in lieu of the 106287  
manner prescribed under section 5741.121 of the Revised Code. 106288

(B) A person required under this section to file reports 106289  
and returns electronically may apply to the tax commissioner to 106290  
be excused from that requirement. Applications shall be made on 106291  
a form prescribed by the commissioner. The commissioner may 106292  
approve the application for good cause. 106293

(C) (1) If a person required to file a report or return 106294  
electronically under this section fails to do so, the tax 106295  
commissioner may impose an additional charge not to exceed the 106296  
following: 106297

(a) For each of the first two failures, five per cent of 106298  
the amount required to be reported on the report or return; 106299

(b) For the third and any subsequent failure, ten per cent 106300  
of the amount required to be reported on the report or return. 106301

(2) The charges authorized under division (C) (1) of this 106302  
section are in addition to any other charge or penalty 106303  
authorized under this chapter, and shall be considered as 106304  
revenue arising from taxes imposed under this chapter. An 106305  
additional charge may be collected by assessment in the manner 106306  
prescribed by section 5741.13 of the Revised Code. ~~The-~~ 106307  
~~commissioner may waive all or a portion of such a charge and may~~ 106308  
~~adopt rules governing such waiver.~~ 106309

**Sec. 5743.021.** (A) As used in this section, "qualifying 106310  
regional arts and cultural district" means a regional arts and 106311  
cultural district created under section 3381.04 of the Revised 106312  
Code in a county ~~having a population of one million two hundred-~~ 106313  
~~thousand or more according to the 2000 federal decennial-~~ 106314  
~~census~~ that has adopted a charter under Ohio Constitution, 106315

Article X, Section 3. 106316

(B) For one or more of the purposes for which a tax may be 106317  
levied under section 3381.16 of the Revised Code and for the 106318  
purposes of paying the expenses of administering the tax and the 106319  
expenses charged by a board of elections to hold an election on 106320  
a question submitted under this section, the board of county 106321  
commissioners of a county that has within its territorial 106322  
boundaries a qualifying regional arts and cultural district may 106323  
levy a tax on the sale of cigarettes sold for resale at retail 106324  
in the county composing the district computed on each cigarette 106325  
sold. The rate of the tax, when added to the rate of any other 106326  
tax concurrently levied by the board under this section, shall 106327  
equal one of the following: 106328

(1) If the tax begins to apply before May 1, 2023, up to 106329  
fifteen mills per cigarette; 106330

(2) If the tax begins to apply on or after ~~the first day~~ 106331  
~~of the first month after the effective date of this amendment~~ May 106332  
1, 2023, the rate, in mills per cigarette, specified in the 106333  
resolution levying the tax. 106334

Only one sale of the same article shall be used in 106335  
computing the amount of tax due. The tax may be levied for any 106336  
number of years not exceeding ten years. 106337

The tax shall be levied pursuant to a resolution of the 106338  
board of county commissioners approved by a majority of the 106339  
electors in the county voting on the question of levying the 106340  
tax. The resolution shall specify the rate of the tax, the 106341  
number of years the tax will be levied, and the purposes for 106342  
which the tax is levied. The election may be held on the date of 106343  
a general, primary, or special election held not sooner than 106344

ninety days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

A board of county commissioners may adopt a resolution under this division proposing to replace a tax levied under division (B) (1) of this section with a tax levied under division (B) (2) of this section. Such a resolution shall state, in addition to other information required under this division, that the existing levy or levies terminate upon the passage of the replacement levy. The failure of the electors to approve a replacement levy does not terminate the existing levy or levies.

(C) (1) The form of the ballot in an election held to propose a tax under division (B) (1) of this section shall be as follows, or in any other form acceptable to the secretary of state:

"For the purpose of \_\_\_\_\_ (insert the purpose or purposes of the tax), shall an excise tax be levied throughout \_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of \_\_\_\_ mills per cigarette for \_\_\_\_ years?

	For the tax
--	-------------

	Against the tax	"
--	-----------------	---

(2) The form of the ballot in an election held to propose a tax under division (B)(2) of this section shall be as follows, or in any other form acceptable to the secretary of state:

"For the purpose of \_\_\_\_\_ (insert the purpose or purposes of the tax), shall an excise tax be levied throughout \_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of \_\_\_ mills per cigarette for \_\_\_ years?

	For the tax	
	Against the tax	"

" 106383

If the resolution of the board of county commissioners provides that an existing levy or levies will be terminated upon the passage of a replacement levy, the ballot must, for each levy that will be terminated, include a statement that: "An existing tax of \_\_\_ mills (stating the millage of the existing tax) per cigarette, having \_\_\_ years remaining, will be terminated and replaced upon the passage of this tax."

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section and section 5743.321 of the Revised

Code and certified by the tax commissioner pursuant to section 106397  
5743.05 of the Revised Code; 106398

(2) Following the crediting of amounts pursuant to 106399  
division (D)(1) of this section: 106400

(a) To the permissive tax distribution fund created under 106401  
section 4301.423 of the Revised Code, an amount equal to ninety- 106402  
eight per cent of the remainder collected; 106403

(b) To the local excise tax administrative fund, which is 106404  
hereby created in the state treasury, an amount equal to two per 106405  
cent of such remainder, for use by the tax commissioner in 106406  
defraying costs incurred in administering the tax. 106407

On or before the tenth day of each month, the tax 106408  
commissioner shall distribute the amount credited to the 106409  
permissive tax distribution fund during the preceding month by 106410  
providing for payment of the appropriate amount to the county 106411  
treasurer of the county in which the tax is levied. 106412

(E) No tax shall be levied under divisions (B)(1) and (2) 106413  
of this section during the same month. 106414

**Sec. 5743.051.** This section applies to any wholesale or 106415  
retail cigarette dealer required by section 5743.05 of the 106416  
Revised Code to remit payment for tax stamps electronically. The 106417  
tax commissioner shall notify each dealer of the dealer's 106418  
obligation to do so and shall maintain an updated list of those 106419  
dealers. Failure by the commissioner to notify a dealer subject 106420  
to this section to remit taxes electronically does not relieve 106421  
the dealer of its obligation to remit taxes in that manner. 106422

A dealer required to remit payments electronically shall 106423  
remit such payments to the commissioner in the manner approved 106424  
by the commissioner and within the time prescribed for such a 106425

dealer by section 5743.05 of the Revised Code. 106426

A dealer required to remit taxes electronically may apply 106427  
to the commissioner in the manner prescribed by the commissioner 106428  
to be excused from that requirement. The commissioner may excuse 106429  
the dealer from electronic remittance for good cause shown for 106430  
the period of time requested by the dealer or for a portion of 106431  
that period. 106432

If a dealer required to remit taxes electronically remits 106433  
those taxes by some other means, and the commissioner determines 106434  
that such failure was not due to reasonable cause or was due to 106435  
willful neglect, the commissioner may collect an additional 106436  
charge by assessment in the manner prescribed by section 106437  
5743.081 of the Revised Code. The additional charge shall equal 106438  
five per cent of the amount of the taxes required to be paid 106439  
electronically but shall not exceed five thousand dollars. Any 106440  
additional charge assessed under this section is in addition to 106441  
any other penalty or charge imposed under this chapter and shall 106442  
be considered as revenue arising from taxes imposed under this 106443  
chapter. ~~The commissioner may abate all or a portion of such a~~ 106444  
~~charge and may adopt rules governing such remissions.~~ 106445

No additional charge shall be assessed under this section 106446  
against a dealer that has been notified of its obligation to 106447  
remit taxes electronically under this section and that remits 106448  
its first two tax payments after such notification by some other 106449  
means. The additional charge may be assessed upon the remittance 106450  
of any subsequent tax payment that the dealer remits by some 106451  
means other than electronically. 106452

**Sec. 5743.081.** (A) If any wholesale dealer or retail 106453  
dealer fails to pay the tax levied under section 5743.02, 106454  
5743.021, 5743.024, or 5743.026 of the Revised Code as required 106455



by sections 5743.01 to 5743.20 of the Revised Code, and by the 106456  
rules of the tax commissioner, or fails to collect the tax from 106457  
the purchaser or consumer, the commissioner may make an 106458  
assessment against the wholesale or retail dealer based upon any 106459  
information in the commissioner's possession. 106460

The commissioner may make an assessment against any 106461  
wholesale or retail dealer who fails to file a return required 106462  
by section 5743.03 or 5743.025 of the Revised Code. 106463

No assessment shall be made against any wholesale or 106464  
retail dealer for any taxes imposed under section 5743.02, 106465  
5743.021, 5743.024, or 5743.026 of the Revised Code more than 106466  
three years after the last day of the calendar month that 106467  
immediately follows the monthly period prescribed in section 106468  
5743.03 of the Revised Code in which the sale was made, or more 106469  
than three years after the return for the month in which the 106470  
sale was made is filed, whichever is later. This section does 106471  
not bar an assessment against any wholesale or retail dealer who 106472  
fails to file a return as required by section 5743.025 or 106473  
5743.03 of the Revised Code, or who files a fraudulent return. 106474

A penalty of up to thirty per cent may be added to the 106475  
amount of every assessment made under this section. ~~The~~ 106476  
~~commissioner may adopt rules providing for the imposition and~~ 106477  
~~remission of penalties added to assessments made under this~~ 106478  
~~section.~~ 106479

The commissioner shall give the party assessed written 106480  
notice of the assessment in the manner provided in section 106481  
5703.37 of the Revised Code. The notice shall specify separately 106482  
any portion of the assessment that represents a county tax. With 106483  
the notice, the commissioner shall provide instructions on how 106484  
to petition for reassessment and request a hearing on the 106485

petition. 106486

(B) Unless the party assessed files with the tax 106487  
commissioner within sixty days after service of the notice of 106488  
assessment, ~~either personally or by certified mail,~~ a written 106489  
petition for reassessment signed by the party assessed or that 106490  
party's authorized agent having knowledge of the facts, the 106491  
assessment becomes final and the amount of the assessment is due 106492  
and payable from the party assessed to the treasurer of state. 106493  
The petition shall indicate the objections of the party 106494  
assessed, but additional objections may be raised in writing if 106495  
received by the commissioner prior to the date shown on the 106496  
final determination. If the petition has been properly filed, 106497  
the commissioner shall proceed under section 5703.60 of the 106498  
Revised Code. 106499

(C) After an assessment becomes final, if any portion of 106500  
the assessment remains unpaid, including accrued interest, a 106501  
certified copy of the tax commissioner's entry making the 106502  
assessment final may be filed in the office of the clerk of the 106503  
court of common pleas in the county in which the wholesale or 106504  
retail dealer's place of business is located or the county in 106505  
which the party assessed resides. If the party assessed 106506  
maintains no place of business in this state and is not a 106507  
resident of this state, the certified copy of the entry may be 106508  
filed in the office of the clerk of the court of common pleas of 106509  
Franklin county. 106510

Immediately upon the filing of the commissioner's entry, 106511  
the clerk shall enter a judgment for the state against the party 106512  
assessed in the amount shown on the entry. The judgment may be 106513  
filed by the clerk in a loose-leaf book entitled "special 106514  
judgments for state cigarette sales tax," and shall have the 106515

same effect as other judgments. Execution shall issue upon the 106516  
judgment upon the request of the tax commissioner, and all laws 106517  
applicable to sales on execution shall apply to sales made under 106518  
the judgment, except as otherwise provided in sections 5743.01 106519  
to 5743.20 of the Revised Code. 106520

If the assessment is not paid in its entirety within sixty 106521  
days after the assessment was issued, the portion of the 106522  
assessment consisting of tax due shall bear interest at the rate 106523  
per annum prescribed by section 5703.47 of the Revised Code from 106524  
the day the commissioner issues the assessment until it is paid 106525  
or until it is certified to the attorney general for collection 106526  
under section 131.02 of the Revised Code, whichever comes first. 106527  
If the unpaid portion of the assessment is certified to the 106528  
attorney general for collection, the entire unpaid portion of 106529  
the assessment shall bear interest at the rate per annum 106530  
prescribed by section 5703.47 of the Revised Code from the date 106531  
of certification until the date it is paid in its entirety. 106532  
Interest shall be paid in the same manner as the tax and may be 106533  
collected by the issuance of an assessment under this section. 106534

(D) All money collected by the tax commissioner under this 106535  
section shall be paid to the treasurer of state, and when paid 106536  
shall be considered as revenue arising from the taxes imposed by 106537  
sections 5743.01 to 5743.20 of the Revised Code. 106538

**Sec. 5743.082.** (A) If the tax commissioner finds that a 106539  
wholesale dealer or retail dealer, liable for tax under sections 106540  
5743.01 to 5743.20 of the Revised Code, is about to depart from 106541  
the state, remove the wholesale or retail dealer's property from 106542  
the state, conceal the wholesale or retail dealer's person or 106543  
property, or do any other act tending to prejudice, obstruct, or 106544  
render wholly or partly ineffectual proceedings to collect the 106545

tax, unless the proceedings are commenced without delay, or if 106546  
the commissioner believes that the collection of the amount due 106547  
from any wholesale dealer or retail dealer will be jeopardized 106548  
by delay, the commissioner may issue a jeopardy assessment 106549  
against the wholesale or retail dealer for the amount of the 106550  
tax, plus a penalty of up to thirty per cent. Upon issuance of a 106551  
jeopardy assessment under this division, the total amount 106552  
assessed shall immediately be due and payable unless security is 106553  
provided pursuant to division (C) of this section. Any 106554  
assessment issued under this section shall bear interest as 106555  
prescribed by section 5743.081 of the Revised Code. 106556

(B) The commissioner immediately shall file an entry with 106557  
the clerk of the court of common pleas in the same manner and 106558  
with the same effect as provided in section 5743.081 of the 106559  
Revised Code. Notice of the jeopardy assessment shall be served 106560  
on the dealer assessed or the dealer's legal representative, as 106561  
provided in section 5703.37 of the Revised Code, within five 106562  
days of the filing of the entry. The dealer assessed may 106563  
petition for reassessment within sixty days of receipt of the 106564  
notice of jeopardy assessment in the same manner as provided in 106565  
section 5743.081 of the Revised Code. Full or partial payment of 106566  
the assessment shall not prejudice the commissioner's 106567  
consideration of the merits of the assessment as contested by 106568  
the petition for reassessment. Upon notification of the 106569  
existence of the judgment filed pursuant to this division, any 106570  
public official having control or custody of any funds or 106571  
property of the person assessed immediately shall pay or deliver 106572  
the funds or property to the commissioner as full or partial 106573  
satisfaction of the jeopardy assessment. However, funds or 106574  
property needed as evidence in criminal proceedings or that is 106575  
expected to be forfeited pursuant to Chapter 2981. of the 106576

Revised Code, need not be relinquished by the public official. 106577  
Upon disposition of criminal and forfeiture proceedings, funds 106578  
and property not needed as evidence and not forfeited shall be 106579  
delivered to the commissioner. 106580

(C) If the dealer subject to a jeopardy assessment files a 106581  
petition for reassessment and posts security satisfactory to the 106582  
commissioner in an amount sufficient to satisfy the unpaid 106583  
balance of the assessment, execution on the judgment shall be 106584  
stayed pending disposition of the petition for reassessment and 106585  
all appeals resulting from the petition. If the security is 106586  
sufficient to satisfy the full amount of the assessment, the 106587  
commissioner shall return any funds or property of the dealer 106588  
that previously were seized. Upon satisfaction of the assessment 106589  
the commissioner shall order the security released and the 106590  
judgment vacated. 106591

~~(D) The commissioner may adopt rules providing for the 106592  
imposition and remission of penalties imposed under this 106593  
section. 106594~~

**Sec. 5743.51.** (A) To provide revenue for the general 106595  
revenue fund of the state, an excise tax on tobacco products and 106596  
vapor products is hereby levied at one of the following rates: 106597

(1) For tobacco products other than little cigars or 106598  
premium cigars, seventeen per cent of the wholesale price of the 106599  
tobacco product received by a distributor or sold by a 106600  
manufacturer to a retail dealer located in this state. 106601

(2) Thirty-seven per cent of the wholesale price of little 106602  
cigars received by a distributor or sold by a manufacturer to a 106603  
retail dealer located in this state. 106604

(3) For premium cigars received by a distributor or sold 106605

by a manufacturer to a retail dealer located in this state, the 106606  
lesser of seventeen per cent of the wholesale price of such 106607  
premium cigars or the maximum tax amount per each such premium 106608  
cigar. 106609

(4) For vapor products, one cent multiplied by the vapor 106610  
volume of vapor products the first time the products are 106611  
received by a vapor distributor in this state. 106612

Each distributor or vapor distributor who brings tobacco 106613  
products or vapor products, or causes tobacco products or vapor 106614  
products to be brought, into this state for distribution within 106615  
this state, or any out-of-state distributor or vapor distributor 106616  
who sells tobacco products or vapor products to wholesale or 106617  
retail dealers located in this state for resale by those 106618  
wholesale or retail dealers is liable for the tax imposed by 106619  
this section. Only one sale of the same article shall be used in 106620  
computing the amount of the tax due. If a vapor product is 106621  
repackaged, reconstituted, diluted, or reprocessed, the 106622  
subsequent sale of that vapor product shall be considered 106623  
another sale of the same article for purposes of computing the 106624  
amount of tax due. 106625

(B) The treasurer of state shall place to the credit of 106626  
the tax refund fund created by section 5703.052 of the Revised 106627  
Code, out of the receipts from the tax levied by this section, 106628  
amounts equal to the refunds certified by the tax commissioner 106629  
pursuant to section 5743.53 of the Revised Code. The balance of 106630  
the taxes collected under this section shall be paid into the 106631  
general revenue fund. 106632

(C) The commissioner may adopt rules as are necessary to 106633  
assist in the enforcement and administration of sections 5743.51 106634  
to 5743.66 of the Revised Code, ~~including rules providing for~~ 106635

~~the remission of penalties imposed.~~ 106636

(D) A manufacturer is not liable for payment of the tax 106637  
imposed by this section for sales of tobacco products or vapor 106638  
products to a retail dealer that has filed a signed statement 106639  
with the manufacturer in which the retail dealer agrees to pay 106640  
and be liable for the tax, as long as the manufacturer has 106641  
provided a copy of the statement to the tax commissioner. 106642

**Sec. 5743.56.** (A) Any person required to pay the tax 106643  
imposed by section 5743.51, 5743.62, or 5743.63 of the Revised 106644  
Code is personally liable for the tax. The tax commissioner may 106645  
make an assessment, based upon any information in the 106646  
commissioner's possession, against any person who fails to file 106647  
a return or pay any tax, interest, or additional charge as 106648  
required by this chapter. The commissioner shall give the person 106649  
assessed written notice of such assessment in the manner 106650  
provided in section 5703.37 of the Revised Code. With the 106651  
notice, the commissioner shall provide instructions on how to 106652  
petition for reassessment and request a hearing on the petition. 106653

(B) When the information in the possession of the tax 106654  
commissioner indicates that a person liable for the tax imposed 106655  
by section 5743.51, 5743.62, or 5743.63 of the Revised Code has 106656  
not paid the full amount of tax due, the commissioner may audit 106657  
a representative sample of the person's business and may issue 106658  
an assessment based on such audit. 106659

(C) A penalty of up to fifteen per cent may be added to 106660  
all amounts assessed under this section. ~~The tax commissioner~~ 106661  
~~may adopt rules providing for the imposition and remission of~~ 106662  
~~such penalties.~~ 106663

(D) Unless the person assessed files with the tax 106664

commissioner within sixty days after service of the notice of 106665  
assessment, ~~either personally or by certified mail,~~ a written 106666  
petition for reassessment signed by the person assessed or that 106667  
person's authorized agent having knowledge of the facts, the 106668  
assessment becomes final and the amount of the assessment is due 106669  
and payable from the person assessed to the treasurer of state. 106670  
A petition shall indicate the objections of the person assessed, 106671  
but additional objections may be raised in writing if received 106672  
by the commissioner prior to the date shown on the final 106673  
determination. If the petition has been properly filed, the 106674  
commissioner shall proceed under section 5703.60 of the Revised 106675  
Code. 106676

(E) After an assessment becomes final, if any portion of 106677  
the assessment, including accrued interest, remains unpaid, a 106678  
certified copy of the tax commissioner's entry making the 106679  
assessment final may be filed in the office of the clerk of the 106680  
court of common pleas in the county in which the person assessed 106681  
resides or in which the person assessed conducts business. If 106682  
the person assessed maintains no place of business in this state 106683  
and is not a resident of this state, the certified copy of the 106684  
entry may be filed in the office of the clerk of the court of 106685  
common pleas of Franklin county. 106686

Immediately upon the filing of the entry, the clerk shall 106687  
enter a judgment for the state against the person assessed in 106688  
the amount shown on the entry. The judgment may be filed by the 106689  
clerk in a loose-leaf book entitled "special judgments for state 106690  
tobacco products tax," and shall have the same effect as other 106691  
judgments. Execution shall issue upon the judgment upon the 106692  
request of the commissioner, and all laws applicable to sales on 106693  
execution shall apply to sales made under the judgment. 106694



If the assessment is not paid in its entirety within sixty days after the day the assessment is issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(F) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the legal representative of the person assessed, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (D) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid

balance of the assessment. Full or partial payment of the 106726  
assessment does not prejudice the commissioner's consideration 106727  
of the petition for reassessment. 106728

(G) All money collected by the tax commissioner under this 106729  
section shall be paid to the treasurer of state as revenue 106730  
arising from the tax imposed by sections 5743.51, 5743.62, and 106731  
5743.63 of the Revised Code. 106732

**Sec. 5745.03.** (A) For each taxable year, each taxpayer 106733  
shall file an annual report with the tax commissioner not later 106734  
than the fifteenth day of the fourth month after the end of the 106735  
taxpayer's taxable year, and shall remit with that report the 106736  
amount of tax due as shown on the report less the amount paid 106737  
for the year under section 5745.04 of the Revised Code. The 106738  
~~remittance shall be made in the form prescribed by the~~ 106739  
~~commissioner. If the amount payable with the report exceeds one~~ 106740  
~~thousand dollars, the taxpayer shall remit the any amount due~~ 106741  
~~with the report~~ electronically in a manner prescribed by the 106742  
commissioner. The commissioner shall credit ninety-eight and 106743  
one-half per cent of such remittances to the municipal income 106744  
tax fund, which is hereby created in the state treasury, and 106745  
credit the remainder to the municipal income tax administrative 106746  
fund, which is hereby created in the state treasury. 106747

(B) Any taxpayer that has been granted an extension for 106748  
filing a federal income tax return ~~may request shall~~ 106749  
automatically receive an extension for filing the return 106750  
required under this section ~~by filing with the tax commissioner~~ 106751  
~~a copy of the taxpayer's request for the federal filing~~ 106752  
~~extension. The request shall be filed not later than the last~~ 106753  
~~day for filing the return as required under division (A) of this~~ 106754  
~~section. If such a request is properly and timely filed, and the~~ 106755

commissioner shall extend the last day for filing the return 106756  
required under this section ~~for the same period for which the~~ 106757  
~~federal filing extension was granted. The commissioner may deny~~ 106758  
~~the filing extension request only if the taxpayer fails to~~ 106759  
~~timely file the request, fails to file a copy of the federal~~ 106760  
~~extension request, owes past due taxes, interest, or penalty~~ 106761  
~~under this chapter, or has failed to file a required report or~~ 106762  
~~other document for a prior taxable year~~ to the fifteenth day of 106763  
the eleventh month after the last day of the taxable year to 106764  
which the return relates. The granting of an extension under 106765  
this section does not extend the last day for paying taxes 106766  
without penalty pursuant to this chapter unless the commissioner 106767  
extends the payment date. 106768

(C) A taxpayer that has not requested or received an 106769  
extension for filing the taxpayer's federal income tax return 106770  
may request that the commissioner grant the taxpayer a seven 106771  
month extension of the date for filing the taxpayer's tax 106772  
return. If the commissioner receives the request on or before 106773  
the date the tax return is due, the commissioner shall grant the 106774  
taxpayer's extension request. 106775

(D) The annual report shall include statements of the 106776  
following facts as of the last day of the taxpayer's taxable 106777  
year: 106778

(1) The name of the taxpayer; 106779

~~(2) The name of the state or country under the laws of~~ 106780  
~~which it is incorporated;~~ 106781

~~(3) The location of its principal office in this state~~ 106782  
~~and, in the case of a taxpayer organized under the laws of~~ 106783  
~~another state, the principal place of business in this state and~~ 106784

~~the name and address of the officer or agent of the taxpayer in charge of the business conducted in this state;~~ 106785  
106786

~~(4) The names of the president, secretary, treasurer, and statutory agent in this state, with the post-office address of each;~~ 106787  
106788  
106789

~~(5)~~ (2) The date on which the taxpayer's taxable year begins and ends; 106790  
106791

~~(6)~~ (3) The taxpayer's federal taxable income during the taxpayer's taxable year; 106792  
106793

~~(7)~~ (4) Any other information the tax commissioner requires for the proper administration of this chapter. 106794  
106795

~~(D)~~ (E) The tax commissioner may require any reports required under this chapter to be filed in an electronic format. 106796  
106797

~~(E)~~ (F) A municipal corporation may not require a taxpayer required to file a report under this section to file a report of the taxpayer's income, but a municipal corporation may require a taxpayer to report to the municipal corporation the value of the taxpayer's real and tangible personal property situated in the municipal corporation, compensation paid by the taxpayer to its employees in the municipal corporation, and sales made in the municipal corporation by the taxpayer, to the extent necessary for the municipal corporation to compute the taxpayer's municipal property, payroll, and sales factors for the municipal corporation. 106798  
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~~(F)~~ (G) On or before the thirty-first day of January each year, each municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year. If any municipal corporation fails to certify its income tax rate as required by 106809  
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this division, the commissioner shall notify the director of 106814  
budget and management, who, upon receiving such notification, 106815  
shall withhold from each payment made to the municipal 106816  
corporation under section 5745.05 of the Revised Code fifty per 106817  
cent of the amount of the payment otherwise due the municipal 106818  
corporation under that section as computed on the basis of the 106819  
tax rate most recently certified until the municipal corporation 106820  
certifies the tax rate in effect on the first day of January of 106821  
that year. 106822

The tax rate used to determine the tax payable to a 106823  
municipal corporation under this section for a taxpayer's 106824  
taxable year shall be the tax rate in effect in a municipal 106825  
corporation on the first day of January in that taxable year. If 106826  
a taxpayer's taxable year is for a period less than twelve 106827  
months that does not include the first day of January, the tax 106828  
rate used to determine the tax payable to a municipal 106829  
corporation under this section for the taxpayer's taxable year 106830  
shall be the tax rate in effect in a municipal corporation on 106831  
the first day of January in the preceding taxable year. 106832

**Sec. 5745.04.** (A) As used in this section, "combined tax 106833  
liability" means the total of a taxpayer's income tax 106834  
liabilities to all municipal corporations in this state for a 106835  
taxable year. 106836

(B) Each taxpayer shall file a declaration of estimated 106837  
tax report with, and remit estimated taxes to, the tax 106838  
commissioner, payable to the treasurer of state, at the times 106839  
and in the amounts prescribed in divisions (B)(1) to (4) of this 106840  
section. The first taxable year a taxpayer is subject to this 106841  
chapter, the estimated taxes the taxpayer is required to remit 106842  
under this section shall be based solely on the current taxable 106843

year and not on the liability for the preceding taxable year. 106844

(1) Not less than twenty-five per cent of the combined tax 106845  
liability for the preceding taxable year or twenty per cent of 106846  
the combined tax liability for the current taxable year shall 106847  
have been remitted not later than the fifteenth day of the 106848  
fourth month after the end of the preceding taxable year. 106849

(2) Not less than fifty per cent of the combined tax 106850  
liability for the preceding taxable year or forty per cent of 106851  
the combined tax liability for the current taxable year shall 106852  
have been remitted not later than the fifteenth day of the sixth 106853  
month after the end of the preceding taxable year. 106854

(3) Not less than seventy-five per cent of the combined 106855  
tax liability for the preceding taxable year or sixty per cent 106856  
of the combined tax liability for the current taxable year shall 106857  
have been remitted not later than the fifteenth day of the ninth 106858  
month after the end of the preceding taxable year. 106859

(4) Not less than one hundred per cent of the combined tax 106860  
liability for the preceding taxable year or eighty per cent of 106861  
the combined tax liability for the current taxable year shall 106862  
have been remitted not later than the fifteenth day of the 106863  
twelfth month after the end of the preceding taxable year. 106864

(C) Each taxpayer shall report on the declaration of 106865  
estimated tax report the portion of the remittance that the 106866  
taxpayer estimates that it owes to each municipal corporation 106867  
for the taxable year. 106868

(D) Upon receiving a declaration of estimated tax report 106869  
and remittance of estimated taxes under this section, the tax 106870  
commissioner shall credit ninety-eight and one-half per cent of 106871  
the remittance to the municipal income tax fund and credit the 106872

remainder to the municipal income tax administrative fund. 106873

(E) ~~If any remittance of estimated taxes is for one~~ 106874  
~~thousand dollars or more, the~~ The taxpayer shall make the 106875  
remittance of estimated taxes electronically as prescribed by 106876  
section 5745.041 of the Revised Code. 106877

(F) Notwithstanding section 5745.08 or 5745.09 of the 106878  
Revised Code, no penalty or interest shall be imposed on a 106879  
taxpayer if the declaration of estimated tax report is properly 106880  
filed, and the estimated tax is paid, within the time prescribed 106881  
by division (B) of this section. 106882

**Sec. 5745.041.** Any taxpayer required by section 5745.03 or 106883  
5745.04 of the Revised Code to remit tax payments electronically 106884  
shall remit such payments in the manner prescribed by the tax 106885  
commissioner. Except as otherwise provided in this paragraph, 106886  
the payment of taxes electronically does not affect a taxpayer's 106887  
obligation to file reports under this chapter. 106888

A taxpayer required to remit taxes electronically may 106889  
apply to the tax commissioner in the manner prescribed by the 106890  
commissioner to be excused from that requirement. The 106891  
commissioner may excuse the taxpayer from the requirement for 106892  
good cause shown for the period of time requested by the 106893  
taxpayer or for a portion of that period. 106894

If a taxpayer required by this section to remit taxes 106895  
electronically remits those taxes by some means other than 106896  
electronically as prescribed by this section, and the 106897  
commissioner determines that such failure was not due to 106898  
reasonable cause or was due to willful neglect, the commissioner 106899  
may collect an additional charge by assessment in the manner 106900  
prescribed by section 5745.12 of the Revised Code. The 106901

additional charge shall equal five per cent of the amount of the 106902  
taxes or estimated tax payments required to be paid 106903  
electronically, but shall not exceed five thousand dollars. Any 106904  
additional charge assessed under this section is in addition to 106905  
any other penalty or charge imposed under this chapter, and 106906  
shall be considered as revenue arising from municipal income 106907  
taxes collected under this chapter. ~~The commissioner may remit~~ 106908  
~~all or a portion of such a charge and may adopt rules governing~~ 106909  
~~such remission.~~ 106910

No additional charge shall be assessed under this section 106911  
against a taxpayer that has been notified of its obligation to 106912  
remit taxes electronically under this section and that remits 106913  
its first two tax payments after such notification by some other 106914  
means. The additional charge may be assessed upon the remittance 106915  
of any subsequent tax payment that the taxpayer remits by some 106916  
means other than electronically. 106917

**Sec. 5745.08.** (A) The following penalties shall apply 106918  
under the circumstances indicated: 106919

(1) If a taxpayer required to file a report or remit tax 106920  
as required by this chapter fails to make and file the report 106921  
within the time prescribed, including any extensions of time 106922  
granted by the tax commissioner, the tax commissioner may impose 106923  
a penalty not exceeding the greater of fifty dollars per month 106924  
or fraction of a month, not to exceed five hundred dollars, or 106925  
five per cent per month or fraction of a month, not to exceed 106926  
fifty per cent, of the tax required to be shown on the report, 106927  
for each month or fraction of a month elapsing between the due 106928  
date, including extensions of the due date, and the day on which 106929  
the report is filed. 106930

(2) If a taxpayer fails to timely pay any amount of 106931



~~estimated tax required to be paid under division (B) of section 5745.04 of the Revised Code by the dates prescribed for payment~~  
this chapter, the tax commissioner may impose a penalty not to exceed twice the interest charged under section 5745.09 of the Revised Code for the delinquent payment equal to fifteen per cent of the amount not timely paid.

(3) If a taxpayer files what purports to be a report required by this chapter that does not contain information upon which the substantial correctness of the report may be judged or contains information that on its face indicates that the report is substantially incorrect, and the filing of the report in that manner is due to a position that is frivolous or a desire that is apparent from the report to delay or impede the administration of this chapter, a penalty of up to five hundred dollars may be imposed.

(4) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any report required under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the report.

(5) If any person makes a false or fraudulent claim for a refund under section 5745.11 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under division (A) (5) of this section, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 5745.12 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For the purposes of this section, the tax required to

be shown on the report shall be reduced by the amount of any 106962  
part of the tax paid on or before the date, including extensions 106963  
of the date, prescribed for filing the report. 106964

(C) Each penalty imposed under this section shall be in 106965  
addition to any other penalty provided in this section. ~~All or~~ 106966  
~~part of any penalty imposed under this section may be abated by~~ 106967  
~~the commissioner. The tax commissioner may adopt rules governing~~ 106968  
~~the imposition and abatement of such penalties.~~ 106969

(D) All amounts collected under this section from a 106970  
taxpayer shall be considered as taxes collected under this 106971  
chapter and shall be credited and distributed to municipal 106972  
corporations in the same proportions as the taxpayer's taxes are 106973  
distributed for the reporting period under section 5745.05 of 106974  
the Revised Code or, if the taxpayer has filed the annual report 106975  
for the year under section 5745.03 of the Revised Code, in the 106976  
amounts found to be due such municipal corporations on the basis 106977  
of the annual report. 106978

**Sec. 5745.09.** (A) In case of any underpayment of the 106979  
estimated tax under section 5745.04 of the Revised Code, ~~there~~ 106980  
~~shall be added~~ the tax commissioner may add to the tax an amount 106981  
determined at the rate per annum prescribed by section 5703.47 106982  
of the Revised Code upon the amount of underpayment for the 106983  
period of underpayment. 106984

(B) The amount of the underpayment shall be the excess of 106985  
division (B) (1) over division (B) (2) of this section: 106986

(1) The amount of the estimated tax payment that would be 106987  
required to be paid for the taxable year if the total estimated 106988  
tax were equal to the total tax shown to be due on the annual 106989  
report, or if no report was filed, the tax for such year; 106990

(2) The amount, if any, of the estimated tax paid on or before the last day prescribed for such payment. 106991  
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(C) The period of the underpayment shall run from the date the estimated tax payment was required to be made to the date on which such payment is made. For purposes of this section, a payment of estimated tax on any payment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the payment presently due. 106993  
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(D) All amounts collected under this section shall be considered as taxes collected under this chapter and shall be credited and distributed to municipal corporations in the same proportions as the taxpayer's taxes are distributed for the reporting period under section 5745.05 of the Revised Code or, if the taxpayer has filed the annual report for the year under section 5745.03 of the Revised Code, in the amounts found to be due to such municipal corporations on the basis of the annual report. 106999  
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**Sec. 5745.12.** (A) If any taxpayer required to file a report under this chapter fails to file the report within the time prescribed, files an incorrect report, or fails to remit the full amount of the tax due for the period covered by the report, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the report or tax is due, based upon any information in the commissioner's possession. 107008  
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The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the final date the report subject to assessment was required to be filed or the date the report was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in 107016  
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writing to the extension. Any such extension shall extend the 107021  
three-year time limit in section 5745.11 of the Revised Code for 107022  
the same period of time. There shall be no bar or limit to an 107023  
assessment against a taxpayer that fails to file a report 107024  
subject to assessment as required by this chapter, or that files 107025  
a fraudulent report. The commissioner shall give the taxpayer 107026  
assessed written notice of the assessment as provided in section 107027  
5703.37 of the Revised Code. With the notice, the commissioner 107028  
shall provide instructions on how to petition for reassessment 107029  
and request a hearing on the petition. 107030

(B) Unless the taxpayer assessed files with the tax 107031  
commissioner within sixty days after service of the notice of 107032  
assessment, ~~either personally or by certified mail,~~ a written 107033  
petition for reassessment signed by the authorized agent of the 107034  
taxpayer assessed having knowledge of the facts, the assessment 107035  
becomes final, and the amount of the assessment is due and 107036  
payable from the taxpayer to the treasurer of state. The 107037  
petition shall indicate the taxpayer's objections, but 107038  
additional objections may be raised in writing if received by 107039  
the commissioner prior to the date shown on the final 107040  
determination. If the petition has been properly filed, the 107041  
commissioner shall proceed under section 5703.60 of the Revised 107042  
Code. 107043

(C) After an assessment becomes final, if any portion of 107044  
the assessment remains unpaid, including accrued interest, a 107045  
certified copy of the tax commissioner's entry making the 107046  
assessment final may be filed in the office of the clerk of the 107047  
court of common pleas in the county in which the taxpayer has an 107048  
office or place of business in this state, the county in which 107049  
the taxpayer's statutory agent is located, or Franklin county. 107050

Immediately upon the filing of the entry, the clerk shall 107051  
enter a judgment against the taxpayer assessed in the amount 107052  
shown on the entry. The judgment may be filed by the clerk in a 107053  
loose-leaf book entitled "special judgments for municipal income 107054  
taxes," and shall have the same effect as other judgments. 107055  
Execution shall issue upon the judgment upon the request of the 107056  
tax commissioner, and all laws applicable to sales on execution 107057  
shall apply to sales made under the judgment. 107058

If the assessment is not paid in its entirety within sixty 107059  
days after the day the assessment was issued, the portion of the 107060  
assessment consisting of tax due shall bear interest at the rate 107061  
per annum prescribed by section 5703.47 of the Revised Code from 107062  
the day the commissioner issues the assessment until the 107063  
assessment is paid or until it is certified to the attorney 107064  
general for collection under section 131.02 of the Revised Code, 107065  
whichever comes first. If the unpaid portion of the assessment 107066  
is certified to the attorney general for collection, the entire 107067  
unpaid portion of the assessment shall bear interest at the rate 107068  
per annum prescribed by section 5703.47 of the Revised Code from 107069  
the date of certification until the date it is paid in its 107070  
entirety. Interest shall be paid in the same manner as the tax 107071  
and may be collected by issuing an assessment under this 107072  
section. 107073

(D) All money collected under this section shall be 107074  
credited and distributed to the municipal corporation to which 107075  
the money is owed based on the assessment issued under this 107076  
section. 107077

(E) If the tax commissioner believes that collection of 107078  
the tax imposed by this chapter will be jeopardized unless 107079  
proceedings to collect or secure collection of the tax are 107080

instituted without delay, the commissioner may issue a jeopardy 107081  
assessment against the taxpayer liable for the tax. Immediately 107082  
upon the issuance of the jeopardy assessment, the commissioner 107083  
shall file an entry with the clerk of the court of common pleas 107084  
in the manner prescribed by division (C) of this section. Notice 107085  
of the jeopardy assessment shall be served on the taxpayer 107086  
assessed or the taxpayer's legal representative in the manner 107087  
provided in section 5703.37 of the Revised Code within five days 107088  
of the filing of the entry with the clerk. The total amount 107089  
assessed is immediately due and payable, unless the taxpayer 107090  
assessed files a petition for reassessment in accordance with 107091  
division (B) of this section and provides security in a form 107092  
satisfactory to the commissioner and in an amount sufficient to 107093  
satisfy the unpaid balance of the assessment. Full or partial 107094  
payment of the assessment does not prejudice the commissioner's 107095  
consideration of the petition for reassessment. 107096

(F) Notwithstanding the fact that a petition for 107097  
reassessment is pending, the taxpayer may pay all or a portion 107098  
of the assessment that is the subject of the petition. The 107099  
acceptance of a payment by the treasurer of state does not 107100  
prejudice any claim for refund upon final determination of the 107101  
petition. 107102

If upon final determination of the petition an error in 107103  
the assessment is corrected by the tax commissioner, upon 107104  
petition so filed or pursuant to a decision of the board of tax 107105  
appeals or any court to which the determination or decision has 107106  
been appealed, so that the amount due from the taxpayer under 107107  
the corrected assessment is less than the portion paid, there 107108  
shall be issued to the taxpayer, its assigns, or legal 107109  
representative a refund in the amount of the overpayment as 107110  
provided by section 5745.11 of the Revised Code, with interest 107111

on that amount as provided by section 5745.11 of the Revised Code. 107112  
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**Sec. 5747.01.** Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes. 107114  
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As used in this chapter: 107123

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section: 107124  
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(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities. 107128  
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(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes. 107132  
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(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in 107137  
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federal adjusted gross income but exempt from state income taxes 107141  
under the laws of the United States. 107142

(4) Deduct disability and survivor's benefits to the 107143  
extent included in federal adjusted gross income. 107144

(5) Deduct the following, to the extent not otherwise 107145  
deducted or excluded in computing federal or Ohio adjusted gross 107146  
income: 107147

(a) Benefits under Title II of the Social Security Act and 107148  
tier 1 railroad retirement; 107149

(b) Railroad retirement benefits, other than tier 1 107150  
railroad retirement benefits, to the extent such amounts are 107151  
exempt from state taxation under federal law. 107152

(6) Deduct the amount of wages and salaries, if any, not 107153  
otherwise allowable as a deduction but that would have been 107154  
allowable as a deduction in computing federal adjusted gross 107155  
income for the taxable year, had the work opportunity tax credit 107156  
allowed and determined under sections 38, 51, and 52 of the 107157  
Internal Revenue Code not been in effect. 107158

(7) Deduct any interest or interest equivalent on public 107159  
obligations and purchase obligations to the extent that the 107160  
interest or interest equivalent is included in federal adjusted 107161  
gross income. 107162

(8) Add any loss or deduct any gain resulting from the 107163  
sale, exchange, or other disposition of public obligations to 107164  
the extent that the loss has been deducted or the gain has been 107165  
included in computing federal adjusted gross income. 107166

(9) Deduct or add amounts, as provided under section 107167  
5747.70 of the Revised Code, related to contributions made to or 107168



tuition units purchased under a qualified tuition program 107169  
established pursuant to section 529 of the Internal Revenue 107170  
Code. 107171

(10) (a) Deduct, to the extent not otherwise allowable as a 107172  
deduction or exclusion in computing federal or Ohio adjusted 107173  
gross income for the taxable year, the amount the taxpayer paid 107174  
during the taxable year for medical care insurance and qualified 107175  
long-term care insurance for the taxpayer, the taxpayer's 107176  
spouse, and dependents. No deduction for medical care insurance 107177  
under division (A) (10) (a) of this section shall be allowed 107178  
either to any taxpayer who is eligible to participate in any 107179  
subsidized health plan maintained by any employer of the 107180  
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 107181  
entitled to, or on application would be entitled to, benefits 107182  
under part A of Title XVIII of the "Social Security Act," 49 107183  
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 107184  
division (A) (10) (a) of this section, "subsidized health plan" 107185  
means a health plan for which the employer pays any portion of 107186  
the plan's cost. The deduction allowed under division (A) (10) (a) 107187  
of this section shall be the net of any related premium refunds, 107188  
related premium reimbursements, or related insurance premium 107189  
dividends received during the taxable year. 107190

(b) Deduct, to the extent not otherwise deducted or 107191  
excluded in computing federal or Ohio adjusted gross income 107192  
during the taxable year, the amount the taxpayer paid during the 107193  
taxable year, not compensated for by any insurance or otherwise, 107194  
for medical care of the taxpayer, the taxpayer's spouse, and 107195  
dependents, to the extent the expenses exceed seven and one-half 107196  
per cent of the taxpayer's federal adjusted gross income. 107197

(c) For purposes of division (A) (10) of this section, 107198

"medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11) (a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was 107229  
included in the taxpayer's adjusted gross income for a prior 107230  
taxable year and did not qualify for a credit under division (A) 107231  
or (B) of section 5747.05 of the Revised Code for that year; 107232

(b) It does not otherwise reduce the taxpayer's adjusted 107233  
gross income for the current or any other taxable year. 107234

(13) Deduct an amount equal to the deposits made to, and 107235  
net investment earnings of, a medical savings account during the 107236  
taxable year, in accordance with section 3924.66 of the Revised 107237  
Code. The deduction allowed by division (A) (13) of this section 107238  
does not apply to medical savings account deposits and earnings 107239  
otherwise deducted or excluded for the current or any other 107240  
taxable year from the taxpayer's federal adjusted gross income. 107241

(14) (a) Add an amount equal to the funds withdrawn from a 107242  
medical savings account during the taxable year, and the net 107243  
investment earnings on those funds, when the funds withdrawn 107244  
were used for any purpose other than to reimburse an account 107245  
holder for, or to pay, eligible medical expenses, in accordance 107246  
with section 3924.66 of the Revised Code; 107247

(b) Add the amounts distributed from a medical savings 107248  
account under division (A) (2) of section 3924.68 of the Revised 107249  
Code during the taxable year. 107250

(15) Add any amount claimed as a credit under section 107251  
5747.059 of the Revised Code to the extent that such amount 107252  
satisfies either of the following: 107253

(a) The amount was deducted or excluded from the 107254  
computation of the taxpayer's federal adjusted gross income as 107255  
required to be reported for the taxpayer's taxable year under 107256  
the Internal Revenue Code; 107257

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(16) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(16) of this section.

(17) (a) (i) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the

taxpayer during the taxpayer's immediately preceding taxable 107288  
year, "two-thirds" shall be substituted for "five-sixths" for 107289  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 107290

(iv) Subject to division (A) (17) (a) (v) of this section, 107291  
for taxable years beginning in 2012 or thereafter, a taxpayer is 107292  
not required to add an amount under division (A) (17) of this 107293  
section if the increase in income taxes withheld by the taxpayer 107294  
and by any pass-through entity in which the taxpayer has a 107295  
direct or indirect ownership interest is equal to or greater 107296  
than the sum of (I) the amount of qualifying section 179 107297  
depreciation expense and (II) the amount of depreciation expense 107298  
allowed to the taxpayer by subsection (k) of section 168 of the 107299  
Internal Revenue Code, and including the taxpayer's 107300  
proportionate or distributive shares of such amounts allowed to 107301  
any such pass-through entities. 107302

(v) If a taxpayer directly or indirectly incurs a net 107303  
operating loss for the taxable year for federal income tax 107304  
purposes, to the extent such loss resulted from depreciation 107305  
expense allowed by subsection (k) of section 168 of the Internal 107306  
Revenue Code and by qualifying section 179 depreciation expense, 107307  
"the entire" shall be substituted for "five-sixths of the" for 107308  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 107309

The tax commissioner, under procedures established by the 107310  
commissioner, may waive the add-backs related to a pass-through 107311  
entity if the taxpayer owns, directly or indirectly, less than 107312  
five per cent of the pass-through entity. 107313

(b) Nothing in division (A) (17) of this section shall be 107314  
construed to adjust or modify the adjusted basis of any asset. 107315

(c) To the extent the add-back required under division (A) 107316

(17) (a) of this section is attributable to property generating 107317  
nonbusiness income or loss allocated under section 5747.20 of 107318  
the Revised Code, the add-back shall be situated to the same 107319  
location as the nonbusiness income or loss generated by the 107320  
property for the purpose of determining the credit under 107321  
division (A) of section 5747.05 of the Revised Code. Otherwise, 107322  
the add-back shall be apportioned, subject to one or more of the 107323  
four alternative methods of apportionment enumerated in section 107324  
5747.21 of the Revised Code. 107325

(d) For the purposes of division (A) (17) (a) (v) of this 107326  
section, net operating loss carryback and carryforward shall not 107327  
include the allowance of any net operating loss deduction 107328  
carryback or carryforward to the taxable year to the extent such 107329  
loss resulted from depreciation allowed by section 168(k) of the 107330  
Internal Revenue Code and by the qualifying section 179 107331  
depreciation expense amount. 107332

(e) For the purposes of divisions (A) (17) and (18) of this 107333  
section: 107334

(i) "Income taxes withheld" means the total amount 107335  
withheld and remitted under sections 5747.06 and 5747.07 of the 107336  
Revised Code by an employer during the employer's taxable year. 107337

(ii) "Increase in income taxes withheld" means the amount 107338  
by which the amount of income taxes withheld by an employer 107339  
during the employer's current taxable year exceeds the amount of 107340  
income taxes withheld by that employer during the employer's 107341  
immediately preceding taxable year. 107342

(iii) "Qualifying section 179 depreciation expense" means 107343  
the difference between (I) the amount of depreciation expense 107344  
directly or indirectly allowed to a taxpayer under section 179 107345

of the Internal Revised Code, and (II) the amount of 107346  
depreciation expense directly or indirectly allowed to the 107347  
taxpayer under section 179 of the Internal Revenue Code as that 107348  
section existed on December 31, 2002. 107349

(18) (a) If the taxpayer was required to add an amount 107350  
under division (A) (17) (a) of this section for a taxable year, 107351  
deduct one of the following: 107352

(i) One-fifth of the amount so added for each of the five 107353  
succeeding taxable years if the amount so added was five-sixths 107354  
of qualifying section 179 depreciation expense or depreciation 107355  
expense allowed by subsection (k) of section 168 of the Internal 107356  
Revenue Code; 107357

(ii) One-half of the amount so added for each of the two 107358  
succeeding taxable years if the amount so added was two-thirds 107359  
of such depreciation expense; 107360

(iii) One-sixth of the amount so added for each of the six 107361  
succeeding taxable years if the entire amount of such 107362  
depreciation expense was so added. 107363

(b) If the amount deducted under division (A) (18) (a) of 107364  
this section is attributable to an add-back allocated under 107365  
division (A) (17) (c) of this section, the amount deducted shall 107366  
be situated to the same location. Otherwise, the ~~add-back~~ 107367  
deduction shall be apportioned using the apportionment factors 107368  
for the taxable year in which the deduction is taken, subject to 107369  
one or more of the four alternative methods of apportionment 107370  
enumerated in section 5747.21 of the Revised Code. 107371

(c) No deduction is available under division (A) (18) (a) of 107372  
this section with regard to any depreciation allowed by section 107373  
168(k) of the Internal Revenue Code and by the qualifying 107374

section 179 depreciation expense amount to the extent that such 107375  
depreciation results in or increases a federal net operating 107376  
loss carryback or carryforward. If no such deduction is 107377  
available for a taxable year, the taxpayer may carry forward the 107378  
amount not deducted in such taxable year to the next taxable 107379  
year and add that amount to any deduction otherwise available 107380  
under division (A) (18) (a) of this section for that next taxable 107381  
year. The carryforward of amounts not so deducted shall continue 107382  
until the entire addition required by division (A) (17) (a) of 107383  
this section has been deducted. 107384

(19) Deduct, to the extent not otherwise deducted or 107385  
excluded in computing federal or Ohio adjusted gross income for 107386  
the taxable year, the amount the taxpayer received during the 107387  
taxable year as reimbursement for life insurance premiums under 107388  
section 5919.31 of the Revised Code. 107389

(20) Deduct, to the extent not otherwise deducted or 107390  
excluded in computing federal or Ohio adjusted gross income for 107391  
the taxable year, the amount the taxpayer received during the 107392  
taxable year as a death benefit paid by the adjutant general 107393  
under section 5919.33 of the Revised Code. 107394

(21) Deduct, to the extent included in federal adjusted 107395  
gross income and not otherwise allowable as a deduction or 107396  
exclusion in computing federal or Ohio adjusted gross income for 107397  
the taxable year, military pay and allowances received by the 107398  
taxpayer during the taxable year for active duty service in the 107399  
United States army, air force, navy, marine corps, or coast 107400  
guard or reserve components thereof or the national guard. The 107401  
deduction may not be claimed for military pay and allowances 107402  
received by the taxpayer while the taxpayer is stationed in this 107403  
state. 107404



(22) Deduct, to the extent not otherwise allowable as a 107405  
deduction or exclusion in computing federal or Ohio adjusted 107406  
gross income for the taxable year and not otherwise compensated 107407  
for by any other source, the amount of qualified organ donation 107408  
expenses incurred by the taxpayer during the taxable year, not 107409  
to exceed ten thousand dollars. A taxpayer may deduct qualified 107410  
organ donation expenses only once for all taxable years 107411  
beginning with taxable years beginning in 2007. 107412

For the purposes of division (A) (22) of this section: 107413

(a) "Human organ" means all or any portion of a human 107414  
liver, pancreas, kidney, intestine, or lung, and any portion of 107415  
human bone marrow. 107416

(b) "Qualified organ donation expenses" means travel 107417  
expenses, lodging expenses, and wages and salary forgone by a 107418  
taxpayer in connection with the taxpayer's donation, while 107419  
living, of one or more of the taxpayer's human organs to another 107420  
human being. 107421

(23) Deduct, to the extent not otherwise deducted or 107422  
excluded in computing federal or Ohio adjusted gross income for 107423  
the taxable year, amounts received by the taxpayer as retired 107424  
personnel pay for service in the uniformed services or reserve 107425  
components thereof, or the national guard, or received by the 107426  
surviving spouse or former spouse of such a taxpayer under the 107427  
survivor benefit plan on account of such a taxpayer's death. If 107428  
the taxpayer receives income on account of retirement paid under 107429  
the federal civil service retirement system or federal employees 107430  
retirement system, or under any successor retirement program 107431  
enacted by the congress of the United States that is established 107432  
and maintained for retired employees of the United States 107433  
government, and such retirement income is based, in whole or in 107434

part, on credit for the taxpayer's uniformed service, the 107435  
deduction allowed under this division shall include only that 107436  
portion of such retirement income that is attributable to the 107437  
taxpayer's uniformed service, to the extent that portion of such 107438  
retirement income is otherwise included in federal adjusted 107439  
gross income and is not otherwise deducted under this section. 107440  
Any amount deducted under division (A) (23) of this section is 107441  
not included in a taxpayer's adjusted gross income for the 107442  
purposes of section 5747.055 of the Revised Code. No amount may 107443  
be deducted under division (A) (23) of this section on the basis 107444  
of which a credit was claimed under section 5747.055 of the 107445  
Revised Code. 107446

(24) Deduct, to the extent not otherwise deducted or 107447  
excluded in computing federal or Ohio adjusted gross income for 107448  
the taxable year, the amount the taxpayer received during the 107449  
taxable year from the military injury relief fund created in 107450  
section 5902.05 of the Revised Code. 107451

(25) Deduct, to the extent not otherwise deducted or 107452  
excluded in computing federal or Ohio adjusted gross income for 107453  
the taxable year, the amount the taxpayer received as a veterans 107454  
bonus during the taxable year from the Ohio department of 107455  
veterans services as authorized by Section 2r of Article VIII, 107456  
Ohio Constitution. 107457

(26) Deduct, to the extent not otherwise deducted or 107458  
excluded in computing federal or Ohio adjusted gross income for 107459  
the taxable year, any income derived from a transfer agreement 107460  
or from the enterprise transferred under that agreement under 107461  
section 4313.02 of the Revised Code. 107462

(27) Deduct, to the extent not otherwise deducted or 107463  
excluded in computing federal or Ohio adjusted gross income for 107464

the taxable year, Ohio college opportunity or federal Pell grant 107465  
amounts received by the taxpayer or the taxpayer's spouse or 107466  
dependent pursuant to section 3333.122 of the Revised Code or 20 107467  
U.S.C. 1070a, et seq., and used to pay room or board furnished 107468  
by the educational institution for which the grant was awarded 107469  
at the institution's facilities, including meal plans 107470  
administered by the institution. For the purposes of this 107471  
division, receipt of a grant includes the distribution of a 107472  
grant directly to an educational institution and the crediting 107473  
of the grant to the enrollee's account with the institution. 107474

(28) Deduct from the portion of an individual's federal 107475  
adjusted gross income that is business income, to the extent not 107476  
otherwise deducted or excluded in computing federal adjusted 107477  
gross income for the taxable year, one hundred twenty-five 107478  
thousand dollars for each spouse if spouses file separate 107479  
returns under section 5747.08 of the Revised Code or two hundred 107480  
fifty thousand dollars for all other individuals. 107481

(29) Deduct, as provided under section 5747.78 of the 107482  
Revised Code, contributions to ABLE savings accounts made in 107483  
accordance with sections 113.50 to 113.56 of the Revised Code. 107484

(30) (a) Deduct, to the extent not otherwise deducted or 107485  
excluded in computing federal or Ohio adjusted gross income 107486  
during the taxable year, all of the following: 107487

(i) Compensation paid to a qualifying employee described 107488  
in division (A) (14) (a) of section 5703.94 of the Revised Code to 107489  
the extent such compensation is for disaster work conducted in 107490  
this state during a disaster response period pursuant to a 107491  
qualifying solicitation received by the employee's employer; 107492

(ii) Compensation paid to a qualifying employee described 107493

in division (A) (14) (b) of section 5703.94 of the Revised Code to 107494  
the extent such compensation is for disaster work conducted in 107495  
this state by the employee during the disaster response period 107496  
on critical infrastructure owned or used by the employee's 107497  
employer; 107498

(iii) Income received by an out-of-state disaster business 107499  
for disaster work conducted in this state during a disaster 107500  
response period, or, if the out-of-state disaster business is a 107501  
pass-through entity, a taxpayer's distributive share of the 107502  
pass-through entity's income from the business conducting 107503  
disaster work in this state during a disaster response period, 107504  
if, in either case, the disaster work is conducted pursuant to a 107505  
qualifying solicitation received by the business. 107506

(b) All terms used in division (A) (30) of this section 107507  
have the same meanings as in section 5703.94 of the Revised 107508  
Code. 107509

(31) For a taxpayer who is a qualifying Ohio educator, 107510  
deduct, to the extent not otherwise deducted or excluded in 107511  
computing federal or Ohio adjusted gross income for the taxable 107512  
year, the lesser of ~~two~~three hundred ~~fifty~~ dollars or the 107513  
amount of expenses described in subsections (a) (2) (D) (i) and 107514  
(ii) of section 62 of the Internal Revenue Code paid or incurred 107515  
by the taxpayer during the taxpayer's taxable year in excess of 107516  
the amount the taxpayer is authorized to deduct for that taxable 107517  
year under subsection (a) (2) (D) of that section. 107518

(32) Deduct, to the extent not otherwise deducted or 107519  
excluded in computing federal or Ohio adjusted gross income for 107520  
the taxable year, amounts received by the taxpayer as a 107521  
disability severance payment, computed under 10 U.S.C. 1212, 107522  
following discharge or release under honorable conditions from 107523

the armed forces of the United States, as defined in section 107524  
5907.01 of the Revised Code. 107525

(33) Deduct, to the extent not otherwise deducted or 107526  
excluded in computing federal adjusted gross income or Ohio 107527  
adjusted gross income, amounts not subject to tax due to an 107528  
agreement entered into under division (A) (2) of section 5747.05 107529  
of the Revised Code. 107530

(34) Deduct amounts as provided under section 5747.79 of 107531  
the Revised Code related to the taxpayer's qualifying capital 107532  
gains and deductible payroll. 107533

To the extent a qualifying capital gain described under 107534  
division (A) (34) of this section is business income, the 107535  
taxpayer shall deduct those gains under this division before 107536  
deducting any such gains under division (A) (28) of this section. 107537

(35) (a) For taxable years beginning in or after 2026, 107538  
deduct, to the extent not otherwise deducted or excluded in 107539  
computing federal or Ohio adjusted gross income for the taxable 107540  
year: 107541

(i) One hundred per cent of the capital gain received by 107542  
the taxpayer in the taxable year from a qualifying interest in 107543  
an Ohio venture capital operating company attributable to the 107544  
company's investments in Ohio businesses during the period for 107545  
which the company was an Ohio venture operating company; and 107546

(ii) Fifty per cent of the capital gain received by the 107547  
taxpayer in the taxable year from a qualifying interest in an 107548  
Ohio venture capital operating company attributable to the 107549  
company's investments in all other businesses during the period 107550  
for which the company was an Ohio venture operating company. 107551

(b) Add amounts previously deducted by the taxpayer under 107552

division (A) (35) (a) of this section if the director of 107553  
development certifies to the tax commissioner that the 107554  
requirements for the deduction were not met. 107555

(c) All terms used in division (A) (35) of this section 107556  
have the same meanings as in section 122.851 of the Revised 107557  
Code. 107558

(d) To the extent a capital gain described in division (A) 107559  
(35) (a) of this section is business income, the taxpayer shall 107560  
apply that division before applying division (A) (28) of this 107561  
section. 107562

(36) Add, to the extent not otherwise included in 107563  
computing federal or Ohio adjusted gross income for any taxable 107564  
year, the taxpayer's proportionate share of the amount of the 107565  
tax levied under section 5747.38 of the Revised Code and paid by 107566  
an electing pass-through entity for the taxable year. 107567

Notwithstanding any provision of the Revised Code to the 107568  
contrary, the portion of the addition required by division (A) 107569  
(36) of this section related to the apportioned business income 107570  
of the pass-through entity shall be considered business income 107571  
under division (B) of this section. Such addition is eligible 107572  
for the deduction in division (A) (28) of this section, subject 107573  
to the applicable dollar limitations, and the tax rate 107574  
prescribed by division (A) (4) (a) of section 5747.02 of the 107575  
Revised Code. The taxpayer shall provide, upon request of the 107576  
tax commissioner, any documentation necessary to verify the 107577  
portion of the addition that is business income under this 107578  
division. 107579

(37) Deduct, to the extent not otherwise deducted or 107580  
excluded in computing federal or Ohio adjusted gross income for 107581

the taxable year, amounts delivered to a qualifying institution 107582  
pursuant to section 3333.128 of the Revised Code for the benefit 107583  
of the taxpayer or the taxpayer's spouse or dependent. 107584

(38) Deduct, to the extent not otherwise deducted or 107585  
excluded in computing federal or Ohio adjusted gross income for 107586  
the taxable year, amounts received under the Ohio adoption grant 107587  
program pursuant to section ~~5101.191~~5180.451 of the Revised 107588  
Code. 107589

(39) Deduct, to the extent included in federal adjusted 107590  
gross income, income attributable to amounts provided to a 107591  
taxpayer for any of the purposes for which an exclusion would 107592  
have been authorized under section 139 of the Internal Revenue 107593  
Code if the train derailment near the city of East Palestine on 107594  
February 3, 2023, had been a qualified disaster pursuant to that 107595  
section, or to compensate for lost business resulting from that 107596  
derailment, if such amounts are provided by any of the 107597  
following: 107598

(a) A federal, state, or local government agency; 107599

(b) A railroad company, as that term is defined in section 107600  
5727.01 of the Revised Code; 107601

(c) Any subsidiary, insurer, or agent of a railroad 107602  
company or any related person. 107603

Notwithstanding any provision to the contrary, the 107604  
derailment is not required to meet the definition of a 107605  
"qualified disaster" pursuant to section 139 of the Internal 107606  
Revenue Code to qualify for the deduction under this section. 107607

(40) Deduct, to the extent included in federal adjusted 107608  
gross income, income attributable to loan repayments on behalf 107609  
of the taxpayer under the rural practice incentive program under 107610

section 3333.135 of the Revised Code. 107611

(41) Add any income taxes deducted in computing federal or 107612  
Ohio adjusted gross income to the extent the income taxes were 107613  
derived from income subject to a tax levied in another state or 107614  
the District of Columbia when such tax was enacted for purposes 107615  
of complying with internal revenue service notice 2020-75. 107616

Notwithstanding any provision of the Revised Code to the 107617  
contrary, the portion of the addition required by division (A) 107618  
(41) of this section related to the apportioned business income 107619  
of the pass-through entity shall be considered business income 107620  
under division (B) of this section. Such addition is eligible 107621  
for the deduction in division (A) (28) of this section, subject 107622  
to the applicable dollar limitations, and the tax rate 107623  
prescribed by division (A) (4) (a) of section 5747.02 of the 107624  
Revised Code. The taxpayer shall provide, upon request of the 107625  
tax commissioner, any documentation necessary to verify the 107626  
portion of the addition that is business income under this 107627  
division. 107628

(42) Deduct amounts contributed to a homeownership savings 107629  
account and calculated pursuant to divisions (B) and (C) of 107630  
section 5747.85 of the Revised Code. 107631

(43) If the taxpayer is the account owner, add the amount 107632  
of funds withdrawn from a homeownership savings account not used 107633  
for eligible expenses, regardless of who deposited those funds. 107634  
As used in division (A) (43) of this section, "homeownership 107635  
savings account," "account owner," and "eligible expenses" have 107636  
the same meanings as in section 5747.85 of the Revised Code. 107637

(44) Deduct, to the extent not otherwise deducted or 107638  
excluded in computing federal or Ohio adjusted gross income 107639



during the taxable year, up to seven hundred fifty dollars of 107640  
contributions the taxpayer makes to a pregnancy resource center 107641  
that meets the criteria in division (B) of section 5101.804 of 107642  
the Revised Code. 107643

(B) "Business income" means income, including gain or 107644  
loss, arising from transactions, activities, and sources in the 107645  
regular course of a trade or business and includes income, gain, 107646  
or loss from real property, tangible property, and intangible 107647  
property if the acquisition, rental, management, and disposition 107648  
of the property constitute integral parts of the regular course 107649  
of a trade or business operation. "Business income" includes 107650  
income, including gain or loss, from a partial or complete 107651  
liquidation of a business, including, but not limited to, gain 107652  
or loss from the sale or other disposition of goodwill or the 107653  
sale of an equity or ownership interest in a business. 107654

As used in this division, the "sale of an equity or 107655  
ownership interest in a business" means sales to which either or 107656  
both of the following apply: 107657

(1) The sale is treated for federal income tax purposes as 107658  
the sale of assets. 107659

(2) The seller materially participated, as described in 26 107660  
C.F.R. 1.469-5T, in the activities of the business during the 107661  
taxable year in which the sale occurs or during any of the five 107662  
preceding taxable years. 107663

(C) "Nonbusiness income" means all income other than 107664  
business income and may include, but is not limited to, 107665  
compensation, rents and royalties from real or tangible personal 107666  
property, capital gains, interest, dividends and distributions, 107667  
patent or copyright royalties, or lottery winnings, prizes, and 107668

awards. 107669

(D) "Compensation" means any form of remuneration paid to 107670  
an employee for personal services. 107671

(E) "Fiduciary" means a guardian, trustee, executor, 107672  
administrator, receiver, conservator, or any other person acting 107673  
in any fiduciary capacity for any individual, trust, or estate. 107674

(F) "Fiscal year" means an accounting period of twelve 107675  
months ending on the last day of any month other than December. 107676

(G) "Individual" means any natural person. 107677

(H) "Internal Revenue Code" means the "Internal Revenue 107678  
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 107679

(I) "Resident" means any of the following: 107680

(1) An individual who is domiciled in this state, subject 107681  
to section 5747.24 of the Revised Code; 107682

(2) The estate of a decedent who at the time of death was 107683  
domiciled in this state. The domicile tests of section 5747.24 107684  
of the Revised Code are not controlling for purposes of division 107685  
(I)(2) of this section. 107686

(3) A trust that, in whole or part, resides in this state. 107687  
If only part of a trust resides in this state, the trust is a 107688  
resident only with respect to that part. 107689

For the purposes of division (I)(3) of this section: 107690

(a) A trust resides in this state for the trust's current 107691  
taxable year to the extent, as described in division (I)(3)(d) 107692  
of this section, that the trust consists directly or indirectly, 107693  
in whole or in part, of assets, net of any related liabilities, 107694  
that were transferred, or caused to be transferred, directly or 107695

indirectly, to the trust by any of the following: 107696

(i) A person, a court, or a governmental entity or 107697  
instrumentality on account of the death of a decedent, but only 107698  
if the trust is described in division (I) (3) (e) (i) or (ii) of 107699  
this section; 107700

(ii) A person who was domiciled in this state for the 107701  
purposes of this chapter when the person directly or indirectly 107702  
transferred assets to an irrevocable trust, but only if at least 107703  
one of the trust's qualifying beneficiaries is domiciled in this 107704  
state for the purposes of this chapter during all or some 107705  
portion of the trust's current taxable year; 107706

(iii) A person who was domiciled in this state for the 107707  
purposes of this chapter when the trust document or instrument 107708  
or part of the trust document or instrument became irrevocable, 107709  
but only if at least one of the trust's qualifying beneficiaries 107710  
is a resident domiciled in this state for the purposes of this 107711  
chapter during all or some portion of the trust's current 107712  
taxable year. If a trust document or instrument became 107713  
irrevocable upon the death of a person who at the time of death 107714  
was domiciled in this state for purposes of this chapter, that 107715  
person is a person described in division (I) (3) (a) (iii) of this 107716  
section. 107717

(b) A trust is irrevocable to the extent that the 107718  
transferor is not considered to be the owner of the net assets 107719  
of the trust under sections 671 to 678 of the Internal Revenue 107720  
Code. 107721

(c) With respect to a trust other than a charitable lead 107722  
trust, "qualifying beneficiary" has the same meaning as 107723  
"potential current beneficiary" as defined in section 1361(e) (2) 107724

of the Internal Revenue Code, and with respect to a charitable 107725  
lead trust "qualifying beneficiary" is any current, future, or 107726  
contingent beneficiary, but with respect to any trust 107727  
"qualifying beneficiary" excludes a person or a governmental 107728  
entity or instrumentality to any of which a contribution would 107729  
qualify for the charitable deduction under section 170 of the 107730  
Internal Revenue Code. 107731

(d) For the purposes of division (I) (3) (a) of this 107732  
section, the extent to which a trust consists directly or 107733  
indirectly, in whole or in part, of assets, net of any related 107734  
liabilities, that were transferred directly or indirectly, in 107735  
whole or part, to the trust by any of the sources enumerated in 107736  
that division shall be ascertained by multiplying the fair 107737  
market value of the trust's assets, net of related liabilities, 107738  
by the qualifying ratio, which shall be computed as follows: 107739

(i) The first time the trust receives assets, the 107740  
numerator of the qualifying ratio is the fair market value of 107741  
those assets at that time, net of any related liabilities, from 107742  
sources enumerated in division (I) (3) (a) of this section. The 107743  
denominator of the qualifying ratio is the fair market value of 107744  
all the trust's assets at that time, net of any related 107745  
liabilities. 107746

(ii) Each subsequent time the trust receives assets, a 107747  
revised qualifying ratio shall be computed. The numerator of the 107748  
revised qualifying ratio is the sum of (1) the fair market value 107749  
of the trust's assets immediately prior to the subsequent 107750  
transfer, net of any related liabilities, multiplied by the 107751  
qualifying ratio last computed without regard to the subsequent 107752  
transfer, and (2) the fair market value of the subsequently 107753  
transferred assets at the time transferred, net of any related 107754

liabilities, from sources enumerated in division (I) (3) (a) of 107755  
this section. The denominator of the revised qualifying ratio is 107756  
the fair market value of all the trust's assets immediately 107757  
after the subsequent transfer, net of any related liabilities. 107758

(iii) Whether a transfer to the trust is by or from any of 107759  
the sources enumerated in division (I) (3) (a) of this section 107760  
shall be ascertained without regard to the domicile of the 107761  
trust's beneficiaries. 107762

(e) For the purposes of division (I) (3) (a) (i) of this 107763  
section: 107764

(i) A trust is described in division (I) (3) (e) (i) of this 107765  
section if the trust is a testamentary trust and the testator of 107766  
that testamentary trust was domiciled in this state at the time 107767  
of the testator's death for purposes of the taxes levied under 107768  
Chapter 5731. of the Revised Code. 107769

(ii) A trust is described in division (I) (3) (e) (ii) of 107770  
this section if the transfer is a qualifying transfer described 107771  
in any of divisions (I) (3) (f) (i) to (vi) of this section, the 107772  
trust is an irrevocable inter vivos trust, and at least one of 107773  
the trust's qualifying beneficiaries is domiciled in this state 107774  
for purposes of this chapter during all or some portion of the 107775  
trust's current taxable year. 107776

(f) For the purposes of division (I) (3) (e) (ii) of this 107777  
section, a "qualifying transfer" is a transfer of assets, net of 107778  
any related liabilities, directly or indirectly to a trust, if 107779  
the transfer is described in any of the following: 107780

(i) The transfer is made to a trust, created by the 107781  
decedent before the decedent's death and while the decedent was 107782  
domiciled in this state for the purposes of this chapter, and, 107783

prior to the death of the decedent, the trust became irrevocable 107784  
while the decedent was domiciled in this state for the purposes 107785  
of this chapter. 107786

(ii) The transfer is made to a trust to which the 107787  
decedent, prior to the decedent's death, had directly or 107788  
indirectly transferred assets, net of any related liabilities, 107789  
while the decedent was domiciled in this state for the purposes 107790  
of this chapter, and prior to the death of the decedent the 107791  
trust became irrevocable while the decedent was domiciled in 107792  
this state for the purposes of this chapter. 107793

(iii) The transfer is made on account of a contractual 107794  
relationship existing directly or indirectly between the 107795  
transferor and either the decedent or the estate of the decedent 107796  
at any time prior to the date of the decedent's death, and the 107797  
decedent was domiciled in this state at the time of death for 107798  
purposes of the taxes levied under Chapter 5731. of the Revised 107799  
Code. 107800

(iv) The transfer is made to a trust on account of a 107801  
contractual relationship existing directly or indirectly between 107802  
the transferor and another person who at the time of the 107803  
decedent's death was domiciled in this state for purposes of 107804  
this chapter. 107805

(v) The transfer is made to a trust on account of the will 107806  
of a testator who was domiciled in this state at the time of the 107807  
testator's death for purposes of the taxes levied under Chapter 107808  
5731. of the Revised Code. 107809

(vi) The transfer is made to a trust created by or caused 107810  
to be created by a court, and the trust was directly or 107811  
indirectly created in connection with or as a result of the 107812

death of an individual who, for purposes of the taxes levied 107813  
under Chapter 5731. of the Revised Code, was domiciled in this 107814  
state at the time of the individual's death. 107815

(g) The tax commissioner may adopt rules to ascertain the 107816  
part of a trust residing in this state. 107817

(J) "Nonresident" means an individual or estate that is 107818  
not a resident. An individual who is a resident for only part of 107819  
a taxable year is a nonresident for the remainder of that 107820  
taxable year. 107821

(K) "Pass-through entity" has the same meaning as in 107822  
section 5733.04 of the Revised Code. 107823

(L) "Return" means the notifications and reports required 107824  
to be filed pursuant to this chapter for the purpose of 107825  
reporting the tax due and includes declarations of estimated tax 107826  
when so required. 107827

(M) "Taxable year" means the calendar year or the 107828  
taxpayer's fiscal year ending during the calendar year, or 107829  
fractional part thereof, upon which the adjusted gross income is 107830  
calculated pursuant to this chapter. 107831

(N) "Taxpayer" means any person subject to the tax imposed 107832  
by section 5747.02 of the Revised Code or any pass-through 107833  
entity that makes the election under division (D) of section 107834  
5747.08 of the Revised Code. 107835

(O) "Dependents" means one of the following: 107836

(1) For taxable years beginning on or after January 1, 107837  
2018, and before January 1, 2026, dependents as defined in the 107838  
Internal Revenue Code; 107839

(2) For all other taxable years, dependents as defined in 107840

the Internal Revenue Code and as claimed in the taxpayer's 107841  
federal income tax return for the taxable year or which the 107842  
taxpayer would have been permitted to claim had the taxpayer 107843  
filed a federal income tax return. 107844

(P) "Principal county of employment" means, in the case of 107845  
a nonresident, the county within the state in which a taxpayer 107846  
performs services for an employer or, if those services are 107847  
performed in more than one county, the county in which the major 107848  
portion of the services are performed. 107849

(Q) As used in sections 5747.50 to 5747.55 of the Revised 107850  
Code: 107851

(1) "Subdivision" means any county, municipal corporation, 107852  
park district, or township. 107853

(2) "Essential local government purposes" includes all 107854  
functions that any subdivision is required by general law to 107855  
exercise, including like functions that are exercised under a 107856  
charter adopted pursuant to the Ohio Constitution. 107857

(R) "Overpayment" means any amount already paid that 107858  
exceeds the figure determined to be the correct amount of the 107859  
tax. 107860

(S) "Taxable income" or "Ohio taxable income" applies only 107861  
to estates and trusts, and means federal taxable income, as 107862  
defined and used in the Internal Revenue Code, adjusted as 107863  
follows: 107864

(1) Add interest or dividends, net of ordinary, necessary, 107865  
and reasonable expenses not deducted in computing federal 107866  
taxable income, on obligations or securities of any state or of 107867  
any political subdivision or authority of any state, other than 107868  
this state and its subdivisions and authorities, but only to the 107869



extent that such net amount is not otherwise includible in Ohio 107870  
taxable income and is described in either division (S) (1) (a) or 107871  
(b) of this section: 107872

(a) The net amount is not attributable to the S portion of 107873  
an electing small business trust and has not been distributed to 107874  
beneficiaries for the taxable year; 107875

(b) The net amount is attributable to the S portion of an 107876  
electing small business trust for the taxable year. 107877

(2) Add interest or dividends, net of ordinary, necessary, 107878  
and reasonable expenses not deducted in computing federal 107879  
taxable income, on obligations of any authority, commission, 107880  
instrumentality, territory, or possession of the United States 107881  
to the extent that the interest or dividends are exempt from 107882  
federal income taxes but not from state income taxes, but only 107883  
to the extent that such net amount is not otherwise includible 107884  
in Ohio taxable income and is described in either division (S) 107885  
(1) (a) or (b) of this section; 107886

(3) Add the amount of personal exemption allowed to the 107887  
estate pursuant to section 642(b) of the Internal Revenue Code; 107888

(4) Deduct interest or dividends, net of related expenses 107889  
deducted in computing federal taxable income, on obligations of 107890  
the United States and its territories and possessions or of any 107891  
authority, commission, or instrumentality of the United States 107892  
to the extent that the interest or dividends are exempt from 107893  
state taxes under the laws of the United States, but only to the 107894  
extent that such amount is included in federal taxable income 107895  
and is described in either division (S) (1) (a) or (b) of this 107896  
section; 107897

(5) Deduct the amount of wages and salaries, if any, not 107898

otherwise allowable as a deduction but that would have been 107899  
allowable as a deduction in computing federal taxable income for 107900  
the taxable year, had the work opportunity tax credit allowed 107901  
under sections 38, 51, and 52 of the Internal Revenue Code not 107902  
been in effect, but only to the extent such amount relates 107903  
either to income included in federal taxable income for the 107904  
taxable year or to income of the S portion of an electing small 107905  
business trust for the taxable year; 107906

(6) Deduct any interest or interest equivalent, net of 107907  
related expenses deducted in computing federal taxable income, 107908  
on public obligations and purchase obligations, but only to the 107909  
extent that such net amount relates either to income included in 107910  
federal taxable income for the taxable year or to income of the 107911  
S portion of an electing small business trust for the taxable 107912  
year; 107913

(7) Add any loss or deduct any gain resulting from sale, 107914  
exchange, or other disposition of public obligations to the 107915  
extent that such loss has been deducted or such gain has been 107916  
included in computing either federal taxable income or income of 107917  
the S portion of an electing small business trust for the 107918  
taxable year; 107919

(8) Except in the case of the final return of an estate, 107920  
add any amount deducted by the taxpayer on both its Ohio estate 107921  
tax return pursuant to section 5731.14 of the Revised Code, and 107922  
on its federal income tax return in determining federal taxable 107923  
income; 107924

(9) (a) Deduct any amount included in federal taxable 107925  
income solely because the amount represents a reimbursement or 107926  
refund of expenses that in a previous year the decedent had 107927  
deducted as an itemized deduction pursuant to section 63 of the 107928

Internal Revenue Code and applicable treasury regulations. The 107929  
deduction otherwise allowed under division (S) (9) (a) of this 107930  
section shall be reduced to the extent the reimbursement is 107931  
attributable to an amount the taxpayer or decedent deducted 107932  
under this section in any taxable year. 107933

(b) Add any amount not otherwise included in Ohio taxable 107934  
income for any taxable year to the extent that the amount is 107935  
attributable to the recovery during the taxable year of any 107936  
amount deducted or excluded in computing federal or Ohio taxable 107937  
income in any taxable year, but only to the extent such amount 107938  
has not been distributed to beneficiaries for the taxable year. 107939

(10) Deduct any portion of the deduction described in 107940  
section 1341(a) (2) of the Internal Revenue Code, for repaying 107941  
previously reported income received under a claim of right, that 107942  
meets both of the following requirements: 107943

(a) It is allowable for repayment of an item that was 107944  
included in the taxpayer's taxable income or the decedent's 107945  
adjusted gross income for a prior taxable year and did not 107946  
qualify for a credit under division (A) or (B) of section 107947  
5747.05 of the Revised Code for that year. 107948

(b) It does not otherwise reduce the taxpayer's taxable 107949  
income or the decedent's adjusted gross income for the current 107950  
or any other taxable year. 107951

(11) Add any amount claimed as a credit under section 107952  
5747.059 of the Revised Code to the extent that the amount 107953  
satisfies either of the following: 107954

(a) The amount was deducted or excluded from the 107955  
computation of the taxpayer's federal taxable income as required 107956  
to be reported for the taxpayer's taxable year under the 107957

Internal Revenue Code; 107958

(b) The amount resulted in a reduction in the taxpayer's 107959  
federal taxable income as required to be reported for any of the 107960  
taxpayer's taxable years under the Internal Revenue Code. 107961

(12) Deduct any amount, net of related expenses deducted 107962  
in computing federal taxable income, that a trust is required to 107963  
report as farm income on its federal income tax return, but only 107964  
if the assets of the trust include at least ten acres of land 107965  
satisfying the definition of "land devoted exclusively to 107966  
agricultural use" under section 5713.30 of the Revised Code, 107967  
regardless of whether the land is valued for tax purposes as 107968  
such land under sections 5713.30 to 5713.38 of the Revised Code. 107969  
If the trust is a pass-through entity investor, section 5747.231 107970  
of the Revised Code applies in ascertaining if the trust is 107971  
eligible to claim the deduction provided by division (S) (12) of 107972  
this section in connection with the pass-through entity's farm 107973  
income. 107974

Except for farm income attributable to the S portion of an 107975  
electing small business trust, the deduction provided by 107976  
division (S) (12) of this section is allowed only to the extent 107977  
that the trust has not distributed such farm income. 107978

(13) Add the net amount of income described in section 107979  
641(c) of the Internal Revenue Code to the extent that amount is 107980  
not included in federal taxable income. 107981

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be 107982  
required to add or deduct under division ~~(A) (18)~~ (A) (17) or (18) 107983  
of this section if the taxpayer's Ohio taxable income ~~were~~ was 107984  
computed in the same manner as an individual's Ohio adjusted 107985  
gross income is computed under this section. 107986

(15) Add, to the extent not otherwise included in 107987  
computing taxable income or Ohio taxable income for any taxable 107988  
year, the taxpayer's proportionate share of the amount of the 107989  
tax levied under section 5747.38 of the Revised Code and paid by 107990  
an electing pass-through entity for the taxable year. 107991

(16) Add any income taxes deducted in computing federal 107992  
taxable income or Ohio taxable income to the extent the income 107993  
taxes were derived from income subject to a tax levied in 107994  
another state or the District of Columbia when such tax was 107995  
enacted for purposes of complying with internal revenue service 107996  
notice 2020-75. 107997

(T) "School district income" and "school district income 107998  
tax" have the same meanings as in section 5748.01 of the Revised 107999  
Code. 108000

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 108001  
(7) of this section, "public obligations," "purchase 108002  
obligations," and "interest or interest equivalent" have the 108003  
same meanings as in section 5709.76 of the Revised Code. 108004

(V) "Limited liability company" means any limited 108005  
liability company formed under former Chapter 1705. of the 108006  
Revised Code as that chapter existed prior to February 11, 2022, 108007  
Chapter 1706. of the Revised Code, or the laws of any other 108008  
state. 108009

(W) "Pass-through entity investor" means any person who, 108010  
during any portion of a taxable year of a pass-through entity, 108011  
is a partner, member, shareholder, or equity investor in that 108012  
pass-through entity. 108013

(X) "Banking day" has the same meaning as in section 108014  
1304.01 of the Revised Code. 108015

(Y) "Month" means a calendar month.	108016
(Z) "Quarter" means the first three months, the second	108017
three months, the third three months, or the last three months	108018
of the taxpayer's taxable year.	108019
(AA) (1) "Modified business income" means the business	108020
income included in a trust's Ohio taxable income after such	108021
taxable income is first reduced by the qualifying trust amount,	108022
if any.	108023
(2) "Qualifying trust amount" of a trust means capital	108024
gains and losses from the sale, exchange, or other disposition	108025
of equity or ownership interests in, or debt obligations of, a	108026
qualifying investee to the extent included in the trust's Ohio	108027
taxable income, but only if the following requirements are	108028
satisfied:	108029
(a) The book value of the qualifying investee's physical	108030
assets in this state and everywhere, as of the last day of the	108031
qualifying investee's fiscal or calendar year ending immediately	108032
prior to the date on which the trust recognizes the gain or	108033
loss, is available to the trust.	108034
(b) The requirements of section 5747.011 of the Revised	108035
Code are satisfied for the trust's taxable year in which the	108036
trust recognizes the gain or loss.	108037
Any gain or loss that is not a qualifying trust amount is	108038
modified business income, qualifying investment income, or	108039
modified nonbusiness income, as the case may be.	108040
(3) "Modified nonbusiness income" means a trust's Ohio	108041
taxable income other than modified business income, other than	108042
the qualifying trust amount, and other than qualifying	108043
investment income, as defined in section 5747.012 of the Revised	108044

Code, to the extent such qualifying investment income is not 108045  
otherwise part of modified business income. 108046

(4) "Modified Ohio taxable income" applies only to trusts, 108047  
and means the sum of the amounts described in divisions (AA) (4) 108048  
(a) to (c) of this section: 108049

(a) The fraction, calculated under section 5747.013, and 108050  
applying section 5747.231 of the Revised Code, multiplied by the 108051  
sum of the following amounts: 108052

(i) The trust's modified business income; 108053

(ii) The trust's qualifying investment income, as defined 108054  
in section 5747.012 of the Revised Code, but only to the extent 108055  
the qualifying investment income does not otherwise constitute 108056  
modified business income and does not otherwise constitute a 108057  
qualifying trust amount. 108058

(b) The qualifying trust amount multiplied by a fraction, 108059  
the numerator of which is the sum of the book value of the 108060  
qualifying investee's physical assets in this state on the last 108061  
day of the qualifying investee's fiscal or calendar year ending 108062  
immediately prior to the day on which the trust recognizes the 108063  
qualifying trust amount, and the denominator of which is the sum 108064  
of the book value of the qualifying investee's total physical 108065  
assets everywhere on the last day of the qualifying investee's 108066  
fiscal or calendar year ending immediately prior to the day on 108067  
which the trust recognizes the qualifying trust amount. If, for 108068  
a taxable year, the trust recognizes a qualifying trust amount 108069  
with respect to more than one qualifying investee, the amount 108070  
described in division (AA) (4) (b) of this section shall equal the 108071  
sum of the products so computed for each such qualifying 108072  
investee. 108073

(c) (i) With respect to a trust or portion of a trust that 108074  
is a resident as ascertained in accordance with division (I) (3) 108075  
(d) of this section, its modified nonbusiness income. 108076

(ii) With respect to a trust or portion of a trust that is 108077  
not a resident as ascertained in accordance with division (I) (3) 108078  
(d) of this section, the amount of its modified nonbusiness 108079  
income satisfying the descriptions in divisions (B) (2) to (5) of 108080  
section 5747.20 of the Revised Code, except as otherwise 108081  
provided in division (AA) (4) (c) (ii) of this section. With 108082  
respect to a trust or portion of a trust that is not a resident 108083  
as ascertained in accordance with division (I) (3) (d) of this 108084  
section, the trust's portion of modified nonbusiness income 108085  
recognized from the sale, exchange, or other disposition of a 108086  
debt interest in or equity interest in a section 5747.212 108087  
entity, as defined in section 5747.212 of the Revised Code, 108088  
without regard to division (A) of that section, shall not be 108089  
allocated to this state in accordance with section 5747.20 of 108090  
the Revised Code but shall be apportioned to this state in 108091  
accordance with division (B) of section 5747.212 of the Revised 108092  
Code without regard to division (A) of that section. 108093

If the allocation and apportionment of a trust's income 108094  
under divisions (AA) (4) (a) and (c) of this section do not fairly 108095  
represent the modified Ohio taxable income of the trust in this 108096  
state, the alternative methods described in division (C) of 108097  
section 5747.21 of the Revised Code may be applied in the manner 108098  
and to the same extent provided in that section. 108099

(5) (a) Except as set forth in division (AA) (5) (b) of this 108100  
section, "qualifying investee" means a person in which a trust 108101  
has an equity or ownership interest, or a person or unit of 108102  
government the debt obligations of either of which are owned by 108103



a trust. For the purposes of division (AA) (2) (a) of this section 108104  
and for the purpose of computing the fraction described in 108105  
division (AA) (4) (b) of this section, all of the following apply: 108106

(i) If the qualifying investee is a member of a qualifying 108107  
controlled group on the last day of the qualifying investee's 108108  
fiscal or calendar year ending immediately prior to the date on 108109  
which the trust recognizes the gain or loss, then "qualifying 108110  
investee" includes all persons in the qualifying controlled 108111  
group on such last day. 108112

(ii) If the qualifying investee, or if the qualifying 108113  
investee and any members of the qualifying controlled group of 108114  
which the qualifying investee is a member on the last day of the 108115  
qualifying investee's fiscal or calendar year ending immediately 108116  
prior to the date on which the trust recognizes the gain or 108117  
loss, separately or cumulatively own, directly or indirectly, on 108118  
the last day of the qualifying investee's fiscal or calendar 108119  
year ending immediately prior to the date on which the trust 108120  
recognizes the qualifying trust amount, more than fifty per cent 108121  
of the equity of a pass-through entity, then the qualifying 108122  
investee and the other members are deemed to own the 108123  
proportionate share of the pass-through entity's physical assets 108124  
which the pass-through entity directly or indirectly owns on the 108125  
last day of the pass-through entity's calendar or fiscal year 108126  
ending within or with the last day of the qualifying investee's 108127  
fiscal or calendar year ending immediately prior to the date on 108128  
which the trust recognizes the qualifying trust amount. 108129

(iii) For the purposes of division (AA) (5) (a) (iii) of this 108130  
section, "upper level pass-through entity" means a pass-through 108131  
entity directly or indirectly owning any equity of another pass- 108132  
through entity, and "lower level pass-through entity" means that 108133

other pass-through entity. 108134

An upper level pass-through entity, whether or not it is 108135  
also a qualifying investee, is deemed to own, on the last day of 108136  
the upper level pass-through entity's calendar or fiscal year, 108137  
the proportionate share of the lower level pass-through entity's 108138  
physical assets that the lower level pass-through entity 108139  
directly or indirectly owns on the last day of the lower level 108140  
pass-through entity's calendar or fiscal year ending within or 108141  
with the last day of the upper level pass-through entity's 108142  
fiscal or calendar year. If the upper level pass-through entity 108143  
directly and indirectly owns less than fifty per cent of the 108144  
equity of the lower level pass-through entity on each day of the 108145  
upper level pass-through entity's calendar or fiscal year in 108146  
which or with which ends the calendar or fiscal year of the 108147  
lower level pass-through entity and if, based upon clear and 108148  
convincing evidence, complete information about the location and 108149  
cost of the physical assets of the lower pass-through entity is 108150  
not available to the upper level pass-through entity, then 108151  
solely for purposes of ascertaining if a gain or loss 108152  
constitutes a qualifying trust amount, the upper level pass- 108153  
through entity shall be deemed as owning no equity of the lower 108154  
level pass-through entity for each day during the upper level 108155  
pass-through entity's calendar or fiscal year in which or with 108156  
which ends the lower level pass-through entity's calendar or 108157  
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 108158  
shall be construed to provide for any deduction or exclusion in 108159  
computing any trust's Ohio taxable income. 108160

(b) With respect to a trust that is not a resident for the 108161  
taxable year and with respect to a part of a trust that is not a 108162  
resident for the taxable year, "qualifying investee" for that 108163  
taxable year does not include a C corporation if both of the 108164

following apply: 108165

(i) During the taxable year the trust or part of the trust 108166  
recognizes a gain or loss from the sale, exchange, or other 108167  
disposition of equity or ownership interests in, or debt 108168  
obligations of, the C corporation. 108169

(ii) Such gain or loss constitutes nonbusiness income. 108170

(6) "Available" means information is such that a person is 108171  
able to learn of the information by the due date plus 108172  
extensions, if any, for filing the return for the taxable year 108173  
in which the trust recognizes the gain or loss. 108174

(BB) "Qualifying controlled group" has the same meaning as 108175  
in section 5733.04 of the Revised Code. 108176

(CC) "Related member" has the same meaning as in section 108177  
5733.042 of the Revised Code. 108178

(DD) (1) For the purposes of division (DD) of this section: 108179

(a) "Qualifying person" means any person other than a 108180  
qualifying corporation. 108181

(b) "Qualifying corporation" means any person classified 108182  
for federal income tax purposes as an association taxable as a 108183  
corporation, except either of the following: 108184

(i) A corporation that has made an election under 108185  
subchapter S, chapter one, subtitle A, of the Internal Revenue 108186  
Code for its taxable year ending within, or on the last day of, 108187  
the investor's taxable year; 108188

(ii) A subsidiary that is wholly owned by any corporation 108189  
that has made an election under subchapter S, chapter one, 108190  
subtitle A of the Internal Revenue Code for its taxable year 108191

ending within, or on the last day of, the investor's taxable 108192  
year. 108193

(2) For the purposes of this chapter, unless expressly 108194  
stated otherwise, no qualifying person indirectly owns any asset 108195  
directly or indirectly owned by any qualifying corporation. 108196

(EE) For purposes of this chapter and Chapter 5751. of the 108197  
Revised Code: 108198

(1) "Trust" does not include a qualified pre-income tax 108199  
trust. 108200

(2) A "qualified pre-income tax trust" is any pre-income 108201  
tax trust that makes a qualifying pre-income tax trust election 108202  
as described in division (EE)(3) of this section. 108203

(3) A "qualifying pre-income tax trust election" is an 108204  
election by a pre-income tax trust to subject to the tax imposed 108205  
by section 5751.02 of the Revised Code the pre-income tax trust 108206  
and all pass-through entities of which the trust owns or 108207  
controls, directly, indirectly, or constructively through 108208  
related interests, five per cent or more of the ownership or 108209  
equity interests. The trustee shall notify the tax commissioner 108210  
in writing of the election on or before April 15, 2006. The 108211  
election, if timely made, shall be effective on and after 108212  
January 1, 2006, and shall apply for all tax periods and tax 108213  
years until revoked by the trustee of the trust. 108214

(4) A "pre-income tax trust" is a trust that satisfies all 108215  
of the following requirements: 108216

(a) The document or instrument creating the trust was 108217  
executed by the grantor before January 1, 1972; 108218

(b) The trust became irrevocable upon the creation of the 108219

trust; and 108220

(c) The grantor was domiciled in this state at the time 108221  
the trust was created. 108222

(FF) "Uniformed services" means all of the following: 108223

(1) "Armed forces of the United States" as defined in 108224  
section 5907.01 of the Revised Code; 108225

(2) The commissioned corps of the national oceanic and 108226  
atmospheric administration; 108227

(3) The commissioned corps of the public health service. 108228

(GG) "Taxable business income" means the amount by which 108229  
an individual's business income that is included in federal 108230  
adjusted gross income exceeds the amount of business income the 108231  
individual is authorized to deduct under division (A) (28) of 108232  
this section for the taxable year. 108233

(HH) "Employer" does not include a franchisor with respect 108234  
to the franchisor's relationship with a franchisee or an 108235  
employee of a franchisee, unless the franchisor agrees to assume 108236  
that role in writing or a court of competent jurisdiction 108237  
determines that the franchisor exercises a type or degree of 108238  
control over the franchisee or the franchisee's employees that 108239  
is not customarily exercised by a franchisor for the purpose of 108240  
protecting the franchisor's trademark, brand, or both. For 108241  
purposes of this division, "franchisor" and "franchisee" have 108242  
the same meanings as in 16 C.F.R. 436.1. 108243

(II) "Modified adjusted gross income" means Ohio adjusted 108244  
gross income plus any amount deducted under divisions (A) (28) 108245  
and (34) of this section for the taxable year. 108246

(JJ) "Qualifying Ohio educator" means an individual who, 108247

for a taxable year, qualifies as an eligible educator, as that 108248  
term is defined in section 62 of the Internal Revenue Code, and 108249  
who holds a certificate, license, or permit described in Chapter 108250  
3319. or section 3301.071 of the Revised Code. 108251

(KK) "Professional employer organization," "professional 108252  
employer organization agreement," and "professional employer 108253  
organization reporting entity" have the same meanings as in 108254  
section 4125.01 of the Revised Code. 108255

(LL) "Alternate employer organization" and "alternate 108256  
employer organization agreement" have the same meanings as in 108257  
section 4133.01 of the Revised Code. 108258

(MM) "Casino gaming" has the same meaning as in section 108259  
3772.01 of the Revised Code, "lottery sports gaming" has the 108260  
same meaning as in section 3770.23 of the Revised Code, "sports 108261  
gaming" has the same meaning as in section 3775.01 of the 108262  
Revised Code, and "video lottery terminal" has the same meaning 108263  
as in section 3770.21 of the Revised Code. 108264

**Sec. 5747.02.** (A) For the purpose of providing revenue for 108265  
the support of schools and local government functions, to 108266  
provide relief to property taxpayers, to provide revenue for the 108267  
general revenue fund, and to meet the expenses of administering 108268  
the tax levied by this chapter, there is hereby levied on every 108269  
individual, trust, and estate residing in or earning or 108270  
receiving income in this state, on every individual, trust, and 108271  
estate earning or receiving lottery winnings, prizes, or awards 108272  
pursuant to Chapter 3770. of the Revised Code, on every 108273  
individual, trust, and estate earning or receiving winnings on 108274  
casino or sports gaming, and on every individual, trust, and 108275  
estate otherwise having nexus with or in this state under the 108276  
Constitution of the United States, an annual tax measured as 108277

prescribed in divisions (A) (1) to (4) of this section. 108278

(1) In the case of trusts, the tax imposed by this section 108279  
shall be measured by modified Ohio taxable income under division 108280  
~~(D)~~(C) of this section and levied in the same amount as the tax 108281  
is imposed on estates as prescribed in division (A) (2) of this 108282  
section. 108283

(2) In the case of estates, the tax imposed by this 108284  
section shall be measured by Ohio taxable income. The tax shall 108285  
be levied at the rate of 1.38462% for the first twenty-six 108286  
thousand fifty dollars of such income and, for income in excess 108287  
of that amount, the tax shall be levied at the same rates 108288  
prescribed in division (A) (3) of this section for individuals. 108289

(3) In the case of individuals, the tax imposed by this 108290  
section on income other than taxable business income shall be 108291  
measured by Ohio adjusted gross income, less taxable business 108292  
income and less an exemption for the taxpayer, the taxpayer's 108293  
spouse, and each dependent as provided in section 5747.025 of 108294  
the Revised Code. If the balance thus obtained is equal to or 108295  
less than twenty-six thousand fifty dollars, no tax shall be 108296  
imposed on that balance. If the balance thus obtained is greater 108297  
than twenty-six thousand fifty dollars, the tax is hereby levied 108298  
as follows: 108299

(a) For taxable years beginning in 2023: 108300  
108301

1

2

A OHIO ADJUSTED GROSS INCOME LESS TAX  
TAXABLE BUSINESS INCOME AND EXEMPTIONS  
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE  
INCOME (TRUSTS) OR OHIO TAXABLE INCOME

(ESTATES)

- B More than \$26,050 but not more than \$100,000 \$360.69 plus 2.75% of the amount in excess of \$26,050
- C More than \$100,000 but not more than \$115,300 \$2,394.32 plus 3.688% of the amount in excess of \$100,000
- D More than \$115,300 \$2,958.58 plus 3.75% of the amount in excess of \$115,300

(b) For taxable years beginning in 2024 and thereafter: 108302  
108303  
108304

1

2

A OHIO ADJUSTED GROSS INCOME LESS TAXABLE TAX  
BUSINESS INCOME AND EXEMPTIONS  
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE  
INCOME (TRUSTS) OR OHIO TAXABLE INCOME  
(ESTATES)

- B More than \$26,050 but not more than \$100,000 \$360.69 plus 2.75% of the amount in excess of \$26,050
- C More than \$100,000 \$2,394.32 plus 3.5% of the amount in excess of \$100,000

(4) (a) In the case of individuals, the tax imposed by this 108305  
section on taxable business income shall equal three per cent of 108306  
the result obtained by subtracting any amount allowed under 108307



division (A) (4) (b) of this section from the individual's taxable  
business income. 108308  
108309

(b) If the exemptions allowed to an individual under 108310  
division (A) (3) of this section exceed the taxpayer's Ohio 108311  
adjusted gross income less taxable business income, the excess 108312  
shall be deducted from taxable business income before computing 108313  
the tax under division (A) (4) (a) of this section. 108314

(5) Except as otherwise provided in this division, in 108315  
August of each year, the tax commissioner shall make a new 108316  
adjustment to the income amounts prescribed in divisions (A) (2) 108317  
and (3) of this section by multiplying the percentage increase 108318  
in the gross domestic product deflator computed that year under 108319  
section 5747.025 of the Revised Code by each of the income 108320  
amounts resulting from the adjustment under this division in the 108321  
preceding year, adding the resulting product to the 108322  
corresponding income amount resulting from the adjustment in the 108323  
preceding year, and rounding the resulting sum to the nearest 108324  
multiple of fifty dollars. The tax commissioner also shall 108325  
recompute each of the tax dollar amounts to the extent necessary 108326  
to reflect the new adjustment of the income amounts. To 108327  
recompute the tax dollar amount corresponding to the lowest tax 108328  
rate in division (A) (3) of this section, the commissioner shall 108329  
multiply the tax rate prescribed in division (A) (2) of this 108330  
section by the income amount specified in that division and as 108331  
adjusted according to this paragraph. The rates of taxation 108332  
shall not be adjusted. 108333

The adjusted amounts apply to taxable years beginning in 108334  
the calendar year in which the adjustments are made and to 108335  
taxable years beginning in each ensuing calendar year until a 108336  
calendar year in which a new adjustment is made pursuant to this 108337

division. The tax commissioner shall not make a new adjustment 108338  
in any year in which the amount resulting from the adjustment 108339  
would be less than the amount resulting from the adjustment in 108340  
the preceding year. 108341

~~(B) If the director of budget and management makes a 108342  
certification to the tax commissioner under division (B) of 108343  
section 131.44 of the Revised Code, the amount of tax as 108344  
determined under divisions (A) (1) to (3) of this section shall 108345  
be reduced by the percentage prescribed in that certification 108346  
for taxable years beginning in the calendar year in which that 108347  
certification is made. 108348~~

~~(C) (1)~~ (B) (1) The tax imposed by this section on a trust 108349  
shall be computed by multiplying the Ohio modified taxable 108350  
income of the trust by the rates prescribed by division (A) of 108351  
this section. 108352

(2) A resident trust may claim a credit against the tax 108353  
computed under division ~~(C)~~ (B) of this section equal to the 108354  
lesser of (a) the tax paid to another state or the District of 108355  
Columbia on the resident trust's modified nonbusiness income, 108356  
other than the portion of the resident trust's nonbusiness 108357  
income that is qualifying investment income as defined in 108358  
section 5747.012 of the Revised Code, or (b) the effective tax 108359  
rate, based on modified Ohio taxable income, multiplied by the 108360  
resident trust's modified nonbusiness income other than the 108361  
portion of the resident trust's nonbusiness income that is 108362  
qualifying investment income. The credit applies before any 108363  
other applicable credits. 108364

(3) Any credit authorized against the tax imposed by this 108365  
section applies to a trust subject to division ~~(C)~~ (B) of this 108366  
section only if the trust otherwise qualifies for the credit. To 108367

the extent that the trust distributes income for the taxable 108368  
year for which a credit is available to the trust, the credit 108369  
shall be shared by the trust and its beneficiaries. The tax 108370  
commissioner and the trust shall be guided by applicable 108371  
regulations of the United States treasury regarding the sharing 108372  
of credits. 108373

~~(D)~~(C) For the purposes of this section, "trust" means any 108374  
trust described in Subchapter J of Chapter 1 of the Internal 108375  
Revenue Code, excluding trusts that are not irrevocable as 108376  
defined in division (I) (3) (b) of section 5747.01 of the Revised 108377  
Code and that have no modified Ohio taxable income for the 108378  
taxable year, charitable remainder trusts, qualified funeral 108379  
trusts and preneed funeral contract trusts established pursuant 108380  
to sections 4717.31 to 4717.38 of the Revised Code that are not 108381  
qualified funeral trusts, endowment and perpetual care trusts, 108382  
qualified settlement trusts and funds, designated settlement 108383  
trusts and funds, and trusts exempted from taxation under 108384  
section 501(a) of the Internal Revenue Code. 108385

~~(E)~~(D) Nothing in division (A) (3) of this section shall 108386  
prohibit an individual with an Ohio adjusted gross income, less 108387  
taxable business income and exemptions, of twenty-six thousand 108388  
fifty dollars or less from filing a return under this chapter to 108389  
receive a refund of taxes withheld or to claim any refundable 108390  
credit allowed under this chapter. 108391

**Sec. 5747.021.** In addition to the tax levied under section 108392  
5747.02 of the Revised Code, the tax commissioner shall charge 108393  
the tax imposed on the school district income of an individual 108394  
~~or estate~~ by a school district under Chapter 5748. of the 108395  
Revised Code by multiplying the rate certified to be charged 108396  
under such chapter by the taxpayer's school district income with 108397

respect to that district. 108398

**Sec. 5747.03.** (A) (1) All money collected under this 108399  
chapter arising from the taxes imposed by section 5747.02, 108400  
5747.38, or 5747.41 of the Revised Code shall be credited to the 108401  
general revenue fund and distributed pursuant to division (F) of 108402  
section 321.24 and section 323.156 of the Revised Code; to make 108403  
subsidy payments to institutions of higher education from 108404  
appropriations to the department of higher education; to support 108405  
expenditures for programs and services for persons with mental 108406  
illnesses, persons with developmental disabilities, and the 108407  
elderly; for primary and secondary education; for medical 108408  
assistance; and for any other purposes authorized by law, 108409  
subject to the limitation that at least fifty per cent of the 108410  
income tax collected by the state from the tax imposed by 108411  
section 5747.02 of the Revised Code shall be returned pursuant 108412  
to Section 9 of Article XII, Ohio Constitution. 108413

(2) To ensure that such constitutional requirement is 108414  
satisfied the tax commissioner shall, on or before the thirtieth 108415  
day of June of each year, from the best information available to 108416  
the tax commissioner, determine and certify for each county to 108417  
the director of budget and management the amount of taxes 108418  
collected under this chapter from the tax imposed under section 108419  
5747.02 of the Revised Code during the preceding calendar year 108420  
that are required to be returned to the county by Section 9 of 108421  
Article XII, Ohio Constitution. The director shall provide for 108422  
payment from the general revenue fund to the county in the 108423  
amount, if any, that the sum of the amount so certified for that 108424  
county exceeds the sum of the following: 108425

(a) The sum of the payments from the general revenue fund 108426  
for the preceding calendar year credited to the county's 108427

undivided income tax fund pursuant to division (F) of section 108428  
321.24 and section 323.156 of the Revised Code or made directly 108429  
from the general revenue fund to political subdivisions located 108430  
in the county; 108431

(b) The sum of the amounts from the general revenue fund 108432  
distributed in the county during the preceding calendar year for 108433  
subsidy payments to institutions of higher education from 108434  
appropriations to the department of higher education; for 108435  
programs and services for persons with mental illnesses, persons 108436  
with developmental disabilities, and elderly persons; for 108437  
primary and secondary education; and for medical assistance. 108438

(c) In the case of payments made by the director under 108439  
this division in 2007, the total amount distributed to the 108440  
county during the preceding calendar year from the local 108441  
government fund and the local government revenue assistance 108442  
fund, and, in the case of payments made by the director under 108443  
this division in subsequent calendar years, the amount 108444  
distributed to the county from the local government fund; 108445

~~(d) In the case of payments made by the director under~~ 108446  
~~this division, the total amount distributed to the county during~~ 108447  
~~the preceding calendar year from the~~ The sum of the payments 108448  
from the general revenue fund for the preceding calendar year 108449  
credited to the county's public library fund. 108450

Payments under this division shall be credited to the 108451  
county's undivided income tax fund, except that, notwithstanding 108452  
section 5705.14 of the Revised Code, such payments may be 108453  
transferred by the board of county commissioners to the county 108454  
general fund by resolution adopted with the affirmative vote of 108455  
two-thirds of the members thereof. 108456

(B) All payments received in each month from taxes imposed under Chapter 5748. of the Revised Code and any penalties or interest thereon shall be paid into the school district income tax fund, which is hereby created in the state treasury, except that an amount equal to the following portion of such payments shall be paid into the general school district income tax administrative fund, which is hereby created in the state treasury:

(1) One and three-quarters of one per cent of those received in fiscal year 1996;

(2) One and one-half per cent of those received in fiscal year 1997 and thereafter.

Money in the school district income tax administrative fund shall be used by the tax commissioner to defray costs incurred in administering the school district's income tax, including the cost of providing employers with information regarding the rate of tax imposed by any school district. Any moneys remaining in the fund after such use shall be deposited in the school district income tax fund.

All interest earned on moneys in the school district income tax fund shall be credited to the fund.

(C) (1) (a) Within thirty days of the end of each calendar quarter ending on the last day of March, June, September, and December, the director of budget and management shall make a payment from the school district income tax fund to each school district for which school district income tax revenue was received during that quarter. The amount of the payment shall equal the balance in the school district's account at the end of that quarter.

(b) After a school district ceases to levy an income tax, 108486  
the director of budget and management shall adjust the payments 108487  
under division (C) (1) (a) of this section to retain sufficient 108488  
money in the school district's account to pay refunds. For the 108489  
calendar quarters ending on the last day of March and December 108490  
of the calendar year following the last calendar year the tax is 108491  
levied, the director shall make the payments in the amount 108492  
required under division (C) (1) (a) of this section. For the 108493  
calendar quarter ending on the last day of June of the calendar 108494  
year following the last calendar year the tax is levied, the 108495  
director shall make a payment equal to nine-tenths of the 108496  
balance in the account at the end of that quarter. For the 108497  
calendar quarter ending on the last day of September of the 108498  
calendar year following the last calendar year the tax is 108499  
levied, the director shall make no payment. For the second and 108500  
succeeding calendar years following the last calendar year the 108501  
tax is levied, the director shall make one payment each year, 108502  
within thirty days of the last day of June, in an amount equal 108503  
to the balance in the district's account on the last day of 108504  
June. 108505

(2) Moneys paid to a school district under this division 108506  
shall be deposited in its school district income tax fund. All 108507  
interest earned on moneys in the school district income tax fund 108508  
shall be apportioned by the tax commissioner pro rata among the 108509  
school districts in the proportions and at the times the 108510  
districts are entitled to receive payments under this division. 108511

**Sec. 5747.05.** As used in this section, "income tax" 108512  
includes both a tax on net income and a tax measured by net 108513  
income. 108514

The following credits shall be allowed against the 108515

aggregate income tax liability imposed by section 5747.02 of the Revised Code on individuals and estates:

(A) (1) The amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the combined adjusted gross income and taxable business income of any nonresident taxpayer that is not allocable or apportionable to this state pursuant to sections 5747.20 to 5747.23 of the Revised Code. The credit provided under this division shall not exceed the total tax due under section 5747.02 of the Revised Code.

(2) The tax commissioner may enter into an agreement with the taxing authorities of any state or of the District of Columbia that imposes an income tax to provide that compensation paid in this state to a nonresident taxpayer shall not be subject to the tax levied in section 5747.02 of the Revised Code so long as compensation paid in such other state or in the District of Columbia to a resident taxpayer shall likewise not be subject to the income tax of such other state or of the District of Columbia.

(B) The lesser of division (B) (1) or (2) of this section:

(1) The aggregate amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the combined adjusted gross income and taxable business income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B) (1) of this section shall not exceed the total tax due under section 5747.02 of the Revised Code.

(2) The amount of income tax liability to another state or the District of Columbia on the portion of the combined adjusted



gross income and taxable business income of a resident taxpayer 108545  
that in another state or in the District of Columbia is 108546  
subjected to an income tax. The credit provided under division 108547  
(B) (2) of this section shall not exceed the total amount of tax 108548  
otherwise due under section 5747.02 of the Revised Code. 108549

(3) For the purpose of divisions (B) (1) and (2) of this 108550  
section, a resident taxpayer's combined adjusted gross income 108551  
and taxable business income that is subject to an income tax 108552  
levied in another state or in the District of Columbia includes 108553  
income that is subject to either (a) a tax similar to the tax 108554  
imposed by division (D) (1) (a) of section 5747.08 of the Revised 108555  
Code or (b) a tax enacted for purposes of complying with 108556  
internal revenue service notice 2020-75. In computing a resident 108557  
taxpayer's income tax paid or accrued to another state or the 108558  
District of Columbia, the deduction authorized by division (A) 108559  
(28) of section 5747.01 of the Revised Code shall first be 108560  
deducted against business income apportioned to this state. 108561

(4) If the credit provided under division (B) of this 108562  
section is affected by a change in either the portion of the 108563  
combined adjusted gross income and taxable business income of a 108564  
resident taxpayer subjected to an income tax in another state or 108565  
the District of Columbia or the amount of income tax liability 108566  
that has been paid to another state or the District of Columbia, 108567  
the taxpayer shall report the change to the tax commissioner 108568  
within ninety days of the change in such form as the 108569  
commissioner requires. 108570

(a) In the case of an underpayment, the report shall be 108571  
accompanied by payment of any additional tax due as a result of 108572  
the reduction in credit together with interest on the additional 108573  
tax and is a return subject to assessment under section 5747.13 108574

of the Revised Code solely for the purpose of assessing any 108575  
additional tax due under this division, together with any 108576  
applicable penalty and interest. It shall not reopen the 108577  
computation of the taxpayer's tax liability under this chapter 108578  
from a previously filed return no longer subject to assessment 108579  
except to the extent that such liability is affected by an 108580  
adjustment to the credit allowed by division (B) of this 108581  
section. 108582

(b) In the case of an overpayment, an application for 108583  
refund may be filed under this division within the ninety-day 108584  
period prescribed for filing the report even if it is beyond the 108585  
period prescribed in section 5747.11 of the Revised Code if it 108586  
otherwise conforms to the requirements of such section. An 108587  
application filed under this division shall only claim refund of 108588  
overpayments resulting from an adjustment to the credit allowed 108589  
by division (B) of this section unless it is also filed within 108590  
the time prescribed in section 5747.11 of the Revised Code. It 108591  
shall not reopen the computation of the taxpayer's tax liability 108592  
except to the extent that such liability is affected by an 108593  
adjustment to the credit allowed by division (B) of this 108594  
section. 108595

(5) No credit shall be allowed under division (B) of this 108596  
section: 108597

(a) For income tax paid or accrued to another state or to 108598  
the District of Columbia if the taxpayer, when computing federal 108599  
adjusted gross income, has directly or indirectly deducted, or 108600  
was required to directly or indirectly deduct, the amount of 108601  
that income tax; 108602

Division (B) (5) (a) of this section does not apply to 108603  
income taxes included in the computation of Ohio adjusted gross 108604

income under division (A) (41) of section 5747.01 of the Revised Code and not deducted from Ohio adjusted gross income under division (A) (28) of that section or to income taxes included in Ohio taxable income under division (S) (16) of section 5747.01 of the Revised Code.

(b) For compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A) (3) of this section; or

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid.

(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.

(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code.

(E) (1) On a joint return filed by a husband and wife, each

of whom had adjusted gross income of at least five hundred 108634  
dollars, exclusive of interest, dividends and distributions, 108635  
royalties, rent, and capital gains, a credit equal to the lesser 108636  
of six hundred fifty dollars or the percentage shown in column B 108637  
that corresponds with the taxpayer's modified adjusted gross 108638  
income, less exemptions for the taxable year, of the total 108639  
amount of tax due after allowing for any other credit that 108640  
precedes this credit as required under section 5747.98 of the 108641  
Revised Code: 108642  
108643

	1	2
A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	\$25,000 or less	20%
D	More than \$25,000 but not more than \$50,000	15%
E	More than \$50,000 but not more than \$75,000	10%
F	More than \$75,000	5%

(2) The credit shall be claimed in the order required 108644  
under section 5747.98 of the Revised Code. 108645

(F) No claim for credit under this section shall be 108646  
allowed unless the claimant furnishes such supporting 108647  
information as the tax commissioner prescribes by rules. 108648

**Sec. 5747.062.** As used in this section, ~~"transferee"~~: 108649

"Transferee" has the same meaning as in section 3770.10 of 108650  
the Revised Code, ~~and "recipient"~~. 108651

"Recipient" includes a transferee. 108652

"Lottery prize award" does not include a prize award from 108653  
a video lottery terminal and does not include winnings from 108654  
lottery sports gaming, except that "lottery prize award" 108655  
includes winnings from lottery sports gaming wagers placed 108656  
through a terminal described in division (B) (3) of section 108657  
3770.24 of the Revised Code. 108658

(A) (1) Before making any other deduction required by 108659  
Chapter 3770. of the Revised Code, the state lottery commission 108660  
shall deduct and withhold an amount equal to ~~four~~ three and one- 108661  
half per cent of the payment from each lottery prize award 108662  
payment that is of an amount for which reporting to the internal 108663  
revenue service of the amount is required by section 6041 of the 108664  
Internal Revenue Code, as amended. 108665

(2) On or before the tenth day of each month, the state 108666  
lottery commission, and each transferee required to deduct and 108667  
withhold amounts pursuant to section 3770.072 of the Revised 108668  
Code, shall file a return and remit to the tax commissioner all 108669  
amounts deducted and withheld pursuant to this section during 108670  
the preceding month. 108671

(3) On or before the thirty-first day of January of each 108672  
year, the state lottery commission, and each transferee required 108673  
to deduct and withhold amounts pursuant to section 3770.072 of 108674  
the Revised Code, shall file with the commissioner an annual 108675  
return, in the form prescribed by the tax commissioner, 108676  
indicating the total amount deducted and withheld pursuant to 108677

this section or section 3770.072 of the Revised Code during the 108678  
preceding calendar year. At the time of filing that return, the 108679  
state lottery commission or transferee shall remit any amount 108680  
deducted and withheld during the preceding calendar year that 108681  
was not previously remitted. 108682

(4) The state lottery commission, and each transferee 108683  
required to deduct and withhold amounts pursuant to section 108684  
3770.072 of the Revised Code, shall issue to each person with 108685  
respect to whom tax has been deducted and withheld by the 108686  
commission or transferee pursuant to this section or section 108687  
3770.072 of the Revised Code during the preceding calendar year, 108688  
an information return in the form prescribed by the 108689  
commissioner. 108690

(B) (1) Division (B) (1) of this section does not apply to 108691  
persons classified for federal income tax purposes as 108692  
associations taxable as corporations. 108693

Amounts withheld pursuant to this section or section 108694  
3770.072 of the Revised Code shall be allowed as a credit 108695  
against payment of the tax imposed pursuant to section 5747.02 108696  
of the Revised Code upon the lottery prize award recipient, upon 108697  
a beneficiary of such a recipient, or upon any investor in such 108698  
a recipient if the recipient is a pass-through entity or 108699  
disregarded entity, and shall be treated as taxes paid by the 108700  
recipient, beneficiary, or investor for purposes of section 108701  
5747.09 of the Revised Code. The credit is available to the 108702  
recipient, beneficiary, or investor even if the commission or 108703  
transferee does not remit to the tax commissioner the amount 108704  
withheld. 108705

(2) Division (B) (2) of this section applies only to 108706  
persons classified for federal income tax purposes as 108707

associations taxable as corporations. 108708

Amounts withheld pursuant to this section or section 108709  
3770.072 of the Revised Code shall be treated as a credit 108710  
against the tax imposed pursuant to section 5733.06 of the 108711  
Revised Code for the tax year immediately following the date on 108712  
which those amounts are deducted and withheld, upon the lottery 108713  
prize award recipient, upon a beneficiary of such a recipient, 108714  
or upon an investor in such a recipient if the recipient is a 108715  
pass-through entity or disregarded entity, and shall be treated 108716  
as paid by the recipient, beneficiary, or investor on the date 108717  
on which those amounts are deducted and withheld. The credit is 108718  
a refundable credit and shall be claimed in the order required 108719  
under section 5733.98 of the Revised Code. The credit is 108720  
available to the recipient, beneficiary, or investor even if the 108721  
commission or transferee does not remit to the tax commissioner 108722  
the amount withheld. 108723

(3) Nothing in division (B) (1) or (2) of this section 108724  
shall be construed to allow more than one person to claim the 108725  
credit for any portion of each amount deducted and withheld. 108726

(C) Failure of the commission or any transferee to deduct 108727  
and withhold the required amounts from lottery prize awards or 108728  
to remit amounts withheld as required by this section and 108729  
section 3770.072 of the Revised Code shall not relieve a 108730  
taxpayer described in division (B) of this section from 108731  
liability for the tax imposed by section 5733.06 or 5747.02 of 108732  
the Revised Code. 108733

**Sec. 5747.063.** The requirements imposed under this section 108734  
are in addition to the municipal income tax withholding 108735  
requirements under section 718.031 of the Revised Code. As used 108736  
in this section, "sports gaming proprietor" and "sports gaming 108737

facility" have the same meanings as in section 3775.01 of the Revised Code.

(A) (1) ~~If~~ Subject to division (F) of this section, if a person's winnings from casino gaming or from sports gaming are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, a casino operator or sports gaming proprietor shall deduct and withhold Ohio income tax from the person's winnings at a rate of ~~four~~ three and one-half per cent of the amount won. A person's amount of winnings from casino gaming shall be determined each time the person exchanges amounts won in tokens, chips, casino credit, or other prepaid representations of value for cash or a cash equivalent. The casino operator or sports gaming proprietor shall issue, to a person from whose winnings an amount has been deducted and withheld, a receipt for the amount deducted and withheld, and also shall obtain from the person additional information that will be necessary for the casino operator or sports gaming proprietor to prepare the returns required by this section.

(2) If a person's winnings from casino gaming or sports gaming require reporting to the internal revenue service under division (A) (1) of this section, the casino operator or sports gaming proprietor also shall require the person to state in writing, under penalty of falsification, whether the person is in default under a support order.

(B) Amounts deducted and withheld by a casino operator or sports gaming proprietor are held in trust for the benefit of the state.

(1) On or before the tenth day of each month, the casino operator or sports gaming proprietor shall file a return



electronically with the tax commissioner identifying the persons 108768  
from whose winnings amounts were deducted and withheld, the 108769  
amount of each such deduction and withholding during the 108770  
preceding calendar month, the amount of the winnings from which 108771  
each such amount was withheld, the type of casino gaming or 108772  
sports gaming that resulted in such winnings, and any other 108773  
information required by the tax commissioner. With the return, 108774  
the casino operator or sports gaming proprietor shall remit 108775  
electronically to the commissioner all the amounts deducted and 108776  
withheld during the preceding month. 108777

(2) (a) A casino operator or sports gaming proprietor shall 108778  
maintain a record of each written statement provided under 108779  
division (A) (2) of this section in which a person admits to 108780  
being in default under a support order. The casino operator or 108781  
sports gaming proprietor shall make these records available to 108782  
the director of job and family services upon request. 108783

(b) A casino operator or sports gaming proprietor shall 108784  
maintain copies of receipts issued under division (A) (1) of this 108785  
section and of written statements provided under division (A) (2) 108786  
of this section and shall make these copies available to the tax 108787  
commissioner upon request. 108788

(c) A casino operator or sports gaming proprietor shall 108789  
maintain the information described in divisions (B) (2) (a) and 108790  
(b) of this section in accordance with section 5747.17 of the 108791  
Revised Code and any rules adopted pursuant thereto. 108792

(3) Annually, on or before the thirty-first day of 108793  
January, a casino operator or sports gaming proprietor shall 108794  
file an annual return electronically with the tax commissioner 108795  
indicating the total amount deducted and withheld during the 108796  
preceding calendar year. The casino operator or sports gaming 108797

proprietor shall remit electronically with the annual return any 108798  
amount that was deducted and withheld and that was not 108799  
previously remitted. If the identity of a person and the amount 108800  
deducted and withheld with respect to that person were omitted 108801  
on a monthly return, that information shall be indicated on the 108802  
annual return. 108803

(4) (a) A casino operator or sports gaming proprietor who 108804  
fails to file a return and remit the amounts deducted and 108805  
withheld is personally liable for the amount deducted and 108806  
withheld and not remitted. The commissioner may impose a penalty 108807  
up to one thousand dollars if a return is filed late, if amounts 108808  
deducted and withheld are remitted late, if a return is not 108809  
filed, or if amounts deducted and withheld are not remitted. 108810  
Interest accrues on past due amounts deducted and withheld at 108811  
the rate prescribed in section 5703.47 of the Revised Code. The 108812  
commissioner may collect past due amounts deducted and withheld 108813  
and penalties and interest thereon by assessment under section 108814  
5747.13 of the Revised Code as if they were income taxes 108815  
collected by an employer. 108816

(b) If a casino operator or sports gaming proprietor sells 108817  
the casino facility or sports gaming facility, or otherwise 108818  
quits the casino or sports gaming business, the amounts deducted 108819  
and withheld and any penalties and interest thereon are 108820  
immediately due and payable. The successor shall withhold an 108821  
amount of the purchase money that is sufficient to cover the 108822  
amounts deducted and withheld and penalties and interest thereon 108823  
until the predecessor casino operator or sports gaming 108824  
proprietor produces either a receipt from the commissioner 108825  
showing that the amounts deducted and withheld and penalties and 108826  
interest thereon have been paid or a certificate from the 108827  
commissioner indicating that no amounts deducted and withheld or 108828

penalties and interest thereon are due. If the successor fails 108829  
to withhold purchase money, the successor is personally liable 108830  
for payment of the amounts deducted and withheld and penalties 108831  
and interest thereon, up to the amount of the purchase money. 108832

(C) (1) Annually, on or before the thirty-first day of 108833  
January, a casino operator or sports gaming proprietor shall 108834  
issue an information return to each person with respect to whom 108835  
an amount has been deducted and withheld during the preceding 108836  
calendar year. The information return shall show the total 108837  
amount deducted from the person's winnings by the casino 108838  
operator or sports gaming proprietor during the preceding 108839  
calendar year. 108840

(2) Annually, on or before the thirty-first day of 108841  
January, a casino operator or sports gaming proprietor shall 108842  
provide to the commissioner a copy of each information return 108843  
issued under division (C) (1) of this section for the preceding 108844  
calendar year. The commissioner may require that the copies be 108845  
transmitted electronically. 108846

(D) Amounts deducted and withheld shall be allowed as a 108847  
credit against payment of the tax imposed by section 5747.02 of 108848  
the Revised Code and shall be treated as taxes paid for purposes 108849  
of section 5747.09 of the Revised Code. This division applies 108850  
only to the person for whom the amount is deducted and withheld. 108851

(E) The failure of a casino operator or sports gaming 108852  
proprietor to deduct and withhold the required amount from a 108853  
person's winnings does not relieve the person from liability for 108854  
the tax imposed by section 5747.02 of the Revised Code with 108855  
respect to those winnings. And compliance with this section does 108856  
not relieve a casino operator or sports gaming proprietor or a 108857  
person who has winnings from casino gaming or sports gaming from 108858

compliance with relevant provisions of federal tax laws. 108859

(F) A sports gaming proprietor that offers lottery sports gaming through a terminal described in division (B) (3) of section 3770.24 of the Revised Code shall not withhold amounts under this section from winnings from wagers placed through that terminal. The state lottery commission shall withhold amounts from those winnings under section 5747.062 of the Revised Code. 108860  
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(G) The commissioner shall prescribe the form of the receipt and returns required by this section. The director of job and family services shall prescribe the form of the statement required by this section. 108866  
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108868  
108869

~~(G)~~ (H) The commissioner may adopt rules that are necessary to administer this section. 108870  
108871

**Sec. 5747.064.** The requirements imposed under this section are in addition to the municipal income tax withholding requirements under section 718.031 of the Revised Code. 108872  
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(A) As used in this section: 108875

~~(1) "Video lottery terminal",~~ "video lottery sales agent" has the same meaning as in section ~~3770.21~~ 3770.10 of the Revised Code. 108876  
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108878

~~(2) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code.~~ 108879  
108880

(B) If a person's prize award from a video lottery terminal ~~or from lottery sports gaming offered in a video lottery terminal facility~~ is an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold Ohio income tax 108881  
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108883  
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108886

from the person's prize award at a rate of ~~four~~ three and one- 108887  
half per cent of the amount won. The video lottery sales agent 108888  
shall issue, to a person from whose prize award an amount has 108889  
been deducted or withheld, a receipt for the amount deducted and 108890  
withheld, and also shall obtain from the person additional 108891  
information that will be necessary for the video lottery sales 108892  
agent to prepare the returns required by this section. 108893

(C) Amounts deducted and withheld by a video lottery sales 108894  
agent are held in trust for the benefit of the state. 108895

(1) On or before the tenth day of each month, the video 108896  
lottery sales agent shall file a return electronically with the 108897  
tax commissioner identifying the persons from whose prize awards 108898  
amounts were deducted and withheld, the amount of each such 108899  
deduction and withholding during the preceding month, the amount 108900  
of the prize award from which each such amount was withheld, and 108901  
any other information required by the commissioner. With the 108902  
return, the video lottery sales agent shall remit electronically 108903  
to the commissioner all the amounts deducted and withheld during 108904  
the preceding month. 108905

(2) A video lottery sales agent shall maintain a record of 108906  
all receipts issued under division (B) of this section and shall 108907  
make those records available to the commissioner upon request. 108908  
Such records shall be maintained in accordance with section 108909  
5747.17 of the Revised Code and any rules adopted pursuant 108910  
thereto. 108911

(3) Annually, on or before the thirty-first day of 108912  
January, a video lottery sales agent shall file an annual return 108913  
electronically with the tax commissioner indicating the total 108914  
amount deducted and withheld during the preceding calendar year. 108915  
The video lottery sales agent shall remit electronically with 108916

the annual return any amount that was deducted and withheld and 108917  
that was not previously remitted. If the identity of a person 108918  
and the amount deducted and withheld with respect to that person 108919  
were omitted on a monthly return, that information shall be 108920  
indicated on the annual return. 108921

(4) (a) A video lottery sales agent who fails to file a 108922  
return and remit the amounts deducted and withheld is personally 108923  
liable for the amount deducted and withheld and not remitted. 108924  
The commissioner may impose a penalty of up to one thousand 108925  
dollars if a return is filed late, if amounts deducted and 108926  
withheld are remitted late, if a return is not filed, or if 108927  
amounts deducted and withheld are not remitted. Interest accrues 108928  
on past due amounts deducted and withheld at the rate prescribed 108929  
in section 5703.47 of the Revised Code. The commissioner may 108930  
collect past due amounts deducted and withheld and penalties and 108931  
interest thereon by assessment under section 5747.13 of the 108932  
Revised Code as if they were income taxes collected by an 108933  
employer. 108934

(b) If a video lottery sales agent ceases to operate video 108935  
lottery terminals, the amounts deducted and withheld and any 108936  
penalties and interest thereon are immediately due and payable. 108937  
A successor of the video lottery sales agent that purchases the 108938  
video lottery terminals from the agent shall withhold an amount 108939  
of the purchase money that is sufficient to cover the amounts 108940  
deducted and withheld and penalties and interest thereon until 108941  
the predecessor video lottery sales agent produces either a 108942  
receipt from the tax commissioner showing that the amounts 108943  
deducted and withheld and penalties and interest thereon have 108944  
been paid or a certificate from the commissioner indicating that 108945  
no amounts deducted and withheld or penalties and interest 108946  
thereon are due. If the successor fails to withhold purchase 108947

money, the successor is personally liable for payment of the 108948  
amounts deducted and withheld and penalties and interest 108949  
thereon, up to the amount of the purchase money. 108950

~~(D)~~ ~~(1)~~ (D) Annually, on or before the thirty-first day of 108951  
January, a video lottery sales agent shall issue an information 108952  
return to each person with respect to whom an amount has been 108953  
deducted and withheld during the preceding calendar year. The 108954  
information return shall show the total amount deducted from the 108955  
person's prize award by the video lottery sales agent during the 108956  
preceding year. 108957

~~(2) Annually, on or before the thirty-first day of~~ 108958  
~~January, a lottery sales agent shall provide to the tax~~ 108959  
~~commissioner a copy of each information return issued under~~ 108960  
~~division (D) (1) of this section for the preceding calendar year.~~ 108961  
~~The commissioner may require that such copies be transmitted~~ 108962  
~~electronically.~~ 108963

(E) Amounts deducted and withheld shall be allowed as a 108964  
credit against payment of the tax imposed by section 5747.02 of 108965  
the Revised Code and shall be treated as taxes paid for purposes 108966  
of section 5747.09 of the Revised Code. This division applies 108967  
only to the person for whom the amount is deducted and withheld. 108968

(F) The failure of a video lottery sales agent to deduct 108969  
and withhold the required amount from a person's prize award 108970  
does not relieve the person from liability for the tax imposed 108971  
by section 5747.02 of the Revised Code with respect to that 108972  
income. Compliance with this section does not relieve a video 108973  
lottery sales agent or a person who has a prize award from 108974  
compliance with relevant provisions of federal tax laws. 108975

(G) The commissioner shall prescribe the form of the 108976

receipt and returns required by this section and may promulgate 108977  
any rules necessary to administer the section. 108978

**Sec. 5747.07.** (A) As used in this section: 108979

(1) "Partial weekly withholding period" means a period 108980  
during which an employer directly, indirectly, or constructively 108981  
pays compensation to, or credits compensation to the benefit of, 108982  
an employee, and that consists of a consecutive Saturday, 108983  
Sunday, Monday, and Tuesday or a consecutive Wednesday, 108984  
Thursday, and Friday. There are two partial weekly withholding 108985  
periods each week, except that a partial weekly withholding 108986  
period cannot extend from one calendar year into the next 108987  
calendar year; if the first day of January falls on a day other 108988  
than Saturday or Wednesday, the partial weekly withholding 108989  
period ends on the thirty-first day of December and there are 108990  
three partial weekly withholding periods during that week. 108991

(2) "Undeposited taxes" means the taxes an employer is 108992  
required to deduct and withhold from an employee's compensation 108993  
pursuant to section 5747.06 of the Revised Code that have not 108994  
been remitted to the tax commissioner pursuant to this section 108995  
or section 5747.072 of the Revised Code. 108996

(3) A "week" begins on Saturday and concludes at the end 108997  
of the following Friday. 108998

~~(4) "Professional employer organization," "professional 108999  
employer organization agreement," and "professional employer 109000  
organization reporting entity" have the same meanings as in 109001  
section 4125.01 of the Revised Code. 109002~~

~~(5) "Alternate employer organization" and "alternate 109003  
employer organization agreement" have the same meanings as in 109004  
section 4133.01 of the Revised Code. 109005~~



~~(6)~~—"Client employer" has the same meaning as in section 109006  
4125.01 of the Revised Code in the context of a professional 109007  
employer organization or a professional employer organization 109008  
reporting entity, or the same meaning as in section 4133.01 of 109009  
the Revised Code in the context of an alternate employer 109010  
organization. 109011

(B) Except as provided in divisions (C) and (D) of this 109012  
section and in division (A) of section 5747.072 of the Revised 109013  
Code, every employer required to deduct and withhold any amount 109014  
under section 5747.06 of the Revised Code shall file a return 109015  
and shall pay the amount required by law as follows: 109016

(1) An employer who accumulates or is required to 109017  
accumulate undeposited taxes of one hundred thousand dollars or 109018  
more during a partial weekly withholding period shall make the 109019  
payment of the undeposited taxes by the close of the first 109020  
banking day after the day on which the accumulation reaches one 109021  
hundred thousand dollars. If required under division (I) of this 109022  
section, the payment shall be made electronically under section 109023  
5747.072 of the Revised Code. 109024

(2) Except as required by division (B) (1) of this section, 109025  
an employer whose actual or required payments under this section 109026  
were at least eighty-four thousand dollars during the twelve- 109027  
month period ending on the thirtieth day of June of the 109028  
preceding calendar year shall make the payment of undeposited 109029  
taxes within three banking days after the close of a partial 109030  
weekly withholding period during which the employer was required 109031  
to deduct and withhold any amount under this chapter. If 109032  
required under division (I) of this section, the payment shall 109033  
be made electronically under section 5747.072 of the Revised 109034  
Code. 109035

(3) Except as required by divisions (B)(1) and (2) of this section, if an employer's actual or required payments were more than two thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year, the employer shall make the payment of undeposited taxes for each month during which they were required to be withheld no later than fifteen days following the last day of that month. The employer shall file the return prescribed by the tax commissioner with the payment.

(4) Except as required by divisions (B)(1), (2), and (3) of this section, an employer shall make the payment of undeposited taxes for each calendar quarter during which they were required to be withheld no later than the last day of the month following the last day of March, June, September, and December each year. The employer shall file the return prescribed by the tax commissioner with the payment.

(C) The return and payment schedules prescribed by divisions (B)(1) and (2) of this section do not apply to the return and payment of undeposited school district income taxes arising from taxes levied pursuant to Chapter 5748. of the Revised Code. Undeposited school district income taxes shall be returned and paid pursuant to divisions (B)(3) and (4) of this section, as applicable.

(D)(1) The requirements of division (B) of this section are met if the amount paid is not less than ninety-five per cent of the actual tax withheld or required to be withheld for the prior quarterly, monthly, or partial weekly withholding period, and the underpayment is not due to willful neglect. Any underpayment of withheld tax shall be paid within thirty days of the date on which the withheld tax was due without regard to

division (D) (1) of this section. An employer described in 109066  
division (B) (1) or (2) of this section shall make the payment 109067  
electronically under section 5747.072 of the Revised Code. 109068

(2) If the tax commissioner believes that quarterly or 109069  
monthly payments would result in a delay that might jeopardize 109070  
the remittance of withholding payments, the commissioner may 109071  
order that the payments be made weekly, or more frequently if 109072  
necessary, and the payments shall be made no later than three 109073  
banking days following the close of the period for which the 109074  
jeopardy order is made. An order requiring weekly or more 109075  
frequent payments shall be delivered to the employer in the 109076  
manner provided in section 5703.37 of the Revised Code and 109077  
remains in effect until the commissioner notifies the employer 109078  
to the contrary. 109079

(3) If compelling circumstances exist concerning the 109080  
remittance of undeposited taxes, the commissioner may order the 109081  
employer to make payments under any of the payment schedules 109082  
under division (B) of this section. The order shall be delivered 109083  
to the employer in the manner provided in section 5703.37 of the 109084  
Revised Code and shall remain in effect until the commissioner 109085  
notifies the employer to the contrary. For purposes of division 109086  
(D) (3) of this section, "compelling circumstances" exist if 109087  
either or both of the following are true: 109088

(a) Based upon annualization of payments made or required 109089  
to be made during the preceding calendar year and during the 109090  
current calendar year, the employer would be required for the 109091  
next calendar year to make payments under division (B) (2) of 109092  
this section. 109093

(b) Based upon annualization of payments made or required 109094  
to be made during the current calendar year, the employer would 109095

be required for the next calendar year to make payments under 109096  
division (B) (2) of this section. 109097

(E) (1) In addition to other returns required to be filed 109098  
and payments required to be made under this section, every 109099  
employer required to deduct and withhold taxes shall file, not 109100  
later than the thirty-first day of January of each year, an 109101  
annual return covering, but not limited to, both the aggregate 109102  
amount deducted and withheld and the aggregate amount required 109103  
to be deducted and withheld during the entire preceding year for 109104  
the tax imposed under section 5747.02 of the Revised Code and 109105  
for each tax imposed under Chapter 5748. of the Revised Code. At 109106  
the time of filing that return, the employer shall pay over any 109107  
amounts of undeposited taxes for the preceding year, whether 109108  
actually deducted and withheld or required to be deducted and 109109  
withheld, that have not been previously paid. The employer shall 109110  
make the annual report, to each employee and to the tax 109111  
commissioner, of the compensation paid and each tax withheld, as 109112  
the commissioner by rule may prescribe. 109113

(2) Each employer required to deduct and withhold any tax 109114  
is liable for the payment of that amount required to be deducted 109115  
and withheld, whether or not the tax has in fact been withheld, 109116  
unless the failure to withhold was based upon the employer's 109117  
good faith in reliance upon the statement of the employee as to 109118  
liability, and the amount shall be deemed to be a special fund 109119  
in trust for the general revenue fund. 109120

(F) Each employer shall file with the employer's annual 109121  
return the following items of information on employees for whom 109122  
withholding is required under section 5747.06 of the Revised 109123  
Code: 109124

(1) The full name of each employee, the employee's 109125

address, the employee's school district of residence, and in the 109126  
case of a nonresident employee, the employee's principal county 109127  
of employment; 109128

(2) The social security number of each employee; 109129

(3) The total amount of compensation paid before any 109130  
deductions to each employee for the period for which the annual 109131  
return is made; 109132

(4) The amount of the tax imposed by section 5747.02 of 109133  
the Revised Code and the amount of each tax imposed under 109134  
Chapter 5748. of the Revised Code withheld from the compensation 109135  
of the employee for the period for which the annual return is 109136  
made. The commissioner may extend upon good cause the period for 109137  
filing any notice or return required to be filed under this 109138  
section and may adopt rules relating to extensions of time. If 109139  
the extension results in an extension of time for the payment of 109140  
the amounts withheld with respect to which the return is filed, 109141  
the employer shall pay, at the time the amount withheld is paid, 109142  
an amount of interest computed at the rate per annum prescribed 109143  
by section 5703.47 of the Revised Code on that amount withheld, 109144  
from the day that amount was originally required to be paid to 109145  
the day of actual payment or to the day an assessment is issued 109146  
under section 5747.13 of the Revised Code, whichever occurs 109147  
first. 109148

(5) In addition to all other interest charges and 109149  
penalties imposed, all amounts of taxes withheld or required to 109150  
be withheld and remaining unpaid after the day the amounts are 109151  
required to be paid shall bear interest from the date prescribed 109152  
for payment at the rate per annum prescribed by section 5703.47 109153  
of the Revised Code on the amount unpaid, in addition to the 109154  
amount withheld, until paid or until the day an assessment is 109155

issued under section 5747.13 of the Revised Code, whichever 109156  
occurs first. 109157

(G) An employee of a corporation, limited liability 109158  
company, or business trust having control or supervision of or 109159  
charged with the responsibility of filing the report and making 109160  
payment, or an officer, member, manager, or trustee of a 109161  
corporation, limited liability company, or business trust who is 109162  
responsible for the execution of the corporation's, limited 109163  
liability company's, or business trust's fiscal 109164  
responsibilities, shall be personally liable for failure to file 109165  
the report or pay the tax due as required by this section. The 109166  
dissolution, termination, or bankruptcy of a corporation, 109167  
limited liability company, or business trust does not discharge 109168  
a responsible officer's, member's, manager's, employee's, or 109169  
trustee's liability for a failure of the corporation, limited 109170  
liability company, or business trust to file returns or pay tax 109171  
due. 109172

(H) If an employer required to deduct and withhold income 109173  
tax from compensation and to pay that tax to the state under 109174  
sections 5747.06 and 5747.07 of the Revised Code sells the 109175  
employer's business or stock of merchandise or quits the 109176  
employer's business, the taxes required to be deducted and 109177  
withheld and paid to the state pursuant to those sections prior 109178  
to that time, together with any interest and penalties imposed 109179  
on those taxes, become due and payable immediately, and that 109180  
person shall make a final return within fifteen days after the 109181  
date of selling or quitting business. The employer's successor 109182  
shall withhold a sufficient amount of the purchase money to 109183  
cover the amount of the taxes, interest, and penalties due and 109184  
unpaid, until the former owner produces a receipt from the tax 109185  
commissioner showing that the taxes, interest, and penalties 109186

have been paid or a certificate indicating that no such taxes 109187  
are due. If the purchaser of the business or stock of 109188  
merchandise fails to withhold purchase money, the purchaser 109189  
shall be personally liable for the payment of the taxes, 109190  
interest, and penalties accrued and unpaid during the operation 109191  
of the business by the former owner. If the amount of taxes, 109192  
interest, and penalties outstanding at the time of the purchase 109193  
exceeds the total purchase money, the tax commissioner in the 109194  
commissioner's discretion may adjust the liability of the seller 109195  
or the responsibility of the purchaser to pay that liability to 109196  
maximize the collection of withholding tax revenue. 109197

(I) An employer whose actual or required payments under 109198  
this section exceeded eighty-four thousand dollars during the 109199  
twelve-month period ending on the thirtieth day of June of the 109200  
preceding calendar year shall make all payments required by this 109201  
section for the year electronically under section 5747.072 of 109202  
the Revised Code. 109203

(J) (1) Every professional employer organization, 109204  
professional employer organization reporting entity, and 109205  
alternate employer organization shall file a report with the tax 109206  
commissioner within thirty days after commencing business in 109207  
this state that includes all of the following information: 109208

(a) The name, address, number the employer receives from 109209  
the secretary of state to do business in this state, if 109210  
applicable, and federal employer identification number of each 109211  
client employer of the organization or entity; 109212

(b) The date that each client employer became a client of 109213  
the organization or entity; 109214

(c) The names and mailing addresses of the chief executive 109215

officer and the chief financial officer of each client employer 109216  
for taxation of the client employer. 109217

(2) Beginning with the calendar quarter ending after a 109218  
professional employer organization, professional employer 109219  
organization reporting entity, or alternate employer 109220  
organization files the report required under division (J)(1) of 109221  
this section, and every calendar quarter thereafter, the 109222  
organization or entity shall file an updated report with the tax 109223  
commissioner. The organization or entity shall file the updated 109224  
report not later than the last day of the month following the 109225  
end of the calendar quarter and shall include all of the 109226  
following information in the report: 109227

(a) If an entity became a client employer of the 109228  
professional employer organization, professional employer 109229  
organization reporting entity, or alternate employer 109230  
organization at any time during the calendar quarter, all of the 109231  
information required under division (J)(1) of this section for 109232  
each new client employer; 109233

(b) If an entity terminated the professional employer 109234  
organization agreement or the alternate employer organization 109235  
agreement between the entity and the professional employer 109236  
organization, professional employer organization reporting 109237  
entity, or alternate employer organization, as applicable, at 109238  
any time during the calendar quarter, the information described 109239  
in division (J)(1)(a) of this section for that entity, the date 109240  
during the calendar quarter that the entity ceased being a 109241  
client of the organization or reporting entity, if applicable, 109242  
or the date the entity ceased business operations in this state, 109243  
if applicable; 109244

(c) If the name or mailing address of the chief executive 109245



officer or the chief financial officer of a client employer has 109246  
changed since the professional employer organization, 109247  
professional employer organization reporting entity, or 109248  
alternate employer organization previously submitted a report 109249  
under division (J) (1) or (2) of this section, the updated name 109250  
or mailing address, or both, of the chief executive officer or 109251  
the chief financial officer, as applicable; 109252

(d) If none of the events described in divisions (J) (2) (a) 109253  
to (c) of this section occurred during the calendar quarter, a 109254  
statement of that fact. 109255

**Sec. 5747.071.** (A) As used in this section: 109256

(1) "Retirement system" means the public employees 109257  
retirement system, state teachers retirement system, school 109258  
employees retirement system, Ohio police and fire pension fund, 109259  
state highway patrol retirement system, and any municipal 109260  
retirement system. 109261

(2) "Retirement plan" means a person, other than a 109262  
retirement system, that manages a group or individual retirement 109263  
account, fund, or plan. 109264

(3) "Benefits" means all annuities, allowances, pensions, 109265  
and other benefits paid by a retirement system or retirement 109266  
plan. 109267

~~(3)~~(4) "Recipient" means any person receiving benefits 109268  
from a retirement system or retirement plan. 109269

(B) Any recipient may request the recipient's retirement 109270  
system or retirement plan to deduct and withhold from the 109271  
recipient's benefits an amount during the calendar year 109272  
reasonably estimated to be equal to the tax due from the 109273  
recipient under this chapter and Chapter 5748. of the Revised 109274

Code for the year with respect to the recipient's benefits from 109275  
the retirement system or retirement plan that are included in 109276  
the recipient's adjusted gross income. The request shall be made 109277  
pursuant to an application filed with the retirement system or 109278  
retirement plan, on a form the system or plan shall supply, and 109279  
shall include ~~the~~ an estimate ~~of~~ from the recipient of the 109280  
amount of state income taxes that will be due in the ensuing 109281  
calendar year with respect to the benefits from the retirement 109282  
system or retirement plan. 109283

(C) A retirement system or retirement plan with which an 109284  
application is filed under this section, commencing with the 109285  
calendar year following the year in which the application is 109286  
filed, shall withhold from the benefits of the recipient an 109287  
amount that equals for the calendar year, the amount of taxes 109288  
that the recipient estimated would be due for the year. The 109289  
amount to be withheld for a calendar year shall be apportioned 109290  
throughout the calendar year. 109291

(D) A recipient may submit an amended application to 109292  
increase or decrease the amount that will be withheld by the 109293  
retirement system or retirement plan in an ensuing year. 109294

(E) A retirement system or retirement plan that withholds 109295  
a portion of the benefits of a recipient under this section 109296  
shall file returns and pay the amounts withheld in accordance 109297  
with the requirements of section 5747.07 of the Revised Code. 109298  
The tax commissioner may collect from a retirement plan past due 109299  
amounts deducted and withheld and penalties and interest thereon 109300  
by assessment under section 5747.13 of the Revised Code as if 109301  
those amounts were income taxes collected by an employer. 109302

(F) Every retirement system or retirement plan required to 109303  
deduct and withhold tax from benefits pursuant to this section 109304

shall furnish to the recipient, with respect to the benefits 109305  
paid to the recipient during the calendar year, on or before the 109306  
thirty-first day of January of the succeeding year, a written 109307  
statement showing the amount of benefits deducted and withheld 109308  
as state income tax, any amount deducted and withheld as school 109309  
district income tax for each applicable school district, and 109310  
such other information as the tax commissioner requires. 109311

(G) A retirement system or the tax commissioner may adopt 109312  
rules governing withholding under this section. 109313

**Sec. 5747.072.** (A) Any employer required by section 109314  
5747.07 of the Revised Code to remit undeposited taxes 109315  
electronically shall do so by using the Ohio business gateway, 109316  
as defined in section 718.01 of the Revised Code, or another 109317  
means of electronic payment on or before the dates specified 109318  
under that section. The tax commissioner shall notify each such 109319  
employer of the employer's obligation to remit undeposited taxes 109320  
electronically. Failure by the commissioner to notify an 109321  
employer subject to this section to remit taxes electronically 109322  
does not relieve the employer of its obligation to remit taxes 109323  
in that manner. 109324

The payment of taxes electronically does not affect an 109325  
employer's obligation to file the annual return as required 109326  
under divisions (E) and (F) of section 5747.07 of the Revised 109327  
Code. 109328

An employer required by this section to remit taxes 109329  
electronically may apply to the commissioner to be excused from 109330  
that requirement. The commissioner may excuse the employer from 109331  
electronic remittance for good cause shown for the period of 109332  
time requested by the employer or a portion of that period. The 109333  
commissioner shall notify the employer of the commissioner's 109334

decision as soon as is practicable. 109335

(B) If an employer required by this section to remit 109336  
undeposited taxes electronically remits those taxes by some 109337  
other means, and the tax commissioner determines that such 109338  
failure was not due to reasonable cause or was due to willful 109339  
neglect, the commissioner may collect an additional charge by 109340  
assessment in the manner prescribed by section 5747.13 of the 109341  
Revised Code. The additional charge shall equal five per cent of 109342  
the amount of the undeposited taxes, but shall not exceed five 109343  
thousand dollars. Any additional charge assessed under this 109344  
section is in addition to any other penalty or charge imposed by 109345  
this chapter, and shall be considered as revenue arising from 109346  
the taxes imposed by this chapter. ~~The commissioner may remit~~ 109347  
~~all or a portion of such a charge and may adopt rules governing~~ 109348  
~~such remission.~~ 109349

No additional charge shall be assessed under this division 109350  
against an employer that has been notified of its obligation to 109351  
remit taxes electronically under this section and that remits 109352  
its first two tax payments after such notification by some other 109353  
means. The additional charge may be assessed upon the remittance 109354  
of any subsequent tax payment that the employer remits by some 109355  
means other than electronically. 109356

**Sec. 5747.073.** (A) As used in this section: 109357

(1) "Bulk filer" means a payroll service provider or 109358  
similar entity that is registered with the tax commissioner to 109359  
submit employer withholding tax returns in accordance with this 109360  
section. 109361

(2) "Payroll service provider" means a third party that 109362  
assists an employer with payroll administration and state 109363

employer withholding tax obligations. A payroll service provider 109364  
may include a professional employer organization or alternate 109365  
employer organization. 109366

(3) "Client company" means an employer on whose behalf a 109367  
bulk filer agrees to submit employer withholding returns in 109368  
accordance with this section. 109369

(B) (1) An employer may elect to use a bulk filer to comply 109370  
with its state and school district income tax withholding 109371  
obligations under this chapter. 109372

(2) (a) Within five days after becoming a client company, 109373  
the employer shall notify the tax commissioner, in a format 109374  
prescribed by the commissioner, of the name of the approved bulk 109375  
filer it is electing to use and the taxes the bulk filer will be 109376  
remitting on its behalf. 109377

(b) When using a bulk filer, the client company shall 109378  
maintain all registrations required by the tax commissioner 109379  
related to electronic filing and payment of the amounts 109380  
described in divisions (A) and (E) of section 5747.06 of the 109381  
Revised Code. 109382

(C) (1) The tax commissioner shall approve each bulk filer 109383  
before the bulk filer can file withholding tax returns on behalf 109384  
of client companies. The commissioner shall prescribe guidelines 109385  
and conditions of participation in the bulk file program that 109386  
include standards of conduct, software tests, and file formats. 109387

(2) The commissioner shall maintain a list of approved 109388  
bulk filers on the department of taxation's official web site. 109389  
Such information is not prohibited from disclosure under section 109390  
5703.21 of the Revised Code. 109391

(3) Each bulk filer shall comply with all requirements of 109392

law pertaining to employers maintaining an office or transacting 109393  
business in this state and paying compensation to an employee 109394  
who is a taxpayer. 109395

(4) A bulk filer that is not a professional employer 109396  
organization, professional employer organization reporting 109397  
entity, or alternate employer organization shall file a report 109398  
in the same manner and frequency as required of a professional 109399  
employer organization, professional employer organization 109400  
reporting entity, or alternate employer organization under 109401  
division (J) of section 5747.07 of the Revised Code. For 109402  
purposes of this division, "client company" shall be substituted 109403  
for "client employer" wherever "client employer" appears in that 109404  
division. 109405

(D) All returns, reports, and payments filed or remitted 109406  
by a bulk filer shall be made through an electronic means as 109407  
prescribed by the tax commissioner, regardless of the bulk 109408  
filer's number of client companies, or the number of returns, 109409  
reports, or payments being filed or remitted. The bulk filer 109410  
shall register for and maintain all accounts needed to 109411  
electronically make such filings and payments. 109412

(E) (1) A bulk filer's authorization under this section is 109413  
valid until either of the following events occurs: 109414

(a) The bulk filer dissolves, loses its existence as the 109415  
result of a merger, or otherwise ceases business; 109416

(b) The authorization is rescinded or suspended by the tax 109417  
commissioner for failure to meet the guidelines and conditions 109418  
of participation in the bulk file program, including any 109419  
guidelines or conditions established or modified after the bulk 109420  
filer receives its authorization. 109421

(2) A bulk filer shall notify its client companies within 109422  
five days after the bulk filer's authorization is rescinded, 109423  
suspended, or is otherwise no longer valid or active. If an 109424  
entity no longer meets the requirements to be a bulk filer, the 109425  
client companies of the former bulk filer shall immediately 109426  
resume their state and school district withholding filing and 109427  
payment obligations under this chapter. 109428

(F) (1) The tax commissioner may collect past due amounts 109429  
from a bulk filer, including penalties and interest thereon, by 109430  
assessment under section 5747.13 of the Revised Code as if the 109431  
amounts were taxes collected by an employer. 109432

(2) A bulk filer is subject to all applicable penalties 109433  
under Title LVIII of the Revised Code as if the bulk filer were 109434  
the client company. 109435

(3) Notwithstanding the commissioner's authority under 109436  
division (F) (1) of this section, a client company remains 109437  
subject to assessment if its bulk filer fails to timely file all 109438  
returns or reports, or to timely remit any payment, on the 109439  
client company's behalf. The use of a bulk filer does not 109440  
abrogate the ability of the commissioner to hold employees, 109441  
officers, members, managers, or trustees of the client company 109442  
personally liable under division (G) of section 5747.07 of the 109443  
Revised Code. 109444

(4) Any liability assessed against both a bulk filer and a 109445  
client company shall be joint and several. 109446

(5) A client company is not responsible for filings or 109447  
amounts that a bulk filer fails to make or remit on behalf of 109448  
another client company. 109449

(6) A bulk filer is subject to division (H) of section 109450

5747.07 of the Revised Code as if it were an employer subject to that section. 109451  
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(G) A bulk filer may file a refund application pursuant to section 5747.11 of the Revised Code on behalf of one or more of its client companies. 109453  
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109455

**Sec. 5747.08.** An annual return with respect to the tax 109456  
imposed by section 5747.02 of the Revised Code and each tax 109457  
imposed under Chapter 5748. of the Revised Code shall be made by 109458  
every taxpayer for any taxable year for which the taxpayer is 109459  
liable for the tax imposed by that section or under that 109460  
chapter, unless the total credits allowed under division (E) of 109461  
section 5747.05 and divisions (F) and (G) of section 5747.055 of 109462  
the Revised Code for the year are equal to or exceed the tax 109463  
imposed by section 5747.02 of the Revised Code, in which case no 109464  
return shall be required unless the taxpayer is liable for a tax 109465  
imposed pursuant to Chapter 5748. of the Revised Code. 109466

(A) If an individual is deceased, any return or notice 109467  
required of that individual under this chapter shall be made and 109468  
filed by that decedent's executor, administrator, or other 109469  
person charged with the property of that decedent. 109470

(B) If an individual is unable to make a return or notice 109471  
required by this chapter, the return or notice required of that 109472  
individual shall be made and filed by the individual's duly 109473  
authorized agent, guardian, conservator, fiduciary, or other 109474  
person charged with the care of the person or property of that 109475  
individual. 109476

(C) Returns or notices required of an estate or a trust 109477  
shall be made and filed by the fiduciary of the estate or trust. 109478

(D) (1) (a) Except as otherwise provided in division (D) (1) 109479



(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D) (2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b) (i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under

section 5733.06 of the Revised Code. 109511

(c) Except as provided by division (L) of this section, 109512  
nothing in division (D) of this section precludes the tax 109513  
commissioner from requiring such investors to file the return 109514  
and make the payment of taxes and related interest, penalty, and 109515  
interest penalty required by this section or section 5747.02, 109516  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 109517  
of this section precludes such an investor from filing the 109518  
annual return under this section, utilizing the refundable 109519  
credit equal to the investor's proportionate share of the tax 109520  
paid by the pass-through entity on behalf of the investor under 109521  
division (I) of this section, and making the payment of taxes 109522  
imposed under section 5747.02 of the Revised Code. Nothing in 109523  
division (D) of this section shall be construed to provide to 109524  
such an investor or pass-through entity any additional deduction 109525  
or credit, other than the credit provided by division (I) of 109526  
this section, solely on account of the entity's filing a return 109527  
in accordance with this section. Such a pass-through entity also 109528  
shall make the filing and payment of estimated taxes on behalf 109529  
of the pass-through entity investors other than an investor that 109530  
is a person subject to the tax imposed under section 5733.06 of 109531  
the Revised Code. 109532

(2) For the purposes of this section, "business credits" 109533  
means the credits listed in section 5747.98 of the Revised Code 109534  
excluding the following credits: 109535

(a) The retirement income credit under division (B) of 109536  
section 5747.055 of the Revised Code; 109537

(b) The senior citizen credit under division (F) of 109538  
section 5747.055 of the Revised Code; 109539

(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;	109540 109541
(d) The dependent care credit under section 5747.054 of the Revised Code;	109542 109543
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	109544 109545
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	109546 109547
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	109548 109549
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	109550 109551
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	109552 109553
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	109554 109555
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	109556 109557
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	109558 109559
(m) The earned income tax credit under section 5747.71 of the Revised Code;	109560 109561
(n) The lead abatement credit under section 5747.26 of the Revised Code;	109562 109563
(o) The credit for education expenses under section 5747.72 of the Revised Code; <del>(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the</del>	109564 109565 109566

~~Revised Code.~~ 109567

(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. 109568  
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(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return. 109576  
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(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under 109595  
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this section for that taxable year, and their liabilities are 109597  
joint and several, but, if the federal income tax liability of 109598  
either spouse is determined on a separate federal income tax 109599  
return, they shall file separate returns under this section. 109600

If either spouse is not required to file a federal income 109601  
tax return and either or both are required to file a return 109602  
pursuant to this chapter, they may elect to file separate or 109603  
joint returns, and, pursuant to that election, their liabilities 109604  
are separate or joint and several. If a husband and wife file 109605  
separate returns pursuant to this chapter, each must claim the 109606  
taxpayer's own exemption, but not both, as authorized under 109607  
section 5747.02 of the Revised Code on the taxpayer's own 109608  
return. 109609

(F) Each return or notice required to be filed under this 109610  
section shall contain the signature of the taxpayer or the 109611  
taxpayer's duly authorized agent and of the person who prepared 109612  
the return for the taxpayer, and shall include the taxpayer's 109613  
social security number. Each return shall be verified by a 109614  
declaration under the penalties of perjury. The tax commissioner 109615  
shall prescribe the form that the signature and declaration 109616  
shall take. 109617

(G) Each return or notice required to be filed under this 109618  
section shall be made and filed as required by section 5747.04 109619  
of the Revised Code, on or before the fifteenth day of April of 109620  
each year, on forms that the tax commissioner shall prescribe, 109621  
together with remittance made payable to the treasurer of state 109622  
in the combined amount of the state and all school district 109623  
income taxes shown to be due on the form. 109624

Upon good cause shown, the commissioner may extend the 109625  
period for filing any notice or return required to be filed 109626

under this section and may adopt rules relating to extensions. 109627  
If the extension results in an extension of time for the payment 109628  
of any state or school district income tax liability with 109629  
respect to which the return is filed, the taxpayer shall pay at 109630  
the time the tax liability is paid an amount of interest 109631  
computed at the rate per annum prescribed by section 5703.47 of 109632  
the Revised Code on that liability from the time that payment is 109633  
due without extension to the time of actual payment. Except as 109634  
provided in section 5747.132 of the Revised Code, in addition to 109635  
all other interest charges and penalties, all taxes imposed 109636  
under this chapter or Chapter 5748. of the Revised Code and 109637  
remaining unpaid after they become due, except combined amounts 109638  
due of one dollar or less, bear interest at the rate per annum 109639  
prescribed by section 5703.47 of the Revised Code until paid or 109640  
until the day an assessment is issued under section 5747.13 of 109641  
the Revised Code, whichever occurs first. 109642

If the commissioner considers it necessary in order to 109643  
ensure the payment of the tax imposed by section 5747.02 of the 109644  
Revised Code or any tax imposed under Chapter 5748. of the 109645  
Revised Code, the commissioner may require returns and payments 109646  
to be made otherwise than as provided in this section. 109647

To the extent that any provision in this division 109648  
conflicts with any provision in section 5747.026 of the Revised 109649  
Code, the provision in that section prevails. 109650

(H) The amounts withheld pursuant to section 5747.06, 109651  
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 109652  
Revised Code shall be allowed to the ultimate recipient of the 109653  
income as credits against payment of the appropriate taxes 109654  
imposed on the ultimate recipient by section 5747.02 and under 109655  
Chapter 5748. of the Revised Code. As used in this division, 109656

"ultimate recipient" means the person who is required to report 109657  
income from which amounts are withheld pursuant to section 109658  
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 109659  
the Revised Code on the annual return required to be filed under 109660  
this section. 109661

(I) If a pass-through entity elects to file a single 109662  
return under division (D) of this section and if any investor is 109663  
required to file the annual return and make the payment of taxes 109664  
required by this chapter on account of the investor's other 109665  
income that is not included in a single return filed by a pass- 109666  
through entity or any other investor elects to file the annual 109667  
return, the investor is entitled to a refundable credit equal to 109668  
the investor's proportionate share of the lesser of the tax due 109669  
or the tax paid by the pass-through entity on behalf of the 109670  
investor. The investor shall claim the credit for the investor's 109671  
taxable year in which or with which ends the taxable year of the 109672  
pass-through entity. Nothing in this chapter shall be construed 109673  
to allow any credit provided in this chapter to be claimed more 109674  
than once. For the purpose of computing any interest, penalty, 109675  
or interest penalty, the investor shall be deemed to have paid 109676  
the refundable credit provided by this division on the day that 109677  
the pass-through entity paid the estimated tax or the tax giving 109678  
rise to the credit. 109679

(J) The tax commissioner shall ensure that each return 109680  
required to be filed under this section includes a box that the 109681  
taxpayer may check to authorize a paid tax preparer who prepared 109682  
the return to communicate with the department of taxation about 109683  
matters pertaining to the return. The return or instructions 109684  
accompanying the return shall indicate that by checking the box 109685  
the taxpayer authorizes the department of taxation to contact 109686  
the preparer concerning questions that arise during the 109687

processing of the return and authorizes the preparer only to 109688  
provide the department with information that is missing from the 109689  
return, to contact the department for information about the 109690  
processing of the return or the status of the taxpayer's refund 109691  
or payments, and to respond to notices about mathematical 109692  
errors, offsets, or return preparation that the taxpayer has 109693  
received from the department and has shown to the preparer. 109694

(K) The tax commissioner shall permit individual taxpayers 109695  
to instruct the department of taxation to cause any refund of 109696  
overpaid taxes to be deposited directly into a checking account, 109697  
savings account, or an individual retirement account or 109698  
individual retirement annuity, or preexisting college savings 109699  
plan or program account offered by the Ohio tuition trust 109700  
authority under Chapter 3334. of the Revised Code, as designated 109701  
by the taxpayer, when the taxpayer files the annual return 109702  
required by this section electronically. 109703

(L) If, for the taxable year, a nonresident or trust that 109704  
is the owner of an electing pass-through entity, as defined in 109705  
section 5747.38 of the Revised Code, does not have Ohio adjusted 109706  
gross income or, in the case of a trust, modified Ohio taxable 109707  
income other than from one or more electing pass-through 109708  
entities, the nonresident or trust shall not be required to file 109709  
an annual return under this section. Nothing in this division 109710  
precludes such an owner from filing the annual return under this 109711  
section, utilizing the refundable credit under section 5747.39 109712  
of the Revised Code equal to the owner's proportionate share of 109713  
the tax levied under section 5747.38 of the Revised Code and 109714  
paid by the electing pass-through entity, and making the payment 109715  
of taxes imposed under section 5747.02 of the Revised Code. 109716

(M) The tax commissioner may adopt rules to administer 109717



this section. 109718

**Sec. 5747.082.** (A) As used in this section: 109719

(1) "Electronic technology" means electronic technology 109720  
acceptable to the tax commissioner under division (B) of this 109721  
section. 109722

(2) "Original tax return" means any report, return, or 109723  
other tax document required to be filed under this chapter for 109724  
the purpose of reporting the taxes due under, and withholdings 109725  
required by, this chapter. "Original tax return" does not 109726  
include an amended return or any declaration or form required by 109727  
or filed in connection with section 5747.09 of the Revised Code. 109728

(3) "Related member" has the same meaning as in section 109729  
5733.042 of the Revised Code. 109730

(4) "Tax return preparer" means any person that operates a 109731  
business that prepares, or directly or indirectly employs 109732  
another person to prepare, for a taxpayer an original tax return 109733  
in exchange for compensation or remuneration from the taxpayer 109734  
or the taxpayer's related member. With respect to the 109735  
preparation of a return or application for refund under this 109736  
chapter, "tax return preparer" does not include an individual 109737  
who performs only one or more of the following activities: 109738

(a) Furnishes typing, reproducing, or other mechanical 109739  
assistance; 109740

(b) Prepares an application for refund or a return on 109741  
behalf of an employer by whom the individual is regularly and 109742  
continuously employed, or on behalf of an officer or employee of 109743  
that employer; 109744

(c) Prepares as a fiduciary an application for refund or a 109745

return; 109746

(d) Prepares an application for refund or a return for a 109747  
taxpayer in response to a notice of deficiency issued to the 109748  
taxpayer or the taxpayer's related member, or in response to a 109749  
waiver of restriction after the commencement of an audit of the 109750  
taxpayer or the taxpayer's related member. 109751

(B) Divisions (C) and (D) of this section apply to the 109752  
filing of original tax returns that are due in a calendar year 109753  
only if the tax commissioner, by the last day of the calendar 109754  
year immediately preceding the calendar year in which such 109755  
returns are due, has published on the department of taxation's 109756  
official internet web site at least one method of electronic 109757  
technology acceptable to the commissioner for filing such 109758  
returns. 109759

(C) A tax return preparer that prepares more than eleven 109760  
original tax returns during any calendar year shall use 109761  
electronic technology to file with the tax commissioner all 109762  
original tax returns prepared by the tax return preparer. This 109763  
division does not apply to a tax return preparer in any calendar 109764  
year if, during the previous calendar year, the tax return 109765  
preparer prepared not more than ten original tax returns. 109766

(D) If a tax return preparer required by this section to 109767  
submit original tax returns by electronic technology files an 109768  
original tax return by some means other than by electronic 109769  
technology, the tax commissioner shall impose a penalty of fifty 109770  
dollars for each return in excess of eleven in any calendar year 109771  
that is not filed by electronic technology. ~~Upon good cause-~~ 109772  
~~shown by the tax return preparer, the tax commissioner may waive~~ 109773  
~~all or any portion of the penalty or may refund all or any-~~ 109774  
~~portion of the penalty the tax return preparer has paid.~~ 109775

**Sec. 5747.09.** (A) As used in this section: 109776

(1) "Estimated taxes" means the amount that the taxpayer 109777  
estimates to be the taxpayer's combined tax liability under this 109778  
chapter and Chapter 5748. of the Revised Code for the current 109779  
taxable year. 109780

(2) "Tax liability" means the total taxes due for the 109781  
taxable year, after allowing any credit to which the taxpayer is 109782  
entitled, but prior to applying any estimated tax payment, 109783  
withholding payment, or refund from another tax year. 109784

(3) "Taxes paid" include payments of estimated taxes made 109785  
under division (C) of this section, taxes withheld from the 109786  
taxpayer's compensation, and tax refunds applied by the taxpayer 109787  
in payment of estimated taxes. 109788

(4) "Required installment" means a payment equal to 109789  
twenty-five per cent of the lesser of the following: 109790

(a) Ninety per cent of the tax liability for the taxable 109791  
year; 109792

(b) One hundred per cent of the tax liability shown on the 109793  
return of a taxpayer for the preceding taxable year. 109794

Division (A) (4) (b) of this section applies only if the 109795  
taxpayer filed a return under section 5747.08 of the Revised 109796  
Code for the preceding taxable year and if the preceding taxable 109797  
year was a twelve-month taxable year. 109798

(B) Every taxpayer shall make declaration of estimated 109799  
taxes for the current taxable year, in the form that the tax 109800  
commissioner shall prescribe, if the amount payable as estimated 109801  
taxes, less the amount to be withheld from the taxpayer's 109802  
compensation, is more than five hundred dollars. For purposes of 109803

this section, taxes withheld from compensation shall be 109804  
considered as paid in equal amounts on each payment date unless 109805  
the taxpayer establishes the dates on which all amounts were 109806  
actually withheld, in which case the amounts withheld shall be 109807  
considered as paid on the dates on which the amounts were 109808  
actually withheld. Taxpayers filing joint returns pursuant to 109809  
section 5747.08 of the Revised Code shall file joint 109810  
declarations of estimated taxes. A taxpayer may amend a 109811  
declaration under rules prescribed by the commissioner. A 109812  
taxpayer having a taxable year of less than twelve months shall 109813  
make a declaration under rules prescribed by the commissioner. 109814  
The declaration of estimated taxes for an individual under a 109815  
disability shall be made and filed by the person who is required 109816  
to file the income tax return. 109817

The declaration of estimated taxes shall be filed on or 109818  
before the fifteenth day of April of each year or on or before 109819  
the fifteenth day of the fourth month after the taxpayer becomes 109820  
subject to tax for the first time. 109821

Taxpayers reporting on a fiscal year basis shall file a 109822  
declaration on or before the fifteenth day of the fourth month 109823  
after the beginning of each fiscal year or period. 109824

The declaration shall be filed upon a form prescribed by 109825  
the commissioner and furnished by or obtainable from the 109826  
commissioner. 109827

The original declaration or any subsequent amendment may 109828  
be increased or decreased on or before any subsequent quarterly 109829  
payment day as provided in this section. 109830

(C) The required portion of the tax liability for the 109831  
taxable year that shall be paid through estimated taxes made 109832

payable to the treasurer of state, including the application of 109833  
tax refunds to estimated taxes, and withholding on or before the 109834  
applicable payment date shall be as follows: 109835

(1) On or before the fifteenth day of the fourth month 109836  
after the beginning of the taxable year, twenty-two and one-half 109837  
per cent of the tax liability for the taxable year; 109838

(2) On or before the fifteenth day of the sixth month 109839  
after the beginning of the taxable year, forty-five per cent of 109840  
the tax liability for the taxable year; 109841

(3) On or before the fifteenth day of the ninth month 109842  
after the beginning of the taxable year, sixty-seven and one- 109843  
half per cent of the tax liability for the taxable year; 109844

(4) On or before the fifteenth day of the first month of 109845  
the following taxable year, ninety per cent of the tax liability 109846  
for the taxable year. 109847

When an amended return has been filed, the unpaid balance 109848  
shown due on the amended return shall be paid in equal 109849  
installments on or before the remaining payment dates. 109850

On or before the fifteenth day of the fourth month of the 109851  
year following that for which the declaration or amended 109852  
declaration was filed, an annual return shall be filed and any 109853  
balance which may be due shall be paid with the return in 109854  
accordance with section 5747.08 of the Revised Code. 109855

(D) In the case of any underpayment of estimated taxes, an 109856  
interest penalty shall be added to the taxes for the tax year at 109857  
the rate per annum prescribed by section 5703.47 of the Revised 109858  
Code upon the amount of underpayment for the period of 109859  
underpayment, unless the underpayment is due to reasonable cause 109860  
as described in division (E) of this section. The amount of the 109861

underpayment shall be determined as follows: 109862

(1) For the first payment of estimated taxes each year, 109863  
the required installment less the amount of taxes paid by the 109864  
date prescribed for that payment; 109865

(2) For the second payment of estimated taxes each year, 109866  
the required installment less the amount of taxes paid by the 109867  
date prescribed for that payment; 109868

(3) For the third payment of estimated taxes each year, 109869  
the required installment less the amount of taxes paid by the 109870  
date prescribed for that payment; 109871

(4) For the fourth payment of estimated taxes each year, 109872  
the required installment less the amount of taxes paid by the 109873  
date prescribed for that payment. 109874

The period of the underpayment shall run from the day the 109875  
estimated payment was required to be made to the date on which 109876  
the payment is made. For purposes of this section, a payment of 109877  
estimated taxes on or before any payment date shall be 109878  
considered a payment of any previous underpayment only to the 109879  
extent the payment of estimated taxes exceeds the amount of the 109880  
payment presently required to be paid to avoid any penalty. 109881

The tax commissioner may abate, in whole or in part, the 109882  
interest penalty imposed under division (D) of this section. Any 109883  
such penalty imposed shall be in lieu of any other interest 109884  
charge or penalty imposed for failure to file an estimated 109885  
return and make estimated payments as required by this section. 109886

(E) An underpayment of estimated taxes determined under 109887  
division (D) of this section shall be due to reasonable cause 109888  
and the interest penalty imposed by this section shall not be 109889  
added to the taxes for the tax year if either of the following 109890

apply: 109891

(1) The amount of tax that was paid equals at least ninety 109892  
per cent of the tax liability for the current taxable year, 109893  
determined by annualizing the income received during the year up 109894  
to the end of the month immediately preceding the month in which 109895  
the payment is due; 109896

(2) The amount of tax that was paid equals at least one 109897  
hundred per cent of the tax liability shown on the return of the 109898  
taxpayer for the preceding taxable year, provided that the 109899  
immediately preceding taxable year reflected a period of twelve 109900  
months and the taxpayer filed a return under section 5747.08 of 109901  
the Revised Code for that year. 109902

The tax commissioner may waive the requirement for filing 109903  
a declaration of estimated taxes for any class of taxpayers 109904  
after finding that the waiver is reasonable and proper in view 109905  
of administrative costs and other factors. 109906

**Sec. 5747.10.** (A) As used in this section: 109907

(1) "Audited partnership" means a partnership subject to 109908  
an examination by the internal revenue service pursuant to 109909  
subchapter C, chapter 63, subtitle F of the Internal Revenue 109910  
Code resulting in a federal adjustment. 109911

(2) (a) "Direct investor" means a partner or other investor 109912  
that holds a direct interest in a pass-through entity. 109913

(b) "Indirect investor" means a partner or other investor 109914  
that holds an interest in a pass-through entity that itself 109915  
holds an interest, directly or through another indirect partner 109916  
or other investor, in a pass-through entity. 109917

(3) "Exempt partner" means a partner that is neither a 109918

pass-through entity nor a person subject to the tax imposed by 109919  
section 5747.02 of the Revised Code. 109920

(4) "Federal adjustment" means a change to an item or 109921  
amount required to be determined under the Internal Revenue Code 109922  
that directly or indirectly affects a taxpayer's aggregate tax 109923  
liability under section 5747.02 or Chapter 5748. of the Revised 109924  
Code and that results from an action or examination by the 109925  
internal revenue service, or from the filing of an amended 109926  
federal tax return, a claim for a federal tax refund, or an 109927  
administrative adjustment request filed by a partnership under 109928  
section 6227 of the Internal Revenue Code. 109929

(5) "Federal adjustments return" means the form or other 109930  
document prescribed by the tax commissioner for use by a 109931  
taxpayer in reporting final federal adjustments. 109932

(6) "State partnership representative" means either of the 109933  
following: 109934

(a) The person who served as the partnership's 109935  
representative for federal income tax purposes, pursuant to 109936  
section 6223(a) of the Internal Revenue Code, during the 109937  
corresponding federal partnership audit; 109938

(b) The person designated, on a form prescribed by the tax 109939  
commissioner, to serve as the partnership's representative 109940  
during the state partnership audit. The commissioner may 109941  
establish reasonable qualifications and procedures for a person 109942  
to be designated as a state partnership representative under 109943  
this division. 109944

(7) A federal adjustment is "final" or "agreed to or 109945  
finally determined for federal income tax purposes" on any of 109946  
the following: 109947



(a) The day after which the period for appeal of a federal assessment has expired; 109948  
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(b) The date on a refund check issued by the internal revenue service; or 109950  
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(c) For agreements required to be signed by the internal revenue service and the taxpayer or audited partnership, the date on which the last party signed the agreement. 109952  
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(B) (1) If any of the facts, figures, computations, or attachments required in a taxpayer's annual return to determine the tax charged by this chapter or Chapter 5748. of the Revised Code must be altered as the result of a final federal adjustment, and the federal adjustment is not required to be reported under division (C) of this section, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than ninety days after the federal adjustment has been agreed to or finally determined for federal income tax purposes. 109955  
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(2) "One hundred eighty" shall be substituted for "ninety" in divisions (B) (1) and (E) (1) of this section if, for any taxable year, the final federal adjustment results from taxes paid by the taxpayer on an amount described in division (A) (32) of section 5747.01 of the Revised Code. 109965  
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(C) Except for adjustments required to be reported for federal purposes pursuant to section 6225(a) (2) of the Internal Revenue Code and adjustments that are taken into account on a federal amended return or similar report filed pursuant to section 6225(c) (2) of the Internal Revenue Code, partnerships and partners shall report final federal adjustments and make payments as required under division (C) of this section. 109970  
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(1) With respect to an action required or permitted to be taken by a partnership under this section, and any petition for reassessment or appeal to the board of tax appeals or any court with respect to such an action, the state partnership representative shall have the sole authority to act on behalf of the audited partnership, and the partnership's direct and indirect investors shall be bound by those actions.

(2) Unless an audited partnership makes the election under division (C)(3) of this section:

(a) The audited partnership, through its state partnership representative, shall do all of the following within ninety days after the federal adjustment is final:

(i) File a federal adjustments return with the tax commissioner, including a copy of the notifications provided under division (C)(2)(a)(ii) of this section;

(ii) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments;

(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section 5747.08, of the Revised Code with respect to those direct investors had the final federal adjustments been reported properly on the original filing.

(b) Each direct investor that is subject to the tax imposed by section 5747.02 of the Revised Code shall file an original or amended tax return to include the investor's distributive share of the adjustments reported to the direct investor under division (C)(2)(a) of this section, and pay any

additional tax due, within ninety days after the audited 110006  
partnership files its federal adjustments return with the 110007  
commissioner. 110008

(c) (i) Each direct and indirect investor of an audited 110009  
partnership that is a pass-through entity and all investors in 110010  
such a pass-through entity that are subject to the filing and 110011  
payment requirements of Chapters 5733. and 5747. of the Revised 110012  
Code are subject to the reporting and payment requirements of 110013  
division (C) (2) or, upon a timely election, division (C) (3) of 110014  
this section. 110015

(ii) Such direct and indirect investors shall make the 110016  
required returns and payments within ninety days after the 110017  
deadline for filing and furnishing statements under section 110018  
6226(b) (4) of the Internal Revenue Code and applicable treasury 110019  
regulations. 110020

(3) If an audited partnership makes the election under 110021  
this division, the audited partnership, through its state 110022  
partnership representative, shall do all of the following within 110023  
ninety days after all federal adjustments are final: 110024

(a) File a federal adjustments return with the tax 110025  
commissioner indicating the partnership has made the election 110026  
under division (C) (3) of this section; 110027

(b) Pay the amount of combined additional tax due under 110028  
division (D) (2) of this section, calculated by multiplying the 110029  
highest rate of tax set forth in section 5747.02 of the Revised 110030  
Code by the sum of the following: 110031

(i) The distributive shares of the final federal 110032  
adjustments that are allocable or apportionable to this state of 110033  
each investor who is a nonresident taxpayer or pass-through 110034

entity; 110035

(ii) The distributive share of the final federal 110036  
adjustments for each investor who is a resident taxpayer. 110037

(c) Notify each of its direct investors, on a form 110038  
prescribed by the commissioner, of the investor's distributive 110039  
share of the final federal adjustments and the amount paid on 110040  
their behalf pursuant to division (C) (3) (b) of this section. 110041

(4) (a) A direct investor of an audited partnership is not 110042  
required to file an amended return or pay tax otherwise due 110043  
under section 5747.02 of the Revised Code if the audited 110044  
partnership properly reports and pays the tax under division (C) 110045  
(3) of this section. 110046

(b) (i) Nothing in division (C) of this section precludes a 110047  
direct or indirect investor in the audited partnership from 110048  
filing a return to report the investor's share of the final 110049  
federal adjustments. Such an investor who files a return and 110050  
reports the income related to the final federal adjustments is 110051  
entitled to a refundable credit for taxes paid by the audited 110052  
partnership under division (C) (3) (b) of this section. The credit 110053  
shall be computed and claimed in the same manner as the credit 110054  
allowed under division (I) of section 5747.08 of the Revised 110055  
Code. 110056

(ii) Notwithstanding division (C) (4) (b) (i) of this 110057  
section, an exempt partner, whether a direct or indirect 110058  
investor, may file an application for refund of its 110059  
proportionate share of the amounts erroneously paid by the 110060  
audited partnership pursuant to division (C) (3) (b) of this 110061  
section on the exempt partner's behalf. 110062

(5) Upon request by an audited partnership, the tax 110063

commissioner may agree, in writing, to allow an alternative 110064  
method of reporting and payment than required by division (C) (2) 110065  
or (3) of this section. The request must be submitted to the 110066  
commissioner in writing before the applicable deadline for 110067  
filing a return under division (C) (2) (a) or (3) of this section. 110068  
The commissioner's decision on whether to enter into an 110069  
agreement under this division is not subject to further 110070  
administrative review or appeal. 110071

(6) Nothing in division (C) of this section precludes 110072  
either of the following: 110073

(a) A resident taxpayer from filing a return to claim the 110074  
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 110075  
(B) (2) of section 5747.02 of the Revised Code based upon any 110076  
amounts paid by the audited partnership on such investor's 110077  
behalf to another state. 110078

(b) The tax commissioner from issuing an assessment under 110079  
this chapter against any direct or indirect investor for taxes 110080  
due from the investor if an audited partnership, or direct and 110081  
indirect investor of an audited partnership that is a pass- 110082  
through entity, fails to timely file any return or remit any 110083  
payment required by this section or underreports income or 110084  
underpays tax on behalf of an indirect investor who is a 110085  
resident taxpayer. 110086

(D) In the case of an underpayment, and unless otherwise 110087  
agreed to in writing by the tax commissioner: 110088

(1) The taxpayer's amended return shall be accompanied by 110089  
payment of any combined additional tax due together with 110090  
interest thereon. An amended return required by this section is 110091  
a return subject to assessment under section 5747.13 of the 110092

Revised Code for the purpose of assessing any additional tax due 110093  
under this section, together with any applicable penalty and 110094  
interest. It shall not reopen those facts, figures, 110095  
computations, or attachments from a previously filed return no 110096  
longer subject to assessment that are not affected, either 110097  
directly or indirectly, by the final federal adjustment to the 110098  
taxpayer's federal income tax return. 110099

(2) The audited partnership's federal adjustments return 110100  
shall be accompanied by payment of any combined additional tax 110101  
due together with interest thereon. The federal adjustments 110102  
return required by this section is a return subject to 110103  
assessment under section 5747.13 of the Revised Code for the 110104  
purpose of assessing any additional tax due under this section, 110105  
together with any applicable penalty and interest. It shall not 110106  
reopen those facts, figures, computations, or attachments from a 110107  
previously filed return no longer subject to assessment that are 110108  
not affected, either directly or indirectly, by the final 110109  
federal adjustment. 110110

(3) The tax commissioner may accept estimated payments of 110111  
the tax arising from pending federal adjustments before the date 110112  
for filing a federal adjustments return. The commissioner may 110113  
adopt rules for the payment of such estimated taxes. 110114

(E) In the case of an overpayment, and unless otherwise 110115  
agreed to in writing by the tax commissioner: 110116

(1) A taxpayer may file an application for refund under 110117  
this division within the ninety-day period prescribed for filing 110118  
the amended return even if it is filed beyond the period 110119  
prescribed in section 5747.11 of the Revised Code if it 110120  
otherwise conforms to the requirements of such section. An 110121  
application filed under this division shall claim refund of 110122

overpayments resulting from alterations to only those facts, 110123  
figures, computations, or attachments required in the taxpayer's 110124  
annual return that are affected, either directly or indirectly, 110125  
by the final federal adjustment to the taxpayer's federal income 110126  
tax return unless it is also filed within the time prescribed in 110127  
section 5747.11 of the Revised Code. It shall not reopen those 110128  
facts, figures, computations, or attachments that are not 110129  
affected, either directly or indirectly, by the adjustment to 110130  
the taxpayer's federal income tax return. 110131

(2) (a) Except as otherwise provided in division (E) (2) (b) 110132  
of this section, an audited partnership may file an application 110133  
for a refund under this division within the ninety-day period 110134  
prescribed for filing the federal adjustments return, even if it 110135  
is filed beyond the period prescribed by section 5747.11 of the 110136  
Revised Code, if it otherwise conforms to the requirements of 110137  
that section. An application filed under this division may claim 110138  
a refund of overpayments resulting only from final federal 110139  
adjustments unless it is also filed within the time prescribed 110140  
by section 5747.11 of the Revised Code. It shall not reopen 110141  
those facts, figures, computations, or attachments that are not 110142  
affected, either directly or indirectly, by the federal 110143  
adjustment. 110144

(b) An audited partnership may not file an application for 110145  
refund under division (E) of this section based on final federal 110146  
adjustments described in section 6225(a) (2) of the Internal 110147  
Revenue Code. 110148

(3) Any refund granted to a pass-through entity filing an 110149  
application for refund under division (E) of this section shall 110150  
be reduced by amounts previously claimed as a credit under 110151  
section 5747.059 or division (I) of section 5747.08 of the 110152

Revised Code by the pass-through entity's direct or indirect investors. 110153  
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(F) Excluding the deadline in division (C) (2) (c) (ii) of this section, an audited partnership, or a direct or indirect investor of an audited partnership that is a pass-through entity, may automatically extend the deadline for reporting, payments, and refunds under this section by sixty days if the entity has ten thousand or more direct investors and notifies the commissioner of such extension, in writing, before the unextended deadline. 110155  
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**Sec. 5747.13.** (A) If any employer collects the tax imposed by section 5747.02 or under Chapter 5748. of the Revised Code and fails to remit the tax as required by law, or fails to collect the tax, the employer is personally liable for any amount collected that the employer fails to remit, or any amount that the employer fails to collect. If any taxpayer fails to file a return or fails to pay the tax imposed by section 5747.02 or under Chapter 5748. of the Revised Code, the taxpayer is personally liable for the amount of the tax. 110163  
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If any employer, taxpayer, qualifying entity, or electing pass-through entity required to file a return under this chapter fails to file the return within the time prescribed, files an incorrect return, fails to remit the full amount of the taxes due for the period covered by the return, or fails to remit any additional tax due as a result of a reduction in the amount of the credit allowed under division (B) of section 5747.05 of the Revised Code together with interest on the additional tax within the time prescribed by that division, the tax commissioner may make an assessment against any person liable for any deficiency for the period for which the return is or taxes are due, based 110172  
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upon any information in the commissioner's possession. 110183

An assessment issued against either the employer or the 110184  
taxpayer pursuant to this section shall not be considered an 110185  
election of remedies or a bar to an assessment against the other 110186  
for failure to report or pay the same tax. No assessment shall 110187  
be issued against any person if the tax actually has been paid 110188  
by another. 110189

No assessment shall be made or issued against an employer, 110190  
a taxpayer, a qualifying entity, or an electing pass-through 110191  
entity more than four years after the final date the return 110192  
subject to assessment was required to be filed or the date the 110193  
return was filed, whichever is later. However, the commissioner 110194  
may assess any balance due as the result of a reduction in the 110195  
credit allowed under division (B) of section 5747.05 of the 110196  
Revised Code, including applicable penalty and interest, within 110197  
four years of the date on which the taxpayer reports a change in 110198  
either the portion of the taxpayer's adjusted gross income 110199  
subjected to an income tax or tax measured by income in another 110200  
state or the District of Columbia, or the amount of liability 110201  
for an income tax or tax measured by income to another state or 110202  
the District of Columbia, as required by division (B)(4) of 110203  
section 5747.05 of the Revised Code. Such time limits may be 110204  
extended if both the employer, taxpayer, qualifying entity, or 110205  
electing pass-through entity and the commissioner consent in 110206  
writing to the extension or if an agreement waiving or extending 110207  
the time limits has been entered into pursuant to section 110208  
122.171 of the Revised Code. Any such extension shall extend the 110209  
four-year time limit in division (B) of section 5747.11 of the 110210  
Revised Code for the same period of time. There shall be no bar 110211  
or limit to an assessment against an employer for taxes withheld 110212  
from employees and not remitted to the state, against an 110213

employer, a taxpayer, a qualifying entity, or an electing pass-through entity that fails to file a return subject to assessment as required by this chapter, or against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity that files a fraudulent return.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the party assessed to the commissioner with remittance made payable to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the employer's, taxpayer's, qualifying entity's, or electing pass-through

entity's place of business is located or the county in which the 110244  
party assessed resides. If the party assessed is not a resident 110245  
of this state, the certified copy of the entry may be filed in 110246  
the office of the clerk of the court of common pleas of Franklin 110247  
county. 110248

Immediately upon the filing of the entry, the clerk shall 110249  
enter a judgment against the party assessed in the amount shown 110250  
on the entry. The judgment shall be filed by the clerk in one of 110251  
two loose-leaf books, one entitled "special judgments for state 110252  
and school district income taxes," and the other entitled 110253  
"special judgments for qualifying entity and electing pass- 110254  
through entity taxes." The judgment shall have the same effect 110255  
as other judgments. Execution shall issue upon the judgment upon 110256  
the request of the tax commissioner, and all laws applicable to 110257  
sales on execution shall apply to sales made under the judgment. 110258

If the assessment is not paid in its entirety within sixty 110259  
days after the assessment was issued, the portion of the 110260  
assessment consisting of tax due shall bear interest at the rate 110261  
per annum prescribed by section 5703.47 of the Revised Code from 110262  
the day the tax commissioner issues the assessment until it is 110263  
paid or until it is certified to the attorney general for 110264  
collection under section 131.02 of the Revised Code, whichever 110265  
comes first. If the unpaid portion of the assessment is 110266  
certified to the attorney general for collection, the entire 110267  
unpaid portion of the assessment shall bear interest at the rate 110268  
per annum prescribed by section 5703.47 of the Revised Code from 110269  
the date of certification until the date it is paid in its 110270  
entirety. Interest shall be paid in the same manner as the tax 110271  
and may be collected by the issuance of an assessment under this 110272  
section. 110273

(D) All money collected under this section shall be 110274  
considered as revenue arising from the taxes imposed by this 110275  
chapter or Chapter 5733. or 5748. of the Revised Code, as 110276  
appropriate. 110277

(E) If the party assessed files a petition for 110278  
reassessment under division (B) of this section, the person, on 110279  
or before the last day the petition may be filed, shall pay the 110280  
assessed amount, including assessed interest and assessed 110281  
penalties, if any of the following conditions exists: 110282

(1) The person files a tax return reporting Ohio adjusted 110283  
gross income, less the exemptions allowed by section 5747.025 of 110284  
the Revised Code, in an amount less than one cent, and the 110285  
reported amount is not based on the computations required under 110286  
division (A) of section 5747.01 or section 5747.025 of the 110287  
Revised Code. 110288

(2) The person files a tax return that the tax 110289  
commissioner determines to be incomplete, false, fraudulent, or 110290  
frivolous. 110291

(3) The person fails to file a tax return, and the basis 110292  
for this failure is not either of the following: 110293

(a) An assertion that the person has no nexus with this 110294  
state; 110295

(b) The computations required under division (A) of 110296  
section 5747.01 of the Revised Code or the application of 110297  
credits allowed under this chapter has the result that the 110298  
person's tax liability is less than one dollar and one cent. 110299

(F) Notwithstanding the fact that a petition for 110300  
reassessment is pending, the petitioner may pay all or a portion 110301  
of the assessment that is the subject of the petition. The 110302

acceptance of a payment by the treasurer of state does not 110303  
prejudice any claim for refund upon final determination of the 110304  
petition. 110305

If upon final determination of the petition an error in 110306  
the assessment is corrected by the tax commissioner, upon 110307  
petition so filed or pursuant to a decision of the board of tax 110308  
appeals or any court to which the determination or decision has 110309  
been appealed, so that the amount due from the party assessed 110310  
under the corrected assessment is less than the portion paid, 110311  
there shall be issued to the petitioner or to the petitioner's 110312  
assigns or legal representative a refund in the amount of the 110313  
overpayment as provided by section 5747.11 of the Revised Code, 110314  
with interest on that amount as provided by such section, 110315  
subject to section 5747.12 of the Revised Code. 110316

**Sec. 5747.15.** (A) In addition to any other penalty imposed 110317  
by this chapter or Chapter 5703. of the Revised Code, the 110318  
following penalties shall apply: 110319

(1) If a taxpayer, a qualifying entity, an electing pass- 110320  
through entity, or an employer required to file any report or 110321  
return, including an informational notice, report, or return, 110322  
under this chapter fails to make and file the report or return 110323  
within the time prescribed, including any extensions of time 110324  
granted by the tax commissioner, a penalty may be imposed not 110325  
exceeding the greater of fifty dollars per month or fraction of 110326  
a month, not to exceed five hundred dollars, or five per cent 110327  
per month or fraction of a month, not to exceed fifty per cent, 110328  
of the sum of the taxes required to be shown on the report or 110329  
return, for each month or fraction of a month elapsing between 110330  
the due date, including extensions of the due date, and the date 110331  
on which filed. 110332

(2) If a taxpayer fails to pay any amount of tax required to be paid under section 5733.41 or Chapters 5747. or 5748. of the Revised Code, except estimated tax under section 5747.09 or 5747.43 of the Revised Code, by the dates prescribed for payment, a penalty may be imposed not exceeding twice the applicable interest charged under division (G) of section 5747.08 of the Revised Code for the delinquent payment.

(3) (a) If an employer fails to pay any amount of tax imposed by section 5747.02 of the Revised Code and required to be paid under this chapter by the dates prescribed for payment, a penalty may be imposed not exceeding the sum of ten per cent of the delinquent payment plus twice the interest charged under division (F) (5) of section 5747.07 of the Revised Code for the delinquent payment.

(b) If a qualifying entity or an electing pass-through entity fails to pay any amount of tax imposed by section 5733.41, 5747.38, or 5747.41 of the Revised Code and required to be paid under this chapter by the dates prescribed for payment, a penalty may be imposed not exceeding the sum of ten per cent of the delinquent payment plus twice the applicable interest charged under division (G) of section 5747.08 of the Revised Code for the delinquent payment.

(4) (a) If an employer withholds from employees the tax imposed by section 5747.02 of the Revised Code and fails to remit the tax withheld to the state as required by this chapter on or before the dates prescribed for payment, a penalty may be imposed not exceeding fifty per cent of the delinquent payment.

(b) If a qualifying entity withholds any amount of tax imposed under section 5747.41 of the Revised Code from an individual's qualifying amount and fails to remit that amount to

the state as required by sections 5747.42 to 5747.453 of the Revised Code on or before the dates prescribed for payment, a penalty may be imposed not exceeding fifty per cent of the delinquent payment.

(5) If a taxpayer, a qualifying entity, an electing pass-through entity, or an employer files what purports to be a return required by this chapter that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of the tax levied by section 5733.41, 5747.02, 5747.38, or 5747.41, or Chapter 5748. of the Revised Code, a penalty of up to five hundred dollars may be imposed.

(6) If a taxpayer, a qualifying entity, or an electing pass-through entity makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.

(7) If any person makes a false or fraudulent claim for a refund under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. The penalty imposed under division (A) (7) of this section, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 5747.13 of the Revised Code as tax, penalty, or interest imposed under section 5733.41, 5747.02, 5747.38, or 5747.41 of the Revised Code, without regard to whether the person making

the claim is otherwise subject to the provisions of this chapter 110393  
or Chapter 5733. of the Revised Code, and without regard to any 110394  
time limitation for the assessment imposed by division (A) of 110395  
section 5747.13 of the Revised Code. 110396

(B) For purposes of this section, the taxes required to be 110397  
shown on the return shall be reduced by the amount of any part 110398  
of the taxes paid on or before the date, including any 110399  
extensions of the date, prescribed for filing the return. 110400

(C) Any penalty imposed under this section shall be in 110401  
addition to all other penalties imposed under this section. ~~All~~ 110402  
~~or part of any penalty imposed under this section may be abated~~ 110403  
~~by the commissioner. All or part of any penalty imposed under~~ 110404  
~~this section may be abated by the commissioner if the taxpayer,~~ 110405  
~~qualifying entity, electing pass-through entity, or employer~~ 110406  
~~shows that the failure to comply with the provisions of this~~ 110407  
~~chapter is due to reasonable cause and not willful neglect.~~ 110408

**Sec. 5747.29.** (A) As used in this section: 110409

(1) "Candidate" has the same meaning as in section 3517.01 110410  
of the Revised Code, but is limited to candidates for the public 110411  
offices specified in this section. 110412

(2) "Contribution" has the same meaning as in section 110413  
3517.01 of the Revised Code, but is limited to contributions of 110414  
money only. 110415

(B) A nonrefundable credit is allowed against a taxpayer's 110416  
aggregate tax liability under section 5747.02 of the Revised 110417  
Code for contributions of money made to the campaign committee 110418  
of candidates for any of the following public offices: governor, 110419  
lieutenant governor, secretary of state, auditor of state, 110420  
treasurer of state, attorney general, ~~member of the state board~~ 110421



~~of education,~~ chief justice of the supreme court, justice of the 110422  
supreme court, or member of the general assembly. The amount of 110423  
the credit for a taxable year equals the lesser of the combined 110424  
total contributions made during the taxable year by each 110425  
taxpayer filing a return required to be filed under section 110426  
5747.08 of the Revised Code or the amount of fifty dollars, in 110427  
the case of an individual return, or one hundred dollars, in the 110428  
case of a joint return. 110429

The taxpayer shall claim the credit in the order required 110430  
under section 5747.98 of the Revised Code. The credit for a 110431  
taxable year shall not exceed the aggregate amount of tax 110432  
otherwise due for that year after allowing for any other credits 110433  
that precede the credit under this section in that order. 110434

**Sec. 5747.38.** (A) As used in this section and section 110435  
5747.39 of the Revised Code and in other sections of Chapter 110436  
5747. of the Revised Code in the context of the tax imposed 110437  
under this section: 110438

(1) "Electing pass-through entity" means a qualifying 110439  
pass-through entity that elects to be subject to the tax levied 110440  
under this section for a taxable year pursuant to division (C) 110441  
of this section. 110442

(2) "Owner" means a person that is a partner, member, 110443  
shareholder, or investor in an electing pass-through entity for 110444  
any portion of the taxable year. 110445

(3) "Income" means the sum of owners' distributive shares 110446  
of the income, gain, expense, or loss of an electing pass- 110447  
through entity for the taxable year, as reported for federal 110448  
income tax purposes. 110449

(4) "Qualifying taxable income" means the sum of the 110450

following: 110451

(a) The portion of an electing pass-through entity's 110452  
income that is business income, subject to the applicable 110453  
adjustments in divisions (A) (2) to (7) of section 5733.40 of the 110454  
Revised Code, multiplied by the fraction described in division 110455  
(B) (1) of that section; 110456

(b) The portion of the electing pass-through entity's 110457  
income that is nonbusiness income allocated to this state under 110458  
section 5747.20 of the Revised Code. 110459

(B) For the same purposes for which the tax is levied 110460  
under section 5747.02 of the Revised Code, a tax is hereby 110461  
levied on each electing pass-through entity on the entity's 110462  
qualifying taxable income for the taxable year, at the following 110463  
rates: 110464

(1) For an electing pass-through entity's taxable year 110465  
that begins in 2022, five per cent; 110466

(2) For an electing pass-through entity's taxable year 110467  
that begins in 2023 and in any year thereafter, the rate equal 110468  
to the tax rate imposed on taxable business income under 110469  
division (A) (4) (a) of section 5747.02 of the Revised Code 110470  
applicable to that taxable year. 110471

(C) A pass-through entity that is not a disregarded 110472  
entity, as defined in section 5733.01 of the Revised Code, may 110473  
elect to be subject to the tax levied under this section by 110474  
filing with the tax commissioner a form prescribed by the 110475  
commissioner making such election on or before the deadline to 110476  
file the return under section 5747.42 of the Revised Code for 110477  
the taxable year. Such election applies only to the taxable year 110478  
for which the election is made and is, once made, irrevocable 110479

for that year. 110480

(D) ~~The~~ Except as otherwise provided in this division, the 110481  
tax levied under this section shall be calculated without regard 110482  
to any deductions or credits otherwise permitted to be claimed 110483  
by an owner of the electing pass-through entity in computing the 110484  
owner's aggregate tax liability under section 5747.02 of the 110485  
Revised Code. In calculating its tax due under this section, an 110486  
electing pass-through entity may claim the refundable credits 110487  
authorized under section 5747.059 or 5747.39 of the Revised Code 110488  
or division (I) of section 5747.08 of the Revised Code if that 110489  
credit is available to one or more of the entity's owners as if 110490  
the entity were the owner or owners. 110491

(E) The tax levied under this section is intended to 110492  
comply with the provisions of internal revenue service notice 110493  
2020-75 in which such tax paid by an electing pass-through 110494  
entity is deductible to the entity for federal income tax 110495  
purposes. 110496

(F) The tax commissioner shall adopt rules to administer 110497  
the tax levied under this section. Such rules shall include a 110498  
description of how the adjustments to income under divisions (A) 110499  
(36) and (S) (15) of section 5747.01 of the Revised Code and the 110500  
credit under section 5747.39 of the Revised Code apply to direct 110501  
or indirect owners of an electing pass-through entity based on 110502  
various ownership structures. Any rule adopted under this 110503  
section is not a regulatory restriction for the purpose of 110504  
section 121.95 of the Revised Code. 110505

**Sec. 5747.39.** There is hereby allowed a refundable credit 110506  
against a taxpayer's aggregate tax liability under section 110507  
5747.02 of the Revised Code for a taxpayer who is an owner of an 110508  
electing pass-through entity. The credit shall equal the owner's 110509

proportionate share of the lesser of the tax levied due or paid 110510  
under section 5747.38 of the Revised Code ~~remitted by the~~ 110511  
~~owner's~~ for the taxable year of the electing pass-through entity 110512  
~~for~~ that ends in the the taxable year of the taxpayer. 110513

The credit shall be claimed for the taxpayer's taxable 110514  
year that includes the last day of the electing pass-through 110515  
entity's taxable year for which the tax levied under that 110516  
section was paid and in the order required under section 5747.98 110517  
of the Revised Code. If the credit exceeds the aggregate amount 110518  
of tax otherwise due, the excess shall be refunded to the 110519  
taxpayer. 110520

The tax commissioner may request that a taxpayer claiming 110521  
a credit under this section furnish information as is necessary 110522  
to support the claim for the credit under this section, and no 110523  
credit shall be allowed unless the requested information is 110524  
provided. 110525

**Sec. 5747.40.** Any term used in sections 5747.40 to 5747.43 110526  
of the Revised Code has the same meaning as defined in section 110527  
5733.40 of the Revised Code. 110528

The purpose of sections 5747.40 to 5747.43 of the Revised 110529  
Code is to complement and to reinforce the tax levied under 110530  
section 5747.02 of the Revised Code. Those sections do not apply 110531  
to a pass-through entity if all of the investors of the pass- 110532  
through entity are resident taxpayers for the purposes of this 110533  
chapter for the entire qualifying taxable year of the pass- 110534  
through entity, or to a trust if all of the beneficiaries of the 110535  
trust are resident taxpayers for the purposes of this chapter 110536  
for the entire qualifying taxable year of the trust, except that 110537  
sections 5747.42 and 5747.43 of the Revised Code apply to all 110538  
pass-through entities that elect to be subject to the tax levied 110539

under section 5747.38 of the Revised Code. 110540

**Sec. 5747.42.** (A) In addition to the other returns 110541  
required to be filed and other remittances required to be made 110542  
pursuant to this chapter, every qualifying entity or electing 110543  
pass-through entity that is subject to the tax imposed by 110544  
section 5733.41, 5747.38, or 5747.41 of the Revised Code shall 110545  
file an annual return as follows: 110546

(1) For a qualifying entity, on or before the fifteenth 110547  
day of the fourth month following the end of the entity's 110548  
qualifying taxable year; 110549

(2) For an electing pass-through entity, on or before the 110550  
fifteenth day of April following the end of the entity's taxable 110551  
year that ends in the preceding calendar year. 110552

Each entity shall also remit to the tax commissioner, with 110553  
the remittance made payable to the treasurer of state, the 110554  
amount of the taxes shown to be due on the return, less the 110555  
amount paid for the taxable year on a declaration of estimated 110556  
tax report filed by the taxpayer as provided by section 5747.43 110557  
of the Revised Code. Remittance shall be made in the form 110558  
prescribed by the tax commissioner, including electronically if 110559  
required by section 5747.44 of the Revised Code. 110560

A domestic qualifying entity shall not dissolve, and a 110561  
foreign qualifying entity shall not withdraw or retire from 110562  
business in this state, without filing the tax returns and 110563  
paying the taxes charged for the year in which such dissolution 110564  
or withdrawal occurs. 110565

(B) The tax commissioner shall furnish qualifying entities 110566  
or electing pass-through entities, upon request, copies of the 110567  
forms prescribed by the commissioner for the purpose of making 110568

the returns required by sections 5747.42 to 5747.453 of the Revised Code. 110569  
110570

(C) The annual return required by this section shall be 110571  
signed by the applicable entity's trustee or other fiduciary, or 110572  
president, vice-president, secretary, treasurer, general 110573  
manager, general partner, superintendent, or managing agent in 110574  
this state. The annual return shall contain the facts, figures, 110575  
computations, and attachments that result in the tax charged by 110576  
section 5733.41, 5747.38, or 5747.41 of the Revised Code. Each 110577  
entity also shall file with its annual return all of the 110578  
following: 110579

(1) In the case of the tax charged by section 5733.41 or 110580  
5747.41 of the Revised Code, the full name and address of each 110581  
qualifying investor or qualifying beneficiary unless the 110582  
qualifying entity submits such information in accordance with 110583  
division (D) of this section; 110584

(2) In the case of the tax charged by section 5733.41 or 110585  
5747.41 of the Revised Code, the social security number, federal 110586  
employer identification number, or other identifying number of 110587  
each qualifying investor or qualifying beneficiary, unless the 110588  
taxpayer submits that information in accordance with division 110589  
(D) of this section; 110590

(3) In the case of the tax charged by section 5747.38 of 110591  
the Revised Code, the full name and address and the social 110592  
security number, federal employer identification number, or 110593  
other identifying number of each owner of the electing pass- 110594  
through entity, unless the entity submits such information in 110595  
accordance with division (D) of this section; 110596

(4) The amount of tax imposed by sections 5733.41 and 110597

5747.41 or by section 5747.38 of the Revised Code, and the 110598  
amount of the tax paid by the entity, for the applicable taxable 110599  
year covered by the annual return; 110600

(5) The amount of tax imposed by sections 5733.41 and 110601  
5747.41 or by section 5747.38 of the Revised Code that is 110602  
attributable to each qualifying investor, qualifying 110603  
beneficiary, or owner, as applicable, unless the entity submits 110604  
this information in accordance with division (D) of this 110605  
section. 110606

(D) On the date the annual return is due, including 110607  
extensions of time, if any, the applicable entity may be 110608  
required ~~by rule~~ to transmit electronically or by magnetic media 110609  
the information set forth in division (C) of this section. The 110610  
tax commissioner may adopt rules governing the format for the 110611  
transmission of such information. The tax commissioner may 110612  
exempt an entity or a class of entities from the requirements 110613  
imposed by this division. 110614

(E) Upon good cause shown, the tax commissioner may extend 110615  
the period for filing any return required to be filed under this 110616  
section or section 5747.43 or 5747.44 of the Revised Code and 110617  
for transmitting any information required to be transmitted 110618  
under those sections. The tax commissioner may adopt rules 110619  
relating to extensions of time to file and to transmit. At the 110620  
time an entity pays any tax imposed under section 5733.41, 110621  
5747.38, or 5747.41 of the Revised Code or estimated tax as 110622  
required under section 5747.43 of the Revised Code, the entity 110623  
also shall pay interest computed at the rate per annum 110624  
prescribed by section 5703.47 of the Revised Code on that tax or 110625  
estimated tax, from the time the tax or estimated tax originally 110626  
was required to be paid, without consideration of any filing 110627

extensions, to the time of actual payment. Nothing in this 110628  
division shall be construed to abate, modify, or limit the 110629  
imposition of any penalties imposed for the failure to timely 110630  
pay taxes under this chapter or Chapter 5733. of the Revised 110631  
Code without consideration of any filing extensions. 110632

**Sec. 5747.43.** (A) As used in this section: 110633

(1) "Estimated taxes" means the amount that a qualifying 110634  
entity or electing pass-through entity estimates to be the sum 110635  
of its liability under sections 5733.41 and 5747.41 or section 110636  
5747.38 of the Revised Code for its current qualifying taxable 110637  
year or taxable year, as applicable. 110638

(2) "Tax liability" means the total of the taxes and 110639  
withholding taxes due under sections 5733.41 and 5747.41 of the 110640  
Revised Code or the tax due under section 5747.38 of the Revised 110641  
Code for the applicable taxable year prior to applying any 110642  
estimated tax payment or refund from another year. 110643

(3) "Taxes paid" includes payments of estimated taxes made 110644  
under division (C) of this section and tax refunds applied by 110645  
the qualifying entity or electing pass-through entity in payment 110646  
of estimated taxes. 110647

(4) "Required installment" means a payment equal to 110648  
twenty-five per cent of the lesser of the following: 110649

(a) Ninety per cent of the tax liability for the 110650  
qualifying taxable year; 110651

(b) One hundred per cent of the tax liability shown on the 110652  
return of a qualifying entity or an electing pass-through entity 110653  
for the preceding taxable year. 110654

Division (A) (4) (b) of this section applies only if the 110655



entity filed a return under section 5747.42 of the Revised Code 110656  
for the preceding taxable year and if the preceding taxable year 110657  
was a twelve-month taxable year. 110658

(B) In addition to the return required to be filed 110659  
pursuant to section 5747.42 of the Revised Code, each qualifying 110660  
entity or electing pass-through entity that is subject to the 110661  
tax imposed under section 5733.41 and to the withholding tax 110662  
imposed by section 5747.41 of the Revised Code or that is 110663  
subject to the tax imposed under section 5747.38 of the Revised 110664  
Code shall file an estimated tax return and pay a portion of the 110665  
entity's tax liability for its taxable year. The portion of 110666  
those taxes required to be paid, and the last day prescribed for 110667  
payment thereof, shall be as prescribed by divisions (B) (1), 110668  
(2), (3), and (4) of this section: 110669

(1) On or before the fifteenth day of the fourth month 110670  
~~following after the last day of the first quarter of beginning~~ 110671  
of the entity's taxable year, twenty-two and one-half per cent 110672  
of the entity's estimated tax liability for that taxable year; 110673

(2) On or before the fifteenth day of the sixth month 110674  
~~following after the last day of the second quarter of beginning~~ 110675  
of the entity's taxable year, forty-five per cent of the 110676  
entity's estimated tax liability for that taxable year; 110677

(3) On or before the fifteenth day of the ninth month 110678  
~~following after the last day of the third quarter of beginning~~ 110679  
of the entity's taxable year, sixty-seven and one-half per cent 110680  
of the entity's estimated tax liability for that taxable year; 110681

(4) On or before the fifteenth day of the first month 110682  
~~following of the last day of the fourth quarter of the entity's~~ 110683  
following taxable year, ninety per cent of the entity's 110684

estimated tax liability for that taxable year. 110685

Payments of estimated taxes shall be made payable to the 110686  
treasurer of state. 110687

(C) If a payment of estimated taxes is not paid in the 110688  
full amount required under division (B) of this section, a 110689  
penalty ~~shall~~ may be added to the taxes charged for the 110690  
qualifying taxable year or taxable year, as applicable, unless 110691  
the underpayment is due to reasonable cause as described in 110692  
division (D) of this section. The penalty shall accrue at the 110693  
rate per annum prescribed by section 5703.47 of the Revised Code 110694  
upon the amount of underpayment from the day the estimated 110695  
payment was required to be made to the day the payment is made. 110696

The amount of the underpayment upon which the penalty 110697  
shall accrue shall be determined as follows: 110698

(1) For the first payment of estimated taxes each year, 110699  
the required installment less the amount of taxes paid by the 110700  
date prescribed for that payment; 110701

(2) For the second payment of estimated taxes each year, 110702  
the required installment less the amount of taxes paid by the 110703  
date prescribed for that payment; 110704

(3) For the third payment of estimated taxes each year, 110705  
the required installment less the amount of taxes paid by the 110706  
date prescribed for that payment; 110707

(4) For the fourth payment of estimated taxes each year, 110708  
the required installment less the amount of taxes paid by the 110709  
date prescribed for that payment. 110710

For the purposes of this section, a payment of estimated 110711  
taxes on or before any payment date shall be considered a 110712

payment of a previous underpayment only to the extent the 110713  
payment of estimated taxes exceeds the amount of the payment 110714  
presently required to be paid to avoid any penalty. 110715

The tax commissioner may abate, in whole or in part, the 110716  
penalty imposed under division (C) of this section. Any such 110717  
penalty is in lieu of any other interest charge or penalty 110718  
imposed for failure to file a declaration of estimated tax 110719  
report and make estimated payments as required by this section. 110720

(D) An underpayment of estimated taxes determined under 110721  
division (C) of this section is due to reasonable cause if any 110722  
of the following apply: 110723

(1) The amount of tax that was paid equals at least ninety 110724  
per cent of the tax liability for the current taxable year, 110725  
determined by annualizing the income received during that year 110726  
up to the end of the month immediately preceding the month in 110727  
which the payment is due; 110728

(2) The amount of tax liability that was paid equals at 110729  
least ninety per cent of the tax liability for the current 110730  
taxable year; 110731

(3) The amount of tax liability that was paid equals at 110732  
least one hundred per cent of the tax liability shown on the 110733  
return of the entity for the preceding taxable year, provided 110734  
that the immediately preceding taxable year reflected a period 110735  
of twelve months and the entity filed a return under section 110736  
5747.42 of the Revised Code for that year. 110737

(E) (1) Divisions (B) and (C) of this section do not apply 110738  
for a taxable year if either of the following applies to the 110739  
entity: 110740

(a) For the immediately preceding taxable year, the entity 110741

computes in good faith and in a reasonable manner that the sum 110742  
of its adjusted qualifying amounts or its qualifying taxable 110743  
income, as applicable, is ten thousand dollars or less. 110744

(b) For the taxable year the entity computes in good faith 110745  
and in a reasonable manner that the sum of its adjusted 110746  
qualifying amounts or its qualifying taxable income, as 110747  
applicable, is ten thousand dollars or less. 110748

(2) Notwithstanding any other provision of Title LVII of 110749  
the Revised Code to the contrary, the entity shall establish by 110750  
a preponderance of the evidence that its computation of the 110751  
adjusted qualifying amounts or qualifying taxable income, as 110752  
applicable, for the immediately preceding taxable year and the 110753  
taxable year was, in fact, made in good faith and in a 110754  
reasonable manner. 110755

(F) The tax commissioner may waive the requirement for 110756  
filing a declaration of estimated taxes for any class of 110757  
qualifying entities if the commissioner finds the waiver is 110758  
reasonable and proper in view of administrative costs and other 110759  
factors. 110760

(G) Estimated taxes paid by a qualifying entity or an 110761  
electing pass-through entity may be applied to satisfy the 110762  
entity's tax liability under section 5733.41, 5747.38, or 110763  
5747.41 of the Revised Code. Nothing in this section authorizes 110764  
such an entity to apply estimated taxes paid against more than 110765  
one tax. 110766

**Sec. 5747.44.** (A) If a qualifying entity's or an electing 110767  
pass-through entity's total liability for taxes imposed under 110768  
sections 5733.41 and 5747.41 or under section 5747.38 of the 110769  
Revised Code exceeds one hundred eighty thousand dollars for the 110770

second preceding taxable year or qualifying taxable year, as 110771  
applicable, the entity shall make all payments required under 110772  
sections 5747.42 and 5747.43 or under section 5747.38 of the 110773  
Revised Code electronically in the manner prescribed by the tax 110774  
commissioner. 110775

The tax commissioner shall notify each qualifying entity 110776  
and electing pass-through entity required to remit taxes 110777  
electronically of the entity's obligation to do so. Failure by 110778  
the commissioner to notify an entity subject to this section to 110779  
remit taxes electronically does not relieve the entity of its 110780  
obligation to remit taxes in that manner. 110781

(B) Except as otherwise provided in this division, the 110782  
payment of taxes electronically does not affect a qualifying 110783  
entity's or an electing pass-through entity's obligation to file 110784  
the returns required under sections 5747.42 and 5747.43 of the 110785  
Revised Code. 110786

(C) A qualifying entity or an electing pass-through entity 110787  
required by this section to remit taxes electronically may apply 110788  
to the tax commissioner in the manner prescribed by the 110789  
commissioner to be excused from that requirement. The 110790  
commissioner may excuse the entity from electronic remittance 110791  
for good cause shown for the period of time requested by the 110792  
entity or for a portion of that period. The commissioner shall 110793  
notify the entity of the commissioner's decision as soon as is 110794  
practicable. 110795

(D) If a qualifying entity or an electing pass-through 110796  
entity required by this section to remit taxes electronically 110797  
remits those taxes by some means other than electronically as 110798  
prescribed by this section, and the tax commissioner determines 110799  
that such failure was not due to reasonable cause or was due to 110800

willful neglect, the commissioner may collect an additional 110801  
charge by assessment in the manner prescribed by section 5747.13 110802  
of the Revised Code. The additional charge shall equal five per 110803  
cent of the amount of the taxes required to be paid 110804  
electronically, but shall not exceed five thousand dollars. Any 110805  
additional charge assessed under this section is in addition to 110806  
any other penalty or charge imposed under this chapter or 110807  
Chapter 5733. of the Revised Code, and shall be considered as 110808  
revenue arising from the taxes imposed under sections 5733.41 110809  
and 5747.41 or under section 5747.38 of the Revised Code. ~~The~~ 110810  
~~commissioner may remit all or a portion of such a charge and may~~ 110811  
~~adopt rules governing such remission.~~ 110812

No additional charge shall be assessed under this division 110813  
against a qualifying entity or an electing pass-through entity 110814  
that has been notified of its obligation to remit taxes 110815  
electronically under this section and that remits its first two 110816  
tax payments after such notification by some other means. The 110817  
additional charge may be assessed upon the remittance of any 110818  
subsequent tax payment that the entity remits by some means 110819  
other than electronically. 110820

**Sec. 5747.51.** (A) On or before the twenty-fifth day of 110821  
July of each year, the tax commissioner shall make and certify 110822  
to the county auditor of each county an estimate of the amount 110823  
of the local government fund to be allocated to the undivided 110824  
local government fund of each county for the ensuing calendar 110825  
year, adjusting the total as required to account for 110826  
subdivisions receiving local government funds under section 110827  
5747.502 of the Revised Code. 110828

(B) At each annual regular session of the county budget 110829  
commission convened pursuant to section 5705.27 of the Revised 110830

Code, each auditor shall present to the commission the 110831  
certificate of the commissioner, the annual tax budget and 110832  
estimates, and the records showing the action of the commission 110833  
in its last preceding regular session. The commission, after 110834  
extending to the representatives of each subdivision an 110835  
opportunity to be heard, under oath administered by any member 110836  
of the commission, and considering all the facts and information 110837  
presented to it by the auditor, shall determine the amount of 110838  
the undivided local government fund needed by and to be 110839  
apportioned to each subdivision for current operating expenses, 110840  
as shown in the tax budget of the subdivision. This 110841  
determination shall be made pursuant to divisions (C) to (I) of 110842  
this section, unless the commission has provided for a formula 110843  
pursuant to section 5747.53 of the Revised Code. The 110844  
commissioner shall reduce the amount of funds from the undivided 110845  
local government fund to a subdivision required to receive 110846  
reduced funds under section 5747.502 of the Revised Code. 110847

Nothing in this section prevents the budget commission, 110848  
for the purpose of apportioning the undivided local government 110849  
fund, from inquiring into the claimed needs of any subdivision 110850  
as stated in its tax budget, or from adjusting claimed needs to 110851  
reflect actual needs. For the purposes of this section, "current 110852  
operating expenses" means the lawful expenditures of a 110853  
subdivision, except those for permanent improvements and except 110854  
payments for interest, sinking fund, and retirement of bonds, 110855  
notes, and certificates of indebtedness of the subdivision. 110856

(C) The commission shall determine the combined total of 110857  
the estimated expenditures, including transfers, from the 110858  
general fund and any special funds other than special funds 110859  
established for road and bridge; street construction, 110860  
maintenance, and repair; state highway improvement; and gas, 110861

water, sewer, and electric public utilities operated by a 110862  
subdivision, as shown in the subdivision's tax budget for the 110863  
ensuing calendar year. 110864

(D) From the combined total of expenditures calculated 110865  
pursuant to division (C) of this section, the commission shall 110866  
deduct the following expenditures, if included in these funds in 110867  
the tax budget: 110868

(1) Expenditures for permanent improvements as defined in 110869  
division (E) of section 5705.01 of the Revised Code; 110870

(2) In the case of counties and townships, transfers to 110871  
the road and bridge fund, and in the case of municipalities, 110872  
transfers to the street construction, maintenance, and repair 110873  
fund and the state highway improvement fund; 110874

(3) Expenditures for the payment of debt charges; 110875

(4) Expenditures for the payment of judgments. 110876

(E) In addition to the deductions made pursuant to 110877  
division (D) of this section, revenues accruing to the general 110878  
fund and any special fund considered under division (C) of this 110879  
section from the following sources shall be deducted from the 110880  
combined total of expenditures calculated pursuant to division 110881  
(C) of this section: 110882

(1) Taxes levied within the ten-mill limitation, as 110883  
defined in section 5705.02 of the Revised Code; 110884

(2) The budget commission allocation of ~~estimated~~ county 110885  
public library fund revenues to be distributed pursuant to 110886  
section ~~5747.48~~126.68 of the Revised Code; 110887

(3) Estimated unencumbered balances as shown on the tax 110888  
budget as of the thirty-first day of December of the current 110889



year in the general fund, but not any estimated balance in any 110890  
special fund considered in division (C) of this section; 110891

(4) Revenue, including transfers, shown in the general 110892  
fund and any special funds other than special funds established 110893  
for road and bridge; street construction, maintenance, and 110894  
repair; state highway improvement; and gas, water, sewer, and 110895  
electric public utilities, from all other sources except those 110896  
that a subdivision receives from an additional tax or service 110897  
charge voted by its electorate or receives from special 110898  
assessment or revenue bond collection. For the purposes of this 110899  
division, where the charter of a municipal corporation prohibits 110900  
the levy of an income tax, an income tax levied by the 110901  
legislative authority of such municipal corporation pursuant to 110902  
an amendment of the charter of that municipal corporation to 110903  
authorize such a levy represents an additional tax voted by the 110904  
electorate of that municipal corporation. For the purposes of 110905  
this division, any measure adopted by a board of county 110906  
commissioners pursuant to section 322.02, 4504.02, or 5739.021 110907  
of the Revised Code, including those measures upheld by the 110908  
electorate in a referendum conducted pursuant to section 110909  
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 110910  
considered an additional tax voted by the electorate. 110911

Subject to division (F) of section 5705.29 of the Revised 110912  
Code, money in a reserve balance account established by a 110913  
county, township, or municipal corporation under section 5705.13 110914  
of the Revised Code shall not be considered an unencumbered 110915  
balance or revenue under division (E) (3) or (4) of this section. 110916  
Money in a reserve balance account established by a township 110917  
under section 5705.132 of the Revised Code shall not be 110918  
considered an unencumbered balance or revenue under division (E) 110919  
(3) or (4) of this section. 110920

If a county, township, or municipal corporation has created and maintains a nonexpendable trust fund under section 5705.131 of the Revised Code, the principal of the fund, and any additions to the principal arising from sources other than the reinvestment of investment earnings arising from such a fund, shall not be considered an unencumbered balance or revenue under division (E) (3) or (4) of this section. Only investment earnings arising from investment of the principal or investment of such additions to principal may be considered an unencumbered balance or revenue under those divisions.

(F) The total expenditures calculated pursuant to division (C) of this section, less the deductions authorized in divisions (D) and (E) of this section, shall be known as the "relative need" of the subdivision, for the purposes of this section.

(G) The budget commission shall total the relative need of all participating subdivisions in the county, and shall compute a relative need factor by dividing the total estimate of the undivided local government fund by the total relative need of all participating subdivisions.

(H) The relative need of each subdivision shall be multiplied by the relative need factor to determine the proportionate share of the subdivision in the undivided local government fund of the county; provided, that the maximum proportionate share of a county shall not exceed the following maximum percentages of the total estimate of the undivided local government fund governed by the relationship of the percentage of the population of the county that resides within municipal corporations within the county to the total population of the county as reported in the reports on population in Ohio by the department of development as of the twentieth day of July of the

year in which the tax budget is filed with the budget 110951  
commission: 110952  
110953

1

2

	1	2
A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 110954  
limitations established in this division, the budget commission 110955  
shall adjust the proportionate shares determined pursuant to 110956  
this division so that the proportionate share of the county does 110957  
not exceed these limitations, and it shall increase the 110958  
proportionate shares of all other subdivisions on a pro rata 110959  
basis. In counties having a population of less than one hundred 110960  
thousand, not less than ten per cent shall be distributed to the 110961  
townships therein. 110962

(I) The proportionate share of each subdivision in the 110963  
undivided local government fund determined pursuant to division 110964  
(H) of this section for any calendar year shall not be less than 110965  
the product of the average of the percentages of the undivided 110966  
local government fund of the county as apportioned to that 110967  
subdivision for the calendar years 1968, 1969, and 1970, 110968  
multiplied by the total amount of the undivided local government 110969  
fund of the county apportioned pursuant to former section 110970

5739.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B) (1) of former section 5739.21 of the Revised Code, and distributed pursuant to former section 5739.22 of the Revised Code. If the total amount of the undivided local government fund for any calendar year is less than the amount of the undivided local government fund apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970, the minimum amount guaranteed to each subdivision for that calendar year pursuant to this division shall be reduced on a basis proportionate to the amount by which the amount of the undivided local government fund for that calendar year is less than the amount of the undivided local government fund apportioned for the calendar year 1970.

(J) On the basis of such apportionment, the county auditor shall compute the percentage share of each such subdivision in the undivided local government fund and shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. No payment shall be made from the undivided local government fund, except in accordance with such percentage shares.

Within ten days after the budget commission has made its apportionment, whether conducted pursuant to section 5747.51 or 5747.53 of the Revised Code, the auditor shall publish a list of the subdivisions and the amount each is to receive from the undivided local government fund and the percentage share of each

subdivision, in a newspaper or newspapers of countywide 111002  
circulation, and send a copy of such allocation to the tax 111003  
commissioner. 111004

The county auditor shall also send a copy of such 111005  
allocation by ordinary or electronic mail to the fiscal officer 111006  
of each subdivision entitled to participate in the allocation of 111007  
the undivided local government fund of the county. This copy 111008  
shall constitute the official notice of the commission action 111009  
referred to in section 5705.37 of the Revised Code. 111010

All money received into the treasury of a subdivision from 111011  
the undivided local government fund in a county treasury shall 111012  
be paid into the general fund and used for the current operating 111013  
expenses of the subdivision. 111014

If a municipal corporation maintains a municipal 111015  
university, such municipal university, when the board of 111016  
trustees so requests the legislative authority of the municipal 111017  
corporation, shall participate in the money apportioned to such 111018  
municipal corporation from the total local government fund, 111019  
however created and constituted, in such amount as requested by 111020  
the board of trustees, provided such sum does not exceed nine 111021  
per cent of the total amount paid to the municipal corporation. 111022

If any public official fails to maintain the records 111023  
required by sections 5747.50 to 5747.55 of the Revised Code or 111024  
by the rules issued by the tax commissioner, the auditor of 111025  
state, or the treasurer of state pursuant to such sections, or 111026  
fails to comply with any law relating to the enforcement of such 111027  
sections, the local government fund money allocated to the 111028  
county may be withheld until such time as the public official 111029  
has complied with such sections or such law or the rules issued 111030  
pursuant thereto. 111031

Sec. 5747.52. The form used by the county budget 111032  
 commission to calculate subdivision shares of the undivided 111033  
 local government fund as apportioned pursuant to section 5747.51 111034  
 of the Revised Code shall be as follows: 111035

Calculation of (name of subdivision) share of undivided local 111036  
 government fund for (name of county) county 111037  
 111038

	1	2
A	Authorized expenditure for subdivision	Total
B	1. Estimated expenditures from general fund	_____
C	2. Estimated expenditures from special funds other than those established for road and bridge, street construction, maintenance, and state highway improvement, and for gas, water, sewer, and electric public utilities	_____
D	3. Total	_____
E	Deductions from authorized expenditures	
F	4. Expenditures for permanent improvements	_____
G	5. Transfers to road and bridge fund (counties and townships only)	_____
H	6. Transfers to street construction, maintenance, and repair, and state highway improvements funds	_____
I	7. Expenditures for the payment of debt charges	_____
J	8. Expenditures for the payment of judgments	_____

K	9. Taxes levied inside the "ten-mill limitation"	_____
L	10. Budget commission allocation of <del>estimated</del> county public library fund revenues	_____
M	11. Estimated unencumbered balances as of December 31 of current year in the general funds as stated in the tax budget	_____
N	12. Revenue, including transfers, shown in the general fund or any special funds other than special funds established for road and bridge, street construction, maintenance, and repair, and state highway improvement, and for gas, water, sewer, and electric public utilities, from all other sources except those from additional taxes or service charges voted by electorate as defined in division (E) (4) of section 5747.51 of the Revised Code, and except revenue from special assessment and revenue bond collections	_____
O	13. Total	_____
P	Calculation of subdivision share	
Q	14. Relative need of subdivision (line 3 less line 13)	_____
R	15. Relative need factor for county (total estimate of undivided local government fund divided by total relative need of all participating subdivisions)	_____
S	16. Proportionate share of subdivision (relative need of subdivision multiplied by relative need factor)	_____
T	17. After any adjustments necessary to comply with	_____

statutory maximum share allowable to county

U 18. After any adjustments necessary to comply with statutory minimum share allowable to townships \_\_\_\_\_

V 19. After any adjustments necessary to comply with minimum guarantee in division (I) of section 5747.51 of the Revised Code \_\_\_\_\_

W 20. Proportionate share of subdivision (line 16, 17, 18, or 19, whichever is appropriate) \_\_\_\_\_

**Sec. 5747.72.** (A) As used in this section: 111039

(1) "Qualifying taxpayer" means a taxpayer that is an individual with a dependent who is a qualifying student. 111040  
111041

(2) "Qualifying student" means a student who is exempt from the compulsory attendance law for the purpose of home education under section 3321.042 of the Revised Code for the school year. 111042  
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(3) "Education expenses" means expenses or fees for any of the following items used directly for home education of a qualifying student: books, supplementary materials, supplies, computer software, applications, or subscriptions. "Education expenses" does not include expenses or fees for computers or similar electronic devices or accessories thereto. "Education expenses" do not include any expenses paid from a scholarship account authorized by section 3310.24 of the Revised Code. 111046  
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(B) There is hereby allowed a nonrefundable credit against a qualifying taxpayer's aggregate tax liability under section 5747.02 of the Revised Code equal to the lesser of two hundred fifty dollars multiplied by the number of the taxpayer's 111054  
111055  
111056  
111057



qualifying students or the amount of education expenses incurred 111058  
by the taxpayer in the taxable year for the benefit of one or 111059  
more of the taxpayer's qualifying students. The credit shall be 111060  
claimed in the order required under section 5747.98 of the 111061  
Revised Code. 111062

The tax commissioner may request that a qualifying 111063  
taxpayer claiming a credit under this section furnish 111064  
information as is necessary to support the claim for the credit 111065  
under this section, and no credit shall be allowed unless the 111066  
requested information is provided. 111067

**Sec. 5747.98.** (A) To provide a uniform procedure for 111068  
calculating a taxpayer's aggregate tax liability under section 111069  
5747.02 of the Revised Code, a taxpayer shall claim any credits 111070  
to which the taxpayer is entitled in the following order: 111071

Either the retirement income credit under division (B) of 111072  
section 5747.055 of the Revised Code or the lump sum retirement 111073  
income credits under divisions (C), (D), and (E) of that 111074  
section; 111075

Either the senior citizen credit under division (F) of 111076  
section 5747.055 of the Revised Code or the lump sum 111077  
distribution credit under division (G) of that section; 111078

The dependent care credit under section 5747.054 of the 111079  
Revised Code; 111080

The credit for displaced workers who pay for job training 111081  
under section 5747.27 of the Revised Code; 111082

The campaign contribution credit under section 5747.29 of 111083  
the Revised Code; 111084

The twenty-dollar personal exemption credit under section 111085

5747.022 of the Revised Code;	111086
The joint filing credit under division <del>(G)</del> <u>(E)</u> of section	111087
5747.05 of the Revised Code;	111088
The earned income credit under section 5747.71 of the	111089
Revised Code;	111090
The nonrefundable credit for education expenses under	111091
section 5747.72 of the Revised Code;	111092
The nonrefundable credit for donations to scholarship	111093
granting organizations under section 5747.73 of the Revised	111094
Code;	111095
<del>    The nonrefundable credit for tuition paid to a</del>	111096
<del>nonchartered nonpublic school under section 5747.75 of the</del>	111097
<del>Revised Code;</del>	111098
The nonrefundable vocational job credit under section	111099
5747.057 of the Revised Code;	111100
The nonrefundable job retention credit under division (B)	111101
of section 5747.058 of the Revised Code;	111102
The enterprise zone credit under section 5709.66 of the	111103
Revised Code;	111104
The credit for beginning farmers who participate in a	111105
financial management program under division (B) of section	111106
5747.77 of the Revised Code;	111107
The credit for commercial vehicle operator training	111108
expenses under section 5747.82 of the Revised Code;	111109
The nonrefundable welcome home Ohio (WHO) program credit	111110
under section 122.633 of the Revised Code;	111111
The credit for selling or renting agricultural assets to	111112

beginning farmers under division (A) of section 5747.77 of the Revised Code;	111113 111114
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	111115 111116
The small business investment credit under section 5747.81 of the Revised Code;	111117 111118
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	111119 111120
The opportunity zone investment credit under section 5747.86 of the Revised Code;	111121 111122
The enterprise zone credits under section 5709.65 of the Revised Code;	111123 111124
The research and development credit under section 5747.331 of the Revised Code;	111125 111126
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	111127 111128
The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;	111129 111130
The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;	111131 111132
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	111133 111134
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	111135 111136
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	111137 111138

<del>The refundable credit for film and theater capital</del>	111139
<del>improvement projects under section 5747.67 of the Revised Code;</del>	111140
The refundable jobs creation credit or job retention	111141
credit under division (A) of section 5747.058 of the Revised	111142
Code;	111143
The refundable credit for taxes paid by a qualifying	111144
entity granted under section 5747.059 of the Revised Code;	111145
The refundable credits for taxes paid by a qualifying	111146
pass-through entity granted under division (I) of section	111147
5747.08 of the Revised Code;	111148
The refundable credit under section 5747.80 of the Revised	111149
Code for losses on loans made to the Ohio venture capital	111150
program under sections 150.01 to 150.10 of the Revised Code;	111151
The refundable credit for rehabilitating a historic	111152
building under section 5747.76 of the Revised Code;	111153
The refundable credit under section 5747.39 of the Revised	111154
Code for taxes levied under section 5747.38 of the Revised Code	111155
paid by an electing pass-through entity.	111156
(B) For any credit, except the refundable credits	111157
enumerated in this section and the credit granted under division	111158
(H) of section 5747.08 of the Revised Code, the amount of the	111159
credit for a taxable year shall not exceed the taxpayer's	111160
aggregate amount of tax due under section 5747.02 of the Revised	111161
Code, after allowing for any other credit that precedes it in	111162
the order required under this section. Any excess amount of a	111163
particular credit may be carried forward if authorized under the	111164
section creating that credit. Nothing in this chapter shall be	111165
construed to allow a taxpayer to claim, directly or indirectly,	111166
a credit more than once for a taxable year.	111167

**Sec. 5747.99.** (A) Whoever violates section 5747.19 of the Revised Code is guilty of a felony of the fifth degree. 111168  
111169

(B) Whoever violates any provision of sections 5747.01 to 5747.19 of the Revised Code, or any lawful rule promulgated by the tax commissioner under authority of any provision of those sections, for the violation of which no other penalty is provided in this section, shall be fined not less than one hundred nor more than five thousand dollars. 111170  
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~~(C) Whoever violates section 5747.49 of the Revised Code shall be fined not more than five dollars for each day that elapses between the date specified by law for performance and the date when the duty is actually performed.~~ 111176  
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~~(D)~~ Whoever violates section 5747.06 or 5747.07 of the Revised Code by failing to remit state income taxes withheld from an employee shall be penalized as follows: 111180  
111181  
111182

(1) Except as otherwise provided in division ~~(D)~~ ~~(2)~~ (C) (2) of this section, the offender shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned not more than sixty days, or both. 111183  
111184  
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(2) If the offender previously has been convicted of or pleaded guilty to a violation of section 5747.06 or 5747.07 of the Revised Code involving a failure to remit state income taxes withheld from an employee, the offender is guilty of a felony of the fifth degree. 111187  
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111191

**Sec. 5748.01.** As used in this chapter: 111192

(A) "School district income tax" means an income tax adopted under one of the following: 111193  
111194

(1) Former section 5748.03 of the Revised Code as it 111195

existed prior to its repeal by Amended Substitute House Bill No. 111196  
291 of the 115th general assembly; 111197

(2) Section 5748.03 of the Revised Code as enacted in 111198  
Substitute Senate Bill No. 28 of the 118th general assembly; 111199

(3) Section 5748.08 of the Revised Code as enacted in 111200  
Amended Substitute Senate Bill No. 17 of the 122nd general 111201  
assembly; 111202

(4) Section 5748.021 of the Revised Code; 111203

(5) Section 5748.081 of the Revised Code; 111204

(6) Section 5748.09 of the Revised Code. 111205

(B) "Individual" means an individual subject to the tax 111206  
levied by section 5747.02 of the Revised Code. 111207

(C) ~~"Estate" means an estate subject to the tax levied by-~~ 111208  
~~section 5747.02 of the Revised Code.~~"The county auditor's 111209  
appraised value" and "estimated effective rate" have the same 111210  
meanings as in section 5705.01 of the Revised Code. 111211

(D) "Taxable year" means a taxable year as defined in 111212  
division (M) of section 5747.01 of the Revised Code. 111213

(E) "Taxable income" means: 111214

~~(1) In the case of an individual,~~ one of the following, as 111215  
specified in the resolution imposing the tax: 111216

~~(a)~~(1) Modified adjusted gross income for the taxable 111217  
year, as defined in section 5747.01 of the Revised Code, less 111218  
the exemptions provided by section 5747.025 of the Revised Code; 111219

~~(b)~~(2) Wages, salaries, tips, and other employee 111220  
compensation to the extent included in modified adjusted gross 111221  
income as defined in section 5747.01 of the Revised Code, and 111222

net earnings from self-employment, as defined in section 1402(a) 111223  
of the Internal Revenue Code, to the extent included in modified 111224  
adjusted gross income. 111225

~~(2) In the case of an estate, taxable income for the 111226  
taxable year as defined in division (S) of section 5747.01 of 111227  
the Revised Code. 111228~~

(F) "Resident" of the school district means: 111229

~~(1) An an individual who is a resident of this state as 111230  
defined in division (I) of section 5747.01 of the Revised Code 111231  
during all or a portion of the taxable year and who, during all 111232  
or a portion of such period of state residency, is domiciled in 111233  
the school district or lives in and maintains a permanent place 111234  
of abode in the school district; 111235~~

~~(2) An estate of a decedent who, at the time of death, was 111236  
domiciled in the school district. 111237~~

(G) "School district income" means: 111238

~~(1) With respect to an individual, the portion of the 111239  
taxable income of an individual that is received by the 111240  
individual during the portion of the taxable year that the 111241  
individual is a resident of the school district and the school 111242  
district income tax is in effect in that school district. An 111243  
individual may have school district income with respect to more 111244  
than one school district. 111245~~

~~(2) With respect to an estate, the taxable income of the 111246  
estate for the portion of the taxable year that the school- 111247  
district income tax is in effect in that school district. 111248~~

(H) "Taxpayer" means an individual ~~or estate~~ having school 111249  
district income upon which a school district income tax is 111250

imposed. 111251

(I) "School district purposes" means any of the purposes 111252  
for which a tax may be levied pursuant to division (A) of 111253  
section 5705.21 of the Revised Code, including the combined 111254  
purposes authorized by section 5705.217 of the Revised Code. 111255

~~(J) "The county auditor's appraised value" and "effective-~~ 111256  
~~rate" have the same meanings as in section 5705.01 of the~~ 111257  
~~Revised Code.~~ 111258

**Sec. 5748.02.** (A) The board of education of any school 111259  
district, except a joint vocational school district, may 111260  
declare, by resolution, the necessity of raising annually a 111261  
specified amount of money for school district purposes. The 111262  
resolution shall specify whether the income that is to be 111263  
subject to the tax is taxable income ~~of individuals and estates-~~ 111264  
as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of 111265  
section 5748.01 of the Revised Code ~~or taxable income of~~ 111266  
~~individuals as defined in division (E)(1)(b) of that section.~~ A 111267  
copy of the resolution shall be certified to the tax 111268  
commissioner no later than one hundred days prior to the date of 111269  
the election at which the board intends to propose a levy under 111270  
this section. Upon receipt of the copy of the resolution, the 111271  
tax commissioner shall estimate both of the following: 111272

(1) The property tax rate that would have to be imposed in 111273  
the current year by the district to produce an equivalent amount 111274  
of money; 111275

(2) The income tax rate that would have had to have been 111276  
in effect for the current year to produce an equivalent amount 111277  
of money from a school district income tax. 111278

Within ten days of receiving the copy of the board's 111279



resolution, the commissioner shall prepare these estimates and 111280  
certify them to the board. Upon receipt of the certification, 111281  
the board may adopt a resolution proposing an income tax under 111282  
division (B) of this section at the estimated rate contained in 111283  
the certification rounded to the nearest one-fourth of one per 111284  
cent. The commissioner's certification applies only to the 111285  
board's proposal to levy an income tax at the election for which 111286  
the board requested the certification. If the board intends to 111287  
submit a proposal to levy an income tax at any other election, 111288  
it shall request another certification for that election in the 111289  
manner prescribed in this division. 111290

(B) (1) Upon the receipt of a certification from the tax 111291  
commissioner under division (A) of this section, a majority of 111292  
the members of a board of education may adopt a resolution 111293  
proposing the levy of an annual tax for school district purposes 111294  
on school district income. The proposed levy may be for a 111295  
continuing period of time or for a specified number of years. 111296  
The resolution shall set forth the purpose for which the tax is 111297  
to be imposed, the rate of the tax, which shall be the rate set 111298  
forth in the commissioner's certification rounded to the nearest 111299  
one-fourth of one per cent, the number of years the tax will be 111300  
levied or that it will be levied for a continuing period of 111301  
time, the date on which the tax shall take effect, which shall 111302  
be the first day of January of any year following the year in 111303  
which the question is submitted, and the date of the election at 111304  
which the proposal shall be submitted to the electors of the 111305  
district, which shall be on the date of a primary, general, or 111306  
special election the date of which is consistent with section 111307  
3501.01 of the Revised Code. The resolution shall specify 111308  
whether the income that is to be subject to the tax is taxable 111309  
~~income of individuals and estates as defined in divisions (E) (1)~~ 111310

~~(a) and division (E) (1) or (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E) (1) (b) of that section.~~ The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section.

If the tax is to be levied for current expenses and permanent improvements, the resolution shall apportion the annual rate of the tax. The apportionment may be the same or different for each year the tax is levied, but the respective portions of the rate actually levied each year for current expenses and for permanent improvements shall be limited by the apportionment.

If the board of education currently imposes an income tax pursuant to this chapter that is due to expire and a question is submitted under this section for a proposed income tax to take effect upon the expiration of the existing tax, the board may specify in the resolution that the proposed tax renews the expiring tax. Two or more expiring income taxes may be renewed under this paragraph if the taxes are due to expire on the same date. If the tax rate being proposed is no higher than the total tax rate imposed by the expiring tax or taxes, the resolution may state that the proposed tax is not an additional income tax.

(2) A board of education adopting a resolution under division (B) (1) of this section proposing a school district income tax for a continuing period of time and limited to the purpose of current expenses may propose in that resolution to reduce the rate or rates of one or more of the school district's property taxes levied for a continuing period of time in excess of the ten-mill limitation for the purpose of current expenses. The reduction in the rate of a property tax may be any amount,

not exceeding the rate at which the tax is authorized to be 111341  
levied. The reduction in the rate of a tax shall first take 111342  
effect for the tax year that includes the day on which the 111343  
school district income tax first takes effect, and shall 111344  
continue for each tax year that both the school district income 111345  
tax and the property tax levy are in effect. 111346

In addition to the matters required to be set forth in the 111347  
resolution under division (B) (1) of this section, a resolution 111348  
containing a proposal to reduce the rate of one or more property 111349  
taxes shall state for each such tax the maximum rate at which it 111350  
currently may be levied and the maximum rate at which the tax 111351  
could be levied after the proposed reduction, expressed in mills 111352  
for each one dollar of taxable value, and that the tax is levied 111353  
for a continuing period of time. 111354

A board proposing to reduce the rate of one or more 111355  
property taxes under division (B) (2) of this section shall 111356  
comply with division (B) of section 5705.03 of the Revised Code. 111357  
In addition to the amounts required in division (B) (2) of that 111358  
section, the county auditor shall certify to the board the 111359  
levy's effective rate for both the last year before the levy's 111360  
proposed reduction and the first year that the reduction 111361  
applies, both expressed in dollars for each one hundred thousand 111362  
dollars of the county auditor's appraised value. 111363

If a board of education proposes to reduce the rate of one 111364  
or more property taxes under division (B) (2) of this section, 111365  
the board, when it makes the certification required under 111366  
division (A) of this section, shall designate the specific levy 111367  
or levies to be reduced, the maximum rate at which each levy 111368  
currently is authorized to be levied, and the rate by which each 111369  
levy is proposed to be reduced. The tax commissioner, when 111370

making the certification to the board under division (A) of this 111371  
section, also shall certify the reduction in the total effective 111372  
tax rate for current expenses for each class of property that 111373  
would have resulted if the proposed reduction in the rate or 111374  
rates had been in effect the previous tax year. As used in this 111375  
paragraph, "effective tax rate" has the same meaning as in 111376  
section 323.08 of the Revised Code. 111377

(C) A resolution adopted under division (B) of this 111378  
section shall go into immediate effect upon its passage, and no 111379  
publication of the resolution shall be necessary other than that 111380  
provided for in the notice of election. Immediately after its 111381  
adoption and at least ninety days prior to the election at which 111382  
the question will appear on the ballot, a copy of the resolution 111383  
and, if applicable, the county auditor's certifications under 111384  
section 5705.03 of the Revised Code shall be certified to the 111385  
board of elections of the proper county, which shall submit the 111386  
proposal to the electors on the date specified in the 111387  
resolution. The board of education shall send to the tax 111388  
commissioner a copy of the resolution certified to the board of 111389  
elections. The form of the ballot shall be as provided in 111390  
section 5748.03 of the Revised Code. Publication of notice of 111391  
the election shall be made in a newspaper of general circulation 111392  
in the county once a week for two consecutive weeks, or as 111393  
provided in section 7.16 of the Revised Code, prior to the 111394  
election. If the board of elections operates and maintains a web 111395  
site, the board of elections shall post notice of the election 111396  
on its web site for thirty days prior to the election. The 111397  
notice shall contain the time and place of the election and the 111398  
question to be submitted to the electors. The question covered 111399  
by the resolution shall be submitted as a separate proposition, 111400  
but may be printed on the same ballot with any other proposition 111401

submitted at the same election, other than the election of 111402  
officers. 111403

(D) No board of education shall submit the question of a 111404  
tax on school district income to the electors of the district 111405  
more than twice in any calendar year. If a board submits the 111406  
question twice in any calendar year, one of the elections on the 111407  
question shall be held on the date of the general election. 111408

(E) (1) No board of education may submit to the electors of 111409  
the district the question of a tax on school district income on 111410  
~~the taxable income of individuals as defined in division (E) (1)~~ 111411  
~~(b) (E) (2)~~ of section 5748.01 of the Revised Code if that tax 111412  
would be in addition to an existing tax on ~~the taxable income of~~ 111413  
~~individuals and estates as defined in divisions (E) (1) (a) and~~ 111414  
~~(2) division (E) (1)~~ of that section. 111415

(2) No board of education may submit to the electors of 111416  
the district the question of a tax on school district income on 111417  
~~the taxable income of individuals and estates as defined in~~ 111418  
~~divisions (E) (1) (a) and (2) division (E) (1)~~ of section 5748.01 111419  
of the Revised Code if that tax would be in addition to an 111420  
existing tax on ~~the taxable income of individuals as defined in~~ 111421  
division ~~(E) (1) (b) (E) (2)~~ of that section. 111422

**Sec. 5748.021.** A board of education that levies a tax 111423  
under section 5748.02 of the Revised Code on the school district 111424  
income of individuals ~~and estates as defined in divisions (G)~~ 111425  
and ~~(E) (1) (a) and (2) (E) (1)~~ of section 5748.01 of the Revised 111426  
Code may declare, at any time, by a resolution adopted by a 111427  
majority of its members, the necessity of raising annually a 111428  
specified amount of money for school district purposes by 111429  
replacing the existing tax with a tax on ~~the school district~~ 111430  
income ~~of individuals as defined in divisions (G) (1) (G) and (E)~~ 111431

~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. The 111432  
specified amount of money to be raised annually may be the same 111433  
as, or more or less than, the amount of money raised annually by 111434  
the existing tax. 111435

The board shall certify a copy of the resolution to the 111436  
tax commissioner not later than the eighty-fifth day before the 111437  
date of the election at which the board intends to propose the 111438  
replacement to the electors of the school district. Not later 111439  
than the tenth day after receiving the resolution, the tax 111440  
commissioner shall estimate the tax rate that would be required 111441  
in the school district annually to raise the amount of money 111442  
specified in the resolution. The tax commissioner shall certify 111443  
the estimate to the board. 111444

Upon receipt of the tax commissioner's estimate, the board 111445  
may propose, by a resolution adopted by a majority of its 111446  
members, to replace the existing tax on ~~the~~ school district 111447  
income ~~of individuals and estates~~ as defined in divisions (G) 111448  
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 111449  
Code with the levy of an annual tax on ~~the~~ school district 111450  
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 111451  
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. In the 111452  
resolution, the board shall specify the rate of the replacement 111453  
tax, whether the replacement tax is to be levied for a specified 111454  
number of years or for a continuing time, the specific school 111455  
district purposes for which the replacement tax is to be levied, 111456  
the date on which the replacement tax will begin to be levied, 111457  
the date of the election at which the question of the 111458  
replacement is to be submitted to the electors of the school 111459  
district, that the existing tax will cease to be levied and the 111460  
replacement tax will begin to be levied if the replacement is 111461  
approved by a majority of the electors voting on the 111462

replacement, and that if the replacement is not approved by a 111463  
majority of the electors voting on the replacement the existing 111464  
tax will remain in effect under its original authority for the 111465  
remainder of its previously approved term. The resolution goes 111466  
into immediate effect upon its adoption. Publication of the 111467  
resolution is not necessary, and the information that will be 111468  
provided in the notice of election is sufficient notice. At 111469  
least seventy-five days before the date of the election at which 111470  
the question of the replacement will be submitted to the 111471  
electors of the school district, the board shall certify a copy 111472  
of the resolution to the board of elections. The board of 111473  
education shall send to the tax commissioner a copy of the 111474  
resolution certified to the board of elections. 111475

The replacement tax shall have the same specific school 111476  
district purposes as the existing tax, and its rate shall be the 111477  
same as the tax commissioner's estimate rounded to the nearest 111478  
one-fourth of one per cent. The replacement tax shall begin to 111479  
be levied on the first day of January of the year following the 111480  
year in which the question of the replacement is submitted to 111481  
and approved by the electors of the school district or on the 111482  
first day of January of a later year, as specified in the 111483  
resolution. The date of the election shall be the date of an 111484  
otherwise scheduled primary, general, or special election. 111485

The board of elections shall make arrangements to submit 111486  
the question of the replacement to the electors of the school 111487  
district on the date specified in the resolution. The board of 111488  
elections shall publish notice of the election on the question 111489  
of the replacement in one newspaper of general circulation in 111490  
the school district once a week for four consecutive weeks or as 111491  
provided in section 7.16 of the Revised Code. The notice shall 111492  
set forth the question to be submitted to the electors and the 111493

time and place of the election thereon. 111494

The question shall be submitted to the electors of the 111495  
school district as a separate proposition, but may be printed on 111496  
the same ballot with other propositions that are submitted at 111497  
the same election, other than the election of officers. The form 111498  
of the ballot shall be substantially as follows: 111499

"Shall the existing tax of \_\_\_\_\_ (state the rate) on the 111500  
school district income of individuals ~~and estates~~ imposed by 111501  
\_\_\_\_\_ (state the name of the school district) be replaced by a 111502  
tax of \_\_\_\_\_ (state the rate) on the earned income of 111503  
individuals residing in the school district for \_\_\_\_\_ (state the 111504  
number of years the tax is to be in effect or that it will be in 111505  
effect for a continuing time), beginning \_\_\_\_\_ (state the date 111506  
the new tax will take effect), for the purpose of \_\_\_\_\_ (state 111507  
the specific school district purposes of the tax)? If the new 111508  
tax is not approved, the existing tax will remain in effect 111509  
under its original authority, for the remainder of its 111510  
previously approved term. 111511  
111512

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

The board of elections shall conduct and canvass the 111513  
election in the same manner as regular elections in the school 111514  
district for the election of county officers. The board shall 111515  
certify the results of the election to the board of education 111516  
and to the tax commissioner. If a majority of the electors 111517  
voting on the question vote in favor of the replacement, the 111518  
existing tax shall cease to be levied, and the replacement tax 111519  
shall begin to be levied, on the date specified in the ballot 111520



question. If a majority of the electors voting on the question 111521  
vote against the replacement, the existing tax shall continue to 111522  
be levied under its original authority, for the remainder of its 111523  
previously approved term. 111524

A board of education may not submit the question of 111525  
replacing a tax more than twice in a calendar year. If a board 111526  
submits the question more than once, one of the elections at 111527  
which the question is submitted shall be on the date of a 111528  
general election. 111529

If a board of education later intends to renew a 111530  
replacement tax levied under this section, it shall repeat the 111531  
procedure outlined in this section to do so, the replacement tax 111532  
then being levied being the "existing tax" and the renewed 111533  
replacement tax being the "replacement tax." 111534

**Sec. 5748.03.** (A) The form of the ballot on a question 111535  
submitted to the electors under section 5748.02 of the Revised 111536  
Code shall be as follows: 111537

"Shall an annual income tax of \_\_\_\_\_ (state the proposed 111538  
rate of tax) on the school district income of individuals ~~and of~~ 111539  
~~estates~~ be imposed by \_\_\_\_\_ (state the name of the school 111540  
district), for \_\_\_\_\_ (state the number of years the tax would 111541  
be levied, or that it would be levied for a continuing period of 111542  
time), beginning \_\_\_\_\_ (state the date the tax would first 111543  
take effect), for the purpose of \_\_\_\_\_ (state the purpose of 111544  
the tax)? 111545

	FOR THE TAX	
	AGAINST THE TAX	"

111546

(B) (1) If the question submitted to electors proposes a school district income tax only on ~~the taxable income of individuals~~ as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(2) If the question submitted to electors proposes to renew one or more expiring income tax levies, the ballot shall be modified by adding the following language immediately after the name of the school district that would impose the tax: "to renew an income tax (or income taxes) expiring at the end of \_\_\_\_\_ (state the last year the existing income tax or taxes may be levied)."

(3) If the question includes a proposal under division (B) (2) of section 5748.02 of the Revised Code to reduce the rate of one or more school district property taxes, the ballot shall state that the purpose of the school district income tax is for current expenses, and the form of the ballot shall be modified by adding the following language immediately after the statement of the purpose of the proposed income tax: ", and shall the rate of an existing tax on property, currently levied for the purpose of current expenses at the rate of \_\_\_\_\_ mills, be REDUCED to \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to a reduction from \$\_\_\_\_\_ (effective rate) to \$\_\_\_\_\_ (effective rate) for each \$100,000 of the county auditor's appraised value, that the county auditor estimates will collect \$\_\_\_\_\_ annually, the reduction continuing until any such time as the income tax is repealed." In lieu of "for the tax" and "against the tax," the phrases "for the issue" and "against the issue," respectively, shall be used. If a board of education proposes a

reduction in the rates of more than one tax, the ballot language 111578  
shall be modified accordingly to express the rates at which 111579  
those taxes currently are levied and the rates to which the 111580  
taxes will be reduced. 111581

(C) The board of elections shall certify the results of 111582  
the election to the board of education and to the tax 111583  
commissioner. If a majority of the electors voting on the 111584  
question vote in favor of it, the income tax, the applicable 111585  
provisions of Chapter 5747. of the Revised Code, and the 111586  
reduction in the rate or rates of existing property taxes if the 111587  
question included such a reduction shall take effect on the date 111588  
specified in the resolution. If the question approved by the 111589  
voters includes a reduction in the rate of a school district 111590  
property tax, the board of education shall not levy the tax at a 111591  
rate greater than the rate to which the tax is reduced, unless 111592  
the school district income tax is repealed in an election under 111593  
section 5748.04 of the Revised Code. 111594

(D) If the rate at which a property tax is levied and 111595  
collected is reduced pursuant to a question approved under this 111596  
section, the tax commissioner shall compute the percentage 111597  
required to be computed for that tax under division (D) of 111598  
section 319.301 of the Revised Code each year the rate is 111599  
reduced as if the tax had been levied in the preceding year at 111600  
the rate at which it has been reduced. If the rate of a property 111601  
tax increases due to the repeal of the school district income 111602  
tax pursuant to section 5748.04 of the Revised Code, the tax 111603  
commissioner, for the first year for which the rate increases, 111604  
shall compute the percentage as if the tax in the preceding year 111605  
had been levied at the rate at which the tax was authorized to 111606  
be levied prior to any rate reduction. 111607

Sec. 5748.04. (A) The question of the repeal of a school 111608  
district income tax levied for more than five years may be 111609  
initiated not more than once in any five-year period by filing 111610  
with the board of elections of the appropriate counties not 111611  
later than ninety days before the general election in any year 111612  
after the year in which it is approved by the electors a 111613  
petition requesting that an election be held on the question. 111614  
The petition shall be signed by qualified electors residing in 111615  
the school district levying the income tax equal in number to 111616  
ten per cent of those voting for governor at the most recent 111617  
gubernatorial election. 111618

The board of elections shall determine whether the 111619  
petition is valid, and if it so determines, it shall do ~~both~~all 111620  
of the following: 111621

(1) Submit the question to the electors of the district at 111622  
the next general election; 111623

(2) Send a copy of the petition to the tax commissioner; 111624

(3) If the rate of one or more property tax levies was 111625  
reduced for the duration of the income tax levy pursuant to 111626  
division (B)(2) of section 5748.02 of the Revised Code, request 111627  
that the county auditor certify to the board, in the same manner 111628  
as required for a tax levy under section 5705.03 of the Revised 111629  
Code, an estimate of the levies' annual collections for the 111630  
first year in which the levies are increased, rounded to the 111631  
nearest dollar, and the levies' effective rates for the year 111632  
before the proposed increase and the levies' effective rates for 111633  
the first year that the increase applies, both of which shall be 111634  
expressed in dollars, rounded to the nearest dollar, for each 111635  
one hundred thousand dollars of the county auditor's appraised 111636  
value. 111637

The county auditor shall certify such information to the board of elections within ten days after receiving the board's request. If a school district is located in more than one county, the county auditor shall obtain from the county auditor of each other county in which the district is located the tax valuation applicable to the portion of the district in that county.

The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the time and place of the election and the question to be submitted to the electors. The form of the ballot cast at the election shall be as follows:

"Shall the annual income tax of \_\_\_\_\_ per cent, currently levied on the school district income of individuals ~~and estates~~ by \_\_\_\_\_ (state the name of the school district) for the purpose of \_\_\_\_\_ (state purpose of the tax), be repealed?

	For repeal of the income tax
	Against repeal of the income tax

"

(B) (1) If the tax is imposed on taxable income as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that

the tax currently is levied on the "earned income of individuals 111665  
residing in the school district" in lieu of the "school district 111666  
income of individuals ~~and estates.~~" 111667

(2) If the rate of one or more property tax levies was 111668  
reduced for the duration of the income tax levy pursuant to 111669  
division (B) (2) of section 5748.02 of the Revised Code, the form 111670  
of the ballot shall be modified by adding the following language 111671  
immediately after "repealed": ", and shall the rate of an 111672  
existing tax on property for the purpose of current expenses, 111673  
which rate was reduced for the duration of the income tax, be 111674  
INCREASED from \_\_\_\_\_ mills to \_\_\_\_\_ mills for each \$1 of taxable 111675  
value which amounts to an increase from \$\_\_\_\_\_ (effective rate) 111676  
to \$\_\_\_\_\_ (effective rate) for each \$100,000 of the county 111677  
auditor's appraised value, that the county auditor estimates 111678  
will collect \$\_\_\_\_\_ annually, beginning in \_\_\_\_\_ (state the 111679  
first year for which the rate of the property tax will 111680  
increase)." In lieu of "for repeal of the income tax" and 111681  
"against repeal of the income tax," the phrases "for the issue" 111682  
and "against the issue," respectively, shall be substituted. 111683

(3) If the rate of more than one property tax was reduced 111684  
for the duration of the income tax, the ballot language shall be 111685  
modified accordingly to express the rates at which those taxes 111686  
currently are levied and the rates to which the taxes would be 111687  
increased. 111688

(C) The question covered by the petition shall be 111689  
submitted as a separate proposition, but it may be printed on 111690  
the same ballot with any other proposition submitted at the same 111691  
election other than the election of officers. If a majority of 111692  
the qualified electors voting on the question vote in favor of 111693  
it, the result shall be certified immediately after the canvass 111694

by the board of elections to the board of education of the 111695  
school district and the tax commissioner, who shall thereupon, 111696  
after the current year, cease to levy the tax, except that if 111697  
notes have been issued pursuant to section 5748.05 of the 111698  
Revised Code the tax commissioner shall continue to levy and 111699  
collect under authority of the election authorizing the levy an 111700  
annual amount, rounded upward to the nearest one-fourth of one 111701  
per cent, as will be sufficient to pay the debt charges on the 111702  
notes as they fall due. 111703

(D) If a school district income tax repealed pursuant to 111704  
this section was approved in conjunction with a reduction in the 111705  
rate of one or more school district property taxes as provided 111706  
in division (B) (2) of section 5748.02 of the Revised Code, then 111707  
each such property tax may be levied after the current year at 111708  
the rate at which it could be levied prior to the reduction, 111709  
subject to any adjustments required by the county budget 111710  
commission pursuant to Chapter 5705. of the Revised Code. Upon 111711  
the repeal of a school district income tax under this section, 111712  
the board of education may resume levying a property tax, the 111713  
rate of which has been reduced pursuant to a question approved 111714  
under section 5748.02 of the Revised Code, at the rate the board 111715  
originally was authorized to levy the tax. A reduction in the 111716  
rate of a property tax under section 5748.02 of the Revised Code 111717  
is a reduction in the rate at which a board of education may 111718  
levy that tax only for the period during which a school district 111719  
income tax is levied prior to any repeal pursuant to this 111720  
section. The resumption of the authority to levy the tax upon 111721  
such a repeal does not constitute a tax levied in excess of the 111722  
one per cent limitation prescribed by Section 2 of Article XII, 111723  
Ohio Constitution, or in excess of the ten-mill limitation. 111724

(E) This section does not apply to school district income 111725

tax levies that are levied for five or fewer years. 111726

**Sec. 5748.08.** (A) The board of education of a city, local, 111727  
or exempted village school district, at any time by a vote of 111728  
two-thirds of all its members, may declare by resolution that it 111729  
may be necessary for the school district to do all of the 111730  
following: 111731

(1) Raise a specified amount of money for school district 111732  
purposes by levying an annual tax on school district income; 111733

(2) Issue general obligation bonds for permanent 111734  
improvements, stating in the resolution the necessity and 111735  
purpose of the bond issue and the amount, approximate date, 111736  
estimated rate of interest, and maximum number of years over 111737  
which the principal of the bonds may be paid; 111738

(3) Levy a tax outside the ten-mill limitation to pay debt 111739  
charges on the bonds and any anticipatory securities; 111740

(4) Submit the question of the school district income tax 111741  
and bond issue to the electors of the district at a special 111742  
election. 111743

The resolution shall specify whether the income that is to 111744  
be subject to the tax is taxable income ~~of individuals and~~ 111745  
~~estates as defined in divisions (E) (1) (a) and~~ division (E) (1) or 111746  
(2) of section 5748.01 of the Revised Code ~~or taxable income of~~ 111747  
~~individuals as defined in division (E) (1) (b) of that section.~~ 111748

On adoption of the resolution, the board shall certify a 111749  
copy of it to the tax commissioner and the county auditor no 111750  
later than one hundred five days prior to the date of the 111751  
special election at which the board intends to propose the 111752  
income tax and bond issue. Not later than ten days of receipt of 111753  
the resolution, the tax commissioner, in the same manner as 111754



required by division (A) of section 5748.02 of the Revised Code, 111755  
shall estimate the rates designated in divisions (A)(1) and (2) 111756  
of that section and certify them to the board. Not later than 111757  
ten days of receipt of the resolution, the county auditor shall 111758  
estimate and certify to the board the average annual property 111759  
tax rate required throughout the stated maturity of the bonds to 111760  
pay debt charges on the bonds, in the same manner as under 111761  
division (C) of section 133.18 of the Revised Code. 111762

(B) On receipt of the tax commissioner's and county 111763  
auditor's certifications prepared under division (A) of this 111764  
section, the board of education of the city, local, or exempted 111765  
village school district, by a vote of two-thirds of all its 111766  
members, may adopt a resolution proposing for a specified number 111767  
of years or for a continuing period of time the levy of an 111768  
annual tax for school district purposes on school district 111769  
income and declaring that the amount of taxes that can be raised 111770  
within the ten-mill limitation will be insufficient to provide 111771  
an adequate amount for the present and future requirements of 111772  
the school district; that it is necessary to issue general 111773  
obligation bonds of the school district for specified permanent 111774  
improvements and to levy an additional tax in excess of the ten- 111775  
mill limitation to pay the debt charges on the bonds and any 111776  
anticipatory securities; and that the question of the bonds and 111777  
taxes shall be submitted to the electors of the school district 111778  
at a special election, which shall not be earlier than ninety 111779  
days after certification of the resolution to the board of 111780  
elections, and the date of which shall be consistent with 111781  
section 3501.01 of the Revised Code. The resolution shall 111782  
specify all of the following: 111783

(1) The purpose for which the school district income tax 111784  
is to be imposed and the rate of the tax, which shall be the 111785

rate set forth in the tax commissioner's certification rounded 111786  
to the nearest one-fourth of one per cent; 111787

(2) Whether the income that is to be subject to the tax is 111788  
taxable income ~~of individuals and estates as defined in~~ 111789  
~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 111790  
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 111791  
~~defined in division (E)(1)(b) of that section.~~ The specification 111792  
shall be the same as the specification in the resolution adopted 111793  
and certified under division (A) of this section. 111794

(3) The number of years the tax will be levied, or that it 111795  
will be levied for a continuing period of time; 111796

(4) The date on which the tax shall take effect, which 111797  
shall be the first day of January of any year following the year 111798  
in which the question is submitted; 111799

(5) The amount of the estimated average annual property 111800  
tax levy, expressed in mills for each one dollar of taxable 111801  
value and dollars for each one hundred thousand dollars of the 111802  
county auditor's appraised value, as certified by the county 111803  
auditor under division (A) of this section. 111804

(C) A resolution adopted under division (B) of this 111805  
section shall go into immediate effect upon its passage, and no 111806  
publication of the resolution shall be necessary other than that 111807  
provided for in the notice of election. Immediately after its 111808  
adoption and at least ninety days prior to the election at which 111809  
the question will appear on the ballot, the board of education 111810  
shall certify a copy of the resolution, along with copies of the 111811  
auditor's estimate and its resolution under division (A) of this 111812  
section, to the board of elections of the proper county. The 111813  
board of education shall send to the tax commissioner a copy of 111814

the resolution adopted under division (B) of this section and 111815  
certified to the board of elections. The board of elections 111816  
shall make the arrangements for the submission of the question 111817  
to the electors of the school district, and the election shall 111818  
be conducted, canvassed, and certified in the same manner as 111819  
regular elections in the district for the election of county 111820  
officers. 111821

The resolution shall be put before the electors as one 111822  
ballot question, with a majority vote indicating approval of the 111823  
school district income tax, the bond issue, and the levy to pay 111824  
debt charges on the bonds and any anticipatory securities. The 111825  
board of elections shall publish the notice of the election in a 111826  
newspaper of general circulation in the school district once a 111827  
week for two consecutive weeks, or as provided in section 7.16 111828  
of the Revised Code, prior to the election. If the board of 111829  
elections operates and maintains a web site, it also shall post 111830  
notice of the election on its web site for thirty days prior to 111831  
the election. The notice of election shall state all of the 111832  
following: 111833

- (1) The questions to be submitted to the electors; 111834
- (2) The rate of the school district income tax; 111835
- (3) The principal amount of the proposed bond issue; 111836
- (4) The permanent improvements for which the bonds are to 111837  
be issued; 111838
- (5) The maximum number of years over which the principal 111839  
of the bonds may be paid; 111840
- (6) The estimated additional average annual property tax 111841  
rate to pay the debt charges on the bonds, as certified by the 111842  
county auditor, and expressed in mills for each one dollar of 111843

taxable value and in dollars for each one hundred thousand 111844  
dollars of the county auditor's appraised value; 111845

(7) The time and place of the special election. 111846

(D) The form of the ballot on a question submitted to the 111847  
electors under this section shall be as follows: 111848

"Shall the \_\_\_\_\_ school district be authorized to do 111849  
both of the following: 111850

(1) Impose an annual income tax of \_\_\_\_\_ (state the 111851  
proposed rate of tax) on the school district income of 111852  
individuals ~~and of estates~~, for \_\_\_\_\_ (state the number of 111853  
years the tax would be levied, or that it would be levied for a 111854  
continuing period of time), beginning \_\_\_\_\_ (state the date 111855  
the tax would first take effect), for the purpose of \_\_\_\_\_ 111856  
(state the purpose of the tax)? 111857

(2) Issue bonds for the purpose of \_\_\_\_\_ in the 111858  
principal amount of \$\_\_\_\_\_, to be repaid annually over a 111859  
maximum period of \_\_\_\_\_ years, and levy a property tax outside 111860  
the ten-mill limitation estimated by the county auditor to 111861  
average over the bond repayment period \_\_\_\_\_ mills for each \$1 111862  
of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 111863  
the county auditor's appraised value, to pay the annual debt 111864  
charges on the bonds, and to pay debt charges on any notes 111865  
issued in anticipation of those bonds? 111866  
111867

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

(E) If the question submitted to electors proposes a 111868  
school district income tax only on the taxable income of 111869

individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 111870  
5748.01 of the Revised Code, the form of the ballot shall be 111871  
modified by stating that the tax is to be levied on the "earned 111872  
income of individuals residing in the school district" in lieu 111873  
of the "school district income of individuals ~~and of estates.~~" 111874

(F) The board of elections promptly shall certify the 111875  
results of the election to the tax commissioner and the county 111876  
auditor of the county in which the school district is located. 111877  
If a majority of the electors voting on the question vote in 111878  
favor of it, the income tax and the applicable provisions of 111879  
Chapter 5747. of the Revised Code shall take effect on the date 111880  
specified in the resolution, and the board of education may 111881  
proceed with issuance of the bonds and with the levy and 111882  
collection of the property taxes to pay debt charges on the 111883  
bonds, at the additional rate or any lesser rate in excess of 111884  
the ten-mill limitation. Any securities issued by the board of 111885  
education under this section are Chapter 133. securities, as 111886  
that term is defined in section 133.01 of the Revised Code. 111887

(G) After approval of a question under this section, the 111888  
board of education may anticipate a fraction of the proceeds of 111889  
the school district income tax in accordance with section 111890  
5748.05 of the Revised Code. Any anticipation notes under this 111891  
division shall be issued as provided in section 133.24 of the 111892  
Revised Code, shall have principal payments during each year 111893  
after the year of their issuance over a period not to exceed 111894  
five years, and may have a principal payment in the year of 111895  
their issuance. 111896

(H) The question of repeal of a school district income tax 111897  
levied for more than five years may be initiated and submitted 111898  
in accordance with section 5748.04 of the Revised Code. 111899

(I) No board of education shall submit a question under 111900  
this section to the electors of the school district more than 111901  
twice in any calendar year. If a board submits the question 111902  
twice in any calendar year, one of the elections on the question 111903  
shall be held on the date of the general election. 111904

**Sec. 5748.081.** A board of education of a school district 111905  
that, under divisions (A) (1), (D) (1), and (E) of section 5748.08 111906  
or under section 5748.09 of the Revised Code, levies a tax on 111907  
the school district income of individuals ~~and estates~~ as defined 111908  
in divisions (G) and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 111909  
of the Revised Code may replace that tax with a tax on ~~the~~ 111910  
school district income ~~of individuals~~ as defined in divisions 111911  
~~(G) (1) (G)~~ and ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 111912  
Code by following the procedure outlined in, and subject to the 111913  
conditions specified in, section 5748.021 of the Revised Code, 111914  
as if the existing tax levied under section 5748.08 or 5748.09 111915  
were levied under section 5748.02 of the Revised Code. The tax 111916  
commissioner and the board of elections shall perform duties in 111917  
response to the actions of the board of education under this 111918  
section as directed in section 5748.021 of the Revised Code. 111919

**Sec. 5748.09.** (A) The board of education of a city, local, 111920  
or exempted village school district, at any time by a vote of 111921  
two-thirds of all its members, may declare by resolution that it 111922  
may be necessary for the school district to do all of the 111923  
following: 111924

(1) Raise a specified amount of money for school district 111925  
purposes by levying an annual tax on school district income; 111926

(2) Levy an additional property tax in excess of the ten- 111927  
mill limitation for the purpose of providing for the necessary 111928  
requirements of the district, stating in the resolution the 111929

amount of money to be raised each year for such purpose; 111930

(3) Submit the question of the school district income tax 111931  
and property tax to the electors of the district at a special 111932  
election. 111933

The resolution shall specify whether the income that is to 111934  
be subject to the tax is taxable income ~~of individuals and~~ 111935  
~~estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ 111936  
~~(2) of section 5748.01 of the Revised Code or taxable income of~~ 111937  
~~individuals as defined in division (E) (1) (b) of that section.~~ 111938

On adoption of the resolution, the board shall certify a 111939  
copy of it to the tax commissioner and the county auditor not 111940  
later than one hundred days prior to the date of the special 111941  
election at which the board intends to propose the income tax 111942  
and property tax. Not later than ten days after receipt of the 111943  
resolution, the tax commissioner, in the same manner as required 111944  
by division (A) of section 5748.02 of the Revised Code, shall 111945  
estimate the rates designated in divisions (A) (1) and (2) of 111946  
that section and certify them to the board. Not later than ten 111947  
days after receipt of the resolution, the county auditor, in the 111948  
same manner as required by section 5705.195 of the Revised Code, 111949  
shall make the calculation specified in that section and certify 111950  
it to the board. 111951

(B) On receipt of the tax commissioner's and county 111952  
auditor's certifications prepared under division (A) of this 111953  
section, the board of education of the city, local, or exempted 111954  
village school district, by a vote of two-thirds of all its 111955  
members, may adopt a resolution declaring that the amount of 111956  
taxes that can be raised by all tax levies the district is 111957  
authorized to impose, when combined with state and federal 111958  
revenues, will be insufficient to provide an adequate amount for 111959

the present and future requirements of the school district, and 111960  
that it is therefore necessary to levy, for a specified number 111961  
of years or for a continuing period of time, an annual tax for 111962  
school district purposes on school district income, and to levy, 111963  
for a specified number of years not exceeding ten or for a 111964  
continuing period of time, an additional property tax in excess 111965  
of the ten-mill limitation for the purpose of providing for the 111966  
necessary requirements of the district, and declaring that the 111967  
question of the school district income tax and property tax 111968  
shall be submitted to the electors of the school district at a 111969  
special election, which shall not be earlier than ninety days 111970  
after certification of the resolution to the board of elections, 111971  
and the date of which shall be consistent with section 3501.01 111972  
of the Revised Code. The resolution shall specify all of the 111973  
following: 111974

(1) The purpose for which the school district income tax 111975  
is to be imposed and the rate of the tax, which shall be the 111976  
rate set forth in the tax commissioner's certification rounded 111977  
to the nearest one-fourth of one per cent; 111978

(2) Whether the income that is to be subject to the tax is 111979  
taxable income ~~of individuals and estates as defined in~~ 111980  
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 111981  
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 111982  
~~defined in division (E) (1) (b) of that section.~~ The specification 111983  
shall be the same as the specification in the resolution adopted 111984  
and certified under division (A) of this section. 111985

(3) The number of years the school district income tax 111986  
will be levied, or that it will be levied for a continuing 111987  
period of time; 111988

(4) The date on which the school district income tax shall 111989



take effect, which shall be the first day of January of any year 111990  
following the year in which the question is submitted; 111991

(5) The amount of money it is necessary to raise for the 111992  
purpose of providing for the necessary requirements of the 111993  
district for each year the property tax is to be imposed; 111994

(6) The number of years the property tax will be levied, 111995  
or that it will be levied for a continuing period of time; 111996

(7) The tax list upon which the property tax shall be 111997  
first levied, which may be the current year's tax list; 111998

(8) The amount of the average tax levy, expressed in 111999  
dollars for each one hundred thousand dollars of the county 112000  
auditor's appraised value as well as in mills for each one 112001  
dollar of taxable value, estimated by the county auditor under 112002  
division (A) of this section. 112003

(C) A resolution adopted under division (B) of this 112004  
section shall go into immediate effect upon its passage, and no 112005  
publication of the resolution shall be necessary other than that 112006  
provided for in the notice of election. Immediately after its 112007  
adoption and at least ninety days prior to the election at which 112008  
the question will appear on the ballot, the board of education 112009  
shall certify a copy of the resolution, along with copies of the 112010  
county auditor's certification and the resolution under division 112011  
(A) of this section, to the board of elections of the proper 112012  
county. The board of education shall send to the tax 112013  
commissioner a copy of the resolution adopted under division (B) 112014  
of this section and certified to the board of elections. The 112015  
board of education shall make the arrangements for the 112016  
submission of the question to the electors of the school 112017  
district, and the election shall be conducted, canvassed, and 112018

certified in the same manner as regular elections in the 112019  
district for the election of county officers. 112020

The resolution shall be put before the electors as one 112021  
ballot question, with a majority vote indicating approval of the 112022  
school district income tax and the property tax. The board of 112023  
elections shall publish the notice of the election in a 112024  
newspaper of general circulation in the school district once a 112025  
week for two consecutive weeks, or as provided in section 7.16 112026  
of the Revised Code, prior to the election. If the board of 112027  
elections operates and maintains a web site, ~~also the board~~ 112028  
shall also post the notice of the election on its web site for 112029  
thirty days prior to the election. The notice of the election 112030  
shall state all of the following: 112031

(1) The questions to be submitted to the electors as a 112032  
single ballot question; 112033

(2) The rate of the school district income tax; 112034

(3) The number of years the school district income tax 112035  
will be levied or that it will be levied for a continuing period 112036  
of time; 112037

(4) The annual proceeds of the proposed property tax levy 112038  
for the purpose of providing for the necessary requirements of 112039  
the district; 112040

(5) The number of years during which the property tax levy 112041  
shall be levied, or that it shall be levied for a continuing 112042  
period of time; 112043

(6) The estimated average additional tax rate of the 112044  
property tax, expressed in dollars for each one hundred thousand 112045  
dollars of the county auditor's appraised value as well as in 112046  
mills for each one dollar of taxable value, outside the 112047

limitation imposed by Section 2 of Article XII, Ohio 112048  
Constitution, as certified by the county auditor; 112049

(7) The time and place of the special election. 112050

(D) The form of the ballot on a question submitted to the 112051  
electors under this section shall be as follows: 112052

"Shall the \_\_\_\_\_ school district be authorized to do both 112053  
of the following: 112054

(1) Impose an annual income tax of \_\_\_\_\_ (state the 112055  
proposed rate of tax) on the school district income of 112056  
individuals ~~and of estates~~, for \_\_\_\_\_ (state the number of 112057  
years the tax would be levied, or that it would be levied for a 112058  
continuing period of time), beginning \_\_\_\_\_ (state the date 112059  
the tax would first take effect), for the purpose of \_\_\_\_\_ 112060  
(state the purpose of the tax)? 112061

(2) Impose a property tax levy outside of the ten-mill 112062  
limitation for the purpose of providing for the necessary 112063  
requirements of the district in the sum of \$ \_\_\_\_\_ 112064  
(here insert annual amount the levy is to produce), estimated by 112065  
the county auditor to average \_\_\_\_\_ mills for each \$1 112066  
of taxable value, which amounts to \$ \_\_\_\_\_ for each 112067  
\$100,000 of the county auditor's appraised value, for 112068  
\_\_\_\_\_ (state the number of years the tax is to be 112069  
imposed or that it will be imposed for a continuing period of 112070  
time), commencing in \_\_\_\_\_ (first year the tax is to be 112071  
levied), first due in calendar year \_\_\_\_\_ (first calendar 112072  
year in which the tax shall be due)? 112073

112074

	FOR THE INCOME TAX AND PROPERTY TAX
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	AGAINST THE INCOME TAX AND PROPERTY TAX	"
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If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it:

(1) The income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution.

(2) The board of education of the school district may make the additional property tax levy necessary to raise the amount specified on the ballot for the purpose of providing for the necessary requirements of the district. The property tax levy shall be included in the next tax budget that is certified to the county budget commission.

(F) (1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed

five years, and may have a principal payment in the year of  
their issuance. 112103  
112104

(2) After the approval of a question under this section 112105  
and prior to the time when the first tax collection from the 112106  
property tax levy can be made, the board of education may 112107  
anticipate a fraction of the proceeds of the levy and issue 112108  
anticipation notes in an amount not exceeding the total 112109  
estimated proceeds of the levy to be collected during the first 112110  
year of the levy. Any anticipation notes under this division 112111  
shall be issued as provided in section 133.24 of the Revised 112112  
Code, shall have principal payments during each year after the 112113  
year of their issuance over a period not to exceed five years, 112114  
and may have a principal payment in the year of their issuance. 112115

(G) (1) The question of repeal of a school district income 112116  
tax levied for more than five years may be initiated and 112117  
submitted in accordance with section 5748.04 of the Revised 112118  
Code. 112119

(2) A property tax levy for a continuing period of time 112120  
may be reduced in the manner provided under section 5705.261 of 112121  
the Revised Code. 112122

(H) No board of education shall submit a question under 112123  
this section to the electors of the school district more than 112124  
twice in any calendar year. If a board submits the question 112125  
twice in any calendar year, one of the elections on the question 112126  
shall be held on the date of the general election. 112127

(I) If the electors of the school district approve a 112128  
question under this section, and if the last calendar year the 112129  
school district income tax is in effect and the last calendar 112130  
year of collection of the property tax are the same, the board 112131

of education of the school district may propose to submit under 112132  
this section the combined question of a school district income 112133  
tax to take effect upon the expiration of the existing income 112134  
tax and a property tax to be first collected in the calendar 112135  
year after the calendar year of last collection of the existing 112136  
property tax, and specify in the resolutions adopted under this 112137  
section that the proposed taxes would renew the existing taxes. 112138  
The form of the ballot on a question submitted to the electors 112139  
under division (I) of this section shall be as follows: 112140

"Shall the \_\_\_\_\_ school district be authorized to do 112141  
both of the following: 112142

(1) Impose an annual income tax of \_\_\_\_\_ (state the 112143  
proposed rate of tax) on the school district income of 112144  
individuals ~~and of estates~~ to renew an income tax expiring at 112145  
the end of \_\_\_\_\_ (state the last year the existing income tax 112146  
may be levied) for \_\_\_\_\_ (state the number of years the tax 112147  
would be levied, or that it would be levied for a continuing 112148  
period of time), beginning \_\_\_\_\_ (state the date the tax would 112149  
first take effect), for the purpose of \_\_\_\_\_ (state the 112150  
purpose of the tax)? 112151

(2) Impose a property tax levy renewing an existing levy 112152  
outside of the ten-mill limitation for the purpose of providing 112153  
for the necessary requirements of the district in the sum of 112154  
\$\_\_\_\_\_ (here insert annual amount the levy is to 112155  
produce), estimated by the county auditor to average 112156  
\_\_\_\_\_ mills for each \$1 of taxable value, which 112157  
amounts to \$\_\_\_\_\_ for each \$100,000 of the county 112158  
auditor's appraised value, for \_\_\_\_\_ (state the number 112159  
of years the tax is to be imposed or that it will be imposed for 112160  
a continuing period of time), commencing in \_\_\_\_\_ (first 112161

year the tax is to be levied), first due in calendar year 112162  
 \_\_\_\_\_ (first calendar year in which the tax shall be 112163  
 due)? 112164  
 112165

	FOR THE INCOME TAX AND PROPERTY TAX
	AGAINST THE INCOME TAX AND PROPERTY TAX

"

If the question submitted to electors proposes a school 112166  
 district income tax only on the taxable income of individuals as 112167  
 defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the 112168  
 Revised Code, the form of the ballot shall be modified by 112169  
 stating that the tax is to be levied on the "earned income of 112170  
 individuals residing in the school district" in lieu of the 112171  
 "school district income of individuals ~~and of estates.~~" 112172

(J) (1) If the electors of the school district approve a 112173  
 question under this section, and if the last calendar year the 112174  
 school district income tax is in effect and the last calendar 112175  
 year in which the property tax is collected are the same, the 112176  
 board of education of the school district may propose to submit 112177  
 under this section the combined question of all of the 112178  
 following: 112179

(a) The renewal of the school district income tax levied 112180  
 under this section, to take effect upon the expiration of the 112181  
 existing income tax; 112182

(b) The renewal of the property tax levied under this 112183  
 section, to be levied beginning in the tax year after the tax 112184  
 year in which the existing property tax expires; 112185

(c) The renewal of a property tax levied under section 112186  
 5705.194 of the Revised Code, regardless of the year it expires, 112187

to be levied beginning in the same tax year that the tax 112188  
described in division (J) (1) (b) of this section is first levied. 112189

If the combined question is approved, the existing tax 112190  
levied under section 5705.194 of the Revised Code may not be 112191  
levied for the first tax year the renewal tax is levied or any 112192  
following tax year. 112193

(2) In its resolution to be submitted to the tax 112194  
commissioner and county auditor, the board of education shall 112195  
include, in addition to the applicable requirements of division 112196  
(A) of this section, a declaration of the necessity for the 112197  
renewal of the property tax levied under section 5705.194 of the 112198  
Revised Code, the purpose of the tax as specified under that 112199  
section, and the necessity of the submission of the question of 112200  
the renewal of the school district income tax and both property 112201  
taxes to the electors of the district at a special election. Not 112202  
later than ten days after receipt of the resolution, the county 112203  
auditor shall make a separate calculation and certification with 112204  
respect to the renewal tax described in division (J) (1) (c) of 112205  
this section in the same manner as required by section 5705.195 112206  
of the Revised Code. 112207

In its resolution adopted upon receipt of the 112208  
commissioner's and county auditor's certifications, the board of 112209  
education shall include, in addition to the applicable 112210  
requirements of division (B) of this section, a declaration that 112211  
the amount of taxes that can be raised by all tax levies the 112212  
district is authorized to impose, when combined with state and 112213  
federal revenues, will be insufficient to provide an adequate 112214  
amount for the present and future requirements of the school 112215  
district, and that it is therefore necessary to renew the 112216  
existing property tax being levied in excess of the ten-mill 112217



limitation under section 5705.194 of the Revised Code for the 112218  
purpose as specified in that section, for a specified number of 112219  
years not exceeding ten or for a continuing period of time, and 112220  
that the question of the renewal of the school district income 112221  
tax and of both property taxes shall be submitted to the 112222  
electors of the school district at a special election as 112223  
described in division (B) of this section. With respect to the 112224  
renewal tax described in division (J) (1) (c) of this section, the 112225  
resolution shall specify the amount of money it is necessary to 112226  
raise for the specified purpose for each calendar year the 112227  
millage is to be imposed, the tax year that tax is to be first 112228  
levied, and the estimated rate of that tax, expressed in dollars 112229  
for each one hundred thousand dollars of the county auditor's 112230  
appraised value as well as in mills for each one dollar of 112231  
taxable value, as certified by the county auditor. 112232

(3) In addition to the requirements of division (C) of 112233  
this section, the notice of election shall separately state, 112234  
with respect to the renewal tax described in division (J) (1) (c) 112235  
of this section, the annual proceeds of the proposed levy for 112236  
the specified purpose; the number of years the proposed tax will 112237  
be levied, or that it shall be levied for a continuing period of 112238  
time; and the estimated rate of the proposed levy, expressed in 112239  
dollars for each one hundred thousand dollars of the county 112240  
auditor's appraised value as well as in mills for each one 112241  
dollar of taxable value, as certified by the county auditor. 112242

(4) The form of the ballot on a question submitted to the 112243  
electors under division (J) of this section shall be identical 112244  
to the form of the ballot prescribed in division (I) of this 112245  
section, except that the following shall be added after the 112246  
third paragraph and in place of the voting box: "(3) Impose a 112247  
property tax levy renewing an existing levy outside of the ten- 112248

mill limitation for the purpose of \_\_\_\_\_ (here insert 112249  
purpose of levy as specified in section 5705.194 of the Revised 112250  
Code and determined by the board of education) in the sum of \$ 112251  
\_\_\_\_\_ (here insert annual amount the levy is to produce), 112252  
estimated by the county auditor to average \_\_\_\_\_ mills for 112253  
each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 112254  
\$100,000 of the county auditor's appraised value, for \_\_\_\_\_ 112255  
(state the number of years the tax is to be imposed or that it 112256  
will be imposed for a continuing period of time), commencing in 112257  
\_\_\_\_\_ (first year the tax is to be levied), first due in 112258  
calendar year \_\_\_\_\_ (first calendar year in which the tax 112259  
shall be due)? 112260  
112261

	FOR THE INCOME TAX AND PROPERTY TAXES
	AGAINST THE INCOME TAX AND PROPERTY TAXES " "

If the existing property tax being levied under section 112262  
5705.194 of the Revised Code is scheduled to expire in a tax 112263  
year different from that of the existing property tax being 112264  
levied under this section, the form of the ballot shall be 112265  
modified by adding the following statement at the end of the 112266  
paragraph prescribed in this division: "If approved, any 112267  
remaining tax years on the existing levy will not be levied 112268  
after tax year \_\_\_\_\_ (last tax year the tax will be levied), 112269  
last due in \_\_\_\_\_ (last calendar year in which the tax shall 112270  
be due)." 112271

(5) If a majority of the electors voting on the question 112272  
submitted under division (J) of this section vote in favor of 112273  
it, the board of education of the school district may, in 112274  
addition to any other authorization in the Revised Code and 112275

prior to the time when the first tax collection from the renewal tax levy can be made, anticipate a fraction of the proceeds of the renewal levy described in division (J) (1) (c) of this section and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy. Any such anticipation notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(K) The question of a renewal levy under division (I) or (J) of this section shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in August, during the last year the existing property tax levy described in division (J) (1) (b) of this section may be extended on the real and public utility property tax list and duplicate, or at any election held in the ensuing year.

The failure by the electors to approve the question of a renewal levy under division (I) or (J) of this section does not terminate the authority previously granted by the electors to levy the taxes proposed to be renewed for their previously approved duration.

(L) If the electors of the school district approve a question under this section, the board of education of the school district may propose to renew any of the existing taxes as individual ballot questions in accordance with section 5748.02 of the Revised Code, for the school district income tax, or section 5705.194 of the Revised Code, for the property tax or

taxes. 112306

**Sec. 5749.02.** (A) For the purpose of providing revenue to 112307  
administer the state's coal mining and reclamation regulatory 112308  
program, to meet the environmental and resource management needs 112309  
of this state, and to reclaim land affected by mining, an excise 112310  
tax is hereby levied on the privilege of engaging in the 112311  
severance of natural resources from the soil or water of this 112312  
state. The tax shall be imposed upon the severer at the rates 112313  
prescribed by this section: 112314

(1) ~~Ten~~Eight cents per ton of coal; 112315

(2) Four cents per ton of salt; 112316

(3) Two cents per ton of limestone or dolomite; 112317

(4) Two cents per ton of sand and gravel; 112318

(5) Ten cents per barrel of oil; 112319

(6) Two and one-half cents per thousand cubic feet of 112320  
natural gas; 112321

(7) One cent per ton of clay, sandstone or conglomerate, 112322  
shale, gypsum, or quartzite; 112323

(8) Except as otherwise provided in this division or in 112324  
rules adopted by the reclamation forfeiture fund advisory board 112325  
under section 1513.182 of the Revised Code, an additional 112326  
fourteen cents per ton of coal produced from an area under a 112327  
coal mining and reclamation permit issued under Chapter 1513. of 112328  
the Revised Code for which the performance security is provided 112329  
under division (C) (2) of section 1513.08 of the Revised Code. 112330  
Beginning July 1, 2007, if at the end of a fiscal biennium the 112331  
balance of the reclamation forfeiture fund created in section 112332  
1513.18 of the Revised Code is equal to or greater than ten 112333

million dollars, the rate levied shall be twelve cents per ton. 112334  
Beginning July 1, 2007, if at the end of a fiscal biennium the 112335  
balance of the fund is at least five million dollars, but less 112336  
than ten million dollars, the rate levied shall be fourteen 112337  
cents per ton. Beginning July 1, 2007, if at the end of a fiscal 112338  
biennium the balance of the fund is less than five million 112339  
dollars, the rate levied shall be sixteen cents per ton. 112340  
Beginning July 1, 2009, not later than thirty days after the 112341  
close of a fiscal biennium, the chief of the division of mineral 112342  
resources management shall certify to the tax commissioner the 112343  
amount of the balance of the reclamation forfeiture fund as of 112344  
the close of the fiscal biennium. Any necessary adjustment of 112345  
the rate levied shall take effect on the first day of the 112346  
following January and shall remain in effect during the calendar 112347  
biennium that begins on that date. 112348

(9) An additional one and two-tenths cents per ton of coal 112349  
mined by surface mining methods. 112350

(B) After the director of budget and management transfers 112351  
money from the severance tax receipts fund as required in 112352  
division (H) of section 5749.06 of the Revised Code, money 112353  
remaining in the severance tax receipts fund, except for money 112354  
in the fund from the amounts due under section 1509.50 of the 112355  
Revised Code, shall be credited as follows: 112356

(1) All of the moneys in the fund from the tax levied in 112357  
division (A)(1) of this section shall be credited to the mining 112358  
regulation and safety fund created in section 1513.30 of the 112359  
Revised Code. 112360

(2) The money in the fund from the tax levied in division 112361  
(A)(2) of this section shall be credited to the mining 112362  
regulation and safety fund. 112363

(3) Of the moneys in the fund from the tax levied in 112364  
divisions (A) (3) and (4) of this section, seven and five-tenths 112365  
per cent shall be credited to the geological mapping fund and 112366  
the remainder shall be credited to the mining regulation and 112367  
safety fund created in section 1513.30 of the Revised Code. 112368

(4) Of the moneys in the fund from the tax levied in 112369  
divisions (A) (5) and (6) of this section, ~~ninety-eighty-six~~ per 112370  
cent shall be credited to the oil and gas well fund and ~~ten-~~ 112371  
fourteen per cent shall be credited to the geological mapping 112372  
fund. 112373

(5) All of the moneys in the fund from the tax levied in 112374  
division (A) (7) of this section shall be credited to the mining 112375  
regulation and safety fund. 112376

(6) All of the moneys in the fund from the tax levied in 112377  
division (A) (8) of this section shall be credited to the 112378  
reclamation forfeiture fund. 112379

(7) All of the moneys in the fund from the tax levied in 112380  
division (A) (9) of this section shall be credited to the mining 112381  
regulation and safety fund. 112382

(C) When, at the close of any fiscal year, the chief finds 112383  
that the balance of the reclamation forfeiture fund, plus the 112384  
estimated revenues from the tax levied by division (A) (8) of 112385  
this section for the remainder of the calendar year that 112386  
includes the close of the fiscal year, are sufficient to 112387  
complete the reclamation of all lands for which the performance 112388  
security has been provided under division (C) (2) of section 112389  
1513.08 of the Revised Code, the purposes for which the tax 112390  
under division (A) (8) of this section is levied shall be deemed 112391  
accomplished at the end of that calendar year. The chief, within 112392

thirty days after the close of the fiscal year, shall certify 112393  
those findings to the tax commissioner, and the tax levied under 112394  
division (A) (8) of this section shall cease to be imposed for 112395  
the subsequent calendar year after the last day of that calendar 112396  
year on coal produced under a coal mining and reclamation permit 112397  
issued under Chapter 1513. of the Revised Code if the permittee 112398  
has made tax payments under division (A) (8) of this section 112399  
during each of the preceding five full calendar years. Not later 112400  
than thirty days after the close of a fiscal year, the chief 112401  
shall certify to the tax commissioner the identity of any 112402  
permittees who accordingly no longer are required to pay the tax 112403  
levied under division (A) (8) of this section for the subsequent 112404  
calendar year. 112405

**Sec. 5749.06.** (A) (1) Each severer liable for the tax 112406  
imposed by section 5749.02 of the Revised Code and each severer 112407  
or owner liable for the amounts due under section 1509.50 of the 112408  
Revised Code, except for any amount due under division (B) (2) of 112409  
that section, shall make and file returns with the tax 112410  
commissioner in the prescribed form and at the prescribed times, 112411  
computing and reflecting therein the tax as required by this 112412  
chapter and amounts due under section 1509.50 of the Revised 112413  
Code. 112414

(2) The returns shall be filed for every calendar quarter, 112415  
as required by this section, unless a different return period is 112416  
prescribed for a taxpayer by the commissioner. 112417

(B) (1) A separate return shall be filed for each calendar 112418  
quarter, or other period, or any part thereof, during which the 112419  
severer holds a permit or has registered as provided by section 112420  
5749.04 of the Revised Code, or is required to hold the permit 112421  
or registration, or during which an owner is required to file a 112422

return. The return shall be filed on or before the fifteenth day 112423  
of the second month following the end of each return period. The 112424  
tax due is payable along with the return. All such returns shall 112425  
contain such information as the commissioner may require to 112426  
fairly administer the tax. 112427

(2) All returns shall be signed by the severer or owner, 112428  
as applicable, shall contain the full and complete information 112429  
requested, and shall be made under penalty of perjury. 112430

(C) If the commissioner believes that quarterly payments 112431  
of tax would result in a delay that might jeopardize the 112432  
collection of such tax payments, the commissioner may order that 112433  
such payments be made weekly, or more frequently if necessary, 112434  
such payments to be made not later than seven days following the 112435  
close of the period for which the jeopardy payment is required. 112436  
Such an order shall be delivered to the taxpayer in the manner 112437  
provided in section 5703.37 of the Revised Code and shall remain 112438  
in effect until the commissioner notifies the taxpayer to the 112439  
contrary. 112440

(D) Upon good cause the commissioner may extend for thirty 112441  
days the period for filing any notice or return required to be 112442  
filed under this section, ~~and may remit all or a part of~~ 112443  
~~penalties that may become due under this chapter.~~ 112444

(E) Any tax and any amount due under section 1509.50 of 112445  
the Revised Code not paid by the day the tax or amount is due 112446  
shall bear interest computed at the rate per annum prescribed by 112447  
section 5703.47 of the Revised Code on that amount due from the 112448  
day that the amount was originally required to be paid to the 112449  
day of actual payment or to the day an assessment was issued 112450  
under section 5749.07 or 5749.10 of the Revised Code, whichever 112451  
occurs first. 112452



(F) A severer or owner, as applicable, that fails to file 112453  
a complete return or pay the full amount due under this chapter 112454  
within the time prescribed, including any extensions of time 112455  
granted by the commissioner, shall be subject to a penalty not 112456  
to exceed the greater of fifty dollars or ten per cent of the 112457  
amount due for the period. 112458

(G) (1) A severer or owner, as applicable, shall remit 112459  
payments electronically and, if required by the commissioner, 112460  
file each return electronically. The commissioner may require 112461  
that the severer or owner use the Ohio business gateway, as 112462  
defined in section 718.01 of the Revised Code, or another 112463  
electronic means to file returns and remit payments 112464  
electronically. 112465

(2) A severer or owner that is required to remit payments 112466  
electronically under this section may apply to the commissioner, 112467  
in the manner prescribed by the commissioner, to be excused from 112468  
that requirement. The commissioner may excuse a severer or owner 112469  
from the requirements of division (G) of this section for good 112470  
cause. 112471

(3) If a severer or owner that is required to remit 112472  
payments or file returns electronically under this section fails 112473  
to do so, the commissioner may impose a penalty on the severer 112474  
or owner not to exceed the following: 112475

(a) For the first or second payment or return the severer 112476  
or owner fails to remit or file electronically, the greater of 112477  
five per cent of the amount of the payment that was required to 112478  
be remitted or twenty-five dollars; 112479

(b) For every payment or return after the second that the 112480  
severer or owner fails to remit or file electronically, the 112481

greater of ten per cent of the amount of the payment that was 112482  
required to be remitted or fifty dollars. 112483

(H) (1) All amounts that the commissioner receives under 112484  
this section shall be deemed to be revenue from taxes imposed 112485  
under this chapter or from the amount due under section 1509.50 112486  
of the Revised Code, as applicable, and shall be deposited in 112487  
the severance tax receipts fund, which is hereby created in the 112488  
state treasury. 112489

(2) The director of budget and management shall transfer 112490  
from the severance tax receipts fund, as necessary, to the tax 112491  
refund fund amounts equal to the refunds certified by the 112492  
commissioner under section 5749.08 of the Revised Code. Any 112493  
amount transferred under division (H) (2) of this section shall 112494  
be derived from receipts of the same tax or other amount from 112495  
which the refund arose. 112496

(3) After the director of budget and management makes any 112497  
transfer required by division (H) (2) of this section, but not 112498  
later than the twenty-fifth day of each month, the commissioner 112499  
shall certify to the director the total amount remaining in the 112500  
severance tax receipts fund organized according to the amount 112501  
attributable to each natural resource and according to the 112502  
amount attributable to a tax imposed by this chapter and the 112503  
amounts due under section 1509.50 of the Revised Code, and shall 112504  
provide for payment to the funds specified in division (B) of 112505  
section 5749.02 of the Revised Code. 112506

(I) Penalties imposed under this section are in addition 112507  
to any other penalty imposed under this chapter and shall be 112508  
considered as revenue arising from the tax levied under this 112509  
chapter or the amount due under section 1509.50 of the Revised 112510  
Code, as applicable. The commissioner may collect any penalty or 112511

interest imposed under this section in the same manner as 112512  
provided for the making of an assessment in section 5749.07 of 112513  
the Revised Code. ~~The commissioner may abate all or a portion of~~ 112514  
~~such interest or penalties and may adopt rules governing such~~ 112515  
~~abatements.~~ 112516

**Sec. 5749.07.** (A) If any severer required by this chapter 112517  
to make and file returns and pay the tax levied by section 112518  
5749.02 of the Revised Code, or any severer or owner liable for 112519  
the amounts due under section 1509.50 of the Revised Code, fails 112520  
to make such return or pay such tax or amounts, the tax 112521  
commissioner may make an assessment against the severer or owner 112522  
based upon any information in the commissioner's possession. 112523

No assessment shall be made or issued against any severer 112524  
for any tax imposed by section 5749.02 of the Revised Code or 112525  
against any severer or owner for any amount due under section 112526  
1509.50 of the Revised Code more than four years after the 112527  
return was due or was filed, whichever is later. This section 112528  
does not bar an assessment against a severer or owner who fails 112529  
to file a return as required by this chapter, or who files a 112530  
fraudulent return. 112531

The commissioner shall give the party assessed written 112532  
notice of such assessment in the manner provided in section 112533  
5703.37 of the Revised Code. With the notice, the commissioner 112534  
shall provide instructions on how to petition for reassessment 112535  
and request a hearing on the petition. 112536

(B) Unless the party assessed files with the commissioner 112537  
within sixty days after service of the notice of assessment, ~~—~~ 112538  
~~either personally or by certified mail,~~ a written petition for 112539  
reassessment signed by the party assessed or that party's 112540  
authorized agent having knowledge of the facts, the assessment 112541

becomes final and the amount of the assessment is due and 112542  
payable from the party assessed to the treasurer of state. The 112543  
petition shall indicate the objections of the party assessed, 112544  
but additional objections may be raised in writing if received 112545  
by the commissioner prior to the date shown on the final 112546  
determination. If the petition has been properly filed, the 112547  
commissioner shall proceed under section 5703.60 of the Revised 112548  
Code. 112549

(C) After an assessment becomes final, if any portion of 112550  
the assessment remains unpaid, including accrued interest, a 112551  
certified copy of the commissioner's entry making the assessment 112552  
final may be filed in the office of the clerk of the court of 112553  
common pleas in the county in which the party assessed resides 112554  
or in which the party's business is conducted. If the party 112555  
assessed maintains no place of business in this state and is not 112556  
a resident of this state, the certified copy of the entry may be 112557  
filed in the office of the clerk of the court of common pleas of 112558  
Franklin county. 112559

Immediately upon the filing of such entry, the clerk shall 112560  
enter a judgment for the state against the party assessed in the 112561  
amount shown on the entry. The judgment may be filed by the 112562  
clerk in a loose-leaf book entitled "special judgments for state 112563  
severance tax," and shall have the same effect as other 112564  
judgments. Execution shall issue upon the judgment upon the 112565  
request of the commissioner, and all laws applicable to sales on 112566  
execution shall apply to sales made under the judgment. 112567

If the assessment is not paid in its entirety within sixty 112568  
days after the day the assessment is issued, the portion of the 112569  
assessment consisting of tax due or amounts due under section 112570  
1509.50 of the Revised Code shall bear interest at the rate per 112571

annum prescribed by section 5703.47 of the Revised Code from the 112572  
day the commissioner issues the assessment until it is paid or 112573  
until it is certified to the attorney general for collection 112574  
under section 131.02 of the Revised Code, whichever comes first. 112575  
If the unpaid portion of the assessment is certified to the 112576  
attorney general for collection, the entire unpaid portion of 112577  
the assessment shall bear interest at the rate per annum 112578  
prescribed by section 5703.47 of the Revised Code from the date 112579  
of certification until the date it is paid in its entirety. 112580  
Interest shall be paid in the same manner as the tax and may be 112581  
collected by the issuance of an assessment under this section. 112582

(D) All money collected by the commissioner under this 112583  
section shall be paid to the treasurer of state, and when paid 112584  
shall be considered as revenue arising from the tax imposed by 112585  
section 5749.02 of the Revised Code and the amount due under 112586  
section 1509.50 of the Revised Code, as applicable. 112587

**Sec. 5749.15.** Any person who fails to file a return or pay 112588  
the tax as required under this chapter or other amount due under 112589  
section 1509.50 of the Revised Code who is assessed such taxes 112590  
or other amount due pursuant to section 5749.07 or 5749.10 of 112591  
the Revised Code may be liable for a penalty of up to twenty- 112592  
five per cent of the amount assessed. ~~The tax commissioner may~~ 112593  
~~adopt rules relating to the imposition and remission of~~ 112594  
~~penalties imposed under this section.~~ 112595

**Sec. 5751.02.** (A) For the purpose of funding the needs of 112596  
this state and its local governments, there is hereby levied a 112597  
commercial activity tax on each person with taxable gross 112598  
receipts for the privilege of doing business in this state. For 112599  
the purposes of this chapter, "doing business" means engaging in 112600  
any activity, whether legal or illegal, that is conducted for, 112601

or results in, gain, profit, or income, at any time during a 112602  
calendar year. Persons on which the commercial activity tax is 112603  
levied include, but are not limited to, persons with substantial 112604  
nexus with this state. The tax imposed under this section is not 112605  
a transactional tax and is not subject to Public Law No. 86-272, 112606  
73 Stat. 555. The tax imposed under this section is in addition 112607  
to any other taxes or fees imposed under the Revised Code. The 112608  
tax levied under this section is imposed on the person receiving 112609  
the gross receipts and is not a tax imposed directly on a 112610  
purchaser. The tax imposed by this section is an annual 112611  
privilege tax for the calendar year that contains all tax 112612  
periods in the calendar year. A taxpayer is subject to the 112613  
annual privilege tax for doing business during any portion of 112614  
such calendar year. 112615

(B) The tax imposed by this section is a tax on the 112616  
taxpayer and shall not be billed or invoiced to another person. 112617  
Even if the tax or any portion thereof is billed or invoiced and 112618  
separately stated, such amounts remain part of the price for 112619  
purposes of the sales and use taxes levied under Chapters 5739. 112620  
and 5741. of the Revised Code. Nothing in division (B) of this 112621  
section prohibits: 112622

(1) A person from including in the price charged for a 112623  
good or service an amount sufficient to recover the tax imposed 112624  
by this section; or 112625

(2) A lessor from including an amount sufficient to 112626  
recover the tax imposed by this section in a lease payment 112627  
charged, or from including such an amount on a billing or 112628  
invoice pursuant to the terms of a written lease agreement 112629  
providing for the recovery of the lessor's tax costs. The 112630  
recovery of such costs shall be based on an estimate of the 112631

total tax cost of the lessor during the tax period, as the tax 112632  
liability of the lessor cannot be calculated until the end of 112633  
that period. 112634

(C) (1) The commercial activities tax receipts fund is 112635  
hereby created in the state treasury and shall consist of money 112636  
arising from the tax imposed under this chapter. Sixty-five one- 112637  
hundredths of one per cent of the money credited to that fund 112638  
shall be credited to the revenue enhancement fund and shall be 112639  
used to defray the costs incurred by the department of taxation 112640  
in administering the tax imposed by this chapter and in 112641  
implementing tax reform measures. The remainder of the money in 112642  
the commercial activities tax receipts fund shall first be 112643  
credited to the ~~funds~~ fund described in division (C) (2) of this 112644  
section, as provided in that division, and the remainder shall 112645  
be credited to the general revenue fund. 112646

(2) Not later than the twentieth day of February, May, 112647  
August, and November of each year, the commissioner shall 112648  
provide for payment ~~of the following amounts from the commercial~~ 112649  
~~activities tax receipts fund:~~ 112650

~~(a) To~~ to the commercial activity tax motor fuel receipts 112651  
fund, of an amount that bears the same ratio to the balance in 112652  
the commercial activities tax receipts fund that (a) the taxable 112653  
gross receipts attributed to motor fuel used for propelling 112654  
vehicles on public highways as indicated by returns filed by the 112655  
tenth day of that month for a liability that is due and payable 112656  
on or after July 1, 2013, for a tax period ending before July 1, 112657  
2014, bears to (b) all taxable gross receipts as indicated by 112658  
those returns for such liabilities. 112659

~~(b) To the school district tangible property tax~~ 112660  
~~replacement fund, which is hereby created in the state treasury~~ 112661

~~for the purpose of making the payments described in section 112662  
5709.92 of the Revised Code, an amount necessary to make those 112663  
payments;— 112664~~

~~(c) To the local government tangible property tax 112665  
replacement fund, which is hereby created in the state treasury— 112666  
for the purpose of making the payments described in section 112667  
5709.93 of the Revised Code, an amount necessary to make those 112668  
payments.— 112669~~

~~(D) (1) On or after the first day of June of each year, the 112670  
director of budget and management may transfer any balance in 112671  
the school district tangible property tax replacement fund to 112672  
the general revenue fund.— 112673~~

~~(2) On or after the first day of June of each year, the 112674  
director of budget and management may transfer any balance in 112675  
the local government tangible property tax replacement fund to 112676  
the general revenue fund. 112677~~

~~(E) (1) (D) (1) There is hereby created in the state treasury 112678  
the commercial activity tax motor fuel receipts fund. 112679~~

(2) On or before the fifteenth day of June of each fiscal 112680  
year beginning with fiscal year 2015, the director of the Ohio 112681  
public works commission shall certify to the director of budget 112682  
and management the amount of debt service paid from the general 112683  
revenue fund in the current fiscal year on bonds issued to 112684  
finance or assist in the financing of the cost of local 112685  
subdivision public infrastructure capital improvement projects, 112686  
as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, 112687  
Ohio Constitution, that are attributable to costs for 112688  
construction, reconstruction, maintenance, or repair of public 112689  
highways and bridges and other statutory highway purposes. That 112690



certification shall allocate the total amount of debt service 112691  
paid from the general revenue fund and attributable to those 112692  
costs in the current fiscal year according to the applicable 112693  
section of the Ohio Constitution under which the bonds were 112694  
originally issued. 112695

(3) On or before the thirtieth day of June of each fiscal 112696  
year beginning with fiscal year 2015, the director of budget and 112697  
management shall determine an amount up to but not exceeding the 112698  
amount certified under division ~~(E) (2)~~ (D) (2) of this section and 112699  
shall reserve that amount from the cash balance in the petroleum 112700  
activity tax public highways fund or the commercial activity tax 112701  
motor fuel receipts fund for transfer to the general revenue 112702  
fund at times and in amounts to be determined by the director. 112703  
The director shall transfer the cash balance in the petroleum 112704  
activity tax public highways fund or the commercial activity tax 112705  
motor fuel receipts fund in excess of the amount so reserved to 112706  
the highway operating fund on or before the thirtieth day of 112707  
June of the current fiscal year. 112708

**Sec. 5751.06.** (A) Any taxpayer that fails to file a return 112709  
or pay the full amount of the tax due within the period 112710  
prescribed therefor under this chapter shall pay a penalty in an 112711  
amount not exceeding the greater of fifty dollars or ten per 112712  
cent of the tax required to be paid for the tax period. 112713

(B) (1) If any additional tax is found to be due, the tax 112714  
commissioner may impose an additional penalty of up to fifteen 112715  
per cent on the additional tax found to be due. 112716

(2) Any delinquent payments of the tax made after a 112717  
taxpayer is notified of an audit or a tax discrepancy by the 112718  
commissioner is subject to the penalty imposed by division (B) 112719  
of this section. If an assessment is issued under section 112720

5751.09 of the Revised Code in connection with such delinquent 112721  
payments, the payments shall be credited to the assessment. 112722

(C) If the tax commissioner notifies a person required to 112723  
register under section 5751.05 of the Revised Code of such 112724  
requirement and of the requirement to remit the tax due under 112725  
this chapter, and the person fails to so register and remit the 112726  
tax within sixty days after such notice, the tax commissioner 112727  
may impose an additional penalty of up to thirty-five per cent 112728  
of the tax due. The penalty imposed under this division is in 112729  
addition to any other penalties imposed under this section. 112730

(D) The tax commissioner may collect any penalty or 112731  
interest imposed by this section in the same manner as the tax 112732  
imposed under this chapter. Penalties and interest so collected 112733  
shall be considered as revenue arising from the tax imposed 112734  
under this chapter. 112735

~~(E) The tax commissioner may abate all or a portion of any 112736  
penalties imposed under this section and may adopt rules 112737  
governing such abatements. 112738~~

~~(F) If any tax due is not timely paid in accordance with 112739  
this chapter, the taxpayer shall pay interest, calculated at the 112740  
rate per annum prescribed by section 5703.47 of the Revised 112741  
Code, from the date the tax payment was due to the date of 112742  
payment or to the date an assessment was issued, whichever 112743  
occurs first. 112744~~

~~(G)~~ (F) The tax commissioner may impose a penalty of up to 112745  
ten per cent for any additional tax that is due under division 112746  
(B) (2) of section 5751.051 of the Revised Code from a taxpayer 112747  
incorrectly reporting its taxable gross receipts. 112748

~~(H)~~ (G) If the tax commissioner discovers that a taxpayer 112749

has billed or invoiced another person for the tax imposed under 112750  
this chapter in violation of division (B) of section 5751.02 of 112751  
the Revised Code, the tax commissioner shall notify the taxpayer 112752  
of the violation in the manner provided in section 5703.37 of 112753  
the Revised Code and may impose a penalty of up to five hundred 112754  
dollars. If the taxpayer subsequently bills or invoices a person 112755  
for the tax imposed under this chapter, the tax commissioner 112756  
shall impose a penalty of five hundred dollars. 112757

**Sec. 5751.07.** (A) Any person required to file returns 112758  
under this chapter shall remit each tax payment, and, if 112759  
required by the tax commissioner, file the tax return or the 112760  
annual report, electronically. The commissioner may require 112761  
taxpayers to use the Ohio business gateway as defined in section 112762  
718.01 of the Revised Code to file returns and remit the tax, or 112763  
may provide another means for taxpayers to file and remit the 112764  
tax electronically. 112765

(B) A person required by this section to remit taxes or 112766  
file returns electronically may apply to the tax commissioner, 112767  
on the form prescribed by the commissioner, to be excused from 112768  
that requirement. The commissioner may excuse a person from the 112769  
requirements of this division for good cause. 112770

(C) (1) If a person required to remit taxes or file a 112771  
return electronically under this section fails to do so, the 112772  
commissioner may impose a penalty not to exceed the following: 112773

(a) For either of the first two tax periods the person so 112774  
fails, the greater of twenty-five dollars or five per cent of 112775  
the amount of the payment that was required to be remitted; 112776

(b) For the third and any subsequent tax periods the 112777  
person so fails, the greater of fifty dollars or ten per cent of 112778

the amount of the payment that was required to be remitted. 112779

(2) The penalty imposed under division (C)(1) of this 112780  
section is in addition to any other penalty imposed under this 112781  
chapter and shall be considered as revenue arising from the tax 112782  
imposed under this chapter. A penalty may be collected by 112783  
assessment in the manner prescribed by section 5751.09 of the 112784  
Revised Code. ~~The tax commissioner may abate all or a portion of~~ 112785  
~~such a penalty.~~ 112786

(D) The tax commissioner may adopt rules necessary to 112787  
administer this section. 112788

**Sec. 5751.09.** (A) The tax commissioner may make an 112789  
assessment, based on any information in the commissioner's 112790  
possession, against any person that fails to file a return or 112791  
pay any tax as required by this chapter. The commissioner shall 112792  
give the person assessed written notice of the assessment as 112793  
provided in section 5703.37 of the Revised Code. With the 112794  
notice, the commissioner shall provide instructions on the 112795  
manner in which to petition for reassessment and request a 112796  
hearing with respect to the petition. The commissioner shall 112797  
send any assessments against consolidated elected taxpayer and 112798  
combined taxpayer groups under section 5751.011 or 5751.012 of 112799  
the Revised Code to the taxpayer's reporting person. The 112800  
reporting person shall notify all members of the group of the 112801  
assessment and all outstanding taxes, interest, and penalties 112802  
for which the assessment is issued. 112803

(B) Unless the person assessed, within sixty days after 112804  
service of the notice of assessment, files with the tax 112805  
commissioner, ~~either personally or by certified mail,~~ a written 112806  
petition signed by the person or the person's authorized agent 112807  
having knowledge of the facts, the assessment becomes final, and 112808

the amount of the assessment is due and payable from the person 112809  
assessed to the treasurer of state. The petition shall indicate 112810  
the objections of the person assessed, but additional objections 112811  
may be raised in writing if received by the commissioner prior 112812  
to the date shown on the final determination. 112813

If a petition for reassessment has been properly filed, 112814  
the commissioner shall proceed under section 5703.60 of the 112815  
Revised Code. 112816

(C) (1) After an assessment becomes final, if any portion 112817  
of the assessment, including accrued interest, remains unpaid, a 112818  
certified copy of the tax commissioner's entry making the 112819  
assessment final may be filed in the office of the clerk of the 112820  
court of common pleas in the county in which the person resides 112821  
or has its principal place of business in this state, or in the 112822  
office of the clerk of court of common pleas of Franklin county. 112823

(2) Immediately upon the filing of the entry, the clerk 112824  
shall enter judgment for the state against the person assessed 112825  
in the amount shown on the entry. The judgment may be filed by 112826  
the clerk in a loose-leaf book entitled, "special judgments for 112827  
the commercial activity tax" and shall have the same effect as 112828  
other judgments. Execution shall issue upon the judgment at the 112829  
request of the tax commissioner, and all laws applicable to 112830  
sales on execution shall apply to sales made under the judgment. 112831

(3) If the assessment is not paid in its entirety within 112832  
sixty days after the day the assessment was issued, the portion 112833  
of the assessment consisting of tax due shall bear interest at 112834  
the rate per annum prescribed by section 5703.47 of the Revised 112835  
Code from the day the tax commissioner issues the assessment 112836  
until it is paid or until it is certified to the attorney 112837  
general for collection under section 131.02 of the Revised Code, 112838

whichever comes first. If the unpaid portion of the assessment 112839  
is certified to the attorney general for collection, the entire 112840  
unpaid portion of the assessment shall bear interest at the rate 112841  
per annum prescribed by section 5703.47 of the Revised Code from 112842  
the date of certification until the date it is paid in its 112843  
entirety. Interest shall be paid in the same manner as the tax 112844  
and may be collected by the issuance of an assessment under this 112845  
section. 112846

(D) If the tax commissioner believes that collection of 112847  
the tax will be jeopardized unless proceedings to collect or 112848  
secure collection of the tax are instituted without delay, the 112849  
commissioner may issue a jeopardy assessment against the person 112850  
liable for the tax. Immediately upon the issuance of the 112851  
jeopardy assessment, the commissioner shall file an entry with 112852  
the clerk of the court of common pleas in the manner prescribed 112853  
by division (C) of this section. Notice of the jeopardy 112854  
assessment shall be served on the person assessed or the 112855  
person's authorized agent in the manner provided in section 112856  
5703.37 of the Revised Code within five days of the filing of 112857  
the entry with the clerk. The total amount assessed is 112858  
immediately due and payable, unless the person assessed files a 112859  
petition for reassessment in accordance with division (B) of 112860  
this section and provides security in a form satisfactory to the 112861  
commissioner and in an amount sufficient to satisfy the unpaid 112862  
balance of the assessment. Full or partial payment of the 112863  
assessment does not prejudice the commissioner's consideration 112864  
of the petition for reassessment. 112865

(E) The tax commissioner shall immediately forward to the 112866  
treasurer of state all amounts the commissioner receives under 112867  
this section, and such amounts shall be considered as revenue 112868  
arising from the tax imposed under this chapter. 112869

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5751.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

**Sec. 5751.98.** (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following

order:	112900
The nonrefundable jobs retention credit under division (B)	112901
of section 5751.50 of the Revised Code;	112902
The nonrefundable credit for qualified research expenses	112903
under division (B) of section 5751.51 of the Revised Code;	112904
The nonrefundable credit for a borrower's qualified	112905
research and development loan payments under division (B) of	112906
section 5751.52 of the Revised Code;	112907
The nonrefundable credit for calendar years 2010 to 2029	112908
for unused net operating losses under division (B) of section	112909
5751.53 of the Revised Code;	112910
The refundable motion picture and Broadway theatrical	112911
production credit under section 5751.54 of the Revised Code;	112912
<del>    The refundable credit for film and theater capital</del>	112913
<del>improvement projects under section 5751.55 of the Revised Code;</del>	112914
The refundable jobs creation credit or job retention	112915
credit under division (A) of section 5751.50 of the Revised	112916
Code;	112917
The refundable credit for calendar year 2030 for unused	112918
net operating losses under division (C) of section 5751.53 of	112919
the Revised Code.	112920
(B) For any credit except the refundable credits	112921
enumerated in this section, the amount of the credit for a tax	112922
period shall not exceed the tax due after allowing for any other	112923
credit that precedes it in the order required under this	112924
section. Any excess amount of a particular credit may be carried	112925
forward if authorized under the section creating the credit.	112926



**Sec. 5753.05.** (A) (1) A taxpayer who fails to file a return 112927  
or to remit the tax due as required by section 5753.04 of the 112928  
Revised Code shall pay a penalty not to exceed the greater of 112929  
five hundred dollars or ten per cent of the tax due. 112930

(2) If the tax commissioner finds additional tax to be 112931  
due, the tax commissioner may impose an additional penalty of up 112932  
to fifteen per cent of the additional tax found to be due. A 112933  
delinquent payment of tax made as the result of a notice or an 112934  
audit is subject to the additional penalty imposed by this 112935  
division. 112936

(3) If a taxpayer fails to file a return electronically or 112937  
to remit the tax electronically, the tax commissioner may impose 112938  
an additional penalty of fifty dollars or ten per cent of the 112939  
tax due as shown on the return, whichever is greater. 112940

(B) If the tax due under section 5753.02 or 5753.021 of 112941  
the Revised Code is not timely paid, the taxpayer shall pay 112942  
interest at the rate per annum prescribed in section 5703.47 of 112943  
the Revised Code beginning on the day the tax was due through 112944  
the day the tax is paid or an assessment is issued, whichever 112945  
occurs first. 112946

(C) The tax commissioner shall collect any penalty or 112947  
interest as if it were the tax levied by section 5753.02 or 112948  
5753.021 of the Revised Code, as applicable. Penalties and 112949  
interest shall be treated as if they were revenue arising from 112950  
the applicable tax. 112951

~~(D) The tax commissioner may abate all or a portion of any 112952  
penalty imposed under this section and may adopt rules governing 112953  
abatements. 112954~~

~~(E) If a casino operator or sports gaming proprietor fails 112955~~

to file a return or remit the tax due as required by section 112956  
5753.04 of the Revised Code within a period of one year after 112957  
the due date for filing the return or remitting the tax, the 112958  
Ohio casino control commission may suspend the operator's or 112959  
proprietor's license. 112960

**Sec. 5753.07.** (A) (1) The tax commissioner may issue an 112961  
assessment, based on any information in the tax commissioner's 112962  
possession, against a taxpayer who fails to pay the tax levied 112963  
under section 5753.02 or 5753.021 of the Revised Code or to file 112964  
a return under section 5753.04 of the Revised Code. The tax 112965  
commissioner shall give the taxpayer written notice of the 112966  
assessment under section 5703.37 of the Revised Code. With the 112967  
notice, the tax commissioner shall include instructions on how 112968  
to petition for reassessment and on how to request a hearing 112969  
with respect to the petition. 112970

(2) Unless the taxpayer, within sixty days after service 112971  
of the notice of assessment, files with the tax commissioner, ~~7~~ 112972  
~~either personally or by certified mail,~~ a written petition 112973  
signed by the taxpayer, or by the taxpayer's authorized agent 112974  
who has knowledge of the facts, the assessment becomes final, 112975  
and the amount of the assessment is due and payable from the 112976  
taxpayer to the treasurer of state. The petition shall indicate 112977  
the taxpayer's objections to the assessment. Additional 112978  
objections may be raised in writing if they are received by the 112979  
tax commissioner before the date shown on the final 112980  
determination. 112981

(3) If a petition for reassessment has been properly 112982  
filed, the tax commissioner shall proceed under section 5703.60 112983  
of the Revised Code. 112984

(4) After an assessment becomes final, if any portion of 112985

the assessment, including penalties and accrued interest, 112986  
remains unpaid, the tax commissioner may file a certified copy 112987  
of the entry making the assessment final in the office of the 112988  
clerk of the court of common pleas of Franklin county or in the 112989  
office of the clerk of the court of common pleas of the county 112990  
in which the taxpayer resides, the taxpayer's casino facility or 112991  
sports gaming facility is located, or the taxpayer's principal 112992  
place of business in this state is located. Immediately upon the 112993  
filing of the entry, the clerk shall enter a judgment for the 112994  
state against the taxpayer assessed in the amount shown on the 112995  
entry. The judgment may be filed by the clerk in a loose-leaf 112996  
book entitled, "special judgments for the gross casino revenue 112997  
tax and sports gaming receipts tax." The judgment has the same 112998  
effect as other judgments. Execution shall issue upon the 112999  
judgment at the request of the tax commissioner, and all laws 113000  
applicable to sales on execution apply to sales made under the 113001  
judgment. 113002

(5) If the assessment is not paid in its entirety within 113003  
sixty days after the day the assessment was issued, the portion 113004  
of the assessment consisting of tax due shall bear interest at 113005  
the rate per annum prescribed by section 5703.47 of the Revised 113006  
Code from the day the tax commissioner issued the assessment 113007  
until the assessment is paid or until it is certified to the 113008  
attorney general for collection under section 131.02 of the 113009  
Revised Code, whichever comes first. If the unpaid portion of 113010  
the assessment is certified to the attorney general for 113011  
collection, the entire unpaid portion of the assessment shall 113012  
bear interest at the rate per annum prescribed by section 113013  
5703.47 of the Revised Code from the date of certification until 113014  
the date it is paid in its entirety. Interest shall be paid in 113015  
the same manner as the tax levied under section 5753.02 or 113016

5753.021 of the Revised Code, as applicable, and may be 113017  
collected by the issuance of an assessment under this section. 113018

(B) If the tax commissioner believes that collection of 113019  
the tax levied under section 5753.02 or 5753.021 of the Revised 113020  
Code will be jeopardized unless proceedings to collect or secure 113021  
collection of the tax are instituted without delay, the 113022  
commissioner may issue a jeopardy assessment against the 113023  
taxpayer that is liable for the tax. Immediately upon the 113024  
issuance of a jeopardy assessment, the tax commissioner shall 113025  
file an entry with the clerk of the court of common pleas in the 113026  
manner prescribed by division (A) (4) of this section, and the 113027  
clerk shall proceed as directed in that division. Notice of the 113028  
jeopardy assessment shall be served on the taxpayer or the 113029  
taxpayer's authorized agent under section 5703.37 of the Revised 113030  
Code within five days after the filing of the entry with the 113031  
clerk. The total amount assessed is immediately due and payable, 113032  
unless the taxpayer assessed files a petition for reassessment 113033  
under division (A) (2) of this section and provides security in a 113034  
form satisfactory to the tax commissioner that is in an amount 113035  
sufficient to satisfy the unpaid balance of the assessment. If a 113036  
petition for reassessment has been filed, and if satisfactory 113037  
security has been provided, the tax commissioner shall proceed 113038  
under division (A) (3) of this section. Full or partial payment 113039  
of the assessment does not prejudice the tax commissioner's 113040  
consideration of the petition for reassessment. 113041

(C) The tax commissioner shall immediately forward to the 113042  
treasurer of state all amounts the tax commissioner receives 113043  
under this section, and the amounts forwarded shall be treated 113044  
as if they were revenue arising from the tax levied under 113045  
section 5753.02 or 5753.021 of the Revised Code, as applicable. 113046

(D) Except as otherwise provided in this division, no assessment shall be issued against a taxpayer for the tax levied under section 5753.02 or 5753.021 of the Revised Code more than four years after the due date for filing the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. This division does not bar an assessment against a taxpayer who fails to file a return as required by section 5753.04 of the Revised Code or who files a fraudulent return, or when the taxpayer and the tax commissioner waive in writing the time limitation.

(E) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is liable to pay under section 5753.02 or 5753.021 of the Revised Code exceeds the amount the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross casino revenue or sports gaming receipts, as applicable, over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the tax commissioner has prescribed the method by rule.

(F) If the whereabouts of a taxpayer who is liable for the tax levied under section 5753.02 or 5753.021 of the Revised Code are unknown to the tax commissioner, the tax commissioner shall proceed under section 5703.37 of the Revised Code.

**Sec. 5907.11.** ~~(A)~~—The superintendent of the Ohio veterans' homes, with the approval of the director of veterans services, may establish a local fund for each veterans' home to be used

for the entertainment and welfare of the residents of the home. 113077  
Each fund shall be designated as the residents' benefit fund and 113078  
shall be operated for the exclusive benefit of the residents of 113079  
the associated home. Each fund shall receive all revenue from 113080  
the sale of commissary items at the associated home and shall 113081  
receive all moneys received as donations by the associated home 113082  
from any source. 113083

~~(B) The superintendent, subject to the approval of the 113084  
director, shall establish rules for the operation of the 113085  
residents' benefit funds. 113086~~

**Sec. 5907.17.** (A) As used in this section, 113087  
~~"physician" "clinician" means an individual authorized under 113088  
Chapter 4731. of the Revised Code to practice medicine and 113089  
surgery or osteopathic medicine and surgery~~any of the following: 113090

(1) An advanced practice registered nurse, licensed 113091  
practical nurse, physician, physician's assistant, or registered 113092  
nurse as defined in section 4723.01 of the Revised Code; 113093

(2) An individual registered in the state nurse aide 113094  
registry pursuant to section 3721.32 of the Revised Code; 113095

(3) Any Ohio veterans' home employee who is a licensed 113096  
medical professional in this state and is not exempt from a 113097  
student loan repayment program under a union contract or other 113098  
law. 113099

(B) The department of veterans services may establish a 113100  
~~physician-clinician~~ recruitment program under which the 113101  
department agrees to repay all or part of the principal and 113102  
interest of a governmental or other educational loan incurred by 113103  
a ~~physician-clinician~~ who agrees to provide services to 113104  
institutions under the department's administration. 113105

(C) A ~~physician-clinician~~ is eligible to participate in 113106  
the recruitment program if the ~~physician attended a medical or~~ 113107  
~~osteopathic medical school that was, at the time of attendance,~~ 113108  
~~either located in the United States and accredited by the~~ 113109  
~~liaison committee on medical education or the American~~ 113110  
~~osteopathic association or located outside the United States and~~ 113111  
~~acknowledged by the world health organization and verified by a~~ 113112  
~~member state of that organization as operating within that~~ 113113  
~~state's jurisdiction~~ clinician meets all of the following 113114  
requirements: 113115

(1) The clinician is licensed in this state by the 113116  
appropriate licensing authority and works in that discipline at 113117  
an Ohio veterans' home; 113118

(2) The clinician has worked at an Ohio veterans' home for 113119  
at least one year; 113120

(3) The clinician has not been subject to formal 113121  
discipline while employed by an Ohio veterans' home; 113122

(4) The clinician provides evidence sufficient for the 113123  
director of veterans services, or the director's designee, to 113124  
determine that the clinician attended a school or medical 113125  
program accredited by a national or regional accrediting 113126  
organization; 113127

(5) The clinician agrees to the contract terms subject to 113128  
division (D) of this section and any rules adopted under 113129  
division (E) of this section. 113130

(D) The department and each ~~physician-clinician~~ it 113131  
recruits shall enter into a contract that includes all of the 113132  
following terms: 113133

(1) The ~~physician-clinician~~ agrees to maintain appropriate 113134

licensure and provide a specified scope of ~~medical or~~ 113135  
~~osteopathic medical health care~~ services for a specified number 113136  
of hours per week and for a specified number of years of one or 113137  
~~more years~~ to ~~patients residents of one or more specified~~ 113138  
~~institutions administered by the department~~the Ohio veterans' 113139  
homes. 113140

(2) The department agrees to repay all or a specified 113141  
portion of the principal and interest of a governmental or other 113142  
educational loan taken by the physician-clinician for the 113143  
following expenses if the physician-clinician meets the service 113144  
obligation agreed to and the expenses were incurred while the 113145  
physician-clinician was enrolled in, for up to a maximum of four 113146  
years, a school or medical program accredited by a national or 113147  
regional accrediting organization~~that qualifies the physician to~~ 113148  
~~participate in the program:~~ 113149

(a) Tuition; 113150

(b) Other educational expenses for specific purposes, 113151  
including fees, books, and laboratory expenses, in amounts 113152  
determined to be reasonable in accordance with rules adopted 113153  
under division (E) of this section; 113154

(c) Room and board, in an amount determined to be 113155  
reasonable in accordance with rules adopted under division (E) 113156  
of this section. 113157

(3) The physician-clinician agrees to pay the department a 113158  
specified amount, which shall be not less than the amount 113159  
already paid by the department pursuant to its agreement, as 113160  
damages if the physician-clinician fails to complete the service 113161  
obligation agreed to or fails to comply with other specified 113162  
terms of the contract. The contract may vary the amount of 113163



damages based on the portion of the ~~physician's~~ clinician's 113164  
service obligation that remains uncompleted as determined by the 113165  
department. 113166

(4) Other terms agreed upon by the parties. 113167

(E) The department shall adopt rules under Chapter 119. of 113168  
the Revised Code that establish all of the following: 113169

(1) Criteria for designating institutions for which 113170  
~~physicians~~ clinicians will be recruited; 113171

(2) Criteria for selecting ~~physicians~~ clinicians for 113172  
participation in the program; 113173

(3) Criteria for determining the portion of a ~~physician's~~ 113174  
clinician's loan that the department will agree to repay; 113175

(4) Criteria for determining reasonable amounts of the 113176  
expenses described in divisions (D) (2) (b) and (c) of this 113177  
section; 113178

(5) Procedures for monitoring compliance by ~~physicians~~ 113179  
clinicians with the terms of their contracts; and 113180

(6) Any other criteria or procedures necessary to 113181  
implement the program. 113182

(F) The director or the director's designee may allocate 113183  
funds among clinicians recruited under the program for any 113184  
purpose the director or director's designee considers necessary 113185  
to best serve clinician staffing needs, including department 113186  
eligibility for benefits from incentive programs from federal or 113187  
other entities, in consideration of maximizing the overall 113188  
benefit to the Ohio veterans' homes. 113189

**Sec. 6111.01.** As used in this chapter: 113190

(A) "Pollution" means the placing of any sewage, sludge, 113191  
sludge materials, industrial waste, or other wastes in any 113192  
waters of the state. 113193

(B) "Sewage" means any liquid waste containing sludge, 113194  
sludge materials, or animal or vegetable matter in suspension or 113195  
solution, and may include household wastes as commonly 113196  
discharged from residences and from commercial, institutional, 113197  
or similar facilities. 113198

(C) "Industrial waste" means any liquid, gaseous, or solid 113199  
waste substance resulting from any process of industry, 113200  
manufacture, trade, or business, or from the development, 113201  
processing, or recovery of any natural resource, together with 113202  
such sewage as is present. 113203

(D) "Other wastes" means garbage, refuse, decayed wood, 113204  
sawdust, shavings, bark, and other wood debris, lime, sand, 113205  
ashes, offal, night soil, oil, tar, coal dust, dredged or fill 113206  
material, or silt, other substances that are not sewage, sludge, 113207  
sludge materials, or industrial waste, and any other 113208  
"pollutants" or "toxic pollutants" as defined in the Federal 113209  
Water Pollution Control Act that are not sewage, sludge, sludge 113210  
materials, or industrial waste. 113211

(E) "Sewerage system" means pipelines or conduits, pumping 113212  
stations, and force mains, and all other constructions, devices, 113213  
appurtenances, and facilities used for collecting or conducting 113214  
water-borne sewage, industrial waste, or other wastes to a point 113215  
of disposal or treatment, but does not include plumbing 113216  
fixtures, building drains and subdrains, building sewers, and 113217  
building storm sewers. 113218

(F) "Treatment works" means any plant, disposal field, 113219

lagoon, dam, pumping station, building sewer connected directly 113220  
to treatment works, incinerator, or other works used for the 113221  
purpose of treating, stabilizing, blending, composting, or 113222  
holding sewage, sludge, sludge materials, industrial waste, or 113223  
other wastes, except as otherwise defined. 113224

(G) "Disposal system" means a system for disposing of 113225  
sewage, sludge, sludge materials, industrial waste, or other 113226  
wastes and includes sewerage systems and treatment works. 113227

(H) "Waters of the state" means all streams, lakes, ponds, 113228  
marshes, watercourses, waterways, wells, springs, irrigation 113229  
systems, drainage systems, and other bodies or accumulations of 113230  
water, surface and underground, natural or artificial, 113231  
regardless of the depth of the strata in which underground water 113232  
is located, that are situated wholly or partly within, or border 113233  
upon, this state, or are within its jurisdiction, except those 113234  
private waters that do not combine or effect a junction with 113235  
natural surface or underground waters. "Waters of the state" 113236  
does not include an ephemeral feature for which the United 113237  
States army corps of engineers lacks the authority to issue a 113238  
permit under 33 U.S.C. 1344. 113239

(I) "Person" means the state, any municipal corporation, 113240  
any other political subdivision of the state, any person as 113241  
defined in section 1.59 of the Revised Code, any interstate body 113242  
created by compact, or the federal government or any department, 113243  
agency, or instrumentality thereof. 113244

(J) "Industrial water pollution control facility" means 113245  
any disposal system or any treatment works, pretreatment works, 113246  
appliance, equipment, machinery, pipeline or conduit, pumping 113247  
station, force main, or installation constructed, used, or 113248  
placed in operation primarily for the purpose of collecting or 113249

conducting industrial waste to a point of disposal or treatment; 113250  
reducing, controlling, or eliminating water pollution caused by 113251  
industrial waste; or reducing, controlling, or eliminating the 113252  
discharge into a disposal system of industrial waste or what 113253  
would be industrial waste if discharged into the waters of the 113254  
state. 113255

(K) "Schedule of compliance" means a schedule of remedial 113256  
measures including an enforceable sequence of actions or 113257  
operations leading to compliance with standards and rules 113258  
adopted under sections 6111.041 and 6111.042 of the Revised Code 113259  
or compliance with terms and conditions of permits set under 113260  
division (J) of section 6111.03 of the Revised Code. 113261

(L) "Federal Water Pollution Control Act" means the 113262  
"Federal Water Pollution Control Act Amendments of 1972," 86 113263  
Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act 113264  
of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other 113265  
amendments to that act. 113266

(M) "Historically channelized watercourse" means the 113267  
portion of a watercourse on which an improvement, as defined in 113268  
divisions (C) (2) to (4) of section 6131.01 of the Revised Code, 113269  
was constructed pursuant to Chapter 940., 6131., or 6133. of the 113270  
Revised Code or a similar state law that preceded any of those 113271  
chapters and authorized such an improvement. 113272

(N) "Sludge" means sewage sludge and a solid, semi-solid, 113273  
or liquid residue that is generated from an industrial 113274  
wastewater treatment process and that is applied to land for 113275  
agronomic benefit. "Sludge" does not include ash generated 113276  
during the firing of sludge in a sludge incinerator, grit and 113277  
screening generated during preliminary treatment of sewage in a 113278  
treatment works, animal manure, residue generated during 113279

treatment of animal manure, or domestic septage. 113280

(O) "Sludge materials" means solid, semi-solid, or liquid 113281  
materials derived from sludge and includes products from a 113282  
treatment works that result from the treatment, blending, or 113283  
composting of sludge. 113284

(P) "Storage of sludge" means the placement of sludge on 113285  
land on which the sludge remains for not longer than two years, 113286  
but does not include the placement of sludge on land for 113287  
treatment. 113288

(Q) "Sludge disposal program" means any program used by an 113289  
entity that begins with the generation of sludge and includes 113290  
treatment or disposal of the sludge, as "treatment" and 113291  
"disposal" are defined in division ~~(Y)~~(X) of section 3745.11 of 113292  
the Revised Code. 113293

(R) "Agronomic benefit" means any process that promotes or 113294  
enhances plant growth and includes, but is not limited to, a 113295  
process that increases soil fertility and moisture retention. 113296

(S) "Sludge management" means the use, storage, treatment, 113297  
or disposal of, and management practices related to, sludge and 113298  
sludge materials. 113299

(T) "Sludge management permit" means a permit for sludge 113300  
management that is issued under division (J) of section 6111.03 113301  
of the Revised Code. 113302

(U) "Sewage sludge" has the same meaning as in division 113303  
~~(Y)~~(X) of section 3745.11 of the Revised Code. 113304

(V) "Ephemeral feature" means surface water flowing or 113305  
pooling only in direct response to precipitation, such as rain 113306  
or snow. "Ephemeral feature" does not include a wetland, as 113307

defined in section 6111.02 of the Revised Code. 113308

**Sec. 6111.04.** (A) Both of the following apply except as 113309  
otherwise provided in division (A) or (F) of this section: 113310

(1) No person shall cause pollution or place or cause to 113311  
be placed any sewage, sludge, sludge materials, industrial 113312  
waste, or other wastes in a location where they cause pollution 113313  
of any waters of the state. 113314

(2) Such an action prohibited under division (A) (1) of 113315  
this section is hereby declared to be a public nuisance. 113316

Divisions (A) (1) and (2) of this section do not apply if 113317  
the person causing pollution or placing or causing to be placed 113318  
wastes in a location in which they cause pollution of any waters 113319  
of the state holds a valid, unexpired permit, or renewal of a 113320  
permit, governing the causing or placement as provided in 113321  
sections 6111.01 to 6111.08 of the Revised Code or if the 113322  
person's application for renewal of such a permit is pending. 113323

(B) If the director of environmental protection 113324  
administers a sludge management program pursuant to division (R) 113325  
of section 6111.03 of the Revised Code, both of the following 113326  
apply except as otherwise provided in division (B) or (F) of 113327  
this section: 113328

(1) No person, in the course of sludge management, shall 113329  
place on land located in the state or release into the air of 113330  
the state any sludge or sludge materials. 113331

(2) An action prohibited under division (B) (1) of this 113332  
section is hereby declared to be a public nuisance. 113333

Divisions (B) (1) and (2) of this section do not apply if 113334  
the person placing or releasing the sludge or sludge materials 113335

holds a valid, unexpired permit, or renewal of a permit, 113336  
governing the placement or release as provided in sections 113337  
6111.01 to 6111.08 of the Revised Code or if the person's 113338  
application for renewal of such a permit is pending. 113339

(C) No person to whom a permit has been issued shall place 113340  
or discharge, or cause to be placed or discharged, in any waters 113341  
of the state any sewage, sludge, sludge materials, industrial 113342  
waste, or other wastes in excess of the permissive discharges 113343  
specified under an existing permit without first receiving a 113344  
permit from the director to do so. 113345

(D) No person to whom a sludge management permit has been 113346  
issued shall place on the land or release into the air of the 113347  
state any sludge or sludge materials in excess of the permissive 113348  
amounts specified under the existing sludge management permit 113349  
without first receiving a modification of the existing sludge 113350  
management permit or a new sludge management permit to do so 113351  
from the director. 113352

(E) The director may require the submission of plans, 113353  
specifications, and other information that the director 113354  
considers relevant in connection with the issuance of permits. 113355

(F) This section does not apply to any of the following: 113356

(1) Waters used in washing sand, gravel, other aggregates, 113357  
or mineral products when the washing and the ultimate disposal 113358  
of the water used in the washing, including any sewage, 113359  
industrial waste, or other wastes contained in the waters, are 113360  
entirely confined to the land under the control of the person 113361  
engaged in the recovery and processing of the sand, gravel, 113362  
other aggregates, or mineral products and do not result in the 113363  
pollution of waters of the state; 113364

(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division (F) (2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by residual farm products, manure, or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 939. of the Revised Code. Division (F) (3) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it. As used in division (F) (3) of this section, "residual farm products" and "manure" have the same meanings as in section 939.01 of the Revised Code.

(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state. Division (F) (4) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.

(5) On and after the date on which the United States



environmental protection agency approves the NPDES program 113395  
submitted by the director of agriculture under section 903.08 of 113396  
the Revised Code, any discharge that is within the scope of the 113397  
approved NPDES program submitted by the director of agriculture; 113398

(6) The discharge of sewage, industrial waste, or other 113399  
wastes into a sewerage system tributary to a treatment works. 113400  
Division (F) (6) of this section does not authorize any discharge 113401  
into a publicly owned treatment works in violation of a 113402  
pretreatment program applicable to the publicly owned treatment 113403  
works or any discharge to a privately owned treatment works in 113404  
violation of any permit conditions established in accordance 113405  
with 40 C.F.R. 122.44(m). 113406

(7) A household sewage treatment system or a small flow 113407  
on-site sewage treatment system, as applicable, as defined in 113408  
section 3718.01 of the Revised Code that is installed in 113409  
compliance with Chapter 3718. of the Revised Code and rules 113410  
adopted under it. Division (F) (7) of this section does not 113411  
authorize, without a permit, any discharge that is prohibited 113412  
by, or for which a permit is required by, regulation of the 113413  
United States environmental protection agency. 113414

(8) Exceptional quality sludge generated outside of this 113415  
state and contained in bags or other containers not greater than 113416  
one hundred pounds in capacity. As used in division (F) (8) of 113417  
this section, "exceptional quality sludge" has the same meaning 113418  
as in division ~~(Y)~~(X) of section 3745.11 of the Revised Code. 113419

(G) The holder of a permit issued under section 402 (a) of 113420  
the Federal Water Pollution Control Act need not obtain a permit 113421  
for a discharge authorized by the permit until its expiration 113422  
date. Except as otherwise provided in this division, the 113423  
director of environmental protection shall administer and 113424

enforce those permits within this state and may modify their 113425  
terms and conditions in accordance with division (J) of section 113426  
6111.03 of the Revised Code. On and after the date on which the 113427  
United States environmental protection agency approves the NPDES 113428  
program submitted by the director of agriculture under section 113429  
903.08 of the Revised Code, the director of agriculture shall 113430  
administer and enforce those permits within this state that are 113431  
issued for any discharge that is within the scope of the 113432  
approved NPDES program submitted by the director of agriculture. 113433

**Section 101.02.** That existing sections 3.15, 9.03, 9.07, 113434  
9.239, 9.27, 9.28, 9.312, 9.331, 9.334, 9.821, 101.352, 101.84, 113435  
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3333.04, 3333.041, 3333.129, 3333.13, 3333.164, 3333.24, 113504  
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3517.092, 3517.10, 3517.102, 3517.103, 3517.104, 3517.108, 113510  
3517.109, 3517.11, 3517.13, 3701.021, 3701.033, 3701.045, 113511  
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5101.77, 5101.78, 5101.80, 5101.801, 5101.802, 5101.804, 113559  
5101.805, 5101.85, 5101.851, 5101.853, 5101.854, 5101.855, 113560  
5101.856, 5101.88, 5101.881, 5101.884, 5101.885, 5101.886, 113561  
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5123.169, 5123.191, 5123.38, 5123.41, 5123.42, 5123.47, 5124.15, 113586  
5126.201, 5139.05, 5139.08, 5139.34, 5153.10, 5153.122, 5153.16, 113587  
5153.163, 5160.37, 5160.45, 5162.133, 5163.03, 5163.091, 113588  
5163.093, 5163.094, 5163.098, 5163.30, 5163.33, 5164.071, 113589  
5164.38, 5165.158, 5165.192, 5165.26, 5167.01, 5167.03, 5168.08, 113590  
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5703.261, 5703.262, 5703.263, 5703.37, 5703.70, 5705.14, 113594  
5705.31, 5705.32, 5705.321, 5705.37, 5707.04, 5709.212, 5709.93, 113595  
5715.19, 5717.01, 5719.041, 5725.01, 5725.23, 5726.03, 5726.20, 113596  
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5743.081, 5743.082, 5743.51, 5743.56, 5745.03, 5745.04, 113603  
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5747.03, 5747.05, 5747.062, 5747.063, 5747.064, 5747.07, 113605  
5747.071, 5747.072, 5747.08, 5747.082, 5747.09, 5747.10, 113606  
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5747.99, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 113609  
5748.081, 5748.09, 5749.02, 5749.06, 5749.07, 5749.15, 5751.02, 113610  
5751.06, 5751.07, 5751.09, 5751.98, 5753.05, 5753.07, 5907.11, 113611  
5907.17, 6111.01, and 6111.04 of the Revised Code are hereby 113612  
repealed. 113613

**Section 105.01.** That sections 9.47, 101.38, 103.72, 113614

103.73, 113.06, 122.451, 122.55, 122.56, 122.561, 122.57, 113615  
122.852, 125.092, 125.093, 125.10, 125.112, 125.181, 125.36, 113616  
125.38, 125.43, 125.49, 125.51, 125.56, 125.60, 125.602, 113617  
125.603, 125.604, 125.605, 125.606, 125.607, 125.608, 125.609, 113618  
125.6010, 125.6011, 125.6012, 125.65, 125.76, 125.95, 128.412, 113619  
135.144, 904.06, 905.56, 935.25, 956.181, 1561.18, 1561.21, 113620  
1561.22, 3313.902, 3314.38, 3317.0218, 3317.036, 3317.23, 113621  
3317.231, 3317.24, 3321.191, 3333.0415, 3333.373, 3333.801, 113622  
3345.86, 3354.24, 3513.259, 3701.0212, 3701.051, 3780.18, 113623  
3780.19, 3780.22, 3780.23, 4729.551, 4758.18, 4758.241, 4758.50, 113624  
4758.52, 4928.57, 4928.581, 4928.582, 4928.583, 5104.08, 113625  
5104.52, 5123.352, 5123.603, 5163.05, 5165.261, 5166.45, 113626  
5180.23, 5180.24, 5180.34, 5537.24, 5726.59, 5745.13, 5747.46, 113627  
5747.47, 5747.49, 5747.67, 5747.75, 5751.55, 5902.06, and 113628  
5902.20 of the Revised Code are hereby repealed. 113629

**Section 105.10.** That section 3354.24 of the Revised Code 113630  
is hereby repealed, effective June 30, 2027. 113631

**Section 125.10.** The amendment by this act of section 113632  
4785.041 of the Revised Code does not supersede the repeal of 113633  
that section on April 3, 2033, as prescribed by Sections 4 and 5 113634  
of H.B. 107 of the 134th General Assembly. 113635

**Section 201.10.** APPROPRIATIONS 113636

Except as otherwise provided in this act, all 113637  
appropriation items in this act are appropriated out of any 113638  
moneys in the state treasury to the credit of the designated 113639  
fund that are not otherwise appropriated. For all appropriations 113640  
made in this act, the amounts in the first column are for fiscal 113641  
year 2026 and the amounts in the second column are for fiscal 113642  
year 2027. 113643



**Section 203.10.**

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1	2	3	4	5
A	ACC ACCOUNTANCY BOARD OF OHIO			
B	Dedicated Purpose Fund Group			
C	4J80 889601	CPA Education Assistance	\$260,000	\$275,000
D	4K90 889609	Operating Expenses	\$1,359,075	\$1,400,531
E	Dedicated Purpose Fund Group Total		\$1,619,075	\$1,675,531
F	TOTAL ALL BUDGET FUND GROUPS		\$1,619,075	\$1,675,531

**Section 205.10.**

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1	2	3	4	5
A	ADJ ADJUTANT GENERAL			
B	General Revenue Fund			
C	GRF 745401	Ohio Military Reserve	\$56,162	\$56,162
D	GRF 745404	Air National Guard	\$2,782,794	\$2,821,658
E	GRF 745407	National Guard Benefits	\$174,000	\$174,000
F	GRF 745409	Central Administration	\$3,585,342	\$3,684,085
G	GRF 745499	Army National Guard	\$6,319,611	\$6,385,948
H	GRF 745503	Ohio Cyber Reserve	\$1,151,000	\$1,151,000

I	GRF	745504	Ohio Cyber Range	\$2,650,000	\$2,650,000
J	GRF	745505	State Active Duty	\$70,000	\$70,000
K	General Revenue Fund Total			\$16,788,909	\$16,992,853
L	Dedicated Purpose Fund Group				
M	5340	745612	Property Operations Management	\$682,195	\$682,292
N	5360	745620	Camp Perry and Buckeye Inn Operations	\$1,064,057	\$1,074,431
O	5370	745604	Ohio National Guard Facilities Maintenance	\$60,131	\$60,131
P	5U80	745613	Community Match Armories	\$349,965	\$349,965
Q	Dedicated Purpose Fund Group Total			\$2,156,348	\$2,166,819
R	Federal Fund Group				
S	3420	745616	Army National Guard Service Agreement	\$24,076,820	\$24,316,615
T	3E80	745628	Air National Guard Operations and Maintenance	\$18,934,892	\$19,380,313
U	3R80	745603	Counter Drug Operations	\$26,606	\$26,606
V	Federal Fund Group Total			\$43,038,318	\$43,723,534
W	TOTAL ALL BUDGET FUND GROUPS			\$61,983,575	\$62,883,206

**Section 205.20. NATIONAL GUARD BENEFITS** 113648

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 113649  
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If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request that the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. 113653  
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The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made. 113659  
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For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Service members' Group Life Insurance Policy. 113662  
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**OHIO CYBER RESERVE** 113667

The foregoing appropriation item 745503, Ohio Cyber Reserve, shall be used for purposes of providing support for the administration of the Ohio Cyber Reserve, a civilian cyber reserve force that is part of the Ohio organized militia, capable of being expanded and trained to educate and protect all levels of state government, critical infrastructure, and the citizens of this state from cyber attacks and incidences under sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as well as for the purpose of paying expenses related to cyber 113668  
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state active duty of members of the Ohio Cyber Reserve, in 113677  
accordance with a proclamation or order of the Governor. 113678  
Expenses include, but are not limited to, the cost of equipment, 113679  
supplies, and services, as determined by the Adjutant General. 113680

OHIO CYBER RANGE 113681

The foregoing appropriation item 745504, Ohio Cyber Range, 113682  
shall be used by the Adjutant General's Department to establish 113683  
and maintain the cyber range for purposes of providing cyber 113684  
training and education to K-12 students, higher education 113685  
students, members of the Ohio National Guard, federal employees, 113686  
and state and local government employees, and provide for 113687  
emergency preparedness exercises and trainings. 113688

The Adjutant General's Department, in conjunction and 113689  
collaboration with the Department of Administrative Services, 113690  
the Department of Public Safety, the Department of Higher 113691  
Education, and the Department of Education and Workforce shall 113692  
establish and maintain a cyber range. The Adjutant General's 113693  
Department may work with federal agencies to assist in 113694  
accomplishing this objective. The state agencies identified in 113695  
this paragraph may procure any necessary goods and services 113696  
including, but not limited to, contracted services, hardware, 113697  
networking services, maintenance costs, and the training and 113698  
management costs of a cyber range. These state agencies shall 113699  
determine the amount of funds each agency will contribute from 113700  
available funds and appropriations enacted herein in order to 113701  
establish and maintain a cyber range. 113702

STATE ACTIVE DUTY 113703

The foregoing appropriation item 745505, State Active 113704  
Duty, shall be used for the purpose of paying expenses related 113705

to state active duty of members of the Ohio organized militia, 113706  
 not including the civilian cyber security reserve forces, in 113707  
 accordance with a proclamation or order of the Governor. 113708  
 Expenses include, but are not limited to, cost of equipment, 113709  
 supplies, and services, as determined by the Adjutant General. 113710

**Section 207.10.**

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	1	2	3	4	5
A					
					DAS DEPARTMENT OF ADMINISTRATIVE SERVICES
B					General Revenue Fund
C	GRF	100412	Unemployment Insurance	\$1,560,000	\$1,560,000
			System Lease Rental		
			Payments		
D	GRF	100413	EDCS Lease Rental	\$9,300,000	\$9,300,000
			Payments		
E	GRF	100414	MARCS Lease Rental	\$6,450,000	\$6,450,000
			Payments		
F	GRF	100415	OAKS Lease Rental	\$2,450,000	\$2,450,000
			Payments		
G	GRF	100416	STARS Lease Rental	\$1,100,000	\$1,100,000
			Payments		
H	GRF	100447	Administrative Buildings	\$45,500,000	\$60,500,000
			Lease Rental Bond		
			Payments		

I	GRF	100456	State IT Services	\$978,412	\$4,512,297
J	GRF	100459	Ohio Business Gateway	\$14,825,421	\$14,868,107
K	GRF	100469	Aronoff Center Building Maintenance	\$222,000	\$222,000
L	GRF	130321	State Agency Support Services	\$29,811,000	\$29,811,000
M	General Revenue Fund Total			\$112,196,833	\$130,773,404
N	Dedicated Purpose Fund Group				
O	4K90	100673	Ohio Professionals Licensing System	\$7,175,727	\$7,439,069
P	5AB1	100674	Next Generation 9-1-1	\$3,500,000	\$0
Q	5L70	100610	Professional Development	\$2,013,841	\$2,014,854
R	5NM0	100663	9-1-1 Program	\$956,663	\$980,078
S	5V60	100619	Employee Educational Development	\$1,234,461	\$1,268,484
T	7093	100675	Next Generation 9-1-1	\$13,469,622	\$14,804,264
U	Dedicated Purpose Fund Group Total			\$28,350,314	\$26,506,749
V	Internal Service Activity Fund Group				
W	1120	100616	DAS Administration	\$14,683,912	\$15,113,177
X	1170	100644	General Services Division	\$23,091,398	\$22,574,348

- Operating

Y 1220 100637 Fleet Management \$25,449,633 \$22,866,905

Z 1250 100622 Human Resources Division \$26,081,909 \$26,319,177

- Operating

AA 1250 100657 Benefits Communication \$620,036 \$628,275

AB 1300 100606 Risk Management Reserve \$24,015,458 \$24,051,115

AC 1320 100631 DAS Building Management \$53,101,399 \$54,715,341

AD 1330 100607 IT Services Delivery \$194,935,390 \$197,374,206

AE 2100 100612 State Printing \$31,450,162 \$32,512,922

AF 2290 100630 IT Governance \$40,176,321 \$40,741,507

AG 2290 100640 Consolidated IT Purchases \$28,265,838 \$28,265,838

AH 4270 100602 Investment Recovery \$1,835,187 \$1,891,267

AI 4N60 100617 Major IT Purchases \$3,984,131 \$3,984,131

AJ 5C20 100605 MARCS Administration \$35,336,608 \$35,689,974

AK 5EBO 100635 OAKS Support Organization \$101,832,561 \$104,303,226

AL 5EBO 100656 OAKS Updates and  
Developments \$11,427,405 \$11,403,567

AM 5KZO 100659 Building Improvement \$2,276,705 \$2,777,458

AN 5LJO 100661 IT Development \$12,839,922 \$12,839,922

AO 5PC0 100665 Enterprise Applications	\$14,160,852	\$14,244,654
AP 5WU0 100672 Ohio Benefits	\$151,980,462	\$0
AQ Internal Service Activity Fund Group	\$797,545,289	\$652,297,010
Total		
AR Fiduciary Fund Group		
AS 5UH0 100670 Enterprise Transactions	\$1,590,000	\$1,640,000
AT Fiduciary Fund Group Total	\$1,590,000	\$1,640,000
AU TOTAL ALL BUDGET FUND GROUPS	\$939,682,436	\$811,217,163

**Section 207.20.** EDCS LEASE RENTAL PAYMENTS 113713

The foregoing appropriation item 100413, EDCS Lease Rental 113714  
Payments, shall be used to make payments during the period from 113715  
July 1, 2025, through June 30, 2027, pursuant to leases and 113716  
agreements entered into under Chapter 125. of the Revised Code, 113717  
as supplemented by Section 701.10 of H.B. 529 of the 132nd 113718  
General Assembly, as amended by Section 601.10 of H.B. 166 of 113719  
the 133rd General Assembly, and other prior acts of the General 113720  
Assembly, with respect to financing the costs associated with 113721  
the acquisition, development, implementation, and integration of 113722  
the Enterprise Data Center Solutions (EDCS) information 113723  
technology initiative. 113724

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL 113725  
PAYMENTS 113726

The foregoing appropriation item 100414, MARCS Lease 113727  
Rental Payments, shall be used to make payments during the 113728  
period from July 1, 2025, through June 30, 2027, pursuant to 113729



leases and agreements entered into under Chapter 125. of the 113730  
Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 113731  
of the 130th General Assembly and other prior acts of the 113732  
General Assembly, with respect to financing the costs associated 113733  
with the acquisition, development, implementation, and 113734  
integration of the Multi-Agency Radio Communications System 113735  
(MARCS) upgrade. 113736

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 113737

The foregoing appropriation item 100415, OAKS Lease Rental 113738  
Payments, shall be used to make payments during the period from 113739  
July 1, 2025, through June 30, 2027, pursuant to leases and 113740  
agreements entered into under Chapter 125. of the Revised Code, 113741  
as supplemented by Section 701.10 of H.B. 529 of the 132nd 113742  
General Assembly and other prior acts of the General Assembly, 113743  
with respect to financing the costs associated with the 113744  
acquisition, development, implementation, and integration of the 113745  
Ohio Administrative Knowledge System (OAKS). 113746

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 113747  
PAYMENTS 113748

The foregoing appropriation item 100416, STARS Lease 113749  
Rental Payments, shall be used to make payments during the 113750  
period from July 1, 2025, through June 30, 2027, pursuant to 113751  
leases and agreements entered into under Chapter 125. of the 113752  
Revised Code, as supplemented by Section 701.30 of H.B. 529 of 113753  
the 132nd General Assembly and other prior acts of the General 113754  
Assembly, with respect to financing the costs associated with 113755  
the acquisition, development, implementation, and integration of 113756  
the State Taxation Accounting and Revenue System (STARS). 113757

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 113758

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND

The foregoing appropriation item 130321, State Agency Support Services, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the foregoing appropriation item 130321, State Agency Support Services, also may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, other costs associated with the Voinovich Center in Youngstown, Ohio, or costs of repairing vehicles donated pursuant to section 125.13 of the Revised Code. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments may be processed by the Department of Administrative Services through intrastate transfer vouchers and placed into the Building Management Fund (Fund 1320).

At least once per year, the portion of appropriation item 113789  
130321, State Agency Support Services, that is not used for the 113790  
regular expenses of the appropriation item may be processed by 113791  
the Department of Administrative Services through intrastate 113792  
transfer voucher and placed in the Building Improvement Fund 113793  
(Fund 5KZ0). 113794

On July 1, 2026, or as soon as possible thereafter, the 113795  
Director of Administrative Services may certify to the Director 113796  
of Budget and Management an amount up to the unexpended, 113797  
unencumbered balance of the foregoing appropriation item 130321, 113798  
State Agency Support Services, at the end of fiscal year 2026 to 113799  
be reappropriated to fiscal year 2027. The amount certified is 113800  
hereby reappropriated to the same appropriation item for fiscal 113801  
year 2027. 113802

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 113803

Of the foregoing appropriation item 100610, Professional 113804  
Development, up to \$1,400,000 in each fiscal year shall be used 113805  
to make payments from the Professional Development Fund (Fund 113806  
5L70) under section 124.182 of the Revised Code. 113807

Of the foregoing appropriation item 100610, Professional 113808  
Development, up to \$1,200,000 during the FY 2026-FY 2027 113809  
biennium may be used by the Director of Administrative Services 113810  
for the creation, staffing, and administration of the Ohio 113811  
Digital Academy. The Ohio Digital Academy shall exist to 113812  
generate high-tech workforce capacity and serve the state of 113813  
Ohio in advanced technology and cybersecurity needs. The goals 113814  
of the Ohio Digital Academy shall be to educate, train, and 113815  
subsequently employ analysts in completing boot camps, 113816  
certifications, or degree programs in cybersecurity, coding, 113817  
software engineering, user experience designers, and related 113818

fields. 113819

In consultation with CyberOhio, the Department of 113820  
Administrative Services shall have full authority to select 113821  
qualified candidates for the Ohio Digital Academy. Candidates 113822  
shall be subject to all applicable background checks and if 113823  
selected, shall be required to commit to three years of service 113824  
with the state of Ohio. Ohio Digital Academy candidates may be 113825  
placed in an unclassified, administrative staff position 113826  
pursuant to division (A) (30) of section 124.11 of the Revised 113827  
Code for which the Director of Administrative Services is hereby 113828  
given specific authority to set compensation, or with other 113829  
public or private employers identified by the Department with 113830  
which a partnership agreement has been established. 113831  
Notwithstanding any provision of law to the contrary, the 113832  
Department may use the foregoing appropriation to reimburse 113833  
selected students' tuition expenses for coursework, 113834  
certification achieved, or other necessary expenses, prior to 113835  
acceptance in the program, which is directly attributable to the 113836  
targeted skills of the program if completed within one year 113837  
prior to the effective date of this section. Upon hiring, 113838  
candidates shall also be eligible for reimbursement of costs for 113839  
continuing education or certification at the discretion of the 113840  
Director to support the development of specialized skills in the 113841  
areas of information technology and cybersecurity. Each 113842  
candidate shall be responsible for any tax implications 113843  
associated with the tuition. The Department reserves the right 113844  
to recover all or a portion of funds provided to an Ohio Digital 113845  
Academy participant who fails to complete the agreed upon three 113846  
years of service commitment to the state. 113847

On July 1, 2025, or as soon as possible thereafter, the 113848  
Department of Administrative Services may select and enter into 113849

a subgrant agreement with a regionally accredited Ohio 113850  
institution of higher education with demonstrated significant 113851  
coursework and programming in cybersecurity to serve as a 113852  
Digital Analyst Training Academy (D.A.T.A.) Center. The Center 113853  
shall be responsible for paying for costs associated with the 113854  
work of the Ohio Digital Academy as designated by the Department 113855  
of Administrative Services. On behalf of the Center, the 113856  
selected institution shall do all the following: 113857

(A) Provide necessary educational coursework or training 113858  
for the selected students' successful completion of a 113859  
certificate or degree program as prescribed by the Department of 113860  
Administrative Services at no cost to the selected students; 113861

(B) Administer weekly professional development programs 113862  
for students in an academic setting; 113863

(C) Prepare analysts for summer mandatory recruit training 113864  
as prescribed by the Department of Administrative Services; 113865

(D) Coordinate and manage summer scenarios; 113866

(E) Submit a quarterly report to the Department of 113867  
Administrative Services that contains detailed information on 113868  
the amount of grant funds expended for the aforementioned 113869  
purposes; 113870

(F) Submit an annual report to the Department of 113871  
Administrative Services of all achievements, including a status 113872  
report of all expenditures, number of students enrolled by 113873  
program area, number of students graduated or certifications 113874  
achieved by program area, program expansion opportunities, and 113875  
projected costs to continue operating the Center. 113876

Additional Centers may be added over the biennium subject 113877  
to the approval of the Director of Administrative Services. 113878

On July 1, 2026, or as soon as possible thereafter, the 113879  
Director of Administrative Services may certify to the Director 113880  
of Budget and Management, the unencumbered, unexpended portion 113881  
remaining in appropriation item 100610, Professional Development 113882  
Fund, at the end of fiscal year 2026. The certified amount is 113883  
hereby reappropriated for the same purposes in fiscal year 2027. 113884

9-1-1 PROGRAM 113885

The foregoing appropriation item 100663, 9-1-1 Program, 113886  
shall be used by the Department of Administrative Services to 113887  
pay the administrative, marketing, and educational costs of the 113888  
Statewide Emergency Services Internet Protocol Network program. 113889

EMPLOYEE EDUCATIONAL DEVELOPMENT 113890

The foregoing appropriation item 100619, Employee 113891  
Educational Development, shall be used to make payments from the 113892  
Employee Educational Development Fund (Fund 5V60) under section 113893  
124.86 of the Revised Code. The fund shall be used to pay the 113894  
costs of administering educational programs under existing 113895  
collective bargaining agreements with District 1199, the Health 113896  
Care and Social Service Union, Service Employees International 113897  
Union; State Council of Professional Educators; Ohio Education 113898  
Association and National Education Association; the Fraternal 113899  
Order of Police State of Ohio, Unit 2 Association; and the Ohio 113900  
State Troopers Association, Units 1 and 15. 113901

If it is determined by the Director of Budget and 113902  
Management that additional amounts are necessary, the amounts 113903  
are hereby appropriated. 113904

**Section 207.40.** GENERAL SERVICE CHARGES 113905

The Department of Administrative Services, with the 113906  
approval of the Director of Budget and Management, shall 113907

establish charges for recovering the costs of administering the 113908  
programs funded by the General Services Fund (Fund 1170) and the 113909  
State Printing Fund (Fund 2100). 113910

COLLECTIVE BARGAINING ARBITRATION EXPENSES 113911

The Department of Administrative Services may seek 113912  
reimbursement from state agencies for the actual costs and 113913  
expenses the Department incurs in the collective bargaining 113914  
arbitration process. The reimbursements shall be processed 113915  
through intrastate transfer vouchers and credited to the Human 113916  
Resources Services Fund (Fund 1250). 113917

RISK MANAGEMENT RESERVE 113918

The foregoing appropriation item 100606, Risk Management 113919  
Reserve, shall be used to make payments from the Risk Management 113920  
Reserve Fund (Fund 1300) pursuant to section 9.823 of the 113921  
Revised Code. If the Director of Budget and Management 113922  
determines that additional amounts are necessary, the amounts 113923  
are hereby appropriated. 113924

CONSOLIDATED IT PURCHASES 113925

The foregoing appropriation item 100640, Consolidated IT 113926  
Purchases, shall be used by the Department of Administrative 113927  
Services acting as the purchasing agent for one or more 113928  
government entities under the authority of division (G) of 113929  
section 125.18 of the Revised Code to make information 113930  
technology purchases at a lower aggregate cost than each 113931  
individual government entity could have obtained independently 113932  
for that information technology purchase. 113933

On July 1, 2026, or as soon as possible thereafter, the 113934  
Director of Administrative Services may certify to the Director 113935  
of Budget and Management an amount up to the unexpended, 113936

unencumbered balance of the foregoing appropriation item 100640, 113937  
Consolidated IT Purchases, at the end of fiscal year 2026 to be 113938  
reappropriated to fiscal year 2027. The amount certified is 113939  
hereby reappropriated to the same appropriation item for fiscal 113940  
year 2027. 113941

INVESTMENT RECOVERY FUND 113942

Notwithstanding division (B) of section 125.14 of the 113943  
Revised Code, cash balances in the Investment Recovery Fund 113944  
(Fund 4270) may be used to support the operating expenses of the 113945  
Federal Surplus Operating Program created in sections 125.84 to 113946  
125.90 of the Revised Code. 113947

MAJOR IT PURCHASES CHARGES 113948

Upon the request of the Director of Administrative 113949  
Services, the Director of Budget and Management may transfer up 113950  
to the amount collected for statewide indirect costs 113951  
attributable to debt service paid for the enterprise data center 113952  
solutions project from the General Revenue Fund to the Major 113953  
Information Technology Purchases Fund (Fund 4N60). 113954

MARCS ADMINISTRATION 113955

Of the foregoing appropriation item 100605, MARCS 113956  
Administration, \$10,500,000 in each fiscal year shall be used to 113957  
reduce MARCS subscriber fees paid by villages, municipal 113958  
corporations, townships, counties, and regional public safety 113959  
and first response agencies. 113960

PROFESSIONS LICENSING SYSTEM 113961

The foregoing appropriation item, 100673, Ohio 113962  
Professionals Licensing System, shall be used to purchase the 113963  
equipment, products, and services necessary to update and 113964



maintain an automated licensing system for the professional 113965  
licensing boards. 113966

The Department of Administrative Services shall establish 113967  
charges for recovering the costs of ongoing maintenance of the 113968  
system that are not otherwise recovered under section 125.18 of 113969  
the Revised Code. The charges shall be proportionate to each 113970  
benefiting state agency, board, or commission's use of the 113971  
system. For agencies, boards, or commissions whose operations 113972  
are not funded by appropriations from the Occupational Licensing 113973  
and Regulatory Fund (Fund 4K90), the Director of Administrative 113974  
Services shall certify to the Director of Budget and Management 113975  
these entities' proportionate charges for use of the state's 113976  
enterprise electronic licensing system. The Director of Budget 113977  
and Management shall transfer cash equaling the certified 113978  
amounts from these entities' respective operating funds into the 113979  
Occupational Licensing and Regulatory Fund (Fund 4K90). 113980

On July 1, 2025, or as soon as possible thereafter, the 113981  
State Board of Education shall consult with the Department of 113982  
Administrative Services on the utilization of the Ohio 113983  
Professional Licensing System. As part of this consultation, the 113984  
State Board of Education shall consider opportunities to reduce 113985  
the number of license and certification types. 113986

**Section 207.45. BUILDING IMPROVEMENT FUND** 113987

The foregoing appropriation item 100659, Building 113988  
Improvement, shall be used to make payments from the Building 113989  
Improvement Fund (Fund 5KZ0) for major maintenance or 113990  
improvements required in facilities maintained by the Department 113991  
of Administrative Services. The Department of Administrative 113992  
Services shall conduct or contract for regular assessments of 113993  
these buildings and may maintain a cash balance in Fund 5KZ0 113994

equal to the cost of the repairs and improvements that are 113995  
recommended to occur within the next five years, with the 113996  
following exception described below. 113997

Upon request of the Director of Administrative Services, 113998  
the Director of Budget and Management may transfer cash from 113999  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay 114000  
costs of operating and maintaining facilities managed by the 114001  
Department of Administrative Services that are not charged to 114002  
tenants during the same fiscal year. 114003

Should the cash balance in Fund 1320 be determined to be 114004  
sufficient, the Director of Administrative Services may request 114005  
that the Director of Budget and Management transfer cash from 114006  
Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash 114007  
transfer made under this section. 114008

INFORMATION TECHNOLOGY DEVELOPMENT 114009

The foregoing appropriation item 100661, IT Development, 114010  
shall be used by the Department of Administrative Services to 114011  
pay the costs of modernizing the state's information technology 114012  
management and investment practices away from a limited, agency- 114013  
specific focus in favor of a statewide methodology supporting 114014  
development of enterprise solutions. This appropriation item may 114015  
be used to pay the costs of enterprise information technology 114016  
initiatives affecting state agencies or their customers. 114017

Notwithstanding any provision of law to the contrary, the 114018  
Department of Administrative Services, with the approval of the 114019  
Director of Budget and Management, may charge state agencies an 114020  
information technology development assessment based on state 114021  
agencies' information technology expenditures or other 114022  
methodology and may assess fees or charges to entities that are 114023

not state agencies to offset the cost of specific technology 114024  
events or services. The revenue from these assessments, fees, or 114025  
charges shall be deposited into the Information Technology 114026  
Development Fund (Fund 5LJ0), which is hereby created. 114027

ENTERPRISE APPLICATIONS 114028

The foregoing appropriation item 100665, Enterprise 114029  
Applications, shall be used for the operation and management of 114030  
information technology applications that support state agencies' 114031  
objectives. Charges billed to benefiting agencies shall be 114032  
deposited to the credit of the Enterprise Applications Fund 114033  
(Fund 5PC0). 114034

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION 114035

The Director of Administrative Services shall determine 114036  
and implement strategies that benefit the enterprise by 114037  
improving efficiency, reducing costs, or enhancing capacity of 114038  
information technology (IT) services. Such improvements and 114039  
efficiencies may result in the consolidation and transfer of 114040  
such services. As determined to be necessary for successful 114041  
implementation of this section and notwithstanding any provision 114042  
of law to the contrary, the Director of Administrative Services 114043  
may request the Director of Budget and Management to consolidate 114044  
or transfer IT-specific budget authority between agencies or 114045  
within an agency as necessary to implement enterprise IT cost 114046  
containment strategies and related efficiencies. Once the 114047  
Director of Budget and Management is satisfied that the proposed 114048  
initiative is cost advantageous to the enterprise, the Director 114049  
of Budget and Management may request Controlling Board approval 114050  
to transfer appropriations, funds, and cash to implement the 114051  
proposed initiative. The establishment of any new fund or 114052  
additional appropriation as a result of this section shall also 114053

be subject to Controlling Board approval. 114054

The Director of Budget and Management and the Director of 114055  
Administrative Services may transfer any employees, assets, and 114056  
liabilities, including, but not limited to, records, contracts, 114057  
and agreements in order to facilitate the improvements 114058  
determined in accordance with this section. 114059

**Section 209.10.** 114060

114061

	1	2	3	4	5
A	AGE DEPARTMENT OF AGING				
B	General Revenue Fund				
C	GRF	490321	Operating Expenses	\$2,044,405	\$2,083,308
D	GRF	490410	Long-Term Care Ombudsman	\$3,117,148	\$3,122,195
E	GRF	490411	Senior Community Services	\$10,757,903	\$10,795,146
F	GRF	490414	Alzheimer's and Other Dementia Respite	\$4,300,000	\$4,300,000
G	GRF	490506	National Senior Service Corps	\$222,000	\$222,000
H	GRF	490510	Community Projects	\$285,000	\$0
I	GRF	656423	Long-Term Care Budget - State	\$5,322,431	\$5,439,477
J	General Revenue Fund Total			\$26,048,887	\$25,962,126

K	Dedicated Purpose Fund Group				
L	4800	490606	Senior Community Outreach and Education	\$150,000	\$150,000
M	4C40	490609	Regional Long-Term Care Ombudsman Program	\$1,000,000	\$1,000,000
N	5BA0	490620	Long-Term Care Quality Initiatives	\$12,417,919	\$12,417,919
O	5K90	490613	Long-Term Care Consumers Guide	\$1,770,000	\$1,780,000
P	5MT0	490627	Board of Executives of Long-Term Services and Supports	\$850,000	\$875,000
Q	5T40	656625	Health Care Grants - State	\$695,940	\$695,939
R	5W10	490616	Resident Services Coordinator Program	\$262,500	\$262,500
S	Dedicated Purpose Fund Group Total			\$17,146,359	\$17,181,358
T	Federal Fund Group				
U	3220	490618	Federal Aging Grants	\$10,500,000	\$10,500,000
V	3C40	656623	Long-Term Care Budget - Federal	\$7,462,626	\$7,979,625
W	3M40	490612	Federal Independence	\$66,495,000	\$69,820,000

Services

X	Federal Fund Group Total	\$84,457,626	\$88,299,625
Y	TOTAL ALL BUDGET FUND GROUPS	\$127,652,872	\$131,443,109

**Section 209.20. LONG-TERM CARE** 114062

Pursuant to an interagency agreement, the Department of 114063  
Medicaid may designate the Department of Aging to perform 114064  
assessments under section 5165.04 of the Revised Code. The 114065  
Department of Aging shall provide long-term care consultations 114066  
under section 173.42 of the Revised Code to assist individuals 114067  
in planning for their long-term health care needs. 114068

The Department of Aging shall administer the Medicaid 114069  
waiver-funded PASSPORT Home Care Program, the Assisted Living 114070  
Program, and PACE as delegated by the Department of Medicaid in 114071  
an interagency agreement. 114072

PERFORMANCE-BASED REIMBURSEMENT 114073

In order to improve health outcomes among populations 114074  
served by PASSPORT administrative agencies, the Department of 114075  
Aging, through rules adopted in accordance with Chapter 119. of 114076  
the Revised Code, may design and utilize a payment method for 114077  
PASSPORT administrative agency operations that includes a pay- 114078  
for-performance incentive component that is earned by a PASSPORT 114079  
administrative agency when defined consumer and policy outcomes 114080  
are achieved. Prior to filing with the Joint Committee on Agency 114081  
Rule Review, as provided in section 119.03 of the Revised Code, 114082  
a proposed rule related to a payment method that includes a pay- 114083  
for-performance incentive component, the Department shall submit 114084  
a report to the Joint Medicaid Oversight Committee outlining the 114085

payment method. 114086

**Section 209.30. MYCARE OHIO** 114087

The authority of the Office of the State Long-Term Care 114088  
Ombudsman as described in sections 173.14 to 173.28 of the 114089  
Revised Code extends to MyCare Ohio during the period of the 114090  
federal financial alignment demonstration program. 114091

**SENIOR COMMUNITY SERVICES** 114092

Of the foregoing appropriation item 490411, Senior 114093  
Community Services, \$150,000 in each fiscal year shall be used 114094  
to support the IConnect Program, administered by the 114095  
Neighborhood Centers Association in Richland, Medina, Lorain, 114096  
and Cuyahoga Counties. 114097

The remainder of appropriation item 490411, Senior 114098  
Community Services, may be used for programs, services, and 114099  
activities designated by the Department of Aging, including, but 114100  
not limited to, home-delivered meals, congregate dining, 114101  
transportation, personal care, respite, adult day services, home 114102  
maintenance and chores, minor home modification, case 114103  
management, evidence-based disease prevention and health 114104  
promotion, and information assistance. Funds may also be used to 114105  
provide grants to community organizations to support and expand 114106  
older adult programming. Services priority shall be given to 114107  
low-income, high-need persons, and/or persons with a cognitive 114108  
impairment who are sixty years of age or over. 114109

**NATIONAL SENIOR SERVICE CORPS** 114110

The foregoing appropriation item 490506, National Senior 114111  
Service Corps, may be used by the Department of Aging to fund 114112  
grants to organizations that receive federal funds from the 114113  
Corporation for National and Community Service to support the 114114

following Senior Corps programs: the Foster Grandparents 114115  
Program, the Senior Companion Program, and the Retired Senior 114116  
Volunteer Program. A recipient of these grant funds shall use 114117  
the funds to support priorities established by the Department 114118  
and the Ohio State Office of the Corporation for National and 114119  
Community Service. Neither the Department nor any area agencies 114120  
on aging that are involved in the distribution of these funds to 114121  
lower-tiered grant recipients may use any portion of these funds 114122  
to cover administrative costs. 114123

COMMUNITY PROJECTS 114124

The foregoing appropriation item 490510, Community 114125  
Projects, shall be distributed to Jewish Family Services to 114126  
support Ohio's Holocaust survivors. 114127

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 114128

The foregoing appropriation item 490627, Board of 114129  
Executives of Long-Term Services and Supports, may be used by 114130  
the Board of Executives of Long-Term Services and Supports to 114131  
administer and enforce Chapter 4751. of the Revised Code and 114132  
rules adopted under it. 114133

**Section 211.10.** 114134

114135

	1	2	3	4	5
A	AGR DEPARTMENT OF AGRICULTURE				
B	General Revenue Fund				
C	GRF	700401	Animal Health Programs	\$8,055,500	\$8,265,900
D	GRF	700403	Dairy Division	\$1,569,000	\$1,613,000



E	GRF	700404	Ohio Proud	\$189,000	\$208,000
F	GRF	700406	Consumer Protection Lab	\$1,880,000	\$1,906,000
G	GRF	700407	Food Safety	\$1,705,000	\$1,752,000
H	GRF	700409	Farmland Preservation	\$572,000	\$588,000
I	GRF	700410	Plant Industry	\$542,000	\$594,000
J	GRF	700412	Weights and Measures	\$825,000	\$849,000
K	GRF	700415	Poultry Inspection	\$970,000	\$992,000
L	GRF	700418	Livestock Regulation Program	\$1,600,000	\$1,649,000
M	GRF	700424	Livestock Testing and Inspections	\$135,000	\$138,000
N	GRF	700426	Dangerous Animals and Emergency Management	\$708,000	\$716,000
O	GRF	700427	High Volume Breeder Kennel Control	\$1,545,000	\$1,553,000
P	GRF	700428	Soil and Water Division	\$4,679,000	\$4,857,000
Q	GRF	700499	Meat Inspection Program - State Share	\$8,080,000	\$8,304,000
R	GRF	700501	County Agricultural Societies	\$380,000	\$380,000
S	GRF	700509	Soil and Water District	\$12,527,000	\$12,533,000

Support

T	GRF	700511	Ride Inspection	\$779,000	\$801,000
U	GRF	700674	Plant Testing	\$247,000	\$218,000
V	General Revenue Fund Total			\$46,987,500	\$47,916,900
W	Dedicated Purpose Fund Group				
X	4900	700651	License Plates - Sustainable Agriculture	\$16,800	\$16,800
Y	4940	700612	Agricultural Commodity Marketing Program	\$125,000	\$125,000
Z	4960	700626	Ohio Grape Industries	\$1,200,000	\$1,200,000
AA	4970	700627	Grain Warehouse Program	\$500,000	\$500,000
AB	4C90	700605	Commercial Feed and Seed	\$2,273,000	\$2,329,000
AC	4D20	700609	Auction Education	\$53,000	\$54,000
AD	4E40	700606	Utility Radiological Safety	\$136,000	\$142,000
AE	4P70	700610	Food Safety Inspection	\$1,353,000	\$1,396,000
AF	4R00	700636	Ohio Proud Marketing	\$25,000	\$25,000
AG	4R20	700637	Dairy Industry Inspection	\$1,751,000	\$1,787,000
AH	4T60	700611	Poultry and Meat Inspection	\$113,500	\$117,000

AI 5780 700620	Ride Inspection	\$1,245,000	\$1,273,000
AJ 5B80 700629	Auctioneers	\$230,000	\$236,000
AK 5BV0 700660	Heidelberg Water Quality Lab	\$275,000	\$275,000
AL 5BV0 700661	Soil and Water Districts	\$10,507,000	\$10,509,000
AM 5FC0 700648	Plant Pest Program	\$1,200,000	\$1,200,000
AN 5H20 700608	Metrology Lab and Scale Certification	\$1,194,000	\$1,240,000
AO 5L80 700604	Livestock Management Program	\$186,800	\$189,800
AP 5MR0 700658	Commercial Dog Breeding	\$450,000	\$465,000
AQ 5MS0 700659	Animal and Consumer Protection	\$8,400	\$8,400
AR 5QW0 700653	Watershed Assistance	\$857,000	\$832,000
AS 5WJ0 700671	Hemp Program	\$367,000	\$375,000
AT 6520 700634	Animal, Consumer, and ATL Labs	\$8,483,900	\$8,328,800
AU 6690 700635	Pesticide, Fertilizer, and Lime Inspection Program	\$4,533,000	\$4,649,000
AV 6H20 700670	H2Ohio	\$33,700,000	\$33,700,000

AW Dedicated Purpose Fund Group Total	\$70,783,400	\$70,972,800
AX Internal Service Activity Fund Group		
AY 5DA0 700644 Laboratory Administration Support	\$1,300,000	\$1,339,000
AZ 5GH0 700655 Administrative Support	\$7,614,000	\$7,990,000
BA Internal Service Activity Fund Group Total	\$8,914,000	\$9,329,000
BB Capital Projects Fund Group		
BC 7057 700632 Clean Ohio Agricultural Easement Operating	\$512,000	\$515,000
BD Capital Projects Fund Group Total	\$512,000	\$515,000
BE Federal Fund Group		
BF 3260 700618 Meat Inspection Program - Federal Share	\$5,891,000	\$6,133,000
BG 3360 700617 Ohio Farm Loan - Revolving	\$317,000	\$200,000
BH 3820 700601 Federal Cooperative Contracts	\$11,612,000	\$9,669,000
BI 3J40 700607 Federal Administrative Programs	\$2,000,000	\$2,055,000
BJ 3R20 700614 Federal Plant Industry	\$6,843,000	\$7,189,000

BK Federal Fund Group Total	\$26,663,000	\$25,246,000
BL TOTAL ALL BUDGET FUND GROUPS	\$153,859,900	\$153,979,700

**Section 211.20. SOIL AND WATER DIVISION** 114136

Of the foregoing appropriation item 700428, Soil and Water 114137  
Division, \$500,000 in each fiscal year shall be used to provide 114138  
grants to local governments for the purpose of developing or 114139  
updating local land use plans. 114140

COUNTY AGRICULTURAL SOCIETIES 114141

The foregoing appropriation item 700501, County 114142  
Agricultural Societies, shall be used to reimburse county and 114143  
independent agricultural societies for expenses related to 114144  
Junior Fair activities. 114145

SUPPORT FOR SOIL AND WATER DISTRICTS 114146

Of the foregoing appropriation item 700509, Soil and Water 114147  
District Support, \$4,200,000 in each fiscal year shall be used 114148  
to support county soil and water conservation districts in 114149  
priority regions as defined by the director of Agriculture, for 114150  
staffing costs and to assist in soil testing and nutrient 114151  
management plan development, including manure transformation and 114152  
manure conversion technologies, enhanced filter strips, water 114153  
management, and H2Ohio Program support. 114154

SOIL AND WATER DISTRICTS 114155

In addition to state payments to soil and water 114156  
conservation districts authorized by section 940.15 of the 114157  
Revised Code, the Department of Agriculture may use 114158  
appropriation item 700661, Soil and Water Districts, to pay any 114159  
soil and water conservation district an annual amount not to 114160

exceed \$40,000 upon receipt of a request and justification from 114161  
the district and approval by the Ohio Soil and Water 114162  
Conservation Commission. The county auditor shall credit the 114163  
payments to the special fund established under section 940.12 of 114164  
the Revised Code for use by the local soil and water 114165  
conservation district. The amounts received by each district 114166  
shall be expended for the purposes of the district. 114167

H2OHIO FUND 114168

The Department of Agriculture shall establish programs to 114169  
assist in reducing total phosphorus, dissolved reactive 114170  
phosphorus, sediment, and other nutrients in the Western Lake 114171  
Erie Basin and other critical regions in the state as defined by 114172  
the Director of Agriculture. 114173

The foregoing appropriation item 700670, H2Ohio, shall be 114174  
used to support the programs described above, which may include, 114175  
but not be limited to, the following: (1) equipment for 114176  
subsurface placement of nutrients into the soil; (2) equipment 114177  
for nutrient placement based on geographic information system 114178  
data; (3) soil testing; (4) implementation of variable rate 114179  
technology; (5) equipment implementing manure transformation and 114180  
manure conversion technologies; (6) tributary monitoring; (7) 114181  
best management practices recognized to reduce nutrients; (8) a 114182  
revolving loan program; and (9) matching funds for the 114183  
Conservation Reserve Enhancement Program. 114184

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 114185

The foregoing appropriation item 700632, Clean Ohio 114186  
Agricultural Easement Operating, shall be used by the Department 114187  
of Agriculture in administering Clean Ohio Agricultural Easement 114188  
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, 114189

and 5301.67 to 5301.70 of the Revised Code. 114190

**Section 215.10.** 114191

114192

1	2	3	4	5
A		ARC ARCHITECTS BOARDS		
B	Dedicated Purpose Fund Group			
C	4K90 891609	Operating	\$674,000	\$690,001
D	Dedicated Purpose Fund Group Total		\$674,000	\$690,001
E	TOTAL ALL BUDGET FUND GROUPS		\$674,000	\$690,001

**Section 217.10.** 114193

114194

1	2	3	4	5
A		ART OHIO ARTS COUNCIL		
B	General Revenue Fund			
C	GRF 370321	Operating Expenses	\$2,672,595	\$2,743,201
D	GRF 370502	State Program Subsidies	\$23,038,000	\$23,038,000
E	General Revenue Fund Total		\$25,710,595	\$25,781,201
F	Dedicated Purpose Fund Group			
G	4600 370602	Arts Council Program Support	\$345,000	\$345,000
H	4B70 370603	Percent For Art	\$165,000	\$165,000

Acquisitions

I	Dedicated Purpose Fund Group Total	\$510,000	\$510,000
J	Federal Fund Group		
K	3140 370601 Federal Support	\$1,350,000	\$1,350,000
L	Federal Fund Group Total	\$1,350,000	\$1,350,000
M	TOTAL ALL BUDGET FUND GROUPS	\$27,570,595	\$27,641,201

**Section 217.20.** FEDERAL SUPPORT 114195

Notwithstanding any provision of law to the contrary, the 114196  
foregoing appropriation item 370601, Federal Support, shall be 114197  
used by the Ohio Arts Council for subsidies only, and not for 114198  
its administrative costs, unless the Council is required to use 114199  
a portion of the funds for administrative costs under conditions 114200  
of the federal grant. 114201

**Section 219.10.** 114202  
114203

1 2 3 4 5

A	ATH ATHLETIC COMMISSION		
B	Dedicated Purpose Fund Group		
C	4K90 175609 Operating Expenses	\$367,022	\$371,995
D	Dedicated Purpose Fund Group Total	\$367,022	\$371,995
E	TOTAL ALL BUDGET FUND GROUPS	\$367,022	\$371,995

**Section 221.10.** 114204



114205

1	2	3	4	5
A		AGO ATTORNEY GENERAL		
B	General Revenue Fund			
C	GRF 055321	Operating Expenses	\$93,285,225	\$93,285,225
D	GRF 055405	Law-Related Education	\$68,000	\$68,000
E	GRF 055406	BCIRS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF 055411	County Sheriffs' Pay Supplement	\$1,111,257	\$1,130,685
G	GRF 055415	County Prosecutors' Pay Supplement	\$1,476,937	\$1,502,753
H	GRF 055431	Drug Abuse Response Team Grants	\$1,500,000	\$1,500,000
I	GRF 055432	Drug Testing Equipment	\$964,000	\$964,000
J	GRF 055434	Internet Crimes Against Children Task Force	\$500,000	\$500,000
K	GRF 055441	Victims of Crime	\$6,700,000	\$5,700,000
L	GRF 055446	Cyber Crime Division	\$1,000,000	\$1,000,000
M	GRF 055501	Rape Crisis Centers	\$15,300,000	\$15,300,000
N	GRF 055502	School Safety Training	\$12,000,000	\$12,000,000

Grants

O	GRF	055504	Domestic Violence Programs	\$10,000,000	\$10,000,000
P	GRF	055505	Pike County Capital Case	\$600,000	\$0
Q	GRF	055509	Law Enforcement Training	\$30,000,000	\$35,000,000
R	General Revenue Fund Total			\$176,955,419	\$180,400,663
S	Dedicated Purpose Fund Group				
T	1060	055612	Attorney General Operating	\$63,216,225	\$64,034,683
U	4020	055616	Victims of Crime	\$11,500,000	\$12,000,000
V	4170	055621	Domestic Violence Shelter	\$25,000	\$25,000
W	4180	055615	Charitable Foundations	\$11,500,000	\$11,000,000
X	4190	055623	Claims Section	\$77,520,063	\$86,393,854
Y	4190	055668	Collections System Lease Rental Payments	\$4,165,000	\$4,165,000
Z	4200	055603	Attorney General Antitrust	\$1,500,000	\$0
AA	4210	055617	Police Officers' Training Academy Fee	\$3,555,387	\$3,528,018
AB	4L60	055606	DARE Programs	\$2,308,099	\$2,310,841

AC 4Y70 055608	Title Defect Recision	\$1,032,267	\$1,038,534
AD 4Z20 055609	BCI Asset Forfeiture and Cost Reimbursement	\$2,000,000	\$2,000,000
AE 5900 055633	Peace Officer Private Security Training	\$101,306	\$103,330
AF 5A90 055618	Telemarketing Fraud Enforcement	\$10,000	\$10,000
AG 5LR0 055655	Peace Officer Training - Casino	\$7,726,217	\$8,183,287
AH 5TL0 055659	Organized Crime Law Enforcement Trust	\$100,000	\$100,000
AI 5VL0 055435	Stop Bullying License Plate	\$2,500	\$2,500
AJ 6310 055637	Consumer Protection Enforcement	\$10,500,000	\$11,000,000
AK 6590 055641	Solid and Hazardous Waste Background Investigations	\$359,895	\$367,319
AL U087 055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$2,500,000	\$2,500,000
AM	Dedicated Purpose Fund Group Total	\$199,621,959	\$208,762,366
AN	Internal Service Activity Fund Group		

AO 1950 055660 Workers' Compensation Section	\$9,570,750	\$9,905,726
AP Internal Service Activity Fund Group Total	\$9,570,750	\$9,905,726
AQ Holding Account Fund Group		
AR 5BY1 055674 Charitable Law Distributions	\$750,000	\$750,000
AS R004 055631 General Holding Account	\$1,000,000	\$1,000,000
AT R005 055632 Antitrust Settlements	\$1,000,000	\$1,000,000
AU R018 055630 Consumer Frauds	\$1,000,000	\$1,000,000
AV R042 055601 Organized Crime Commission Distributions	\$750,000	\$750,000
AW R054 055650 Collection Payment Redistribution	\$4,500,000	\$4,500,000
AX Holding Account Fund Group Total	\$9,000,000	\$9,000,000
AY Federal Fund Group		
AZ 3060 055620 Medicaid Fraud Control	\$17,059,070	\$17,887,905
BA 3830 055634 Crime Victims Assistance	\$40,000,000	\$40,000,000
BB 3E50 055638 Attorney General Pass- Through Funds	\$8,020,999	\$8,020,999
BC 3FV0 055656 Crime Victim Compensation	\$7,200,000	\$7,400,000

BD 3R60 055613 Attorney General Federal Funds	\$5,500,000	\$5,500,000
BE Federal Fund Group Total	\$77,780,069	\$78,808,904
BF TOTAL ALL BUDGET FUND GROUPS	\$472,928,197	\$486,877,659

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 114206  
114207

Of the foregoing appropriation item 055321, Operating Expenses, \$650,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 114208  
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NARCOTICS TASK FORCES 114215

Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General. 114216  
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DOMESTIC VIOLENCE PROGRAM 114219

Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code. 114220  
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BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS 114225  
114226

The foregoing appropriation item 055406, BCIRS Lease 114227

Rental Payments, shall be used for payments during the period 114228  
from July 1, 2025, through June 30, 2027, pursuant to leases and 114229  
agreements entered into pursuant to Section 701.40 of S.B. 310 114230  
of the 131st General Assembly and other prior acts of the 114231  
General Assembly, with respect to financing the costs associated 114232  
with the acquisition, development, implementation, and 114233  
integration of the BCIRS. 114234

COUNTY SHERIFFS' PAY SUPPLEMENT 114235

The foregoing appropriation item 055411, County Sheriffs' 114236  
Pay Supplement, shall be used for the purpose of supplementing 114237  
the annual compensation of county sheriffs as required by 114238  
section 325.06 of the Revised Code. 114239

At the request of the Attorney General, the Director of 114240  
Budget and Management may transfer appropriation from 114241  
appropriation item 055321, Operating Expenses, to appropriation 114242  
item 055411, County Sheriffs' Pay Supplement. Any appropriation 114243  
so transferred shall be used to supplement the annual 114244  
compensation of county sheriffs as required by section 325.06 of 114245  
the Revised Code. 114246

COUNTY PROSECUTORS' PAY SUPPLEMENT 114247

The foregoing appropriation item 055415, County 114248  
Prosecutors' Pay Supplement, shall be used for the purpose of 114249  
supplementing the annual compensation of certain county 114250  
prosecutors as required by section 325.111 of the Revised Code. 114251

At the request of the Attorney General, the Director of 114252  
Budget and Management may transfer appropriation from 114253  
appropriation item 055321, Operating Expenses, to appropriation 114254  
item 055415, County Prosecutors' Pay Supplement. Any 114255  
appropriation so transferred shall be used to supplement the 114256

annual compensation of county prosecutors as required by section 114257  
325.111 of the Revised Code. 114258

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 114259

The Attorney General shall maintain the Drug Abuse 114260  
Response Team Grant Program for the purpose of replicating or 114261  
expanding successful law enforcement programs that address the 114262  
opioid epidemic similar to the Drug Abuse Response Team 114263  
established by the Lucas County Sheriff's Department, and the 114264  
Quick Response Teams established in Colerain Township's 114265  
Department of Public Safety in Hamilton County and Summit 114266  
County. Any grants awarded by this grant program may include 114267  
requirements for private or nonprofit matching support. 114268

The foregoing appropriation item 055431, Drug Abuse 114269  
Response Team Grants, shall be used by the Attorney General to 114270  
fund grants to law enforcement or other government agencies; the 114271  
primary purpose of the grants shall be to replicate or expand 114272  
successful law enforcement programs that address the opioid 114273  
epidemic similar to the Drug Abuse Response Team established by 114274  
the Lucas County Sheriff's Department and the Quick Response 114275  
Teams established in Colerain Township's Department of Public 114276  
Safety in Hamilton County and Summit County. 114277

Each recipient of a grant under this program shall, within 114278  
six months of the end date of the grant, submit a written report 114279  
describing the outcomes that resulted from the grant to the 114280  
Governor, the President of the Senate, the Speaker of the House 114281  
of Representatives, the Minority Leader of the Senate, and the 114282  
Minority Leader of the House of Representatives. 114283

DRUG TESTING EQUIPMENT 114284

The foregoing appropriation item 055432, Drug Testing 114285

Equipment, shall be used to purchase, operate, and maintain drug testing equipment for the Bureau of Criminal Identification and Investigation. 114286  
114287  
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INTERNET CRIMES AGAINST CHILDREN TASK FORCE 114289

The foregoing appropriation item 055434, Internet Crimes Against Children Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code. 114290  
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VICTIMS OF CRIME 114295

The foregoing appropriation item 055441, Victims of Crime, shall be allocated to the Crime Victim Compensation Program. Prior to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act. 114296  
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CLEVELAND RAPE CRISIS CENTER 114301

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$300,000 in each fiscal year shall be distributed to the Cleveland Rape Crisis Center to provide services for at-risk youth through the Cleveland Rape Crisis Center Human Trafficking Drop-in Center. 114302  
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SCHOOL SAFETY TRAINING GRANTS 114307

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Director of Education and Workforce and the Director of Behavioral Health, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by 114308  
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county boards of developmental disabilities administering 114314  
special education services programs pursuant to section 5126.05 114315  
of the Revised Code for school safety and school climate 114316  
programs and training. 114317

(B) The use of the grants includes, but is not limited to, 114318  
all of the following: 114319

(1) The support of school resource officer certification 114320  
training; 114321

(2) Any type of active shooter and school safety training 114322  
or equipment; 114323

(3) All grade level type educational resources; 114324

(4) Training to identify and assist students with mental 114325  
health issues; 114326

(5) School supplies or equipment related to school safety 114327  
or for implementing the school's safety plan; 114328

(6) Any other training, supplies, services, or equipment 114329  
related to school safety. 114330

(C) The schools, educational service centers, and county 114331  
boards shall work or contract with the county sheriff's office 114332  
or a local police department in whose jurisdiction they are 114333  
located to develop the programs and training described in 114334  
divisions (B) (1), (2), (3), (5), and (6) of this section. Any 114335  
grant awarded directly to a local law enforcement agency, or to 114336  
a nonprofit or charitable law enforcement training organization 114337  
on the law enforcement agency's behalf, shall not be used to 114338  
fund a similar request made by a school located within the 114339  
jurisdiction of the local law enforcement agency. 114340

(D) The Attorney General is authorized to make payments 114341

directly to school or law enforcement nonprofit or charitable 114342  
training organizations on behalf of any public and chartered 114343  
nonpublic schools, educational service centers, local law 114344  
enforcement agencies, and schools operated by county boards of 114345  
developmental disabilities administering special education 114346  
services. 114347

(E) As used in this section, "public school" means any 114348  
school operated by a school district board of education, any 114349  
community school established under Chapter 3314. of the Revised 114350  
Code, and any STEM school established under Chapter 3326. of the 114351  
Revised Code. 114352

DOMESTIC VIOLENCE PROGRAMS 114353

The foregoing appropriation item 055504, Domestic Violence 114354  
Programs, shall be used by the Attorney General for the purpose 114355  
of funding domestic violence programs as defined in section 114356  
109.46 of the Revised Code. 114357

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 114358

Of the foregoing appropriation item 055504, Domestic 114359  
Violence Programs, \$300,000 in each fiscal year shall be 114360  
distributed to the Battered Women's Shelter of Summit and Medina 114361  
counties for expenses related to the creation and implementation 114362  
of a pilot program called "Finding my Childhood Again." 114363

BATTERED WOMEN'S SHELTER 114364

Of the foregoing appropriation item 055504, Domestic 114365  
Violence Programs, \$50,000 in each fiscal year shall be 114366  
distributed to the Battered Women's Shelter of Summit and Medina 114367  
counties for the cost of operating the commercial kitchen 114368  
located at its Market Street Facility, and \$50,000 in each 114369  
fiscal year shall be distributed to the Battered Women's Shelter 114370

of Portage County.	114371
TRANSPORTATION GRANTS	114372
Of the foregoing appropriation item 055504, Domestic	114373
Violence Programs, \$25,000 in fiscal year 2026 shall be provided	114374
as grants to Ohio domestic violence shelters to buy	114375
transportation vouchers, ridesharing credits, or gas cards for	114376
eligible clients. The Attorney General shall adopt any rules	114377
necessary for the administration of the grant program.	114378
PIKE COUNTY CAPITAL CASE	114379
An amount equal to the unexpended, unencumbered balance of	114380
appropriation item 055505, Pike County Capital Case, at the end	114381
of fiscal year 2025 is hereby reappropriated to the same	114382
appropriation item for the same purpose in fiscal year 2026.	114383
An amount equal to the unexpended, unencumbered balance of	114384
appropriation item 055505, Pike County Capital Case, at the end	114385
of fiscal year 2026 is hereby reappropriated to the same	114386
appropriation item for the same purpose in fiscal year 2027.	114387
ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS	114388
The foregoing appropriation item 055668, Collections	114389
System Lease Rental Payments, shall be used to make payments	114390
during the period from July 1, 2025, through June 30, 2027,	114391
pursuant to leases and agreements entered into under Section	114392
701.10 of S.B. 310 of the 133rd General Assembly or Section	114393
709.01 of H.B. 687 of the 134th General Assembly, with respect	114394
to financing the costs associated with the acquisition,	114395
development, implementation, and integration of the Attorney	114396
General New Collection System.	114397
WORKERS' COMPENSATION SECTION	114398

The Workers' Compensation Fund (Fund 1950) is entitled to 114399  
receive quarterly payments from the Bureau of Workers' 114400  
Compensation and the Ohio Industrial Commission to fund legal 114401  
services provided to the Bureau of Workers' Compensation and the 114402  
Ohio Industrial Commission during the fiscal year. 114403

In addition, the Bureau of Workers' Compensation shall 114404  
transfer payments for the support of the Workers' Compensation 114405  
Fraud Unit. 114406

All amounts shall be mutually agreed upon by the Attorney 114407  
General, the Bureau of Workers' Compensation, and the Ohio 114408  
Industrial Commission. 114409

GENERAL HOLDING ACCOUNT 114410

The foregoing appropriation item 055631, General Holding 114411  
Account, shall be used to distribute moneys under the terms of 114412  
relevant court orders or other settlements received in a variety 114413  
of cases involving the Office of the Attorney General. If it is 114414  
determined that additional amounts are necessary for this 114415  
purpose, the amounts are hereby appropriated. 114416

ANTITRUST SETTLEMENTS 114417

The foregoing appropriation item 055632, Antitrust 114418  
Settlements, shall be used to distribute moneys under the terms 114419  
of relevant court orders or other out-of-court settlements in 114420  
antitrust cases or antitrust matters involving the Office of the 114421  
Attorney General. If it is determined that additional amounts 114422  
are necessary for this purpose, the amounts are hereby 114423  
appropriated. 114424

CHARITABLE SETTLEMENT HOLDING ACCOUNT 114425

The foregoing appropriation item 055674, Charitable 114426

Settlement Holding Account, shall be used to distribute money in 114427  
the Charitable Settlements Holding Account Fund (Fund 5BY1), 114428  
which is created in the state treasury, under the terms of 114429  
relevant court orders or other settlements received in the 114430  
charitable law cases involving the Office of the Attorney 114431  
General. If it is determined that additional amounts are 114432  
necessary for this purpose, the amounts are hereby appropriated. 114433

On July 1, 2025, or as soon as possible thereafter, the 114434  
Attorney General shall certify to the Director of Budget and 114435  
Management the amount of cash receipts related to settlements 114436  
received in charitable law cases and credited to the General 114437  
Holding Account (Fund R004). The Director of Budget and 114438  
Management shall transfer the amounts certified to the 114439  
Charitable Settlements Holding Account Fund (Fund 5BY1). 114440

CONSUMER FRAUDS 114441

The foregoing appropriation item 055630, Consumer Frauds, 114442  
shall be used for distribution of moneys from court-ordered 114443  
judgments against sellers in actions brought by the Office of 114444  
the Attorney General under sections 1334.08 and 4549.48 and 114445  
division (B) of section 1345.07 of the Revised Code. These 114446  
moneys shall be used to provide restitution to consumers 114447  
victimized by the fraud that generated the court-ordered 114448  
judgments. If it is determined that additional amounts are 114449  
necessary for this purpose, the amounts are hereby appropriated. 114450

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 114451

The foregoing appropriation item 055601, Organized Crime 114452  
Commission Distributions, shall be used by the Organized Crime 114453  
Investigations Commission, as provided by section 177.011 of the 114454  
Revised Code, to reimburse political subdivisions for the 114455

expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

**Section 223.10.**

	1	2	3	4	5
A	AUD AUDITOR OF STATE				
B	General Revenue Fund				
C	GRF	070401	Audit Management and Services	\$15,067,887	\$16,035,566
D	GRF	070402	Performance Audits	\$3,505,464	\$3,257,092
E	GRF	070403	Fiscal Distress Technical Assistance	\$650,000	\$650,000
F	GRF	070404	Fraud/Corruption Audits and Investigations	\$4,915,927	\$5,534,546
G	GRF	070412	Local Government Audit	\$21,000,000	\$23,250,000

Support

H	General Revenue Fund Total	\$45,139,278	\$48,727,204
I	Dedicated Purpose Fund Group		
J	1090 070601 Public Audit Expense - Intrastate	\$13,737,026	\$13,914,164
K	4220 070602 Public Audit Expense - Local Government	\$33,000,000	\$33,000,000
L	5840 070603 Training Program	\$250,000	\$250,000
M	5JZ0 070606 Auditor's Innovation Fund	\$300,000	\$300,000
N	5VP0 070611 Local Government Audit Support Fund	\$21,000,000	\$23,250,000
O	6750 070605 Uniform Accounting Network	\$7,306,872	\$6,804,086
P	Dedicated Purpose Fund Group Total	\$75,593,898	\$77,518,250
Q	TOTAL ALL BUDGET FUND GROUPS	\$120,733,176	\$126,245,454

**Section 223.20. AUDIT MANAGEMENT AND SERVICES** 114470

The foregoing appropriation item 070401, Audit Management 114471  
and Services, shall be used pursuant to section 117.13 of the 114472  
Revised Code to support costs of the Auditor of State that are 114473  
not recovered through charges to local governments and state 114474  
entities, including costs that cannot be recovered from audit 114475  
clients under federal indirect cost allocation guidelines. This 114476  
appropriation item also shall be used to cover costs of the 114477

Local Government Services Section that are not charged to 114478  
clients. 114479

PERFORMANCE AUDITS 114480

The foregoing appropriation item 070402, Performance 114481  
Audits, shall be used pursuant to section 117.13 of the Revised 114482  
Code to support costs of the Auditor of State related to the 114483  
provision of performance audits for local governments, school 114484  
districts, state agencies, and colleges and universities that 114485  
are not recovered through charges to those entities, including 114486  
costs that cannot be recovered from audit clients under federal 114487  
indirect cost allocation guidelines. 114488

Of the foregoing appropriation item 070402, Performance 114489  
Audits, up to \$500,000 in fiscal year 2026 shall be used to 114490  
conduct a performance audit of indigent defense services within 114491  
Ohio. The performance audit shall review the challenges of the 114492  
delivery of indigent defense services, including, but not 114493  
limited to, the costs, accounting, and payment processes of the 114494  
Office of the Public Defender and at least five counties that 114495  
represent each of the various indigent defense delivery methods 114496  
in the state. The audit shall be completed and a report 114497  
submitted to the President and Minority Leader of the Senate and 114498  
to the Speaker and Minority Leader of the House of 114499  
Representatives not later than August 1, 2026. 114500

FISCAL DISTRESS TECHNICAL ASSISTANCE 114501

The foregoing appropriation item 070403, Fiscal Distress 114502  
Technical Assistance, shall be used to support costs of the 114503  
Auditor of State responsibilities under Chapters 118., 3316., 114504  
and 3345. of the Revised Code to provide services to local 114505  
governments, schools, or colleges and universities in, or at 114506



risk of entering, a state of fiscal caution, watch, or 114507  
emergency. 114508

LOCAL GOVERNMENT AUDIT SUPPORT 114509

The foregoing appropriation item 070412, Local Government 114510  
Audit Support, shall be used pursuant to section 117.13 of the 114511  
Revised Code to support costs of the Auditor of State that are 114512  
not recovered through charges to local governments, including 114513  
costs that cannot be recovered from audit clients under federal 114514  
indirect cost allocation guidelines. 114515

LOCAL GOVERNMENT AUDIT SUPPORT FUND 114516

The foregoing appropriation item 070611, Local Government 114517  
Audit Support Fund, shall be used pursuant to section 117.131 of 114518  
the Revised Code to offset costs of audits that would otherwise 114519  
be charged to local public offices in the absence of the fund. 114520

**Section 229.10.** 114521

114522

1	2	3	4	5
A	OBM OFFICE OF BUDGET AND MANAGEMENT			
B	General Revenue Fund			
C	GRF	042321 Operating Expenses	\$4,400,000	\$4,592,000
D	GRF	042435 Gubernatorial Transition	\$0	\$250,000
E	General Revenue Fund Total		\$4,400,000	\$4,842,000
F	Internal Service Activity Fund Group			
G	1050	042603 Financial Management	\$27,744,976	\$28,843,309

H	Internal Service Activity Fund Group	\$27,744,976	\$28,843,309
	Total		
I	Fiduciary Fund Group		
J	5EH0 042604 Forgery Recovery	\$30,000	\$30,000
K	Fiduciary Fund Group Total	\$30,000	\$30,000
L	TOTAL ALL BUDGET FUND GROUPS	\$32,174,976	\$33,715,309

**Section 229.20. AUDIT COSTS** 114523

All centralized audit costs associated with either Single 114524  
 Audit Schedules or financial statements prepared in conformance 114525  
 with generally accepted accounting principles for the state 114526  
 shall be paid from the foregoing appropriation item 042603, 114527  
 Financial Management. 114528

Costs associated with the audit of the Auditor of State 114529  
 shall be paid from the foregoing appropriation item 042321, 114530  
 Operating Expenses. 114531

SHARED SERVICES CENTER 114532

The foregoing appropriation item 042603, Financial 114533  
 Management, shall be used by the Director of Budget and 114534  
 Management to support the Shared Services program pursuant to 114535  
 division (D) of section 126.21 of the Revised Code. 114536

The Director of Budget and Management shall include the 114537  
 recovery of costs to operate the Shared Services program in the 114538  
 accounting and budgeting services payroll rate and through 114539  
 direct charges using intrastate transfer vouchers billed to 114540  
 agencies for services rendered using a methodology determined by 114541

the Director of Budget and Management. Such cost recovery 114542  
revenues shall be deposited to the credit of the Accounting and 114543  
Budgeting Fund (Fund 1050). 114544

INTERNAL AUDIT 114545

The Director of Budget and Management shall include the 114546  
recovery of costs to operate the Internal Audit Program pursuant 114547  
to section 126.45 of the Revised Code in the accounting and 114548  
budgeting services payroll rate using a methodology determined 114549  
by the Director of Budget and Management. Such cost recovery 114550  
revenues shall be deposited to the credit of Fund 1050. 114551

FORGERY RECOVERY 114552

The foregoing appropriation item 042604, Forgery Recovery, 114553  
shall be used to reissue warrants that have been certified as 114554  
forgeries by the rightful recipient as determined by the Bureau 114555  
of Criminal Identification and Investigation and the Treasurer 114556  
of State. Upon receipt of funds to cover the reissuance of the 114557  
warrant, the Director of Budget and Management shall reissue a 114558  
state warrant of the same amount. Any additional amounts needed 114559  
to reissue warrants backed by the receipt of funds are hereby 114560  
appropriated. 114561

**Section 231.10.** 114562

114563

	1	2	3	4	5
A					CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD
B					General Revenue Fund
C	GRF	874321	Operating Expenses	\$6,953,530	\$7,162,135

D	GRF	874400	Statehouse Facility Improvements	\$6,000,000	\$0
E	General Revenue Fund Total			\$12,953,530	\$7,162,135
F	Dedicated Purpose Fund Group				
G	2080	874601	Underground Parking Garage Operations	\$4,245,906	\$4,245,906
H	4G50	874603	Capitol Square Education Center and Arts	\$6,000	\$6,000
I	5AN1	874608	Capitol Square Improvements	\$1,927,921	\$0
J	Dedicated Purpose Fund Group Total			\$6,179,827	\$4,251,906
K	Internal Service Activity Fund Group				
L	4S70	874602	Statehouse Gift Shop/Events	\$1,000,000	\$1,000,000
M	Internal Service Activity Fund Group Total			\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS			\$20,133,357	\$12,414,041

**Section 231.20. OPERATING EXPENSES** 114564

On July 1, 2025, or as soon as possible thereafter, the 114565  
Executive Director of the Capitol Square Review and Advisory 114566  
Board may certify to the Director of Budget and Management an 114567  
amount up to the unexpended, unencumbered balance of the 114568  
foregoing appropriation item 874321, Operating Expenses, at the 114569

end of fiscal year 2025 to be reappropriated for fiscal year 114570  
2026. The amount certified is hereby reappropriated to the same 114571  
appropriation item 874321, Operating Expenses, for fiscal year 114572  
2026. 114573

On July 1, 2026, or as soon as possible thereafter, the 114574  
Executive Director of the Capitol Square Review and Advisory 114575  
Board may certify to the Director of Budget and Management an 114576  
amount up to the unexpended, unencumbered balance of the 114577  
foregoing appropriation item 874321, Operating Expenses, at the 114578  
end of fiscal year 2026 to be reappropriated for fiscal year 114579  
2027. The amount certified is hereby reappropriated to the same 114580  
appropriation item 874321, Operating Expenses, for fiscal year 114581  
2027. 114582

STATEHOUSE FACILITY IMPROVEMENTS 114583

On July 1, 2026, or as soon as possible thereafter, the 114584  
Executive Director of the Capitol Square Review and Advisory 114585  
Board may certify to the Director of Budget and Management an 114586  
amount up to the unexpended, unencumbered balance of the 114587  
foregoing appropriation item 874400, Statehouse Facility 114588  
Improvements, at the end of fiscal year 2026 to be 114589  
reappropriated for fiscal year 2027. The amount certified is 114590  
hereby reappropriated to the same appropriation item 874400, 114591  
Statehouse Facility Improvements, for fiscal year 2027. 114592

CAPITOL SQUARE IMPROVEMENTS 114593

On July 1, 2025, or as soon as possible thereafter, the 114594  
Executive Director of the Capitol Square Review and Advisory 114595  
Board may certify to the Director of Budget and Management an 114596  
amount up to the unexpended, unencumbered balance of the 114597  
foregoing appropriation item 874608, Capitol Square 114598

Improvements, at the end of fiscal year 2025 to be 114599  
reappropriated for fiscal year 2026. The amount certified is 114600  
hereby appropriated to the same appropriation item 874608, 114601  
Capitol Square Improvements, for fiscal year 2026. 114602

On July 1, 2026, or as soon as possible thereafter, the 114603  
Executive Director of the Capitol Square Review and Advisory 114604  
Board may certify to the Director of Budget and Management an 114605  
amount up to the unexpended, unencumbered balance of the 114606  
foregoing appropriation item 874608, Capitol Square 114607  
Improvements, at the end of fiscal year 2026 to be 114608  
reappropriated for fiscal year 2027. The amount certified is 114609  
hereby appropriated to the same appropriation item 874608, 114610  
Capitol Square Improvements, for fiscal year 2027. 114611

UNDERGROUND PARKING GARAGE FUND 114612

Notwithstanding division (G) of section 105.41 of the 114613  
Revised Code and any other provision to the contrary, moneys in 114614  
the Underground Parking Garage Fund (Fund 2080) may be used for 114615  
personnel and operating costs related to the operations of the 114616  
Statehouse and the Statehouse Underground Parking Garage. 114617

HOUSE AND SENATE PARKING REIMBURSEMENT 114618

On July 1 of each fiscal year, or as soon as possible 114619  
thereafter, the Director of Budget and Management shall transfer 114620  
\$500,000 cash from the General Revenue Fund to the Underground 114621  
Parking Garage Fund (Fund 2080). The amounts transferred under 114622  
this section shall be used to reimburse the Capitol Square 114623  
Review and Advisory Board for legislative parking costs. 114624

UNDERGROUND PARKING GARAGE FUND TRANSFER 114625

On July 1, 2025, or as soon as possible thereafter, the 114626  
Director of Budget and Management shall transfer \$1,000,000 cash 114627

from the Underground Parking Garage Fund (Fund 2080) to the 114628  
Statehouse Gift Shop/Events Fund (Fund 4S70). The amount 114629  
transferred under this section shall be used for personnel and 114630  
operating costs related to the operations of the Statehouse Gift 114631  
Shop and events. 114632

**Section 233.10.**

114633

114634

	1	2	3	4	5
A	SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS				
B	Dedicated Purpose Fund Group				
C	4K90	233601	Operating Expenses	\$581,189	\$593,979
D	Dedicated Purpose Fund Group Total			\$581,189	\$593,979
E	TOTAL ALL BUDGET FUND GROUPS			\$581,189	\$593,979

**Section 235.10.**

114635

114636

	1	2	3	4	5
A	CAC CASINO CONTROL COMMISSION				
B	Dedicated Purpose Fund Group				
C	5HS0	955321	Operating Expenses	\$17,855,928	\$18,849,195
D	5NU0	955601	Casino Commission Enforcement	\$156,680	\$200,547
E	5YR0	955602	Problem Sports Gaming	\$3,500,000	\$3,500,000

F	Dedicated Purpose Fund Group Total	\$21,512,608	\$22,549,742
G	TOTAL ALL BUDGET FUND GROUPS	\$21,512,608	\$22,549,742

**Section 237.10.**

114637

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1	2	3	4	5
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A CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD

B Dedicated Purpose Fund Group

C	4K90 930609 Operating Expenses	\$1,337,144	\$1,487,262
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D	5CF1 930600 Peer Support Program	\$292,500	\$30,000
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E	Dedicated Purpose Fund Group Total	\$1,629,644	\$1,517,262
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F	TOTAL ALL BUDGET FUND GROUPS	\$1,629,644	\$1,517,262
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**Section 239.10.**

114639

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A CHR STATE CHIROPRACTIC BOARD

B Dedicated Purpose Fund Group

C	4K90 878609 Operating Expenses	\$625,713	\$639,017
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D	Dedicated Purpose Fund Group Total	\$625,713	\$639,017
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E	TOTAL ALL BUDGET FUND GROUPS	\$625,713	\$639,017
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**Section 241.10.**

114641



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	1	2	3	4	5
A					
B					
C	GRF	876321	Operating Expenses	\$7,464,880	\$7,763,235
D			General Revenue Fund Total	\$7,464,880	\$7,763,235
E			Dedicated Purpose Fund Group		
F	2170	876604	Operations Support	\$5,000	\$5,000
G			Dedicated Purpose Fund Group Total	\$5,000	\$5,000
H			Federal Fund Group		
I	3340	876601	Federal Programs	\$3,614,239	\$3,676,006
J			Federal Fund Group Total	\$3,614,239	\$3,676,006
K			TOTAL ALL BUDGET FUND GROUPS	\$11,084,119	\$11,444,241

**Section 243.10.**

114643

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	1	2	3	4	5
A					
B					
C	4B20	800631	Real Estate Appraisal Recovery	\$35,000	\$35,000

D	4H90	800608	Cemeteries	\$326,349	\$332,990
E	4X20	800619	Financial Institutions	\$2,129,695	\$2,138,176
F	5430	800602	Unclaimed Funds - Operating	\$16,777,906	\$16,249,752
G	5430	800625	Unclaimed Funds - Claims	\$90,000,000	\$90,000,000
H	5440	800612	Banks	\$11,467,455	\$11,775,392
I	5460	800610	Fire Marshal	\$30,366,505	\$31,171,353
J	5460	800639	Fire Department Grants	\$7,515,000	\$7,515,000
K	5480	800611	Real Estate Recovery	\$50,000	\$50,000
L	5490	800614	Real Estate	\$7,808,917	\$8,014,934
M	5500	800617	Securities	\$9,782,453	\$10,204,710
N	5520	800604	Credit Union	\$5,194,284	\$4,831,282
O	5530	800607	Consumer Finance	\$6,440,712	\$7,215,971
P	5560	800615	Industrial Compliance	\$33,508,390	\$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	\$3,000,000	\$3,000,000
R	5F10	800635	Small Government Fire Departments	\$600,000	\$600,000
S	5FW0	800616	Financial Literacy Education	\$150,000	\$150,000

T	5GK0	800609	Securities Investor Education/Enforcement	\$742,863	\$542,863
U	5HV0	800641	Cigarette Enforcement	\$27,324	\$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$200,000	\$200,000
W	5LNO	800645	Liquor Operating Services	\$18,105,130	\$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	\$17,782,397	\$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$50,000	\$50,000
Z	5SY0	800650	Medical Marijuana Control Program	\$16,339,688	\$16,180,201
AA	5VD0	800653	Real Estate Home Inspector Recovery	\$10,000	\$10,000
AB	5X60	800623	Video Service	\$429,981	\$441,076
AC	5XK0	800657	Ohio Investor Recovery	\$2,500,000	\$2,500,000
AD	6530	800629	UST Registration/Permit Fee	\$2,813,369	\$2,824,398
AE			Dedicated Purpose Fund Group Total	\$284,153,418	\$285,806,514
AF			Internal Service Activity Fund Group		
AG	1630	800620	Division of Administration	\$11,532,983	\$11,239,902

AH 1630 800637 Information Technology	\$12,728,427	\$13,134,526
AI Internal Service Activity Fund Group	\$24,261,410	\$24,374,428
Total		
AJ Federal Fund Group		
AK 3480 800622 Underground Storage Tanks	\$779,620	\$779,620
AL 3480 800624 Leaking Underground Storage Tanks	\$1,899,016	\$1,899,016
AM Federal Fund Group Total	\$2,678,636	\$2,678,636
AN TOTAL ALL BUDGET FUND GROUPS	\$311,093,464	\$312,859,578

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 114645

The foregoing appropriation item 800625, Unclaimed Funds- 114646  
 Claims, shall be used to pay claims under section 169.08 of the 114647  
 Revised Code. If it is determined by the Director of Commerce 114648  
 that additional appropriation amounts are necessary to make such 114649  
 payments, the Director of Commerce may request that the Director 114650  
 of Budget and Management approve such increases. Any approved 114651  
 increases are hereby appropriated. 114652

**DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING** 114653

The foregoing appropriation item 800631, Real Estate 114654  
 Appraisal Recovery, shall be used to pay settlements, judgments, 114655  
 and court orders under section 4763.16 of the Revised Code. If 114656  
 it is determined by the Director of Commerce that additional 114657  
 appropriation amounts are necessary to make such payments, the 114658  
 Director of Commerce may request that the Director of Budget and 114659  
 Management approve such increases. Any approved increases are 114660

hereby appropriated. 114661

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated. 114662  
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The foregoing appropriation item 800653, Real Estate Home Inspector Recovery, shall be used to pay settlements, judgments, and court orders under section 4764.21 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated. 114670  
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FIRE DEPARTMENT GRANTS 114678

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a 114679  
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contract to a political subdivision of the state, is an 114691  
additional eligible recipient for a training grant. 114692

Eligible recipients that consist of small municipalities 114693  
or small townships that all intend to contract with the same 114694  
fire department or private fire company for fire protection 114695  
services may jointly apply and be considered for a grant. If a 114696  
joint applicant is awarded a grant, the State Fire Marshal 114697  
shall, if feasible, proportionately award the grant and any 114698  
equipment purchased with grant funds to each of the joint 114699  
applicants based upon each applicant's contribution to and 114700  
demonstrated need for fire protection services. For the purpose 114701  
of this grant program, an eligible recipient or any firefighting 114702  
entity that is contracted to serve an eligible recipient may 114703  
only file, be listed as joint applicant, or be designated as a 114704  
service provider on one grant application per fiscal year. 114705

If the grant awarded to joint applicants is an equipment 114706  
grant and the equipment to be purchased cannot be readily 114707  
distributed or possessed by multiple recipients, each of the 114708  
joint applicants shall be awarded by the State Fire Marshal an 114709  
ownership interest in the equipment so purchased in proportion 114710  
to each applicant's contribution to and demonstrated need for 114711  
fire protection services. The joint applicants shall then 114712  
mutually agree on how the equipment is to be maintained, 114713  
operated, stored, or disposed of. If, for any reason, the joint 114714  
applicants cannot agree as to how jointly owned equipment is to 114715  
be maintained, operated, stored, or disposed of or any of the 114716  
joint applicants no longer maintain a contract with the same 114717  
fire protection service provider as the other applicants, then 114718  
the joint applicants shall, with the assistance of the State 114719  
Fire Marshal, mutually agree as to how the jointly owned 114720  
equipment is to be maintained, operated, stored, disposed of, or 114721

owned. If the joint applicants cannot agree how the grant 114722  
equipment is to be maintained, operated, stored, disposed of, or 114723  
owned, the State Fire Marshal may, in its discretion, require 114724  
all of the equipment acquired by the joint applicants with grant 114725  
funds to be returned to the State Fire Marshal. The State Fire 114726  
Marshal may then award the returned equipment to any eligible 114727  
recipients. For this paragraph only, an "equipment grant" also 114728  
includes a MARCS Grant. 114729

(B) Except as otherwise provided in this section, the 114730  
grants shall be used by recipients to purchase firefighting or 114731  
rescue equipment or gear or similar items, to provide full or 114732  
partial reimbursement for the documented costs of firefighter 114733  
training, or, at the discretion of the State Fire Marshal, to 114734  
cover fire department costs for providing fire protection 114735  
services in that grant recipient's jurisdiction. 114736

(1) Of the foregoing appropriation item 800639, Fire 114737  
Department Grants, up to \$1,300,000 per fiscal year may be used 114738  
to pay for the State Fire Marshal's costs of providing 114739  
firefighter I certification classes or other firefighter classes 114740  
approved by the State Fire Marshal at no cost to selected 114741  
students attending the Ohio Fire Academy or other class 114742  
providers approved by the State Fire Marshal. The State Fire 114743  
Marshal may establish the qualifications and selection processes 114744  
for students to attend such classes by written policy, and such 114745  
students shall be considered eligible recipients of fire 114746  
department grants for the purposes of this portion of the grant 114747  
program. 114748

(2) Of the foregoing appropriation item 800639, Fire 114749  
Department Grants, up to \$4,000,000 in each fiscal year may be 114750  
used for MARCS Grants. MARCS Grants may be used for the payment 114751

of user access fees by the eligible recipient to cover costs for 114752  
accessing MARCS. 114753

For purposes of this section, a MARCS Grant is a grant for 114754  
systems, equipment, or services that are a part of, integrated 114755  
into, or otherwise interoperable with the Multi-Agency Radio 114756  
Communication System (MARCS) operated by the state. 114757

MARCS Grant awards may be up to \$50,000 in each fiscal 114758  
year per eligible recipient. Each eligible recipient may apply, 114759  
as a separate entity or as a part of a joint application, for 114760  
only one MARCS Grant per fiscal year. The State Fire Marshal may 114761  
give a preference to MARCS Grants that will enhance the overall 114762  
interoperability and effectiveness of emergency communication 114763  
networks in the geographic region that includes and that is 114764  
adjacent to the applicant. 114765

Eligible recipients that are or were awarded fire 114766  
department grants that are not MARCS Grants may also apply for 114767  
and receive MARCS Grants in accordance with criteria for the 114768  
awarding of grant funds established by the State Fire Marshal. 114769

(3) Of the foregoing appropriation item 800639, Fire 114770  
Department Grants, \$30,000 in fiscal year 2026 shall be used to 114771  
support volunteer firefighter training programs at the 114772  
Northwestern Ohio Volunteer Firemen's Association Fire School. 114773

(4) Grant awards for firefighting or rescue equipment or 114774  
gear or for fire department costs of providing fire protection 114775  
services shall be up to \$15,000 per fiscal year, or up to 114776  
\$25,000 per fiscal year if an eligible entity serves a 114777  
jurisdiction in which the Governor declared a natural disaster 114778  
during the preceding or current fiscal year in which the grant 114779  
was awarded. In addition to any grant funds awarded for rescue 114780



equipment or gear, or for fire department costs associated with 114781  
the provision of fire protection services, an eligible entity 114782  
may receive a grant for up to \$15,000 per fiscal year for full 114783  
or partial reimbursement of the documented costs of firefighter 114784  
training. For each fiscal year, the State Fire Marshal shall 114785  
determine the total amounts to be allocated for each eligible 114786  
purpose. 114787

(C) The grants shall be administered by the State Fire 114788  
Marshal in accordance with rules the State Fire Marshal adopts 114789  
as part of the state fire code adopted pursuant to section 114790  
3737.82 of the Revised Code that are necessary for the 114791  
administration and operation of the grant program. The rules may 114792  
further define the entities eligible to receive grants and 114793  
establish criteria for the awarding and expenditure of grant 114794  
funds, including methods the State Fire Marshal may use to 114795  
verify the proper use of grant funds or to obtain reimbursement 114796  
for or the return of equipment for improperly used grant funds. 114797  
To the extent consistent with this section and until the rules 114798  
are updated, the existing rules in the state fire code adopted 114799  
pursuant to section 3737.82 of the Revised Code for fire 114800  
department grants under this section apply to MARCS Grants. Any 114801  
amounts in appropriation item 800639, Fire Department Grants, in 114802  
excess of the amount allocated for these grants may be used for 114803  
the administration of the grant program. 114804

**Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 114805**  
OPERATING FUND 114806

If the Real Estate Recovery Fund (Fund 5480) cash balance 114807  
exceeds \$250,000 during the biennium ending June 30, 2027, the 114808  
Director of Budget and Management, upon the written request of 114809  
the Director of Commerce, and subject to Controlling Board 114810

approval, may transfer cash from Fund 5480 to the Division of 114811  
Real Estate Operating Fund (Fund 5490), such that the amount 114812  
available in Fund 5480 is not less than \$250,000. 114813

If the Real Estate Appraiser Recovery Fund (Fund 4B20) 114814  
cash balance exceeds \$200,000 during the biennium ending June 114815  
30, 2027, the Director of Budget and Management, upon the 114816  
written request of the Director of Commerce, and subject to 114817  
Controlling Board approval, may transfer cash from Fund 4B20 to 114818  
the Division of Real Estate Operating Fund (Fund 5490), such 114819  
that the amount available in Fund 4B20 is not less than 114820  
\$200,000. 114821

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT 114822  
SERVICES REVOLVING LOAN FUND 114823

Upon the written request of the Director of Commerce, the 114824  
Director of Budget and Management, subject to Controlling Board 114825  
approval, may transfer up to \$600,000 in cash from the State 114826  
Fire Marshal Fund (Fund 5460) to the Small Government Fire 114827  
Department Services Revolving Loan Fund (Fund 5F10) during the 114828  
biennium ending June 30, 2027. 114829

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 114830

Upon the written request of the Director of Commerce, the 114831  
Director of Budget and Management may transfer up to \$2,500,000 114832  
in each fiscal year from the Division of Securities Fund (Fund 114833  
5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the 114834  
biennium ending June 30, 2027. The Director of Commerce may 114835  
request the transfer of cash in addition to the \$2,500,000, and 114836  
the Director of Budget and Management may transfer additional 114837  
cash in an amount agreed upon with the Director of Commerce, if 114838  
sufficient cash is available in Fund 5500. An amount equal to 114839

the additional cash transferred under this section is hereby 114840  
appropriated to appropriation item 800657, Ohio Investor 114841  
Recovery. 114842

The foregoing appropriation item 800657, Ohio Investor 114843  
Recovery, shall be used by the Department of Commerce pursuant 114844  
to section 1707.47 of the Revised Code to provide restitution 114845  
assistance to victims who: (1) are identified in a final 114846  
administrative order issued by the Division of Securities or a 114847  
final court order in a civil or criminal proceeding initiated by 114848  
the Division as a purchaser damaged by a sale or contract for 114849  
sale made in violation of Chapter 1707. of the Revised Code; and 114850  
(2) have not received the full amount of any restitution ordered 114851  
in a final order before the application for restitution 114852  
assistance is due. 114853

CASH TRANSFERS TO THE OHIO INVESTOR EDUCATION AND 114854  
ENFORCEMENT EXPENSE FUND 114855

On July 1, 2025, or as soon as possible thereafter, the 114856  
Director of Budget and Management shall transfer \$5,000,000 cash 114857  
from the Division of Securities Fund (Fund 5500) to the Investor 114858  
Education and Enforcement Expense Fund (5GK0). 114859

Upon the written request of the Director of Commerce, the 114860  
Director of Budget and Management, at least once every three 114861  
months, may transfer cash equal to five per cent of the fees and 114862  
charges received in the Division of Securities Fund (Fund 5500) 114863  
to the Investor Education and Enforcement Expense Fund (Fund 114864  
5GK0). 114865

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION 114866  
FUND 114867

Upon the written request of the Director of Commerce, the 114868

Director of Budget and Management may transfer up to \$150,000 114869  
cash in each fiscal year from the Consumer Finance Fund (Fund 114870  
5530) to the Financial Literacy Education Fund (Fund 5FW0). 114871

Upon the written request of the Director of Commerce, the 114872  
Director of Budget and Management, at least once every three 114873  
months, may transfer cash equal to fifteen per cent of all 114874  
charges, penalties, and forfeitures received into the Consumer 114875  
Finance Fund (Fund 5530) to the Financial Literacy Education 114876  
Fund (Fund 5FW0) created under section 121.085 of the Revised 114877  
Code. 114878

CLAIMING UNCLAIMED FUNDS FOR THE STATE OF OHIO AND 114879  
POLITICAL SUBDIVISIONS OF THE STATE 114880

(A) Notwithstanding Chapter 169. of the Revised Code, or 114881  
any law to the contrary, the Treasurer of State, in consultation 114882  
with the Director of Commerce and Director of Budget and 114883  
Management, may claim unclaimed funds in the name of the state 114884  
and not otherwise attributable to an administrative department 114885  
as defined in section 121.02 of the Revised Code. All unclaimed 114886  
funds claimed pursuant to this division shall be credited to the 114887  
General Revenue Fund. 114888

(B) Notwithstanding Chapter 169. of the Revised Code or 114889  
any law to the contrary, the treasurer of any political 114890  
subdivision within this state, in consultation with the Director 114891  
of Commerce and Director of Budget and Management, may claim 114892  
unclaimed funds in the name of the political subdivision or 114893  
otherwise attributable to the political subdivision. All 114894  
unclaimed funds claimed pursuant to this division shall be 114895  
credited to the appropriate fund of the political subdivision. 114896

(C) Notwithstanding divisions (A) and (B) of this section, 114897

any person claiming a property interest in the unclaimed funds 114898  
 may file a claim with the Director of Commerce. Upon providing 114899  
 sufficient proof of the validity of the person's claim, the 114900  
 Director may, in the Director's discretion, pay the claim less 114901  
 any expenses and costs incurred by the state or political 114902  
 subdivision in securing full title and ownership of the 114903  
 unclaimed funds. If payment has been made to a claim, no action 114904  
 thereafter may be maintained by any other claimant against the 114905  
 state or the political subdivision for or on account of the 114906  
 payment of the claim. 114907

**Section 245.10.**

114908  
114909

	1	2	3	4	5
A	OCC OFFICE OF CONSUMERS' COUNSEL				
B	Dedicated Purpose Fund Group				
C	5F50	053601	Consumers' Counsel Operating	\$6,899,220	\$7,158,030
D	Dedicated Purpose Fund Group Total			\$6,899,220	\$7,158,030
E	TOTAL ALL BUDGET FUND GROUPS			\$6,899,220	\$7,158,030

**Section 247.10.**

114910  
114911

	1	2	3	4	5
A	CEB CONTROLLING BOARD				
B	Internal Service Activity Fund Group				

C	5KM0 911614	Controlling Board Emergency Purposes/Contingencies	\$25,000,000	\$25,000,000
D	Internal Service Activity Fund Group	Total	\$25,000,000	\$25,000,000
E	TOTAL ALL BUDGET FUND GROUPS		\$25,000,000	\$25,000,000

**Section 247.20. FEDERAL SHARE** 114912

In transferring appropriations to or from appropriation 114913  
 items that have federal shares identified in this act, the 114914  
 Controlling Board shall add or subtract corresponding amounts of 114915  
 federal matching funds at the percentages indicated by the state 114916  
 and federal division of the appropriations in this act. Such 114917  
 changes are hereby appropriated. 114918

**Section 249.10.** 114919

114920

1 2 3 4 5

A	COS COSMETOLOGY AND BARBER BOARD			
B	Dedicated Purpose Fund Group			
C	4K90 879609	Operating Expenses	\$5,523,412	\$5,841,066
D	Dedicated Purpose Fund Group Total		\$5,523,412	\$5,841,066
E	TOTAL ALL BUDGET FUND GROUPS		\$5,523,412	\$5,841,066

**Section 251.10.** 114921

114922

	1	2	3	4	5
A	CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	899609	Operating Expenses	\$2,161,054	\$2,291,375
D	Dedicated Purpose Fund Group Total			\$2,161,054	\$2,291,375
E	TOTAL ALL BUDGET FUND GROUPS			\$2,161,054	\$2,291,375

**Section 253.10.**

114923

114924

	1	2	3	4	5
A	CLA COURT OF CLAIMS				
B	General Revenue Fund				
C	GRF	015321	Operating Expenses	\$3,318,213	\$3,468,684
D	GRF	015403	Public Records Adjudication	\$1,145,161	\$1,199,582
E	General Revenue Fund Total			\$4,463,374	\$4,668,266
F	Dedicated Purpose Fund Group				
G	5K20	015603	CLA Victims of Crime	\$622,100	\$649,822
H	5TE0	015604	Public Records	\$2,800	\$2,800
I	Dedicated Purpose Fund Group Total			\$624,900	\$652,622
J	TOTAL ALL BUDGET FUND GROUPS			\$5,088,274	\$5,320,888

<b>Section 255.10.</b>					114925
					114926
1	2	3	4	5	
A	DEN STATE DENTAL BOARD				
B	Dedicated Purpose Fund Group				
C	4K90 880609	Operating Expenses	\$2,281,030	\$2,372,258	
D	Dedicated Purpose Fund Group Total		\$2,281,030	\$2,372,258	
E	TOTAL ALL BUDGET FUND GROUPS		\$2,281,030	\$2,372,258	
<b>Section 257.10.</b>					114927
					114928
1	2	3	4	5	
A	BDP BOARD OF DEPOSIT				
B	Dedicated Purpose Fund Group				
C	4M20 974601	Board of Deposit	\$1,688,400	\$1,688,400	
D	Dedicated Purpose Fund Group Total		\$1,688,400	\$1,688,400	
E	TOTAL ALL BUDGET FUND GROUPS		\$1,688,400	\$1,688,400	
<b>Section 257.20. BOARD OF DEPOSIT EXPENSE FUND</b>					114929
Upon receiving certification of expenses from the					114930
Treasurer of State, the Director of Budget and Management shall					114931
transfer cash from the Investment Earnings Redistribution Fund					114932
(Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20).					114933
The latter fund shall be used pursuant to section 135.02 of the					114934



Revised Code to pay for any and all necessary expenses of the Board of Deposit or for banking charges and fees required for the operation of the State of Ohio Regular Account.

**Section 259.10.**

	1	2	3	4	5
A			DEV DEPARTMENT OF DEVELOPMENT		
B			General Revenue Fund		
C	GRF 195402	Coal Research and Development Program		\$175,000	\$175,000
D	GRF 195405	Minority Business Development		\$9,412,302	\$9,508,983
E	GRF 195415	Business Development Services		\$4,114,894	\$4,157,217
F	GRF 195426	Redevelopment Assistance		\$1,125,000	\$1,141,982
G	GRF 195453	Technology Programs and Grants		\$859,360	\$868,648
H	GRF 195454	Small Business and Export Assistance		\$4,037,643	\$4,057,014
I	GRF 195455	Appalachia Assistance		\$12,680,362	\$12,682,630
J	GRF 195497	CDBG Operating Match		\$1,445,867	\$1,473,181
K	GRF 195499	BSD Federal Programs Match		\$13,441,064	\$13,499,251

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114939

L	GRF 1954A5	Local Government Cybersecurity Grants	\$7,000,000	\$0
M	GRF 195503	Local Development Projects	\$2,515,000	\$1,375,000
N	GRF 195537	Ohio-Israel Agricultural Initiative	\$500,000	\$500,000
O	GRF 195553	Industry Sector Partnerships	\$5,000,000	\$5,000,000
P	GRF 195556	TechCred Program	\$25,205,470	\$25,207,322
Q	GRF 195595	Workforce Development Grants	\$1,200,000	\$1,200,000
R	GRF 195901	Coal Research and Development General Obligation Bond Debt Service	\$4,050,000	\$2,525,000
S	GRF 195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$45,000,000	\$45,000,000
T	General Revenue Fund Total		\$137,761,962	\$128,371,228
U	Dedicated Purpose Fund Group			
V	450 195624 0	Minority Business Bonding Program Administration	\$9,875	\$9,875
W	451 195649	Business Assistance	\$3,000,000	\$3,000,000

0		Programs			
X	4F2	195639	State Special Projects	\$500,000	\$500,000
0					
Y	4F2	195655	Workforce Development	\$188,100	\$188,100
0			Programs		
Z	4F2	195699	Utility Community	\$686,947	\$0
0			Assistance		
AA	4W1	195646	Minority Business	\$2,000,000	\$2,000,000
0			Enterprise Loan		
AB	5AI	1956G9	Broadband Pole Replacement	\$46,361,299	\$0
1			and Undergrounding Program		
AC	5AP	1956H3	Welcome Home Ohio Program	\$43,125,000	\$43,125,000
1					
AD	5GT	195550	Broadband Development	\$2,800,000	\$2,800,000
0			Grants		
AE	5JR	195635	Tax Incentives Operating	\$1,200,000	\$1,200,000
0					
AF	5KP	195645	Historic Rehabilitation	\$1,800,000	\$1,800,000
0			Operating		
AG	5M4	195659	Low Income Energy	\$336,627,830	\$0
0			Assistance (USF)		
AH	5M5	195660	Advanced Energy Loan	\$8,932,168	\$8,940,462
0			Programs		

AI	5MH	195644	SiteOhio Administration	\$5,000	\$5,000
		0			
AJ	5MJ	195683	TourismOhio Administration	\$10,000,000	\$12,000,000
		0			
AK	5UL	195627	Brownfields Revolving Loan Program	\$1,750,000	\$1,750,000
		0			
AL	5UY	195496	Sports Events Grants	\$1,074,459	\$1,074,459
		0			
AM	5W6	195691	International Trade Cooperative Projects	\$50,000	\$50,000
		0			
AN	5XH	195632	Women Owned Business Loans	\$5,000,000	\$5,000,000
		0			
AO	5XH	195694	Micro-Loan	\$2,500,000	\$2,500,000
		0			
AP	5XH	1956I1	Minority Business Development Loan Administration	\$2,000,000	\$2,000,000
		0			
AQ	5YE	1956A2	Brownfield Remediation	\$125,000,000	\$125,000,000
		0			
AR	5YF	1956A3	Demolition and Site Revitalization	\$21,500,000	\$21,500,000
		0			
AS	617	195654	Volume Cap Administration	\$40,000	\$40,000
		0			

AT	646	195638	Low- and Moderate-Income 0 Housing Programs	\$64,402,825	\$64,435,386
AU	Dedicated Purpose Fund Group Total			\$680,553,503	\$298,918,282
AV	Internal Service Activity Fund Group				
AW	135	195684	Development Operations 0	\$15,263,246	\$15,609,260
AX	685	195636	Development Services 0 Reimbursable Expenditures	\$250,000	\$250,000
AY	Internal Service Activity Fund Group Total			\$15,513,246	\$15,859,260
AZ	Facilities Establishment Fund Group				
BA	4Z6	195647	Rural Industrial Park Loan 0	\$7,521,860	\$7,521,860
BB	5S9	195628	Capital Access Loan 0 Program	\$1,500,000	\$1,500,000
BC	700	195664	Innovation Ohio 9	\$17,426,036	\$0
BD	701	195665	Research and Development 0	\$36,032,990	\$0
BE	703	195615	Facilities Establishment 7	\$10,000,000	\$10,000,000
BF	Facilities Establishment Fund Group			\$72,480,886	\$19,021,860

Total					
BG Bond Research and Development Fund Group					
BH	701	195686	Third Frontier Tax Exempt 1 - Operating	\$1,000,000	\$1,000,000
BI	701	195687	Third Frontier Research 1 and Development Projects	\$1,000,000	\$1,000,000
BJ	701	195620	Third Frontier Taxable - 4 Operating	\$2,710,000	\$2,710,000
BK	701	195692	Research and Development 4 Taxable Bond Projects	\$100,000,000	\$20,000,000
BL	Bond Research and Development Fund Group Total			\$104,710,000	\$24,710,000
BM Federal Fund Group					
BN	308	195581	Energy Efficiency 0 Revolving Loan Fund Capitalization Grant	\$2,500,000	\$2,500,000
BO	308	195602	Appalachian Regional 0 Commission	\$7,500,000	\$7,500,000
BP	308	195603	Housing Assistance 0 Programs	\$12,571,729	\$12,576,756
BQ	308	195609	Small Business 0 Administration Grants	\$5,550,000	\$5,550,000

BR	308	195618	Energy Grants	\$11,650,326	\$11,661,160
		0			
BS	308	195670	Home Weatherization	\$86,079,636	\$0
		0	Program		
BT	308	195672	Manufacturing Extension	\$6,600,000	\$6,600,000
		0	Partnership		
BU	308	195675	Procurement Technical	\$1,500,000	\$1,500,000
		0	Assistance		
BV	308	195696	State Trade and Export	\$500,000	\$500,000
		0	Promotion		
BW	335	195610	Energy Programs	\$350,000	\$350,000
		0			
BX	3AE	195643	Workforce Development	\$2,000,000	\$2,000,000
		0	Initiatives		
BY	3FJ	195626	Small Business Capital	\$2,600,000	\$2,600,000
		0	Access and Collateral Enhancement Program		
BZ	3IC	1956D9	Growth Capital Fund	\$3,250,000	\$3,250,000
		0			
CA	3IC	1956E1	Early-Stage Focus Fund	\$1,500,000	\$1,500,000
		0			
CB	3IC	1956E2	Community Development	\$10,000,000	\$10,000,000
		0	Financial Institution Loan Participation		

CC	3IC	1956E3	Collateral Enhancement 0 Program	\$6,000,000	\$6,000,000
CD	3IC	1956H5	State Small Business 0 Credit Initiative Technical Assistance	\$1,500,000	\$1,500,000
CE	3IF	1956E4	Broadband Equity, Access, 0 and Deployment (BEAD) Program	\$793,000,000	\$0
CF	3IF	1956E5	Broadband Digital Equity 0 Acts Program	\$23,800,000	\$476,000
CG	3IM	195582	Home-Owner Managing Energy 0 Savings Rebate Program	\$15,000,000	\$15,000,000
CH	3IM	195583	High-Efficiency Electric 0 Home Rebate Program	\$15,000,000	\$15,000,000
CI	3K8	195613	Community Development 0 Block Grant	\$57,500,000	\$57,500,000
CJ	3K9	195611	Home Energy Assistance 0 Block Grant	\$180,000,000	\$0
CK	3K9	195614	HEAP Weatherization 0	\$44,000,000	\$0
CL	3L0	195612	Community Services Block 0 Grant	\$32,000,000	\$0
CM	3V1	195601	HOME Program 0	\$53,750,000	\$53,750,000



CN Federal Fund Group Total	\$1,375,701,691	\$217,313,916
CO TOTAL ALL BUDGET FUND GROUPS	\$2,386,721,288	\$704,194,546

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 114940

The foregoing appropriation item 195402, Coal Research and 114941  
Development Program, shall be used for the operating expenses of 114942  
the Community Services Division in support of the Ohio Coal 114943  
Development Office. 114944

MINORITY BUSINESS DEVELOPMENT 114945

The foregoing appropriation item 195405, Minority Business 114946  
Development, shall be used to support the activities of the 114947  
Minority Business Development Division, including providing 114948  
grants to local nonprofit organizations to support economic 114949  
development activities that promote minority business 114950  
development, in conjunction with local organizations funded 114951  
through appropriation item 195454, Small Business and Export 114952  
Assistance. 114953

BUSINESS DEVELOPMENT SERVICES 114954

The foregoing appropriation item 195415, Business 114955  
Development Services, shall be used for the operating expenses 114956  
of the Office of Strategic Business Investments and the regional 114957  
economic development offices. 114958

Of the foregoing appropriation item 195415, Business 114959  
Development Services, \$1,800,000 in each fiscal year shall be 114960  
allocated to Development Projects, Inc., for economic 114961  
development programs and the creation of new jobs to leverage 114962  
and support mission gains at Department of Defense and related 114963  
facilities in Ohio by working with future base realignment and 114964

closure activities and ongoing Department of Defense efficiency 114965  
and partnership initiatives, assisting efforts to secure 114966  
Department of Defense support contracts for Ohio companies, 114967  
assessing and supporting regional job and workforce development 114968  
needs generated by the Department of Defense and the Ohio 114969  
aerospace industry, promoting technology transfer to Ohio 114970  
businesses, and for expanding job training and economic 114971  
development programs in human performance and cyber security- 114972  
related initiatives. 114973

REDEVELOPMENT ASSISTANCE 114974

The foregoing appropriation item 195426, Redevelopment 114975  
Assistance, shall be used to fund the costs of administering the 114976  
energy, redevelopment, and other revitalization programs that 114977  
may be implemented, and may be used to match federal grant 114978  
funding. 114979

TECHNOLOGY PROGRAMS AND GRANTS 114980

The foregoing appropriation item 195453, Technology 114981  
Programs and Grants, shall be used for operating expenses 114982  
incurred in administering the Ohio Third Frontier Programs and 114983  
other technology focused programs that may be implemented. 114984

SMALL BUSINESS AND EXPORT ASSISTANCE 114985

The foregoing appropriation item 195454, Small Business 114986  
and Export Assistance, may be used to provide a range of 114987  
business assistance, including grants to local organizations to 114988  
support economic development activities that promote small 114989  
business development, entrepreneurship, and exports of Ohio's 114990  
goods and services, in conjunction with local organizations 114991  
funded through appropriation item 195405, Minority Business 114992  
Development. The foregoing appropriation item shall also be used 114993

as matching funds for grants from the United States Small 114994  
Business Administration and other federal agencies, pursuant to 114995  
Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and 114996  
regulations and policy guidelines for the programs pursuant 114997  
thereto. 114998

APPALACHIA ASSISTANCE 114999

The foregoing appropriation item 195455, Appalachia 115000  
Assistance, may be used for the administrative costs of planning 115001  
and liaison activities for the Governor's Office of Appalachia, 115002  
to provide financial assistance to projects in Ohio's 115003  
Appalachian counties, to support four local development 115004  
districts, and to pay dues for the Appalachian Regional 115005  
Commission. These funds may be used to match federal funds from 115006  
the Appalachian Regional Commission. Programs funded through the 115007  
appropriation item shall be identified and recommended by the 115008  
local development districts and approved by the Governor's 115009  
Office of Appalachia. The Department of Development shall 115010  
conduct compliance and regulatory review of the programs 115011  
recommended by the local development districts. Moneys allocated 115012  
under the appropriation item may be used to fund projects 115013  
including, but not limited to, those designated by the local 115014  
development districts as community investment and rapid response 115015  
projects. 115016

Of the foregoing appropriation item 195455, Appalachia 115017  
Assistance, in each fiscal year, \$210,000 shall be allocated to 115018  
the Ohio Valley Regional Development Commission, \$210,000 shall 115019  
be allocated to the Ohio Mid-Eastern Government Association, 115020  
\$210,000 shall be allocated to the Buckeye Hills Regional 115021  
Council, and \$210,000 shall be allocated to the Eastgate 115022  
Regional Council of Governments. Local development districts 115023

receiving funding under this section shall use the funds for the 115024  
implementation and administration of programs and duties under 115025  
section 107.21 of the Revised Code. 115026

Of the foregoing appropriation item 195455, Appalachia 115027  
Assistance, in each fiscal year, \$2,750,000 shall be allocated 115028  
to the Foundation for Appalachian Ohio and \$1,000,000 shall be 115029  
allocated to Ohio University's Voinovich School of Leadership 115030  
and Public Service to work on behalf of the Mayor's partnership 115031  
for Progress. 115032

Of the foregoing appropriation item 195455, Appalachia 115033  
Assistance, \$1,000,000 in each fiscal year shall be allocated to 115034  
the Appalachian Ohio Manufacturers Coalition, to create a pilot 115035  
program in Meigs, Athens, Morgan, Noble, Monroe, and Washington 115036  
counties to reduce barriers of workforce reentry for individuals 115037  
who have graduated from behavioral health recovery programs. The 115038  
program shall be jointly developed and administered with the 115039  
Appalachian Children Coalition, in consultation with the 115040  
Director of the Ohio Department of Mental Health and Addiction 115041  
Services. 115042

Of the foregoing appropriation item 195455, Appalachia 115043  
Assistance, \$500,000 in each fiscal year shall be allocated to 115044  
the Outdoor Recreation Council of Appalachia. 115045

Of the foregoing appropriation item 195455, Appalachia 115046  
Assistance, \$250,000 in each fiscal year shall be allocated to 115047  
FosterHub in Hocking County. 115048

CDBG OPERATING MATCH 115049

The foregoing appropriation item 195497, CDBG Operating 115050  
Match, shall be used as matching funds for grants from the 115051  
United States Department of Housing and Urban Development 115052

pursuant to the Housing and Community Development Act of 1974 115053  
and regulations and policy guidelines for the programs pursuant 115054  
thereto. 115055

BSD FEDERAL PROGRAMS MATCH 115056

The foregoing appropriation item 195499, BSD Federal 115057  
Programs Match, shall be used as matching funds for grants from 115058  
the U.S. Department of Commerce, National Institute of Standards 115059  
and Technology Manufacturing Extension Partnership Program and 115060  
Department of Defense APEX Accelerator Program, and other 115061  
federal agencies, pursuant to Pub. L. No. 96-302 as amended by 115062  
Pub. L. No. 98-395, and regulations and policy guidelines for 115063  
the programs pursuant thereto. The appropriation item shall also 115064  
be used for operating expenses of the Business Services 115065  
Division. 115066

LOCAL DEVELOPMENT PROJECTS 115067

Of the foregoing appropriation item 195503, Local 115068  
Development Projects, \$500,000 in each fiscal year shall be 115069  
granted to Baldwin Wallace University to expand the Northeast 115070  
Ohio Flight Information Exchange (NEOFIX) and support 115071  
development of flight information exchanges in other communities 115072  
in Ohio. 115073

Of the foregoing appropriation item 195503, Local 115074  
Development Projects, \$250,000 in each fiscal year shall be 115075  
granted to Neighborhood Alliance to support the homeless shelter 115076  
in Lorain County. 115077

Of the foregoing appropriation item 195503, Local 115078  
Development Projects, \$250,000 in each fiscal year shall be 115079  
granted to Freedom a la Cart to support workforce initiatives 115080  
and programs for human trafficking survivors. 115081

Of the foregoing appropriation item 195503, Local 115082  
Development Projects, \$250,000 in each fiscal year shall be 115083  
granted to the city of Coshocton to design and construct a water 115084  
line extension to serve the village of Warsaw and the River View 115085  
School. 115086

Of the foregoing appropriation item 195503, Local 115087  
Development Projects, \$125,000 in each fiscal year shall be 115088  
granted to the Buckeye Lake Regional Corporation to support 115089  
community development. 115090

Of the foregoing appropriation item 195503, Local 115091  
Development Projects, \$85,000 in fiscal year 2026 shall be 115092  
granted to the Stark County Minority Business Association to 115093  
support the development and operation of the Kirk Schuring 115094  
Business Development Center and Innovation Hub. 115095

Of the foregoing appropriation item 195503, Local 115096  
Development Projects, \$15,000 in fiscal year 2026 shall be 115097  
granted to one local fire department in each of Geauga, Lake, 115098  
and Portage counties, selected by the Director of Development, 115099  
for the installation of baby boxes. 115100

Of the foregoing appropriation item 195503, Local 115101  
Development Projects, \$10,000 in fiscal year 2026 shall be 115102  
granted to the Salem Worlds War Memorial Building Association to 115103  
support the development of a job training center. 115104

Of the foregoing appropriation item 195503, Local 115105  
Development Projects, \$500,000 in fiscal year 2026 shall be 115106  
granted to NewBridge Cleveland Center for Arts and Technology to 115107  
support at-risk adult learner healthcare professional 115108  
certification and job placement. 115109

Of the foregoing appropriation item 195503, Local 115110

Development Projects, \$500,000 in FY 2026 shall be granted to 115111  
the Mahoning Valley Scrappers for stadium maintenance and 115112  
improvements. 115113

OHIO-ISRAEL AGRICULTURAL INITIATIVE 115114

The foregoing appropriation item 195537, Ohio-Israel 115115  
Agricultural Initiative, shall be used for the Ohio-Israel 115116  
Agricultural Initiative. The appropriation shall not be used for 115117  
travel and entertainment expenses incurred under the initiative. 115118

SECTOR PARTNERSHIP NETWORKS 115119

The foregoing appropriation item 195553, Industry Sector 115120  
Partnerships, shall be used for the grant program described in 115121  
section 122.179 of the Revised Code. 115122

TECHCRED PROGRAM 115123

The foregoing appropriation item 195556, TechCred Program, 115124  
shall be used for the programs described under sections 122.178 115125  
and 122.1710 of the Revised Code. 115126

WORKFORCE DEVELOPMENT GRANTS 115127

Of the foregoing appropriation item 195595, Workforce 115128  
Development Grants, \$400,000 in each fiscal year shall be 115129  
granted to Apollo Career and Technical Center to support the 115130  
Ohio Oil and Gas Career Jumpstart Program. 115131

Of the foregoing appropriation item 195595, Workforce 115132  
Development Grants, \$400,000 in each fiscal year shall be 115133  
granted to Mahoning Career and Technical Center to support the 115134  
Ohio Oil and Gas Career Jumpstart Program. 115135

Of the foregoing appropriation item 195595, Workforce 115136  
Development Grants, \$400,000 in each fiscal year shall be 115137

granted to Washington County Career Center to support the Ohio 115138  
Oil and Gas Career Jumpstart Program. 115139

**Section 259.25.** COAL RESEARCH AND DEVELOPMENT GENERAL 115140  
OBLIGATION BOND DEBT SERVICE 115141

The foregoing appropriation line item 195901, Coal 115142  
Research and Development General Obligation Bond Debt Service, 115143  
shall be used to pay all debt service and related financing 115144  
costs during the period July 1, 2025, through June 30, 2027, on 115145  
obligations issued under sections 151.01 and 151.07 of the 115146  
Revised Code. 115147

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 115148  
BOND DEBT SERVICE 115149

The foregoing appropriation item 195905, Third Frontier 115150  
Research and Development General Obligation Bond Debt Service, 115151  
shall be used to pay all debt service and related financing 115152  
costs during the period from July 1, 2025, through June 30, 115153  
2027, on obligations issued under sections 151.01 and 151.10 of 115154  
the Revised Code. 115155

**Section 259.30.** MINORITY BUSINESS BONDING FUND 115156

Notwithstanding Chapters 122., 169., and 175. of the 115157  
Revised Code, the Director of Development may, upon the 115158  
recommendation of the Minority Development Financing Advisory 115159  
Board, pledge up to \$10,000,000 in the biennium ending June 30, 115160  
2027, of unclaimed funds administered by the Director of 115161  
Commerce and allocated to the Minority Business Bonding Program 115162  
under section 169.05 of the Revised Code. 115163

If needed for the payment of losses arising from the 115164  
Minority Business Bonding Program, the Director of Budget and 115165  
Management may, at the request of the Director of Development, 115166



request that the Director of Commerce transfer unclaimed funds 115167  
that have been reported by holders of unclaimed funds under 115168  
section 169.05 of the Revised Code to the Minority Bonding Fund 115169  
(Fund 4490). The transfer of unclaimed funds shall only occur 115170  
after proceeds of the initial transfer of \$2,700,000 by the 115171  
Controlling Board to the Minority Business Bonding Program have 115172  
been used for that purpose. If expenditures are required for 115173  
payment of losses arising from the Minority Business Bonding 115174  
Program, such expenditures shall be made from appropriation item 115175  
195658, Minority Business Bonding Contingency in the Minority 115176  
Business Bonding Fund, and such amounts are hereby appropriated. 115177

BUSINESS ASSISTANCE PROGRAMS 115178

The foregoing appropriation item 195649, Business 115179  
Assistance Programs, shall be used for administrative expenses 115180  
associated with the operation of loan incentives. 115181

STATE SPECIAL PROJECTS 115182

The State Special Projects Fund (Fund 4F20), may be used 115183  
for the deposit of private-sector funds from utility companies 115184  
and for the deposit of other miscellaneous state funds. State 115185  
moneys so deposited may also be used to match federal funding 115186  
and to support programs of the Community Service Division and 115187  
Business Services Division. 115188

MINORITY BUSINESS ENTERPRISE LOAN 115189

The foregoing appropriation item 195646, Minority Business 115190  
Enterprise Loan, shall be used for awards under the Minority 115191  
Business Enterprise Loan Program and to cover operating expenses 115192  
of the Minority Business Development Division. All repayments 115193  
from the Minority Development Financing Advisory Board Loan 115194  
Program shall be deposited in the state treasury to the credit 115195

of the Minority Business Enterprise Loan Fund (Fund 4W10).	115196
BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM	115197
The foregoing appropriation item 1956G9, Broadband Pole Replacement and Undergrounding Program, shall be used by the Department of Development to support the Broadband Pole Replacement and Undergrounding Program under section 191.27 of the Revised Code.	115198 115199 115200 115201 115202
TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND	115203 115204
On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$3,600,000 cash from the Broadband Pole Replacement and Undergrounding Program Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion Grant Program Fund (Fund 5GT0).	115205 115206 115207 115208 115209
WELCOME HOME OHIO PROGRAM	115210
The foregoing appropriation item 1956H3, Welcome Home Ohio Program, shall be used for grants under the Welcome Home Ohio Program established in sections 122.631 through 122.633 of the Revised Code. Of the foregoing appropriation item 1956H3, Welcome Home Ohio Program, \$21,562,500 in each fiscal year shall be used to distribute grants to purchase residential property at foreclosure sales under section 122.631 of the Revised Code. Of the foregoing appropriation item 1956H3, Welcome Home Ohio Program, \$21,562,500 in each fiscal year shall be used to distribute grants to rehabilitate or construct residential property for income-restricted owners under section 122.632 of the Revised Code.	115211 115212 115213 115214 115215 115216 115217 115218 115219 115220 115221 115222
ADVANCED ENERGY LOAN PROGRAMS	115223

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development.

SPORTS EVENTS GRANTS

The foregoing appropriation item 195496, Sports Events Grants, shall be used for grants as described in sections 122.12 and 122.121 of the Revised Code.

WOMEN OWNED BUSINESS LOAN

The foregoing appropriation item 195632, Women Owned Business Loan, shall be used to operate the Women Owned Business Loan Program.

MINORITY BUSINESS MICRO-LOAN

The foregoing appropriation item 195694, Micro-Loan, shall be used to operate the Minority Business Micro-Loan Program.

MBD LOAN ADMINISTRATION

The foregoing appropriation item 195611, MBD Loan Administration, shall be used to operate the Women Owned Loan and Minority Business Micro-Loan Programs.

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND TO THE MBD FINANCIAL ASSISTANCE FUND

On July 1, 2025, or as soon as possible thereafter, the

Director of Budget and Management may transfer \$5,000,000 cash 115251  
from the State Small Business Credit Initiative Fund (Fund 3FJ0) 115252  
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments 115253  
of loans issued under Fund 5XH0 shall be credited to the fund. 115254

Upon the completion of the original Collateral Enhancement 115255  
Program, the Director of Development shall certify to the 115256  
Director of Budget and Management the remaining cash balance in 115257  
the State Small Business Credit Initiative Fund (Fund 3FJ0). The 115258  
Director of Budget and Management may transfer the certified 115259  
amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund 115260  
5XH0). 115261

BROWNFIELD REMEDIATION 115262

The foregoing appropriation item 1956A2, Brownfield 115263  
Remediation, shall be used to award grants under the Brownfield 115264  
Remediation Program as described in section 122.6511 of the 115265  
Revised Code. Of the foregoing appropriation item 1956A2, 115266  
Brownfield Remediation, up to two and one-half percent in each 115267  
fiscal year may be used to pay the administrative costs of the 115268  
program. 115269

On July 1, 2025, or as soon as possible thereafter, the 115270  
Director of Budget and Management shall transfer \$250,000,000 115271  
cash from the All Ohio Future Fund (Fund 5XM0) to the Brownfield 115272  
Remediation Fund (Fund 5YE0). 115273

DEMOLITION AND SITE REVITALIZATION 115274

The appropriation item 1956A3, Demolition and Site 115275  
Revitalization, shall be used to award grants and to pay 115276  
associated administrative costs under the Building Demolition 115277  
and Site Revitalization Program as described in section 122.6512 115278  
of the Revised Code. 115279

An amount equal to the unexpended, unencumbered balance of 115280  
appropriation item 1956A3, Demolition and Site Revitalization, 115281  
at the end of fiscal year 2026 is hereby reappropriated to the 115282  
same appropriation item for the same purpose in fiscal year 115283  
2027. 115284

VOLUME CAP ADMINISTRATION 115285

The foregoing appropriation item 195654, Volume Cap 115286  
Administration, shall be used for expenses related to the 115287  
administration of the Volume Cap Program. Revenues received by 115288  
the Volume Cap Administration Fund (Fund 6170) shall consist of 115289  
application fees, forfeited deposits, and interest earned from 115290  
the custodial account held by the Treasurer of State. 115291

**Section 259.40.** DEVELOPMENT OPERATIONS 115292

The Director of Development may assess offices of the 115293  
department for the cost of central service operations. An 115294  
assessment shall contain the characteristics of administrative 115295  
ease and uniform application. A division's payments shall be 115296  
credited to the Supportive Services Fund (Fund 1350) using an 115297  
intrastate transfer voucher. 115298

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 115299

The foregoing appropriation item 195636, Development 115300  
Services Reimbursable Expenditures, shall be used for 115301  
reimbursable costs incurred by the department. Revenues to the 115302  
General Reimbursement Fund (Fund 6850) shall consist of moneys 115303  
charged for administrative costs that are not central service 115304  
costs and repayments of loans, including the interest thereon, 115305  
made from the Water and Sewer Fund (Fund 4440). 115306

**Section 259.50.** RURAL INDUSTRIAL PARK LOAN 115307

The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Rural Industrial Park Loans awarded under the appropriation item shall not exceed \$4,000,000.

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO THE BUSINESS ASSISTANCE FUND

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer up to \$3,000,000 cash in each fiscal year from the Research and Development Loan Fund (Fund 7010) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed \$1,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

FACILITIES ESTABLISHMENT

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities

Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code. 115337  
115338

In the biennium ending June 30, 2027, notwithstanding section 127.14 and division (B) of section 131.35 of the Revised Code, the Controlling Board may authorize expenditures, in excess of the amount appropriated, but not to exceed the limitation set in division (E) of section 131.35 of the Revised Code, using the Facilities Establishment Fund (Fund 7037) for purposes consistent with Chapter 166. of the Revised Code. The amounts authorized by the Controlling Board are hereby appropriated. 115339  
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**Section 259.60. THIRD FRONTIER OPERATING COSTS** 115348

The foregoing appropriation items 195686, Third Frontier Tax Exempt Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research and Development Fund (Fund 7011), and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research and Development Taxable Bond Project Fund (Fund 7014). 115349  
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**THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS** 115360  
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The foregoing appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, shall be used to fund selected projects, which may include internship programs. 115362  
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Eligible costs are those costs of research and development 115366  
projects to which the proceeds of Fund 7011 and Fund 7014 are to 115367  
be applied. 115368

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 115369

The Director of Budget and Management may approve written 115370  
requests from the Director of Development for the transfer of 115371  
appropriations between appropriation items 195687, Third 115372  
Frontier Research and Development Projects, and 195692, Research 115373  
and Development Taxable Bond Projects, based upon awards 115374  
recommended by the Third Frontier Commission. 115375

In fiscal year 2026, the Director of Development may 115376  
request that the Director of Budget and Management reappropriate 115377  
any unexpended, unencumbered balances of the prior fiscal year's 115378  
appropriation to the foregoing appropriation items 195687, Third 115379  
Frontier Research and Development Projects, and 195692, Research 115380  
and Development Taxable Bond Projects, for fiscal year 2026. The 115381  
Director of Budget and Management may request additional 115382  
information necessary for evaluating these requests, and the 115383  
Director of Development shall provide the requested information 115384  
to the Director of Budget and Management. Based on the 115385  
information provided by the Director of Development, the 115386  
Director of Budget and Management shall determine the amounts to 115387  
be reappropriated, and those amounts are hereby reappropriated 115388  
for fiscal year 2026. 115389

**Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT** 115390  
PROGRAM (BEAD) 115391

The foregoing appropriation item 1956E4, Broadband Equity, 115392  
Access, and Deployment Program (BEAD), shall be used to build 115393  
infrastructure that supports the adoption of high-speed 115394



internet. 115395

Of the foregoing appropriation item 1956E4, Broadband 115396  
Equity, Access, and Deployment Program (BEAD), \$20,000,000 in FY 115397  
2026 shall be used for the U.S. Route 30 OARnet Broadband 115398  
Extension project. This project shall include construction of a 115399  
wholesale middle-mile network along Route 30 consisting of two 115400  
sections from the preexisting OARnet backbone network and 115401  
points-of-presence, one from the Canton area and the other from 115402  
the Lima area, which will connect in Mansfield. 115403

HEAP WEATHERIZATION 115404

Up to twenty-five per cent of the federal funds deposited 115405  
to the credit of the Home Energy Assistance Block Grant Fund 115406  
(Fund 3K90) may be expended from appropriation item 195614, HEAP 115407  
Weatherization, to provide home weatherization services in the 115408  
state as determined by the Director of Development. 115409

**Section 261.10.** 115410

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	1	2	3	4	5
A	DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES				
B	General Revenue Fund				
C	GRF	320411	Special Olympics	\$100,000	\$100,000
D	GRF	320412	Protective Services	\$3,200,000	\$3,200,000
E	GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000

F	GRF	322422	Multi System Youth	\$5,000,000	\$5,000,000
G	GRF	322423	Technology First	\$3,200,000	\$3,200,000
H	GRF	322508	Employment First Initiative	\$2,700,000	\$2,700,000
I	GRF	322509	Community Supports and Rental Assistance	\$890,000	\$890,000
J	GRF	653321	Medicaid Program Support - State	\$8,163,217	\$8,421,356
K	GRF	653407	Medicaid Services	\$1,127,127,000	\$1,140,627,000
L	General Revenue Fund Total			\$1,177,880,217	\$1,188,338,356
M	Dedicated Purpose Fund Group				
N	2210	322620	Supplement Service Trust	\$500,000	\$500,000
O	4890	653632	Developmental Centers Direct Care Services	\$7,000,000	\$7,000,000
P	5DK0	322629	Capital Replacement Facilities	\$750,000	\$750,000
Q	5EV0	653627	Medicaid Program Support	\$2,540,000	\$2,540,000
R	5GE0	320606	Central Office Operating Expenses	\$20,914,384	\$21,180,026
S	5GE0	653606	ICF/IID and Waiver Match	\$60,000,000	\$60,000,000
T	5H00	322619	Medicaid Repayment	\$900,000	\$900,000

U	5S20	653622	Medicaid Administration and Oversight	\$36,000,000	\$36,000,000
V	5Z10	653624	County Board Waiver Match	\$688,000,000	\$752,000,000
W			Dedicated Purpose Fund Group Total	\$816,604,384	\$880,870,026
X			Internal Service Activity Fund Group		
Y	1520	653609	DC and Residential Facilities Operating Services	\$20,000,000	\$20,000,000
Z			Internal Service Activity Fund Group Total	\$20,000,000	\$20,000,000
AA			Federal Fund Group		
AB	3250	322612	Community Social Service Programs	\$15,075,000	\$15,075,000
AC	3A40	653654	Medicaid Services	\$3,385,530,510	\$3,545,767,920
AD	3A40	653655	Medicaid Support	\$92,000,000	\$97,000,000
AE	3A50	320613	Developmental Disabilities Council	\$3,369,230	\$3,408,234
AF			Federal Fund Group Total	\$3,495,974,740	\$3,661,251,154
AG			TOTAL ALL BUDGET FUND GROUPS	\$5,510,459,341	\$5,750,459,536

**Section 261.20.** SPECIAL OLYMPICS 115412

The foregoing appropriation item 320411, Special Olympics, 115413

shall be distributed by the Ohio Department of Developmental 115414  
Disabilities to the Special Olympics of Ohio in support of the 115415  
Ohio Special Olympics Summer Games. 115416

**Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 115417**  
LEASE-RENTAL BOND PAYMENTS 115418

The foregoing appropriation item 320415, Developmental 115419  
Disabilities Facilities Lease Rental Bond Payments, shall be 115420  
used to meet all payments during the period from July 1, 2025, 115421  
through June 30, 2027, by the Department of Developmental 115422  
Disabilities pursuant to leases and agreements made under 115423  
section 154.20 of the Revised Code. These appropriations are the 115424  
source of funds pledged for bond service charges on related 115425  
obligations issued under Chapter 154. of the Revised Code. 115426

**Section 261.40. MULTI-SYSTEM YOUTH 115427**

Of the foregoing appropriation item 322422, Multi-System 115428  
Youth, a portion may be used to provide a subsidy to eligible 115429  
county boards of developmental disabilities for the provision of 115430  
respite services and other services and supports for youth with 115431  
complex or multi-system needs to enable them to remain in their 115432  
homes with their families or in their communities. The Director 115433  
of Developmental Disabilities shall establish the total amount 115434  
available for the subsidy, a formula for distributing the 115435  
subsidy to eligible county boards, and the eligibility 115436  
requirements county boards must satisfy to receive the subsidy. 115437

**Section 261.50. TECHNOLOGY FIRST 115438**

Of the foregoing appropriation item 322423, Technology 115439  
First, a portion may be used to increase access and utilization 115440  
of innovative technology for people with developmental 115441  
disabilities in accordance with the Technology First Policy 115442

established in section 5123.025 of the Revised Code. 115443

**Section 261.60.** EMPLOYMENT FIRST INITIATIVE 115444

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code. 115445  
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Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments. 115450  
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The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

**Section 261.61. ACHIEVEMENT CENTERS FOR CHILDREN** 115478

Of the foregoing appropriation item 322509, Community Supports and Rental Assistance, \$190,000 in each fiscal year shall be distributed to the Achievement Centers for Children to provide family support services and respite care for children with disabilities and their families.

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 115484

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

**Section 261.80. MEDICAID SERVICES** 115498

(A) As used in this section: 115499

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 115500  
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(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code. 115502  
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(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following: 115504  
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(1) Home and community-based services; 115507

(2) ICF/IID services; and 115508

(3) Other programs as identified by the Director of Developmental Disabilities. 115509  
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**Section 261.90. CENTRAL OFFICE OPERATING EXPENSES** 115511

Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals. 115512  
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**Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES** 115517

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 115518  
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The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2026 and fiscal year 2027 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due. 115521  
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**Section 261.110.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 115530

If a county board of developmental disabilities does not 115531  
fully pay any amount owed to the Department of Developmental 115532  
Disabilities by the due date established by the Department, the 115533  
Director of Developmental Disabilities may withhold the amount 115534  
the county board did not pay from any amounts due to the county 115535  
board. The Director may use any appropriation item or fund used 115536  
by the Department to transfer cash to any other fund used by the 115537  
Department in an amount equal to the amount owed the Department 115538  
that the county board did not pay. Transfers under this section 115539  
shall be made using an intrastate transfer voucher. 115540

**Section 261.120.** ODODD INNOVATIVE PILOT PROJECTS 115541

(A) In fiscal year 2026 and fiscal year 2027, the Director 115542  
of Developmental Disabilities may authorize the continuation or 115543  
implementation of one or more innovative pilot projects that, in 115544  
the judgment of the Director, are likely to assist in promoting 115545  
the objectives of Chapter 5123. or 5126. of the Revised Code. 115546  
Subject to division (B) of this section and notwithstanding any 115547  
provision of Chapters 5123. and 5126. of the Revised Code and 115548  
any rule adopted under either chapter, a pilot project 115549  
authorized by the Director may be continued or implemented in a 115550  
manner inconsistent with one or more provisions of either 115551  
chapter or one or more rules adopted under either chapter. 115552  
Before authorizing a pilot program, the Director shall consult 115553  
with entities interested in the issue of developmental 115554  
disabilities, including the Ohio Provider Resource Association, 115555  
Ohio Association of County Boards of Developmental Disabilities, 115556  
Ohio Health Care Association/Ohio Centers for Intellectual 115557  
Disabilities, the Values and Faith Alliance, and ARC of Ohio. 115558

(B) The Director may not authorize a pilot project to be 115559



implemented in a manner that would cause the state to be out of 115560  
compliance with any requirements for a program funded in whole 115561  
or in part with federal funds. 115562

**Section 261.130.** PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 115563  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 115564

(A) As used in this section: 115565

(1) "Converted facility" means an ICF/IID, or former 115566  
ICF/IID, that converted some or all of its beds to providing 115567  
home and community-based services under the IO Waiver pursuant 115568  
to section 5124.60 of the Revised Code. 115569

(2) "Developmental center" and "ICF/IID" have the same 115570  
meanings as in section 5124.01 of the Revised Code. 115571

(3) "IO Waiver" means the Medicaid waiver component, as 115572  
defined in section 5166.01 of the Revised Code, known as 115573  
Individual Options. 115574

(4) "Medicaid provider" has the same meaning as in section 115575  
5164.01 of the Revised Code. 115576

(5) "Public hospital" has the same meaning as in section 115577  
5122.01 of the Revised Code. 115578

(6) "Qualifying IO enrollee" means an IO Waiver enrollee 115579  
to whom all of the following apply: 115580

(a) The enrollee resided in a developmental center, 115581  
converted facility, or public hospital immediately before 115582  
enrolling in the IO Wavier. 115583

(b) The enrollee did not receive before July 1, 2011, 115584  
routine homemaker/personal care services from the Medicaid 115585  
provider that is to be paid the Medicaid rate authorized by this 115586

section for providing such services to the enrollee during the 115587  
period specified in division (C) of this section. 115588

(c) The Director of Developmental Disabilities has 115589  
determined that the enrollee's special circumstances (including 115590  
the enrollee's diagnosis, service needs, or length of stay at 115591  
the developmental center, converted facility, or public 115592  
hospital) warrants paying the Medicaid rate authorized by this 115593  
section. 115594

(B) The total Medicaid payment rate for each fifteen 115595  
minutes of routine homemaker/personal care services that a 115596  
Medicaid provider provides to a qualifying IO enrollee during 115597  
the period specified in division (C) of this section shall be 115598  
fifty-two cents higher than the Medicaid payment rate in effect 115599  
on the day the services are provided for each fifteen minutes of 115600  
routine homemaker/personal care services that a Medicaid 115601  
provider provides to an IO enrollee who is not a qualifying IO 115602  
enrollee. 115603

(C) Division (B) of this section applies to the first 115604  
twelve months, consecutive or otherwise, that a Medicaid 115605  
provider, during the period beginning July 1, 2025, and ending 115606  
July 1, 2027, provides routine homemaker/personal care services 115607  
to a qualifying IO enrollee. 115608

(D) Of the foregoing appropriation items 653407, Medicaid 115609  
Services, and 653654, Medicaid Services, portions shall be used 115610  
to pay the Medicaid payment rate determined in accordance with 115611  
this section for routine homemaker/personal care services 115612  
provided to qualifying IO enrollees. 115613

**Section 261.140.** ICF WORKFORCE DEVELOPMENT PAYMENTS 115614

Of the foregoing appropriation items 653407, Medicaid 115615

Services, and 653654, Medicaid Services, a portion of each 115616  
 appropriation item shall be used in fiscal year 2026 in 115617  
 accordance with this section and section 5124.15 of the Revised 115618  
 Code. The funds shall be used to maintain rates supporting the 115619  
 professional workforce development payment, as provided in 115620  
 division (A) (5) (c) of section 5124.15 of the Revised Code. 115621

**Section 263.10.**

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1	2	3	4	5
A	SBE STATE BOARD OF EDUCATION			
B	Dedicated Purpose Fund Group			
C	4K90 210602	Operating Expenses	\$15,010,991	\$15,519,872
D	Dedicated Purpose Fund Group Total		\$15,010,991	\$15,519,872
E	Federal Fund Group			
F	3IS0 210601	Title II A/Supporting Effective Instruction	\$1,355,000	\$1,355,000
G	Federal Fund Group Total		\$1,355,000	\$1,355,000
H	TOTAL ALL BUDGET FUND GROUPS		\$16,365,991	\$16,874,872

**Section 263.20.** CASH TRANSFER FROM THE STATE BOARD OF 115624  
 EDUCATION LICENSURE FUND TO THE OCCUPATIONAL LICENSING AND 115625  
 REGULATORY FUND 115626

On July 1, 2025, or as soon as possible thereafter, the 115627  
 Director of Budget and Management shall transfer the cash 115628  
 balance in the State Board of Education Licensure Fund (Fund 115629

4L20) to the Occupational Licensing and Regulatory Fund (Fund 115630  
4K90). Upon completion of the transfer, Fund 4L20 is hereby 115631  
abolished. The Director shall cancel any existing encumbrances 115632  
against appropriation item 210600, Operating Expenses, and 115633  
reestablish them against appropriation item 210602, Operating 115634  
Expenses. The reestablished encumbrance amounts are hereby 115635  
appropriated. 115636

**Section 265.10.**

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1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE			
B	General Revenue Fund			
C	GRF	200321 Operating Expenses	\$14,474,898	\$15,054,312
D	GRF	200416 Career Technical Education	\$2,758,006	\$2,893,106
E	GRF	200420 Information Technology Development and Support	\$4,231,479	\$4,316,527
F	GRF	200422 School Management Assistance	\$3,000,000	\$3,100,000
G	GRF	200424 Policy Analysis	\$500,000	\$516,419
H	GRF	200426 Ohio Educational Computer Network	\$19,994,000	\$19,994,000
I	GRF	200427 Academic Standards	\$5,535,410	\$5,429,033
J	GRF	200437 Student Assessment	\$53,409,125	\$53,682,346

K	GRF	200439	Accountability/Report Cards	\$7,619,440	\$7,687,742
L	GRF	200446	Education Management Information System	\$10,058,226	\$10,525,278
M	GRF	200448	Educator and Principal Preparation	\$4,413,493	\$4,426,754
N	GRF	200455	Community Schools and Choice Programs	\$4,370,165	\$4,446,705
O	GRF	200465	Education Technology Resources	\$4,672,828	\$4,685,225
P	GRF	200478	Industry-Recognized Credentials High School Students	\$16,000,000	\$16,000,000
Q	GRF	200502	Pupil Transportation	\$873,585,414	\$940,979,701
R	GRF	200505	School Meal Programs	\$13,163,000	\$13,163,000
S	GRF	200511	Auxiliary Services	\$170,292,963	\$172,262,613
T	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$76,935,110	\$77,824,960
U	GRF	200540	Special Education Enhancements	\$200,272,426	\$202,272,426
V	GRF	200545	Career-Technical Education Enhancements	\$13,913,000	\$13,913,000

W	GRF	200550	Foundation Funding - All Students	\$8,517,236,974	\$8,715,447,875
X	GRF	200566	Literacy Improvement	\$4,472,674	\$4,617,596
Y	GRF	200572	Adult Education Programs	\$9,348,399	\$16,449,137
Z	GRF	200574	Half-Mill Maintenance Equalization	\$8,559,640	\$8,203,450
AA	GRF	200576	Adaptive Sports Program	\$350,000	\$350,000
AB	GRF	200597	Program and Project Support	\$2,000,000	\$2,000,000
AC	General Revenue Fund Total			\$10,041,166,670	\$10,320,241,205
AD	Dedicated Purpose Fund Group				
AE	4520	200638	Charges and Reimbursements	\$1,500,000	\$1,500,000
AF	5980	200659	Auxiliary Services Reimbursement	\$650,000	\$650,000
AG	5H30	200687	School District Solvency Assistance	\$2,000,000	\$2,000,000
AH	5KX0	200691	Ohio School Sponsorship Program	\$1,900,000	\$1,900,000
AI	5MM0	200677	Child Nutrition Refunds	\$550,000	\$550,000
AJ	5U20	200685	National Education Statistics	\$185,000	\$185,000

AK 5VSO 200604	Foundation Funding - All Students	\$600,000,000	\$600,000,000
AL 5Y00 200491	Public and Nonpublic Education Support	\$171,200,000	\$171,200,000
AM 6200 200615	Educational Improvement Grants	\$600,000	\$600,000
AN	Dedicated Purpose Fund Group Total	\$778,585,000	\$778,585,000
AO	Internal Service Activity Fund Group		
AP 1380 200606	Information Technology Development and Support	\$18,394,387	\$18,597,721
AQ 4R70 200695	Indirect Operational Support	\$9,944,311	\$10,166,435
AR 4V70 200633	Interagency Program Support	\$3,000,000	\$3,000,000
AS	Internal Service Activity Fund Group Total	\$31,338,698	\$31,764,156
AT	State Lottery Fund Group		
AU 7017 200612	Foundation Funding - All Students	\$1,338,945,000	\$1,338,945,000
AV 7017 200614	Accelerate Great Schools	\$1,500,000	\$1,500,000
AW 7017 200631	Quality Community and Independent STEM Schools	\$136,500,000	\$136,500,000

Support					
AX	7017	200684	Community School Facilities	\$133,155,000	\$133,155,000
AY	7017	2006A7	Literacy Coaches	\$12,000,000	\$12,000,000
AZ	State Lottery Fund Group Total			\$1,622,100,000	\$1,622,100,000
BA	Federal Fund Group				
BB	3120	2006A9	Aspire - Federal	\$0	\$18,996,799
BC	3670	200607	School Food Services	\$13,379,350	\$13,379,350
BD	3700	200624	Education of Exceptional Children	\$1,750,000	\$1,750,000
BE	3AF0	657601	Schools Medicaid Administrative Claims	\$150,000	\$150,000
BF	3EH0	200620	Migrant Education	\$1,700,000	\$1,700,000
BG	3EJ0	200622	Homeless Children Education	\$4,823,000	\$5,112,380
BH	3GE0	200674	Summer Food Service Program	\$23,000,000	\$23,000,000
BI	3GG0	200676	Fresh Fruit and Vegetable Program	\$5,500,000	\$6,000,000
BJ	3HF0	200649	Federal Education Grants	\$5,000,000	\$5,000,000
BK	3HI0	200634	Student Support and	\$54,131,000	\$50,604,930



Academic Enrichment					
BL	3HL0	200678	Comprehensive Literacy State Development Program	\$14,630,000	\$14,630,000
BM	3L60	200617	Federal School Lunch	\$565,999,000	\$595,000,000
BN	3L70	200618	Federal School Breakfast	\$195,000,000	\$205,000,000
BO	3L80	200619	Child/Adult Food Programs	\$116,000,000	\$118,000,000
BP	3L90	200621	Career-Technical Education Basic Grant	\$56,680,000	\$58,947,200
BQ	3M00	200623	ESEA Title 1A	\$677,740,000	\$698,072,200
BR	3M20	200680	Individuals with Disabilities Education Act	\$530,400,000	\$541,008,000
BS	3Y20	200688	21st Century Community Learning Centers	\$47,940,000	\$48,898,800
BT	3Y60	200635	Improving Teacher Quality	\$77,157,900	\$78,701,058
BU	3Y70	200689	English Language Acquisition	\$13,728,000	\$14,277,120
BV	3Y80	200639	Rural and Low Income Technical Assistance	\$3,300,000	\$3,300,000
BW	3Z20	200690	State Assessments	\$11,500,000	\$11,500,000
BX	3Z30	200645	Consolidated Federal Grant Administration	\$15,000,000	\$15,000,000

BY Federal Fund Group Total	\$2,434,508,250	\$2,528,027,837
BZ TOTAL ALL BUDGET FUND GROUPS	\$14,907,698,618	\$15,280,718,198

**Section 265.20.** CAREER-TECHNICAL EDUCATION 115639

A portion of the foregoing appropriation item 200416, 115640  
Career-Technical Education, shall be used by the Department of 115641  
Education and Workforce to provide matching funds related to 115642  
career-technical education under 20 U.S.C. 2321. 115643

**Section 265.30.** INFORMATION TECHNOLOGY DEVELOPMENT AND 115644  
SUPPORT 115645

The foregoing appropriation item 200420, Information 115646  
Technology Development and Support, shall be used to support the 115647  
development and implementation of information technology 115648  
solutions designed to improve the performance and services of 115649  
the Department of Education and Workforce. Funds may be used for 115650  
personnel, maintenance, and equipment costs related to the 115651  
development and implementation of these technical system 115652  
projects. Implementation of these systems shall allow the 115653  
Department to provide greater levels of assistance to school 115654  
districts and to provide more timely information to the public, 115655  
including school districts, administrators, and legislators. 115656  
Funds may also be used to support data-driven decision-making 115657  
and differentiated instruction, as well as to communicate 115658  
academic content standards and curriculum models to schools 115659  
through web-based applications. 115660

**Section 265.40.** SCHOOL MANAGEMENT ASSISTANCE 115661

The foregoing appropriation item 200422, School Management 115662  
Assistance, shall be used by the Department of Education and 115663  
Workforce to provide fiscal technical assistance and inservice 115664

education for school district management personnel and to 115665  
administer, monitor, and implement the fiscal caution, fiscal 115666  
watch, and fiscal emergency provisions under Chapter 3316. of 115667  
the Revised Code. 115668

**Section 265.50. POLICY ANALYSIS** 115669

The foregoing appropriation item 200424, Policy Analysis, 115670  
shall be used by the Department of Education and Workforce to 115671  
support a system of administrative and statistical education 115672  
information to be used for policy analysis. Staff supported by 115673  
this appropriation shall administer the development of reports, 115674  
analyses, and briefings regarding current trends in education 115675  
practice, efficient and effective use of resources, and 115676  
evaluation of programs to improve education results. A portion 115677  
of these funds shall be used to maintain a longitudinal database 115678  
to support the assessment of the impact of policies and programs 115679  
on Ohio's education and workforce development systems. The 115680  
research efforts supported by this appropriation item shall be 115681  
used to supply information and analysis of data to and in 115682  
consultation with the General Assembly and other state 115683  
policymakers, including the Office of Budget and Management and 115684  
the Legislative Service Commission. 115685

**Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK** 115686

The foregoing appropriation item 200426, Ohio Educational 115687  
Computer Network, shall be used by the Department of Education 115688  
and Workforce to maintain a system of information technology 115689  
throughout Ohio and to provide technical assistance for such a 115690  
system. 115691

Of the foregoing appropriation item 200426, Ohio 115692  
Educational Computer Network, up to \$8,425,500 in each fiscal 115693

year shall be used by the Department to support connection of 115694  
all public school buildings and participating chartered 115695  
nonpublic schools to the state's education network, to each 115696  
other, and to the Internet. In each fiscal year, the Department 115697  
shall use these funds to assist information technology centers 115698  
or school districts with the operational costs associated with 115699  
this connectivity. The Department shall develop a formula and 115700  
guidelines for the distribution of these funds to information 115701  
technology centers or individual school districts. As used in 115702  
this section, "public school building" means a school building 115703  
of any city, local, exempted village, or joint vocational school 115704  
district, any community school established under Chapter 3314. 115705  
of the Revised Code, any college preparatory boarding school 115706  
established under Chapter 3328. of the Revised Code, any STEM 115707  
school established under Chapter 3326. of the Revised Code, any 115708  
educational service center building used for instructional 115709  
purposes, the Ohio School for the Deaf and the Ohio State School 115710  
for the Blind, high schools chartered by the Ohio Department of 115711  
Youth Services, or high schools operated by Ohio Department of 115712  
Rehabilitation and Corrections' Ohio Central School System. 115713

Of the foregoing appropriation item 200426, Ohio 115714  
Educational Computer Network, up to \$6,305,000 in each fiscal 115715  
year shall be used, through a formula and guidelines devised by 115716  
the Department, to support the activities of designated 115717  
information technology centers, as defined by Department of 115718  
Education and Workforce rules, to provide school districts and 115719  
chartered nonpublic schools with computer-based student and 115720  
teacher instructional and administrative information services, 115721  
including approved computerized financial accounting, to ensure 115722  
the effective operation of local automated administrative and 115723  
instructional systems, and to monitor and support the quality of 115724

data submitted to the Department. 115725

Of the foregoing appropriation item 200426, Ohio 115726  
Educational Computer Network, up to \$1,650,000 in each fiscal 115727  
year shall be used by the Department to support cybersecurity 115728  
initiatives led by the Management Council of the Ohio Computer 115729  
Education Network in public and nonpublic schools. Efforts may 115730  
include, but shall not be limited to, vulnerability management, 115731  
security awareness training, multifactor authentication, and 115732  
endpoint detection and response capabilities. In determining the 115733  
specific cybersecurity programs and initiatives the foregoing 115734  
appropriation item will support, the Department shall consult 115735  
with the Governor's Cybersecurity Strategic Advisor. 115736

The remainder of appropriation item 200426, Ohio 115737  
Educational Computer Network, shall be used to support the work 115738  
of the development, maintenance, and operation of a network of 115739  
uniform and compatible computer-based information systems as 115740  
well as the teacher student linkage/roster verification process 115741  
and systems to support electronic sharing of student records and 115742  
transcripts between entities. This technical assistance shall 115743  
include, but not be restricted to, development and maintenance 115744  
of adequate computer software systems to support network 115745  
activities. In order to improve the efficiency of network 115746  
activities, the Department and information technology centers 115747  
may jointly purchase equipment, materials, and services from 115748  
funds provided under this appropriation for use by the network 115749  
and, when considered practical by the Department, may utilize 115750  
the services of appropriate state purchasing agencies. 115751

**Section 265.70. ACADEMIC STANDARDS** 115752

Of the foregoing appropriation item 200427, Academic 115753  
Standards, up to \$500,000 in fiscal year 2026 shall be used to 115754

contract with experts in civics education and social studies to 115755  
develop an integrated model curriculum that includes English 115756  
language arts, social studies, and civics education. The model 115757  
curriculum shall include support for content, instruction, and 115758  
assessment. 115759

The remainder of the foregoing appropriation item 200427, 115760  
Academic Standards, shall be used by the Department of Education 115761  
and Workforce to develop and communicate to school districts 115762  
academic content standards and curriculum models and to develop 115763  
professional development programs and other tools on the new 115764  
content standards and model curricula. 115765

**Section 265.80. STUDENT ASSESSMENT** 115766

Of the foregoing appropriation item 200437, Student 115767  
Assessment, up to \$622,713 in each fiscal year shall be used to 115768  
reimburse a portion of the costs associated with Advanced 115769  
Placement and College-Level Examination Program tests for low- 115770  
income students, as determined by the Department. If the funds 115771  
provided by the Department through this set-aside and federal 115772  
funds are not sufficient to cover the costs of Advanced 115773  
Placement, College-Level Examination, and International 115774  
Baccalaureate tests for low-income students, school districts 115775  
and other public schools shall pay the remainder of the costs 115776  
using other funds. 115777

The remainder of appropriation item 200437, Student 115778  
Assessment, shall be used to develop, field test, print, 115779  
distribute, score, report results, and support other associated 115780  
costs for the tests required under sections 3301.0710, 115781  
3301.0711, and 3301.0712 of the Revised Code and for similar 115782  
purposes as required by section 3301.27 of the Revised Code. The 115783  
funds may also be used to update and develop diagnostic 115784

assessments administered under sections 3301.079, 3301.0715, and 115785  
3313.608 of the Revised Code and to support readiness 115786  
assessments for students in grades three and higher that assist 115787  
districts and schools with identifying and benchmarking student 115788  
progress. 115789

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION 115790  
TRANSFERS FOR STUDENT ASSESSMENT 115791

In fiscal year 2026 and fiscal year 2027, if the Director 115792  
of Education and Workforce determines that additional funds are 115793  
needed to fully fund the requirements of sections 3301.0710, 115794  
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this 115795  
act for assessments of student performance, the Director may 115796  
recommend to the Director of Budget and Management the 115797  
reallocation of unexpended and unencumbered General Revenue Fund 115798  
appropriations within the Department of Education and Workforce 115799  
to appropriation item 200437, Student Assessment. If the 115800  
Director of Budget and Management determines that such a 115801  
reallocation is required, the Director may transfer unexpended 115802  
and unencumbered appropriations within the Department of 115803  
Education and Workforce as necessary to appropriation item 115804  
200437, Student Assessment. 115805

**Section 265.90.** ACCOUNTABILITY/REPORT CARDS 115806

Of the foregoing appropriation item 200439, 115807  
Accountability/Report Cards, a portion in each fiscal year shall 115808  
be used to train district and regional specialists and district 115809  
educators in the use of the value-added progress dimension and 115810  
in the use of data as it relates to improving student 115811  
achievement. This training may include teacher and administrator 115812  
professional development in the use of data to improve 115813  
instruction and student learning, and teacher and administrator 115814

training in understanding teacher value-added reports and how 115815  
they can be used as a component in measuring teacher and 115816  
administrator effectiveness. 115817

The remainder of appropriation item 200439, 115818  
Accountability/Report Cards, shall be used by the Department of 115819  
Education and Workforce to incorporate a statewide value-added 115820  
progress dimension into performance ratings for school districts 115821  
and for the development of an accountability system that 115822  
includes the preparation and distribution of school report 115823  
cards, funding and expenditure accountability reports under 115824  
sections 3302.03 and 3302.031 of the Revised Code, the 115825  
development and maintenance of teacher value-added reports, the 115826  
teacher student linkage/roster verification process, and the 115827  
performance management section of the Department's web site 115828  
required by section 3302.26 of the Revised Code. 115829

**Section 265.100.** EDUCATION MANAGEMENT INFORMATION SYSTEM 115830

The foregoing appropriation item 200446, Education 115831  
Management Information System, shall be used by the Department 115832  
of Education and Workforce to maintain and improve the Education 115833  
Management Information System (EMIS). 115834

Of the foregoing appropriation item 200446, Education 115835  
Management Information System, up to \$405,000 in each fiscal 115836  
year shall be used to support grants to information technology 115837  
centers to provide professional development opportunities to 115838  
district and school personnel related to the EMIS, with a focus 115839  
placed on data submission and data quality. 115840

Of the foregoing appropriation item 200446, Education 115841  
Management Information System, up to \$950,000 in each fiscal 115842  
year shall be distributed to designated information technology 115843



centers for costs relating to processing, storing, and 115844  
transferring data for the effective operation of the EMIS. These 115845  
costs may include, but are not limited to, personnel, hardware, 115846  
software development, communications connectivity, professional 115847  
development, and support services. 115848

The remainder of appropriation item 200446, Education 115849  
Management Information System, shall be used to develop and 115850  
support the data definitions and standards outlined in the EMIS 115851  
guidelines adopted under section 3301.0714 of the Revised Code, 115852  
to implement recommendations of the EMIS Advisory Council and 115853  
the Director of Education and Workforce, to enhance data quality 115854  
assurance practices, and to support responsibilities related to 115855  
the school report cards prescribed by section 3302.03 of the 115856  
Revised Code and value-added progress dimension calculations. 115857

**Section 265.110. EDUCATOR AND PRINCIPAL PREPARATION** 115858

(A) Of the foregoing appropriation item 200448, Educator 115859  
and Principal Preparation, up to \$1,612,500 in each fiscal year 115860  
shall be used, in consultation with the Department of Veterans 115861  
Services, to support the Ohio Military Veteran Educators 115862  
Program, which may do all of the following: 115863

(1) Administer a grant program for institutions of higher 115864  
education to provide financial incentives and assistance for 115865  
eligible military individuals, as defined in section 3319.285 of 115866  
the Revised Code, to enroll in and complete an educator 115867  
preparation program approved under section 3333.048 of the 115868  
Revised Code; 115869

(2) Subsidize the costs for eligible military individuals 115870  
associated with completing college coursework or professional 115871  
development in pedagogy for the purpose of obtaining an 115872

alternative military educator license pursuant to section 115873  
3319.285 of the Revised Code or advancing to the professional 115874  
license pursuant to section 3319.22 of the Revised Code; 115875

(3) Provide funds to public schools, educational service 115876  
centers, and county boards of developmental disabilities to 115877  
support activities to recruit eligible military individuals to 115878  
work in public schools and support bonuses to public schools 115879  
that hire eligible military individuals; 115880

(4) Reimburse public schools, educational service centers, 115881  
and county boards of developmental disabilities that pay 115882  
financial bonuses to eligible military individuals who complete 115883  
at least one year of employment with the school; 115884

(5) In consultation with the Department of Veterans 115885  
Services, establish and support the Governor's Ohio Military 115886  
Veteran Educators Fellowship Pilot Program to recruit and train 115887  
eligible military individuals to become licensed to teach in 115888  
low-performing public schools. 115889

(B) Of the foregoing appropriation item 200448, Educator 115890  
and Principal Preparation, up to \$350,993 in fiscal year 2026 115891  
and up to \$364,254 in fiscal year 2027 may be used by the 115892  
Department of Education and Workforce to monitor and support 115893  
Ohio's State System of Support, as defined by the Every Student 115894  
Succeeds Act. 115895

(C) Of the foregoing appropriation item 200448, Educator 115896  
and Principal Preparation, \$2,000,000 in each fiscal year shall 115897  
be distributed to Teach For America to increase recruitment of 115898  
potential corps members, to train and develop first-year and 115899  
second-year teachers in the Teach for America program in Ohio, 115900  
and to support the ongoing development and impact of Teach for 115901

America alumni working in Ohio. 115902

(D) Of the foregoing appropriation item 200448, Educator 115903  
and Principal Preparation, up to \$250,000 in each fiscal year 115904  
shall be used to support the SmartOhio Financial Literacy 115905  
Program at the University of Cincinnati. 115906

(E) Of the foregoing appropriation item 200448, Educator 115907  
and Principal Preparation, \$200,000 in each fiscal year shall be 115908  
used to support selected school staff through the FASTER Saves 115909  
Lives Program for the purpose of stopping active shooters and 115910  
treating casualties. 115911

(F) Notwithstanding any provision of law to the contrary, 115912  
awards under this section may be used by recipients for award- 115913  
related expenses incurred for a period not to exceed two years 115914  
from the date of the award. 115915

**Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 115916

The foregoing appropriation item 200455, Community Schools 115917  
and Choice Programs, may be used by the Department of Education 115918  
and Workforce for the oversight and support of community schools 115919  
established under Chapter 3314. of the Revised Code, community 115920  
school sponsors, and nonpublic schools; and the administration 115921  
of school choice programs. The funds may be used to support the 115922  
sponsor evaluation system in accordance with section 3314.016 of 115923  
the Revised Code. 115924

**Section 265.130. EDUCATION TECHNOLOGY RESOURCES** 115925

(A) Of the foregoing appropriation item 200465, Education 115926  
Technology Resources, up to \$2,500,000 in each fiscal year shall 115927  
be used for the Union Catalog and InfOhio Network and to support 115928  
the provision of electronic resources with priority given to 115929  
resources that support the teaching of state academic content 115930

standards in all public schools and resources in support of 115931  
Ohio's Plan to Raise Literacy Achievement. The Department of 115932  
Education and Workforce shall consider coordinating the 115933  
allocation of these moneys with the efforts of Libraries Connect 115934  
Ohio, whose members include OhioLINK, the Ohio Public 115935  
Information Network, and the State Library of Ohio. 115936

(B) Of the foregoing appropriation item 200465, Education 115937  
Technology Resources, up to \$1,778,879 in each fiscal year shall 115938  
be used by the Department to provide grants to educational 115939  
television stations working with partner education technology 115940  
centers to provide Ohio public schools with instructional 115941  
resources and services, with priority given to resources and 115942  
services aligned with state academic content standards. Such 115943  
resources and services shall be based upon the advice and 115944  
approval of the Department, with an emphasis in both literacy 115945  
and mathematics, based on a formula developed in consultation 115946  
with Ohio's educational television stations and educational 115947  
technology centers. 115948

(C) The remainder of the foregoing appropriation item 115949  
200465, Education Technology Resources, may be used to support 115950  
training, technical support, guidance, and assistance with 115951  
compliance reporting to school districts and public libraries 115952  
applying for federal E-Rate funds; for oversight and guidance of 115953  
school district technology plans; for support to district 115954  
technology personnel; and for support of the development, 115955  
maintenance, and operation of a network of uniform and 115956  
compatible computer-based information and instructional systems. 115957

**Section 265.140.** INDUSTRY-RECOGNIZED CREDENTIALS HIGH 115958  
SCHOOL STUDENTS 115959

City, local, and exempted village school districts, 115960

community schools, STEM schools, and joint vocational school 115961  
districts shall inform students enrolled in career-technical 115962  
education courses that lead to an industry-recognized credential 115963  
about the opportunity to earn these credentials. The educating 115964  
entity shall pay for the cost of the credential. 115965

The foregoing appropriation item 200478, Industry- 115966  
Recognized Credentials High School Students, shall be used by 115967  
the Department of Education and Workforce and the Governor's 115968  
Office of Workforce Transformation to operate the Innovative 115969  
Workforce Incentive Program. The Office of Workforce 115970  
Transformation shall maintain a list of credentials that qualify 115971  
for the program. The Department of Education and Workforce shall 115972  
pay each city, local, and exempted village school district, 115973  
community school, STEM school, and joint vocational school 115974  
district an amount equal to \$725 for each qualifying credential 115975  
a student attending the district or school earned in the school 115976  
year preceding the fiscal year in which the funds are 115977  
appropriated. If the amount appropriated is not sufficient, the 115978  
Department shall prorate the amounts so that the aggregate 115979  
amount appropriated is not exceeded. 115980

**Section 265.150. PUPIL TRANSPORTATION** 115981

Of the foregoing appropriation item 200502, Pupil 115982  
Transportation, up to \$1,088,930 in each fiscal year may be used 115983  
by the Department of Education and Workforce for training 115984  
prospective and experienced school bus drivers in accordance 115985  
with training programs prescribed by the Department. A portion 115986  
of these funds may also be used to pay for costs associated with 115987  
the enrollment of bus drivers in the retained applicant 115988  
fingerprint database. 115989

Of the foregoing appropriation item 200502, Pupil 115990

Transportation, up to \$172,897,678 in fiscal year 2026 and up to 115991  
\$183,820,866 in fiscal year 2027 may be used by the Department 115992  
for special education transportation reimbursements to school 115993  
districts, educational service centers, and county boards of 115994  
developmental disabilities for transportation operating costs as 115995  
provided in divisions (C) and (F) of section 3317.024 of the 115996  
Revised Code in accordance with the section of this act entitled 115997  
"OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027." 115998

Of the foregoing appropriation item 200502, Pupil 115999  
Transportation, up to \$250,000 in each fiscal year shall be used 116000  
to support the Montgomery County Pupil Transportation Pilot 116001  
Program established in Section 265.550 of H.B. 33 of the 135th 116002  
General Assembly, as amended by this act. 116003

The remainder of the foregoing appropriation item 200502, 116004  
Pupil Transportation, shall be used to distribute the amounts 116005  
calculated for formula aid under the section of this act 116006  
entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027." 116007

PAYMENTS IN LIEU OF TRANSPORTATION 116008

For purposes of division (D) of section 3327.02 of the 116009  
Revised Code, if a parent, guardian, or other person in charge 116010  
of a pupil accepts an offer from a school district of payment in 116011  
lieu of providing transportation for the pupil, the school 116012  
district shall pay that parent, guardian, or other person an 116013  
amount not less than fifty per cent and not more than the amount 116014  
determined by the Department under division (C) of section 116015  
3317.0212 of the Revised Code for the most recent school year 116016  
for which data is available. Payment may be prorated if the time 116017  
period involved is only a part of the school year. 116018

**Section 265.160.** SCHOOL MEAL PROGRAMS 116019

(A) The foregoing appropriation item 200505, School Meal Programs, shall be used to support the reimbursements required by section 3301.91 of the Revised Code and provide matching funds to obtain federal funds for the school lunch program.

(B) Any remaining appropriation after providing matching funds for the school lunch program may be used to do the following:

(1) Partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department;

(2) Support the Summer EBT Program in coordination with the Department of Job and Family Services.

**Section 265.170. AUXILIARY SERVICES**

Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education and Workforce shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code.

The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department to make payments under division (E) of section 3317.024 of the Revised Code to implement sections 3317.06 and 3317.062 of the Revised Code. Notwithstanding any provision of law to the contrary, for fiscal year 2026, school districts or chartered nonpublic schools may use the auxiliary services funding provided under

division (E) of section 3317.024 of the Revised Code to provide 116049  
diagnostic or therapeutic mental health services to students 116050  
enrolled in chartered nonpublic schools at any time during the 116051  
fiscal year. 116052

**Section 265.180.** NONPUBLIC ADMINISTRATIVE COST 116053  
REIMBURSEMENT 116054

The foregoing appropriation item 200532, Nonpublic 116055  
Administrative Cost Reimbursement, shall be used by the 116056  
Department of Education and Workforce for the purpose of 116057  
implementing section 3317.063 of the Revised Code. Payments made 116058  
by the Department for this purpose shall not exceed four hundred 116059  
seventy-five dollars per student for each school year. 116060

**Section 265.190.** SPECIAL EDUCATION ENHANCEMENTS 116061

Of the foregoing appropriation item 200540, Special 116062  
Education Enhancements, up to \$33,945,594 in each fiscal year 116063  
shall be used to fund special education and related services at 116064  
county boards of developmental disabilities for eligible 116065  
students under section 3317.20 of the Revised Code, in 116066  
accordance with the section of this act entitled "OPERATING 116067  
FUNDING FOR FISCAL YEARS 2026 AND 2027," and at institutions for 116068  
eligible students under section 3317.201 of the Revised Code in 116069  
accordance with the section of this act entitled "OPERATING 116070  
FUNDING FOR FISCAL YEARS 2026 AND 2027." If necessary, the 116071  
Department of Education and Workforce shall proportionately 116072  
reduce the amount calculated for each county board of 116073  
developmental disabilities and institution so as not to exceed 116074  
the amount appropriated in each fiscal year. 116075

Of the foregoing appropriation item 200540, Special 116076  
Education Enhancements, up to \$1,350,000 in each fiscal year 116077



shall be used for parent mentoring programs. 116078

Of the foregoing appropriation item 200540, Special 116079  
Education Enhancements, up to \$3,000,000 in each fiscal year may 116080  
be used for school psychology interns. 116081

Of the foregoing appropriation item 200540, Special 116082  
Education Enhancements, up to \$1,000,000 in each fiscal year 116083  
shall be used by the Department of Education and Workforce to 116084  
build capacity to deliver a regional system of training, 116085  
support, coordination, and direct service for secondary 116086  
transition services for students with disabilities beginning at 116087  
fourteen years of age. These special education enhancements 116088  
shall support all students with disabilities, regardless of 116089  
partner agency eligibility requirements, to provide stand-alone 116090  
direct secondary transition services by school districts. 116091  
Secondary transition services shall include, but not be limited 116092  
to, job exploration counseling, work-based learning experiences, 116093  
counseling on opportunities for enrollment in comprehensive 116094  
transition or post-secondary educational programs at 116095  
institutions of higher education, workplace readiness training 116096  
to develop occupational skills, social skills and independent 116097  
living skills, and instruction in self-advocacy. Regional 116098  
training shall support the expansion of transition to work 116099  
endorsement opportunities for middle school and secondary level 116100  
special education intervention specialists in order to develop 116101  
the necessary skills and competencies to meet the secondary 116102  
transition needs of students with disabilities beginning at 116103  
fourteen years of age. 116104

The remainder of appropriation item 200540, Special 116105  
Education Enhancements, shall be distributed by the Department 116106  
of Education and Workforce to school districts and institutions, 116107

as defined in section 3323.091 of the Revised Code, for 116108  
preschool special education funding under section 3317.0213 of 116109  
the Revised Code in accordance with the section of this act 116110  
entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027," 116111  
except that no school district shall receive less under those 116112  
sections in each of fiscal years 2026 and 2027 than it received 116113  
under section 3317.0213 of the Revised Code in fiscal year 2025. 116114

The Department may reimburse school districts and 116115  
institutions for services provided by instructional assistants, 116116  
related services, as defined in rule 3301-51-11 of the 116117  
Administrative Code, physical therapy services provided by a 116118  
licensed physical therapist or physical therapist assistant 116119  
under the supervision of a licensed physical therapist, as 116120  
required under Chapter 4755. of the Revised Code and Chapter 116121  
4755-27 of the Administrative Code, and occupational therapy 116122  
services provided by a licensed occupational therapist or 116123  
occupational therapy assistant under the supervision of a 116124  
licensed occupational therapist, as required under Chapter 4755. 116125  
of the Revised Code and Chapter 4755-7 of the Administrative 116126  
Code. Nothing in this section authorizes occupational therapy 116127  
assistants or physical therapist assistants to generate or 116128  
manage their own caseloads. 116129

The Department shall require school districts, educational 116130  
service centers, county boards of developmental disabilities, 116131  
and institutions serving preschool children with disabilities to 116132  
adhere to Ohio's early learning program standards, participate 116133  
in the Step Up to Quality Program established pursuant to 116134  
section 5104.29 of the Revised Code, and document child progress 116135  
using research-based indicators prescribed by the Department and 116136  
report results annually. The reporting dates and method shall be 116137  
determined by the Department. All programs shall be rated 116138

through the Step Up to Quality Program. 116139

**Section 265.200.** CAREER-TECHNICAL EDUCATION ENHANCEMENTS 116140

Of the foregoing appropriation item 200545, Career- 116141  
Technical Education Enhancements, up to \$2,563,000 in each 116142  
fiscal year shall be used to fund secondary career-technical 116143  
education at institutions and Ohio Deaf and Blind Education 116144  
Services using a grant-based methodology, notwithstanding 116145  
section 3317.05 of the Revised Code. 116146

Of the foregoing appropriation item 200545, Career- 116147  
Technical Education Enhancements, up to \$9,600,000 in each 116148  
fiscal year shall be used by the Department to fund competitive 116149  
grants to tech prep regional centers that expand the number of 116150  
students with access to career-technical education. These grant 116151  
funds shall be used to directly support career services provided 116152  
to students enrolled in community schools, STEM schools, school 116153  
districts, including joint vocational school districts, and 116154  
affiliated higher education institutions. This support may 116155  
include the purchase of equipment. 116156

Of the foregoing appropriation item 200545, Career- 116157  
Technical Education Enhancements, up to \$600,000 in each fiscal 116158  
year shall be used by the Department to enable students in 116159  
agricultural programs to enroll in a fifth quarter of 116160  
instruction based on the agricultural education model of 116161  
delivering work-based learning through supervised agricultural 116162  
experience. The Department shall determine eligibility criteria 116163  
and the reporting process for the Agriculture 5th Quarter 116164  
Project and shall fund as many programs as possible given the 116165  
set-aside. The eligibility criteria developed by the Department 116166  
shall allow these funds to support supervised agricultural 116167  
experience that occurs anytime outside of the regular school 116168

day. 116169

Of the foregoing appropriation item 200545, Career- 116170  
Technical Education Enhancements, up to \$650,000 in each fiscal 116171  
year may be used to support career planning and reporting 116172  
through the OhioMeansJobs web site. 116173

Of the foregoing appropriation item 200545, Career- 116174  
Technical Education Enhancements, \$250,000 in each fiscal year 116175  
shall be used to prepare students for careers in culinary arts 116176  
and restaurant management under the Ohio ProStart school 116177  
restaurant program. 116178

Of the foregoing appropriation item 200545, Career- 116179  
Technical Education Enhancements, \$150,000 in each fiscal year 116180  
shall be distributed to the Fairfield County Workforce Center to 116181  
support pre-apprenticeship program costs, including those for 116182  
instructors, certification exams, books, software licenses, and 116183  
tools needed for students. 116184

Of the foregoing appropriation item 200545, Career- 116185  
Technical Education Enhancements, \$100,000 in each fiscal year 116186  
shall be distributed to Tech Corps to support career-connected 116187  
rural computer science programming. 116188

**Section 265.210. FOUNDATION FUNDING - ALL STUDENTS** 116189

Of the portion of the formula aid distributed to city, 116190  
local, and exempted village school districts, joint vocational 116191  
school districts, community schools, and STEM schools under this 116192  
section, an amount in each fiscal year, as calculated by the 116193  
Department of Education and Workforce, shall be used for the 116194  
purposes of division (B) of section 3317.0215 of the Revised 116195  
Code in accordance with the section of this act entitled 116196  
"OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027." 116197

Of the foregoing appropriation item 200550, Foundation 116198  
Funding - All Students, up to \$5,733,404 in each fiscal year 116199  
shall be used to fund gifted education at educational service 116200  
centers. The Department shall distribute the funding through the 116201  
unit-based funding methodology in place under division (L) of 116202  
section 3317.024, division (E) of section 3317.05, and divisions 116203  
(A), (B), and (C) of section 3317.053 of the Revised Code as 116204  
they existed prior to fiscal year 2010. 116205

Of the foregoing appropriation item 200550, Foundation 116206  
Funding - All Students, up to \$49,152,105 in fiscal year 2026 116207  
and up to \$51,023,465 in fiscal year 2027 shall be reserved to 116208  
fund the state reimbursement of educational service centers 116209  
under section 3317.11 of the Revised Code. 116210

Of the foregoing appropriation item 200550, Foundation 116211  
Funding - All Students, up to \$3,500,000 in each fiscal year 116212  
shall be distributed to educational service centers for school 116213  
improvement initiatives and for the provision of technical 116214  
assistance to schools and districts consistent with requirements 116215  
of section 3312.01 of the Revised Code. The Department may 116216  
distribute these funds through a competitive grant process. 116217

Of the foregoing appropriation item 200550, Foundation 116218  
Funding - All Students, up to \$7,000,000 in each fiscal year 116219  
shall be reserved for payments under the section of this act 116220  
entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is 116221  
not sufficient, the Director of Education and Workforce may 116222  
reallocate excess funds for other purposes supported by this 116223  
appropriation item in order to fully pay the amounts required by 116224  
that section, provided that the aggregate amount appropriated in 116225  
appropriation item 200550, Foundation Funding - All Students, is 116226  
not exceeded. 116227

Of the foregoing appropriation item 200550, Foundation 116228  
Funding - All Students, up to \$12,400,000 in fiscal year 2026 116229  
and up to \$12,800,000 in fiscal year 2027 shall be used to 116230  
support the administration of state scholarship programs. 116231

Of the foregoing appropriation item 200550, Foundation 116232  
Funding - All Students, up to \$1,000,000 in each fiscal year 116233  
shall be distributed to the Cleveland Municipal School District 116234  
to provide tutorial assistance as provided in division (B) of 116235  
section 3313.979 of the Revised Code. The Cleveland Municipal 116236  
School District shall report the use of these funds in the 116237  
district's three-year continuous improvement plan as described 116238  
in section 3302.04 of the Revised Code in a manner approved by 116239  
the Department. 116240

Of the foregoing appropriation item 200550, Foundation 116241  
Funding - All Students, up to \$3,000,000 in each fiscal year may 116242  
be used for payment of the College Credit Plus Program for 116243  
students instructed at home pursuant to section 3321.04 of the 116244  
Revised Code. 116245

Of the foregoing appropriation item 200550, Foundation 116246  
Funding - All Students, up to \$700,000 in each fiscal year shall 116247  
be used by the Department for a program to pay for educational 116248  
services for youth who have been assigned by a juvenile court or 116249  
other authorized agency to any of the facilities described in 116250  
division (A) of the section of this act entitled "PRIVATE 116251  
TREATMENT FACILITY PROJECT." 116252

Of the foregoing appropriation item 200550, Foundation 116253  
Funding - All Students, a portion may be used to pay college- 116254  
preparatory boarding schools the per pupil boarding amount 116255  
pursuant to section 3328.34 of the Revised Code. 116256

Of the foregoing appropriation item 200550, Foundation 116257  
Funding - All Students, up to \$1,000,000 in each fiscal year may 116258  
be used by the Department for duties and activities related to 116259  
the establishment of academic distress commissions under section 116260  
3302.10 of the Revised Code, to provide support and assistance 116261  
to academic distress commissions to further their duties under 116262  
Chapter 3302. of the Revised Code, and to provide technical 116263  
assistance and tools to support districts subject to academic 116264  
distress commissions. 116265

Of the foregoing appropriation item 200550, Foundation 116266  
Funding - All Students, up to \$1,500,000 in each fiscal year 116267  
shall be distributed to the Ohio STEM Learning Network to 116268  
support the expansion of free STEM programming aligned to Ohio's 116269  
STEM priorities, to create regional STEM supports targeting 116270  
underserved student populations, and to support the Ohio STEM 116271  
Committee's STEM school designation process. 116272

Of the foregoing appropriation item 200550, Foundation 116273  
Funding - All Students, up to \$750,000 in fiscal year 2026 shall 116274  
be used to make payments pursuant to the section of this act 116275  
entitled "AIM HIGHER PILOT PROGRAM." 116276

The remainder of the foregoing appropriation item 200550, 116277  
Foundation Funding - All Students, shall be used to distribute 116278  
the amounts calculated for formula aid under the section of this 116279  
act entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 AND 2027" 116280  
and scholarship payments under section 3317.022 of the Revised 116281  
Code. 116282

Appropriation items 200502, Pupil Transportation, and 116283  
200550, Foundation Funding - All Students, other than specific 116284  
set-asides, are collectively used in each fiscal year to pay 116285  
state formula aid obligations for school districts, community 116286

schools, STEM schools, college preparatory boarding schools, 116287  
joint vocational school districts, and state scholarship 116288  
programs under this act. The first priority of these 116289  
appropriation items, with the exception of specific set-asides, 116290  
is to fund state formula aid obligations. It may be necessary to 116291  
reallocate funds among these appropriation items or use excess 116292  
funds from other General Revenue Fund appropriation items in the 116293  
Department of Education and Workforce's budget, including 116294  
appropriation item 200903, Property Tax Reimbursement - 116295  
Education, in each fiscal year in order to meet state formula 116296  
aid obligations. If it is determined that it is necessary to 116297  
transfer funds among these appropriation items or to transfer 116298  
funds from other General Revenue Fund appropriations in the 116299  
Department's budget to meet state formula aid obligations, the 116300  
Director of Education and Workforce shall seek approval from the 116301  
Director of Budget and Management to transfer funds as needed. 116302

The Director of Education and Workforce shall make 116303  
payments, transfers, and deductions, as authorized by Title 116304  
XXXVIII of the Revised Code in amounts substantially equal to 116305  
those made in the prior year, or otherwise, at the discretion of 116306  
the Director, until at least the effective date of the 116307  
amendments and enactments made to Title XXXVIII of the Revised 116308  
Code by this act. Any funds paid to districts or schools under 116309  
this section shall be credited toward the annual funds 116310  
calculated for the district or school after the changes made to 116311  
Title XXXVIII of the Revised Code in this act are effective. Upon 116312  
the effective date of changes made to Title XXXVIII of the 116313  
Revised Code in this act, funds shall be calculated as an annual 116314  
amount. 116315

**Section 265.220. PHASE-IN PERCENTAGES** 116316



For purposes of division (X) (1) of section 3317.02 of the Revised Code, the General Assembly has determined that the general phase-in percentage for fiscal year 2026 shall be 83.33 per cent and the general phase-in percentage for fiscal year 2027 shall be 100 per cent.

For purposes of division (X) (2) of section 3317.02 of the Revised Code, the General Assembly has determined that the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2026 shall be 83.33 per cent and the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2027 shall be 100 per cent.

**Section 265.230. FORMULA TRANSITION SUPPLEMENT**

(A) (1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each city, local, and exempted village school district according to the following formula:

(The district's funding base for fiscal year 2021 X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.019, 3317.022, and 3317.0212 of the Revised Code)

If the computation made under division (A) (1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (A) (1) of this section, a city, local, or exempted village school district's "funding base for fiscal year 2021" means the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly and before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The amount calculated for the district for fiscal year 2021 under division (A) (2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly;

(iv) The district's payments for fiscal year 2021 under divisions (C) (1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021;

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(b) Subtract from the amount calculated in division (A) (2) (a) of this section the sum of the following:

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code

and division (D) of section 3314.091 of the Revised Code, as 116375  
those divisions existed for deductions and payments for fiscal 116376  
year 2021, in accordance with division (A) of Section 265.230 of 116377  
H.B. 166 of the 133rd General Assembly, before any funding 116378  
reductions authorized by Executive Order 2020-19D, issued on May 116379  
7, 2020, and Executive Order 2021-01D, issued on January 22, 116380  
2021; 116381

(ii) The payments deducted from the district and paid to a 116382  
science, technology, engineering, and mathematics school 116383  
established under Chapter 3326. of the Revised Code for fiscal 116384  
year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) 116385  
of section 3326.33 of the Revised Code as those divisions 116386  
existed for deductions and payments for fiscal year 2021, in 116387  
accordance with division (A) of Section 265.235 of H.B. 166 of 116388  
the 133rd General Assembly, before any funding reductions 116389  
authorized by Executive Order 2020-19D, issued on May 7, 2020, 116390  
and Executive Order 2021-01D, issued on January 22, 2021; 116391

(iii) The payments deducted from the district for fiscal 116392  
year 2021 under division (C) of section 3310.08 of the Revised 116393  
Code as that division existed for deductions for fiscal year 116394  
2021, division (C)(2) of section 3310.41 of the Revised Code, as 116395  
that division existed for deductions for fiscal year 2021, and 116396  
section 3310.55 of the Revised Code as that section existed for 116397  
deductions for fiscal year 2021 and, in the case of a pilot 116398  
project school district as defined in section 3313.975 of the 116399  
Revised Code, the funds deducted from the district for fiscal 116400  
year 2021 under Section 265.210 of H.B. 166 of the 133rd General 116401  
Assembly to operate the pilot project scholarship program for 116402  
fiscal year 2021 under sections 3313.974 to 3313.979 of the 116403  
Revised Code; 116404

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B) (1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B) (1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021 X 0.95 for fiscal year 2026 or 0.90 for fiscal year 2027) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised Code)

If the computation made under division (B) (1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (B) (1) of this section, a joint vocational district's "funding base for fiscal year 2021" means the sum of the following:

(a) The district's payments for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly;

(b) The district's payments for fiscal year 2021 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code, as those divisions existed for payments for fiscal year 2021;

(c) The district's payments for fiscal year 2021 under

section 3317.163 of the Revised Code as that section existed for 116434  
payments for fiscal year 2021 and under Section 20 of S.B. 310 116435  
of the 133rd General Assembly. 116436

(C) (1) For fiscal years 2026 and 2027, the Department of 116437  
Education and Workforce shall pay a formula transition 116438  
supplement to each community school established under Chapter 116439  
3314. of the Revised Code according to the following formula: 116440

[[ (The school's funding base for fiscal year 2021 / the number 116441  
of students enrolled in the school for fiscal year 2021) X 0.95 116442  
for fiscal year 2026 or 0.90 for fiscal year 2027] - (the sum of 116443  
the school's payments under sections 3317.022 and 3317.0212 of 116444  
the Revised Code for the fiscal year for which the supplement is 116445  
calculated / the number of students enrolled in the school for 116446  
the fiscal year for which the supplement is calculated)] X the 116447  
number of students enrolled in the school for the fiscal year 116448  
for which the supplement is calculated. 116449

If the computation made under division (C) (1) of this 116450  
section for a fiscal year results in a negative number, the 116451  
school's formula transition supplement for that fiscal year 116452  
shall be zero. 116453

(2) For purposes of division (C) (1) of this section, a 116454  
community school's "funding base for fiscal year 2021" means the 116455  
sum of the following: 116456

(a) The amount calculated for the school for fiscal year 116457  
2021 under division (C) (1) of section 3314.08 of the Revised 116458  
Code as that section existed for payments for fiscal year 2021, 116459  
before any funding reductions authorized by Executive Order 116460  
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 116461  
issued on January 22, 2021; 116462

(b) The amount calculated for the school for fiscal year 116463  
2021 under section 3314.085 of the Revised Code as that section 116464  
existed for payments for fiscal year 2021; 116465

(c) The amount calculated for the school for fiscal year 116466  
2021 under division (D) (1) of section 3314.091 of the Revised 116467  
Code as that division existed for payments for fiscal year 2021; 116468

(d) The amount calculated for the school for fiscal year 116469  
2021 under section 3314.088 of the Revised Code as that section 116470  
existed for payments for fiscal year 2021 and under Section 20 116471  
of S.B. 310 of the 133rd General Assembly. 116472

(D) (1) For fiscal years 2026 and 2027, the Department of 116473  
Education and Workforce shall pay a formula transition 116474  
supplement to each science, technology, engineering, and 116475  
mathematics school established under Chapter 3326. of the 116476  
Revised Code according to the following formula: 116477

[{(The school's funding base for fiscal year 2021 / the number 116478  
of students enrolled in the school for fiscal year 2021) X 0.95 116479  
for fiscal year 2026 or 0.90 for fiscal year 2027} - (the 116480  
school's payments for the fiscal year for which the supplement 116481  
is calculated under section 3317.022 of the Revised Code / the 116482  
number of students enrolled in the school for the fiscal year 116483  
for which the supplement is calculated)] X the number of 116484  
students enrolled in the school for the fiscal year for which 116485  
the supplement is calculated. 116486

If the computation made under division (D) (1) of this 116487  
section for a fiscal year results in a negative number, the 116488  
school's formula transition supplement for that fiscal year 116489  
shall be zero. 116490

(2) For purposes of division (D) (1) of this section, a 116491

science, technology, engineering, and mathematics school's 116492  
"funding base for fiscal year 2021" means the sum of the 116493  
following: 116494

(a) The amount calculated for the school for fiscal year 116495  
2021 under section 3326.33 of the Revised Code as that section 116496  
existed for payments for fiscal year 2021, before any funding 116497  
reductions authorized by Executive Order 2020-19D, issued on May 116498  
7, 2020, and Executive Order 2021-01D, issued on January 22, 116499  
2021; 116500

(b) The amount calculated for the school for fiscal year 116501  
2021 under section 3326.41 of the Revised Code as that section 116502  
existed for payments for fiscal year 2021; 116503

(c) The amount calculated for the school for fiscal year 116504  
2021 under section 3326.42 of the Revised Code as that section 116505  
existed for payments for fiscal year 2021 and under Section 20 116506  
of S.B. 310 of the 133rd General Assembly. 116507

**Section 265.235. OPERATING FUNDING FOR FISCAL YEARS 2026 116508**  
AND 2027 116509

(A) As used in this section: 116510

(1) "Community or STEM school" means both of the 116511  
following: 116512

(a) A community school established under Chapter 3314. of 116513  
the Revised Code that is not a newly opened community school; 116514

(b) A STEM school established under Chapter 3326. of the 116515  
Revised Code. 116516

(2) "Formula transition supplement" means the following: 116517

(a) For fiscal year 2025, the formula transition 116518

supplement established in Section 265.290 of H.B. 33 of the 116519  
135th General Assembly; 116520

(b) For fiscal year 2026 or 2027, the formula transition 116521  
supplement established in Section 265.230 of this act. 116522

(3) "Newly opened community school" means a community 116523  
school that opens for the first time in fiscal year 2026 or 116524  
2027. 116525

(4) "State foundation aid" means the following: 116526

(a) For a traditional school district, either of the 116527  
following: 116528

(i) For fiscal year 2025, the sum of the district's 116529  
payments under sections 3317.019, 3317.022, and 3317.0212 of the 116530  
Revised Code, as those sections existed prior to the effective 116531  
date of this section, and the formula transition supplement for 116532  
that fiscal year minus the district's amount of supplemental 116533  
targeted assistance calculated under section 3317.0218 of the 116534  
Revised Code, as that section existed prior to the effective 116535  
date of this section, for that fiscal year; 116536

(ii) For fiscal year 2026 or 2027, the sum of the 116537  
district's payments calculated under sections 3317.019, 116538  
3317.022, and 3317.0212 of the Revised Code and the formula 116539  
transition supplement for the fiscal year; 116540

(b) For a joint vocational school district, either of the 116541  
following: 116542

(i) For fiscal year 2025, the sum of the district's 116543  
payments for that fiscal year under sections 3317.16 and 116544  
3317.162 of the Revised Code, as those sections existed prior to 116545  
the effective date of this section, and the formula transition 116546



supplement; 116547

(ii) For fiscal year 2026 or 2027, the sum of the 116548  
district's payments calculated for the fiscal year under 116549  
sections 3317.16 and 3317.162 of the Revised Code and the 116550  
formula transition supplement; 116551

(c) For a community or STEM school, either of the 116552  
following: 116553

(i) For fiscal year 2025, the sum of the school's payments 116554  
for that fiscal year under all of the following: 116555

(I) Section 3317.026 of the Revised Code, as that section 116556  
existed prior to the effective date of this section; 116557

(II) If the school is a community school, section 116558  
3317.0212 of the Revised Code, as that section existed prior to 116559  
the effective date of this section; 116560

(III) The formula transition supplement; 116561

(IV) If the school is a community school, the equity 116562  
supplement established in Section 265.285 of H.B. 33 of the 116563  
135th General Assembly; 116564

(ii) For fiscal year 2026 or 2027, the sum of the school's 116565  
payments calculated for the fiscal year under all of the 116566  
following: 116567

(I) Section 3317.026 of the Revised Code; 116568

(II) If the school is a community school, section 116569  
3317.0212 of the Revised Code; 116570

(III) The formula transition supplement. 116571

(5) "Traditional school district" means a city, local, or 116572  
exempted village school district. 116573

(B) Notwithstanding any provision of law to the contrary,  
for fiscal years 2026 and 2027, the Department of Education and  
Workforce shall not make payments to the following:

(1) Traditional school districts under sections 3317.019,  
3317.022, and 3317.0212 of the Revised Code and the formula  
transition supplement;

(2) Joint vocational school districts under sections  
3317.16 and 3317.162 of the Revised Code and the formula  
transition supplement, except that the Department shall make  
payments to such districts under division (B) of section 3317.16  
of the Revised Code;

(3) Community or STEM schools under sections 3317.026 and  
3317.0212 of the Revised Code and the formula transition  
supplement.

Division (B) of this section does not apply to the  
Department's payments to a newly opened community school. The  
Department shall calculate and make payments for each such  
school in fiscal years 2026 and 2027 under sections 3317.026 and  
3317.0212 of the Revised Code and the formula transition  
supplement.

(C) For each of fiscal years 2026 and 2027, the Department  
shall pay each traditional school district, joint vocational  
school district, and community or STEM school an amount of  
temporary foundation funding equal to the sum of both of the  
following:

(1) An amount equal to the district's or school's state  
foundation funding for fiscal year 2025;

(2) An amount calculated as follows:

(The district's or school's state foundation aid calculated for 116602  
the fiscal year - the district's or school's state foundation 116603  
aid for fiscal year 2025) X 0.50 116604

If the amount calculated under division (C) (2) of this 116605  
section for a district or school is a negative number, the 116606  
Department shall not include that amount in the payment under 116607  
division (C) of this section. 116608

The Department shall not make a payment under division (C) 116609  
of this section to a newly opened community school. 116610

(D) For fiscal years 2026 and 2027, the Department shall 116611  
pay each traditional school district an additional payment 116612  
calculated as follows: 116613

(The district's state foundation aid for fiscal year 2025) + 116614  
(the amount of supplemental targeted assistance calculated for 116615  
the district for fiscal year 2025 under section 3317.0218 of the 116616  
Revised Code, as that section existed prior to the effective 116617  
date of this section) - (the payment made to the district under 116618  
division (C) of this section for the fiscal year) 116619

If the amount calculated under this division for a 116620  
district is a negative number, the Department shall not make a 116621  
payment to that district. 116622

(E) For fiscal years 2026 and 2027, the Department shall 116623  
pay each traditional school district an enrollment growth 116624  
supplement, as follows: 116625

(1) The Department shall calculate an enrollment change 116626  
percentage for the district for the fiscal year, as follows: 116627

(a) For fiscal year 2026, the percentage is calculated 116628  
according to the following formula: 116629

(The district's enrolled ADM for fiscal year 2025 - the 116630  
district's enrolled ADM for fiscal year 2022) / the district's 116631  
enrolled ADM for fiscal year 2022 X 100% 116632

(b) For fiscal year 2027, the percentage is calculated 116633  
according to the following formula: 116634

(The district's enrolled ADM for fiscal year 2026 - the 116635  
district's enrolled ADM for fiscal year 2023) / the district's 116636  
enrolled ADM for fiscal year 2023 X 100% 116637

(2) The Department shall not make a payment for a fiscal 116638  
year to a district that has an enrollment change percentage for 116639  
the fiscal year that is less than three per cent. 116640

(3) For a district that has an enrollment change 116641  
percentage that is three per cent or higher, but less than or 116642  
equal to five per cent for the fiscal year, the Department shall 116643  
pay the district an amount equal to the product of the 116644  
district's enrolled ADM for the fiscal year multiplied by either 116645  
of the following: 116646

(a) For fiscal year 2026, \$150; 116647

(b) For fiscal year 2027, \$200. 116648

(4) For a district that has an enrollment change 116649  
percentage that is greater than five per cent, but less than or 116650  
equal to ten per cent for the fiscal year, the Department shall 116651  
pay the district an amount equal to the product of the 116652  
district's enrolled ADM for the fiscal year multiplied by either 116653  
of the following: 116654

(a) For fiscal year 2026, \$100; 116655

(b) For fiscal year 2027, \$150. 116656

(5) For a district or school that has an enrollment change percentage that is greater than ten per cent for the fiscal year, the Department shall pay the district an amount equal to the product of the district's enrolled ADM for the fiscal year multiplied by either of the following:

(a) For fiscal year 2026, \$50;

(b) For fiscal year 2027, \$100.

(F) For fiscal years 2026 and 2027, the Department shall pay each traditional and joint vocational school district, each community or STEM school, and each newly opened community school a base funding supplement that is equal to the product of the district's or school's enrolled ADM for the fiscal year multiplied by either of the following:

(1) For fiscal year 2026, \$20;

(2) For fiscal year 2027, \$30.

(G) Notwithstanding any provision of the Revised Code to the contrary, but subject to division (B) of this section, all of the following apply for each of fiscal years 2026 and 2027:

(1) The Department shall calculate each traditional school district's state share percentage under section 3317.017 of the Revised Code for the purposes of sections 3317.024, 3317.0213, 3317.0214, and 3317.20 of the Revised Code.

(2) The Department shall use the statewide average base cost per pupil calculated for fiscal year 2024 under section 3317.018 of the Revised Code, as that section existed prior to the effective date of this section, for the purposes of sections 3313.901, 3315.18, 3317.023, 3317.026, 3317.0213, 3317.20, 3317.201, and 3317.22 of the Revised Code.

(3) The Department shall make payments under section 3317.22 of the Revised Code for fiscal years 2026 and 2027 using the statewide average base cost per pupil as established in division (G)(2) of this section.

(4) The Department shall withhold from each traditional school district's, joint vocational school district's, and community or STEM school's payment under division (C) of this section an amount equal to the amount the Department withheld from that district or school under section 3317.0215 of the Revised Code, as that section existed prior to the effective date of this section, for fiscal year 2025.

The Department also shall withhold funds from each newly opened community school in accordance with section 3317.0215 of the Revised Code.

The Department shall use the funds withheld under this division for the purposes described in section 3317.0215 of the Revised Code.

(H) The Department shall determine and notify each traditional school district, joint vocational school district, and community or STEM school the amount of funding the Department paid in fiscal year 2025 to the district or school under section 3317.022, 3317.026, or 3317.16 of the Revised Code, as those sections existed prior to the effective date of this section, for each of the following:

(1) Special education funding, excluding funds withheld under section 3317.0215 of the Revised Code, as that section existed prior to the effective date of this section;

(2) Disadvantaged pupil impact aid funding;

(3) English learner funding;

(4) Gifted funding, excluding gifted professional development funds;	116714 116715
(5) Career-technical education funding;	116716
(6) Career-technical associated services funding;	116717
(7) Student wellness and success funding.	116718
(I) For each of fiscal years 2026 and 2027, each traditional school district, joint vocational school district, and community or STEM school shall, using funds it receives under division (C) of this section, spend an amount for each type of funding described in division (H) of this section. The amount the district or school spends on each type of funding shall not be less than the amount determined for that funding under division (H) of this section. Such spending is subject to any restrictions established in the Revised Code regarding how that funding must be spent.	116719 116720 116721 116722 116723 116724 116725 116726 116727 116728
<b>Section 265.240. POWER PLANT VALUATION ADJUSTMENT</b>	116729
(A) (1) On or before May 15, 2026, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:	116730 116731 116732 116733
(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2025 was less than the taxable value of such property during tax year 2017;	116734 116735 116736 116737
(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2025 was less than the taxable value of such property during tax year 2024.	116738 116739 116740 116741

(2) If the decrease determined under division (A) (1) (a) or 116742  
(b) of this section exceeds ten per cent and the overall change 116743  
in utility tangible personal property subject to taxation is 116744  
negative, the Tax Commissioner shall certify all of the 116745  
following to the Department of Education and Workforce and the 116746  
Office of Budget and Management: 116747

(a) The district's total taxable value for tax year 2025; 116748

(b) The change in taxes charged and payable on the 116749  
district's total taxable value for tax year 2017 and tax year 116750  
2025; 116751

(c) The taxable value of the utility tangible personal 116752  
property decrease, which shall be considered a change in 116753  
valuation; 116754

(d) The change in taxes charged and payable on such change 116755  
in taxable value calculated in the same manner as in division 116756  
(A) (3) of section 3317.021 of the Revised Code. 116757

(3) Upon receipt of a certification under division (A) (2) 116758  
of this section, the Department of Education and Workforce shall 116759  
replace the three-year average valuations that were used in 116760  
computing the district's state education aid for fiscal year 116761  
2019 with the taxable value certified under division (A) (2) (a) 116762  
of this section and shall recompute the district's state 116763  
education aid for fiscal year 2019 without applying any funding 116764  
limitations enacted by the General Assembly to the computation. 116765  
The Department shall pay to the district an amount equal to the 116766  
greater of the following: 116767

(a) The lesser of the following: 116768

(i) The positive difference between the district's state 116769  
education aid for fiscal year 2019 prior to the recomputation 116770



under division (A) (3) of this section and the district's 116771  
recomputed state education aid for fiscal year 2019; 116772

(ii) The absolute value of the amount certified under 116773  
division (A) (2) (b) of this section. 116774

(b) The absolute value of the amount certified under 116775  
division (A) (2) (b) of this section X 0.50. 116776

(B) (1) On or before May 15, 2027, the Tax Commissioner 116777  
shall determine for each city, local, exempted village, and 116778  
joint vocational school district that has at least one power 116779  
plant located within its territory: 116780

(a) Whether the taxable value of all utility tangible 116781  
personal property subject to taxation by the district in tax 116782  
year 2026 was less than the taxable value of such property 116783  
during tax year 2017; 116784

(b) Whether the taxable value of all utility tangible 116785  
personal property subject to taxation by the district in tax 116786  
year 2026 was less than the taxable value of such property 116787  
during tax year 2025. 116788

(2) If the decrease determined under division (B) (1) (a) or 116789  
(b) of this section exceeds ten per cent and the overall change 116790  
in utility tangible personal property subject to taxation is 116791  
negative, the Tax Commissioner shall certify all of the 116792  
following to the Department of Education and Workforce and the 116793  
Office of Budget and Management: 116794

(a) The district's total taxable value for tax year 2026; 116795

(b) The change in taxes charged and payable on the 116796  
district's total taxable value for tax year 2017 and tax year 116797  
2026; 116798

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A) (3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (B) (2) of this section, the Department of Education and Workforce shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (B) (2) (a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:

(a) The lesser of the following:

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (B) (3) of this section and the district's recomputed state education aid for fiscal year 2019;

(ii) The absolute value of the amount certified under division (B) (2) (b) of this section.

(b) The absolute value of the amount certified under division (B) (2) (b) of this section X 0.50.

(C) The Department of Education and Workforce shall make payments under division (A) (3) of this section between June 1, 2026, and June 30, 2026, and the Department shall make payments under division (B) (3) of this section between June 1, 2027, and

June 30, 2027. The Department shall not calculate or make 116828  
payments under section 3317.028 of the Revised Code for fiscal 116829  
years 2026 and 2027. 116830

**Section 265.250. LITERACY IMPROVEMENT** 116831

The foregoing appropriation item 200566, Literacy 116832  
Improvement, shall be used by the Department of Education and 116833  
Workforce to support literacy activities to align state, local, 116834  
and federal efforts in order to bolster all students' reading 116835  
success. Funds may be distributed to educational service centers 116836  
to establish and support regional literacy professional 116837  
development teams consistent with section 3312.01 of the Revised 116838  
Code. A portion of the funds may be used by the Department for 116839  
program administration, monitoring, technical assistance, 116840  
support, research, and evaluation. 116841

**LITERACY COACHES** 116842

The foregoing appropriation item 2006A7, Literacy Coaches, 116843  
shall be used for coaches to provide literacy supports to school 116844  
districts, community schools, and STEM schools with the lowest 116845  
rates of proficiency in literacy based on their performance on 116846  
the English language arts assessments prescribed under section 116847  
3301.0710 of the Revised Code. The coaches shall have training 116848  
in the science of reading and evidence-based strategies for 116849  
effective literacy instruction and intervention and shall 116850  
implement Ohio's Coaching Model, as described in Ohio's Plan to 116851  
Raise Literacy Achievement. The coaches shall be under the 116852  
direction of the Department but shall not be employed by the 116853  
Department. 116854

**Section 265.260. ADULT EDUCATION PROGRAMS** 116855

A portion of the foregoing appropriation item 200572, 116856

Adult Education Programs, shall be used to make payments under 116857  
sections 3313.902, 3314.38, and 3345.86 of the Revised Code, as 116858  
reenacted by this act. 116859

Each career-technical planning district shall reimburse 116860  
individuals taking a nationally recognized high school 116861  
equivalency examination approved by the Department of Education 116862  
and Workforce for the first time for application fees, 116863  
examination fees, or both, in excess of \$40, up to a maximum 116864  
reimbursement per individual of \$80. Each career-technical 116865  
planning district shall designate a site or sites where 116866  
individuals may register and take an approved examination. For 116867  
each individual who registers for an approved examination, the 116868  
career-technical planning district shall make available and 116869  
offer career counseling services, including information on adult 116870  
education programs that are available. A portion of the 116871  
foregoing appropriation item 200572, Adult Education Programs, 116872  
may be used to reimburse the Department of Youth Services and 116873  
the Department of Rehabilitation and Correction for individuals 116874  
in these facilities who have taken an approved examination for 116875  
the first time. The amounts reimbursed shall not exceed the per- 116876  
individual amounts reimbursed to other individuals under this 116877  
section for an approved examination. 116878

Notwithstanding any provision of law to the contrary, the 116879  
unexpended balance of the foregoing appropriation item 200572, 116880  
Adult Education Programs, at the end of each fiscal year may be 116881  
encumbered by the Department of Education and Workforce and 116882  
remain available for payment for a period not to exceed two 116883  
years from the end of each fiscal year in which the funds were 116884  
originally appropriated, in accordance with guidelines 116885  
established by the Director of Education and Workforce. 116886

Of the foregoing appropriation item 200572, Adult Education Programs, \$7,083,000 shall be used to support the Aspire program in fiscal year 2027. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program. The funds may be used to support students that speak English as their second language.

A portion of the foregoing appropriation item 200572, Adult Education Programs, may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education and Workforce.

**Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION**

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

**ADAPTIVE SPORTS PROGRAM**

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education and Workforce, in collaboration with the Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state for students with disabilities.

**Section 265.275. PROGRAM AND PROJECT SUPPORT**

Of the foregoing appropriation item 200597, Program and Project Support, \$1,250,000 in each fiscal year shall be used for purposes of the section of this act entitled "FINANCIAL LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE."

Of the foregoing appropriation item 200597, Program and

Project Support, \$250,000 in each fiscal year shall be 116915  
distributed to the National Inventors Hall of Fame to expand 116916  
STEM summer learning opportunities for students in grades 116917  
kindergarten through six. Funds shall be used to support the 116918  
enrollment of economically disadvantaged students at Camp 116919  
Invention sites. 116920

Of the foregoing appropriation item 200597, Program and 116921  
Project Support, \$250,000 in each fiscal year shall be 116922  
distributed to the Stark Education Partnership to support the 116923  
Stark County Career Connected Learning program. These funds 116924  
shall be used to assist participating Stark County schools in 116925  
providing career counselors or career champions for all students 116926  
and for the purchase and implementation of YouScience career 116927  
assessments. 116928

Of the foregoing appropriation item 200597, Program and 116929  
Project Support, \$150,000 in each fiscal year shall be 116930  
distributed to the Ohio Valley Youth Network to support its 116931  
Sycamore Youth Center Education Enrichment and Life Skills After 116932  
Schools Program. 116933

Of the foregoing appropriation item 200597, Program and 116934  
Project Support, \$50,000 in each fiscal year shall be 116935  
distributed to Shoes 4 the Shoeless to provide shoes and socks 116936  
to children in need. 116937

Of the foregoing appropriation item 200597, Program and 116938  
Project Support, \$50,000 in each fiscal year shall be 116939  
distributed to The Legacy Project of Stark to support personnel, 116940  
materials, and program expansion costs associated with its 116941  
school-based mentoring program. 116942

**Section 265.290.** SCHOOL DISTRICT SOLVENCY ASSISTANCE 116943

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Director of Education and Workforce. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Director of Education and Workforce, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education and Workforce, the Lottery Profits Education Reserve Fund (Fund 7018), or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2026 and 2027. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director of Budget and Management shall notify the members of the Controlling Board of any such transfers.

**Section 265.300. FOUNDATION FUNDING - ALL STUDENTS**

The foregoing appropriation item 200604, Foundation Funding - All Students, shall be used in conjunction with

appropriation items 200550, Foundation Funding - All Students, 116974  
and 200612, Foundation Funding - All Students, to distribute the 116975  
amounts calculated for formula aid under the section of this act 116976  
entitled "OPERATING FUNDING FOR FISCAL YEARS 2026 and 2027." 116977

**Section 265.310.** PUBLIC AND NONPUBLIC EDUCATION SUPPORT 116978

The foregoing appropriation item 200491, Public and 116979  
Nonpublic Education Support, shall be used in conjunction with 116980  
appropriation item 200550, Foundation Funding - All Students, to 116981  
distribute the amounts calculated for formula aid under the 116982  
section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 116983  
2026 and 2027." 116984

**Section 265.330.** LOTTERY PROFITS EDUCATION FUND 116985

The foregoing appropriation item 200612, Foundation 116986  
Funding - All Students, shall be used in conjunction with 116987  
appropriation item 200550, Foundation Funding - All Students, to 116988  
distribute the amounts calculated for formula aid under the 116989  
section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 116990  
2026 and 2027." 116991

The Department of Education and Workforce, with the 116992  
approval of the Director of Budget and Management, shall 116993  
determine the monthly distribution schedules of appropriation 116994  
item 200550, Foundation Funding - All Students, and 116995  
appropriation item 200612, Foundation Funding - All Students. If 116996  
adjustments to the monthly distribution schedule are necessary, 116997  
the Department shall make such adjustments with the approval of 116998  
the Director. 116999

**Section 265.340.** ACCELERATE GREAT SCHOOLS 117000

The foregoing appropriation item 200614, Accelerate Great 117001  
Schools, shall be used by the Department of Education and 117002



Workforce to support the Accelerate Great Schools public-private partnership. 117003  
117004

**Section 265.350.** QUALITY COMMUNITY AND INDEPENDENT STEM SCHOOLS SUPPORT 117005  
117006

The foregoing appropriation item 200631, Quality Community and Independent STEM Schools Support, shall be used to distribute the amounts calculated under sections 3317.27 and 3317.29 of the Revised Code for the Quality Community School Support and the Quality Independent STEM School Support programs. If the amount appropriated is not sufficient to pay the amounts calculated pursuant to this section, the Director of Education and Workforce may request the Controlling Board to authorize expenditures in excess of the amounts appropriated. Upon approval by the Controlling Board, the additional amounts are hereby appropriated to appropriation item 200631, Quality Community and Independent STEM Schools Support. 117007  
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**Section 265.360.** COMMUNITY SCHOOL FACILITIES 117019

The foregoing appropriation item 200684, Community School Facilities, shall be used to distribute the amounts calculated under section 3317.31 of the Revised Code for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded. 117020  
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**Section 265.370.** LOTTERY PROFITS EDUCATION RESERVE FUND 117026

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund. 117027  
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(B) Notwithstanding any other provision of law to the 117031

contrary, the Director of Budget and Management may transfer 117032  
cash from Fund 7018 to the Lottery Profits Education Fund (Fund 117033  
7017) in fiscal year 2026 and fiscal year 2027. 117034

(C) On July 15, 2025, or as soon as possible thereafter, 117035  
the Director of the Ohio Lottery Commission shall certify to the 117036  
Director of Budget and Management the amount by which lottery 117037  
profit transfers received by Fund 7017 exceeded \$1,440,000,000 117038  
in fiscal year 2025. 117039

(D) On July 15, 2026, or as soon as possible thereafter, 117040  
the Director of the Ohio Lottery Commission shall certify to the 117041  
Director of Budget and Management the amount by which lottery 117042  
profit transfers received by Fund 7017 exceeded \$1,462,000,000 117043  
in fiscal year 2026. 117044

(E) Notwithstanding any provision of law to the contrary, 117045  
in fiscal year 2026 and fiscal year 2027, the Director of Budget 117046  
and Management may transfer cash in excess of the amounts 117047  
necessary to support appropriations in Fund 7017 from that fund 117048  
to Fund 7018. 117049

**Section 265.375. STUDENT SUPPORT AND ACADEMIC ENRICHMENT** 117050

The foregoing appropriation item 200634, Student Support 117051  
and Academic Enrichment, may be used by school districts, in 117052  
accordance with state objectives and applicable federal grant 117053  
requirements, to do the following: 117054

(A) Provide a well-rounded education, including emphasis 117055  
on numeracy and the science of reading; 117056

(B) Provide a safe and drug-free learning environment and 117057  
healthy students through use of the "Success Sequence" as 117058  
provided by Ohio Adolescent Health Centers; 117059

(C) Promote the effective use of technology through use of 117060  
the "Success Sequence" as provided by Ohio Adolescent Health 117061  
Centers. 117062

**Section 265.380.** Notwithstanding division (C) of Section 117063  
265.355 of H.B. 110 of the 134th General Assembly and any other 117064  
provision of law to the contrary, the Department of Education 117065  
and Workforce shall use the funds authorized under Title II, 117066  
Sec. 2001(f) (1) and (4) of the federal "American Rescue Plan Act 117067  
of 2021," Pub. L. No. 117-2, as necessary to support the After 117068  
school Child Enrichment (ACE) Educational Savings Account 117069  
Program pursuant to section 3310.70 of the Revised Code in 117070  
fiscal year 2026. Notwithstanding division (C) (1) of section 117071  
3310.70 of the Revised Code, the Department may extend the 117072  
contract with the vendor administering the program as of the 117073  
effective date of this amendment through fiscal year 2026 and 117074  
may pay the vendor more than three per cent of the amount 117075  
appropriated for the program for fiscal year 2026. 117076

**Section 265.390.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 117077  
ASSESSMENT OF EDUCATIONAL PROGRESS 117078

The General Assembly intends for the Director of Education 117079  
and Workforce to provide for school district participation in 117080  
the administration of the National Assessment of Educational 117081  
Progress in accordance with section 3301.27 of the Revised Code. 117082  
Each school and school district selected for participation by 117083  
the Director shall participate. 117084

**Section 265.400.** EARMARK ACCOUNTABILITY 117085

At the request of the Director of Education and Workforce, 117086  
any entity that receives a budget earmark under the Department 117087  
of Education and Workforce shall submit annually to the 117088

Department a report that includes a description of the services 117089  
supported by the funds, a description of the results achieved by 117090  
those services, an analysis of the effectiveness of the program, 117091  
and an opinion as to the program's applicability to other school 117092  
districts. For an earmarked entity that received state funds 117093  
from an earmark in the prior fiscal year, no funds shall be 117094  
provided by the Department to an earmarked entity for a fiscal 117095  
year until its report for the prior fiscal year has been 117096  
submitted. 117097

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 117098

A community school established under Chapter 3314. of the 117099  
Revised Code that was open for operation as a community school 117100  
as of May 1, 2005, may operate from or in any home, as defined 117101  
in section 3313.64 of the Revised Code, located in the state, 117102  
regardless of when the community school's operations from or in 117103  
a particular home began. 117104

**Section 265.420. USE OF VOLUNTEERS** 117105

The Department of Education and Workforce may utilize the 117106  
services of volunteers to accomplish any of the purposes of the 117107  
Department. The Director of Education and Workforce shall 117108  
approve for what purposes volunteers may be used and for these 117109  
purposes may recruit, train, and oversee the services of 117110  
volunteers. The Director may reimburse volunteers for necessary 117111  
and appropriate expenses in accordance with state guidelines and 117112  
may designate volunteers as state employees for the purpose of 117113  
motor vehicle accident liability insurance under section 9.83 of 117114  
the Revised Code, for immunity under section 9.86 of the Revised 117115  
Code, and for indemnification from liability incurred in the 117116  
performance of their duties under section 9.87 of the Revised 117117  
Code. 117118

**Section 265.430.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 117119  
CHILDREN 117120

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education and Workforce from appropriation item 200550, Foundation Funding - All Students, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements. 117121  
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**Section 265.440.** PRIVATE TREATMENT FACILITY PROJECT 117135

(A) As used in this section: 117136

(1) The following are "participating residential treatment centers": 117137  
117138

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2026 or fiscal year 2027 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; 117139  
117140  
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(b) Abraxas, in Shelby; 117145

(c) Paint Creek, in Bainbridge; 117146

- (d) F.I.R.S.T., in Mansfield. 117147
- (2) "Education program" means an elementary or secondary 117148  
education program or a special education program and related 117149  
services. 117150
- (3) "Served child" means any child receiving an education 117151  
program pursuant to division (B) of this section. 117152
- (4) "School district responsible for tuition" means a 117153  
city, exempted village, or local school district that, if 117154  
tuition payment for a child by a school district is required 117155  
under law that existed in fiscal year 1998, is the school 117156  
district required to pay that tuition. 117157
- (5) "Residential child" means a child who resides in a 117158  
participating residential treatment center and who is receiving 117159  
an educational program under division (B) of this section. 117160
- (B) A youth who is a resident of the state and has been 117161  
assigned by a juvenile court or other authorized agency to a 117162  
residential treatment facility specified in division (A) of this 117163  
section shall be enrolled in an approved educational program 117164  
located in or near the facility. Approval of the educational 117165  
program shall be contingent upon compliance with the criteria 117166  
established for such programs by the Department of Education and 117167  
Workforce. The educational program shall be provided by a school 117168  
district or educational service center, or by the residential 117169  
facility itself. Maximum flexibility shall be given to the 117170  
residential treatment facility to determine the provider. In the 117171  
event that a voluntary agreement cannot be reached and the 117172  
residential facility does not choose to provide the educational 117173  
program, the educational service center in the county in which 117174  
the facility is located shall provide the educational program at 117175

the treatment center to children under twenty-two years of age 117176  
residing in the treatment center. 117177

(C) Any school district responsible for tuition for a 117178  
residential child shall, notwithstanding any conflicting 117179  
provision of the Revised Code regarding tuition payment, pay 117180  
tuition for the child for fiscal year 2026 and fiscal year 2027 117181  
to the education program provider and in the amount specified in 117182  
this division. If there is no school district responsible for 117183  
tuition for a residential child and if the participating 117184  
residential treatment center to which the child is assigned is 117185  
located in the city, exempted village, or local school district 117186  
that, if the child were not a resident of that treatment center, 117187  
would be the school district where the child is entitled to 117188  
attend school under sections 3313.64 and 3313.65 of the Revised 117189  
Code, that school district, notwithstanding any conflicting 117190  
provision of the Revised Code, shall pay tuition for the child 117191  
for fiscal year 2026 and fiscal year 2027 under this division 117192  
unless that school district is providing the educational program 117193  
to the child under division (B) of this section. 117194

A tuition payment under this division shall be made to the 117195  
school district, educational service center, or residential 117196  
treatment facility providing the educational program to the 117197  
child. 117198

The amount of tuition paid shall be: 117199

(1) The amount of tuition determined for the district 117200  
under division (A) of section 3317.08 of the Revised Code; 117201

(2) In addition, for any student receiving special 117202  
education pursuant to an individualized education program as 117203  
defined in section 3323.01 of the Revised Code, a payment for 117204

excess costs. This payment shall equal the actual cost to the 117205  
school district, educational service center, or residential 117206  
treatment facility of providing special education and related 117207  
services to the student pursuant to the student's individualized 117208  
education program, minus the tuition paid for the child under 117209  
division (C) (1) of this section. 117210

A school district paying tuition under this division shall 117211  
not include the child for whom tuition is paid in the district's 117212  
average daily membership certified under division (A) of section 117213  
3317.03 of the Revised Code. 117214

(D) In each of fiscal years 2026 and 2027, the Department 117215  
of Education and Workforce shall reimburse, from appropriations 117216  
made for the purpose, a school district, educational service 117217  
center, or residential treatment facility, whichever is 117218  
providing the service, that has demonstrated that it is in 117219  
compliance with the funding criteria for each served child for 117220  
whom a school district must pay tuition under division (C) of 117221  
this section. The amount of the reimbursement shall be the 117222  
amount appropriated for this purpose divided by the full-time 117223  
equivalent number of children for whom reimbursement is to be 117224  
made. 117225

(E) Funds provided to a school district, educational 117226  
service center, or residential treatment facility under this 117227  
section shall be used to supplement, not supplant, funds from 117228  
other public sources for which the school district, service 117229  
center, or residential treatment facility is entitled or 117230  
eligible. 117231

(F) The Department of Education and Workforce shall track 117232  
the utilization of funds provided to school districts, 117233  
educational service centers, and residential treatment 117234



facilities under this section and monitor the effect of the 117235  
funding on the educational programs they provide in 117236  
participating residential treatment facilities. The Department 117237  
shall monitor the programs for educational accountability. 117238

**Section 265.450.** Notwithstanding anything to the contrary 117239  
in section 3317.011 of the Revised Code, for fiscal years 2026 117240  
and 2027, the Department of Education and Workforce shall do all 117241  
of the following: 117242

(A) Calculate a school district's academic co-curricular 117243  
activities cost under division (E) (4) of that section using the 117244  
sum of the enrolled ADM of every school district that reported 117245  
the data specified in division (E) (4) (a) of that section; 117246

(B) Calculate a district's supplies and academic content 117247  
cost under division (E) (6) of that section using the sum of the 117248  
enrolled ADM of every school district that reported the data 117249  
specified in division (E) (6) (a) of that section; 117250

(C) Calculate a district's athletic co-curricular 117251  
activities base cost under division (H) of that section using 117252  
the sum of the enrolled ADM of every school district that 117253  
reported the data specified in division (H) (2) of that section; 117254

(D) Calculate a district's building operations cost under 117255  
division (G) (3) of that section using the sum of the enrolled 117256  
ADM of every city, local, and exempted village school district 117257  
that reported the data specified in divisions (G) (3) (a) (i) and 117258  
(ii) of that section. 117259

**Section 265.560.** AIM HIGHER PILOT PROGRAM 117260

(A) The Department of Education and Workforce shall 117261  
establish a pilot program to provide additional funding to each 117262  
joint vocational school district that operates a dropout 117263

prevention and recovery program in fiscal year 2026. Such a 117264  
district may choose to participate in the program by notifying 117265  
the Department of its intent to participate in a form and manner 117266  
and by a date determined by the Department. 117267

(B) The Department shall pay a participating district a 117268  
sum equal to the following for each student enrolled in the 117269  
district's dropout prevention and recovery program in fiscal 117270  
year 2026: 117271

(1) \$500 X the number of credits earned by the student in 117272  
fiscal year 2026; 117273

(2) \$2,500 if the student obtains an industry-recognized 117274  
credential, or group of credentials, approved under section 117275  
3313.6113 of the Revised Code in fiscal year 2026 that meet the 117276  
criteria established under that section to help the student 117277  
qualify for a high school diploma, as determined by the 117278  
Department. 117279

(C) The Department shall make a one-time grant payment of 117280  
\$250,000 in fiscal year 2026 to any participating district that 117281  
has a dropout prevention and recovery program in its first three 117282  
years of operation and requests a payment under this division. 117283  
The participating district shall designate \$175,000 of the grant 117284  
for career-technical education equipment and \$75,000 of the 117285  
grant for building renovation. 117286

(D) The Department shall adopt guidelines and procedures 117287  
to operate the pilot program. 117288

**Section 265.650.** FINANCIAL LITERACY AND WORKFORCE 117289  
READINESS PROGRAMMING INITIATIVE 117290

(A) The Financial Literacy and Workforce Readiness 117291  
Programming Initiative is established within the Department of 117292

Education and Workforce. The Programming Initiative shall 117293  
operate in fiscal years 2026 and 2027. The purpose of the 117294  
Programming Initiative is to ensure the next generation's 117295  
preparedness in financial literacy, workforce or career 117296  
readiness, entrepreneurship, and other relevant skills to enter 117297  
and be competitive in Ohio's future workforce economy. 117298

(B) (1) The Department shall distribute appropriated funds 117299  
to the following organizations as part of the Programming 117300  
Initiative: 117301

(a) Junior Achievement of North Central Ohio; 117302

(b) Junior Achievement of Greater Cleveland; 117303

(c) Junior Achievement of Eastern Ohio; 117304

(d) Junior Achievement of Northwestern Ohio; 117305

(e) Junior Achievement of OKI Partners; 117306

(f) Junior Achievement of Central Ohio. 117307

(2) The participating organizations listed under division 117308  
(B) (1) of this section shall collaborate with local schools, 117309  
institutions of higher education, local, regional, and statewide 117310  
employers and businesses, subject matter experts, community- 117311  
based organizations, and other public-private entities or 117312  
agencies to implement the Programming Initiative. 117313

(C) The Programming Initiative shall do all of the 117314  
following: 117315

(1) Place specific emphasis on engagement with students, 117316  
teachers, and schools primarily located in underserved 117317  
communities, under-resourced rural areas, or those with 117318  
populations considered economically disadvantaged; 117319

(2) Increase capacity and resources that expand each of the participating organizations' collective ability to offer more financial literacy, workforce readiness and entrepreneurship, or related programming such as work-based learning experiences designed to engage more students in the geographic areas to which the participating organizations provide services;

(3) Increase the number of students measurably impacted by the participating organizations' services and increase the number of counties where services are offered;

(4) Assist students enrolled in any of grades nine through twelve with direct entry into the workforce, access to higher education, or in-demand job training;

(5) Assist participating students in creating and implementing career pathways;

(6) Strengthen each participating organization's capacity and resources to collectively provide up to ten student-focused engagement events involving students and teachers from multiple schools and communities in northeast and central portions of the state. The engagement events shall do both of the following:

(a) Enhance and deepen participating students' ability to demonstrate mastery of financial literacy, workforce or career readiness, entrepreneurship, or related skills and knowledge vital to equipping and preparing students with the requisite skills, competencies, and knowledge to be competitive for in-demand jobs within the state and global workforce economy, particularly those that are considered high-growth jobs in the state of Ohio;

(b) Be offered to all partnering schools and respective

students; however, the emphasis shall remain on the engagement 117349  
of students and schools that meet the conditions prescribed 117350  
under division (C) (1) of this section." 117351

**Section 269.10.** 117352  
117353

	1	2	3	4	5
A	FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS				
B	General Revenue Fund				
C	GRF	881500	Indigent Burial and Cremation Support	\$250,000	\$250,000
D	General Revenue Fund Total			\$250,000	\$250,000
E	Dedicated Purpose Fund Group				
F	4K90	881609	Operating Expenses	\$1,156,000	\$1,213,000
G	Dedicated Purpose Fund Group Total			\$1,156,000	\$1,213,000
H	TOTAL ALL BUDGET FUND GROUPS			\$1,406,000	\$1,463,000

**Section 271.10.** 117354  
117355

	1	2	3	4	5
A	PAY EMPLOYEE BENEFITS FUNDS				
B	Fiduciary Fund Group				
C	1240	995673	Payroll Deductions	\$1,017,970,800	\$1,048,509,924

D	8050	995675	Commuter Benefits	\$1,845,860	\$1,967,540
E	8060	995666	Accrued Leave Fund	\$128,408,784	\$132,260,611
F	8070	995667	Disability Fund	\$27,805,294	\$28,337,915
G	8080	995668	State Employee Health Benefit Fund	\$1,068,647,159	\$1,132,765,988
H	8090	995669	Dependent Care Spending Account	\$2,996,802	\$3,196,895
I	8100	995670	Life Insurance Investment Fund	\$2,644,330	\$2,723,060
J	8110	995671	Parental Leave Benefit Fund	\$18,601,000	\$19,159,030
K	8130	995672	Health Care Spending Account	\$19,690,922	\$20,694,694
L	Fiduciary Fund Group Total			\$2,288,610,951	\$2,389,615,657
M	TOTAL ALL BUDGET FUND GROUPS			\$2,288,610,951	\$2,389,615,657

**Section 271.20. PAYROLL DEDUCTION FUND** 117356

The foregoing appropriation item 995673, Payroll 117357  
Deductions, shall be used to make payments from the Payroll 117358  
Deduction Fund (Fund 1240) pursuant to section 125.21 of the 117359  
Revised Code. If it is determined by the Director of Budget and 117360  
Management that additional amounts are necessary, the amounts 117361  
are hereby appropriated. 117362

**ACCRUED LEAVE LIABILITY FUND** 117363

The foregoing appropriation item 995666, Accrued Leave Fund, shall be used to make payments from the Accrued Leave Liability Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 117370

The foregoing appropriation item 995667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND 117377

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND 117384

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND 117392

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to sections 124.136 and 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for nonreimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

COMMUTER BENEFITS

The foregoing appropriation item 995675, Commuter Benefits, shall be used to make payments from the Commuter Benefits Fund (Fund 8050) for employees who elect to participate in the Commuter Benefits Program. If the Director of Budget and



Management determines that additional amounts are necessary, the 117422  
amounts are hereby appropriated. 117423

**Section 273.10.** 117424  
117425

1	2	3	4	5
A	ERB STATE EMPLOYMENT RELATIONS BOARD			
B	General Revenue Fund			
C	GRF 125321	Operating Expenses	\$4,533,029	\$4,655,023
D	General Revenue Fund Total		\$4,533,029	\$4,655,023
E	Dedicated Purpose Fund Group			
F	5720 125603	Training and Publications	\$138,000	\$138,972
G	Dedicated Purpose Fund Group Total		\$138,000	\$138,972
H	TOTAL ALL BUDGET FUND GROUPS		\$4,671,029	\$4,793,995

**Section 275.10.** 117426  
117427

1	2	3	4	5
A	ENG STATE BOARD OF ENGINEERS AND SURVEYORS			
B	Dedicated Purpose Fund Group			
C	4K90 892609	Operating Expenses	\$1,378,866	\$1,465,930
D	Dedicated Purpose Fund Group Total		\$1,378,866	\$1,465,930
E	TOTAL ALL BUDGET FUND GROUPS		\$1,378,866	\$1,465,930

Section 277.10.

117428

117429

1	2	3	4	5
A	EPA ENVIRONMENTAL PROTECTION AGENCY			
B	General Revenue Fund			
C	GRF 715407	Water Systems Cybersecurity Grants	\$2,000,000	\$6,000,000
D	GRF 715502	Auto Emissions E-Check Program	\$13,232,534	\$13,265,775
E	General Revenue Fund Total		\$15,232,534	\$19,265,775
F	Dedicated Purpose Fund Group			
G	4D50 715618	Recycled State Materials	\$11,500	\$11,500
H	4J00 715638	Underground Injection Control	\$514,242	\$530,276
I	4K20 715648	Clean Air - Non Title V	\$4,516,349	\$4,593,901
J	4K30 715649	Solid Waste	\$14,791,311	\$15,098,763
K	4K40 715650	Surface Water Protection	\$11,864,197	\$12,101,940
L	4K50 715651	Drinking Water Protection	\$8,774,797	\$9,027,993
M	4P50 715654	Cozart Landfill	\$7,500	\$7,500
N	4R50 715656	Scrap Tire Management	\$3,558,044	\$3,581,336

O	4R90	715658	Voluntary Action Program	\$1,188,026	\$1,217,345
P	4T30	715659	Clean Air - Title V Permit Program	\$10,942,818	\$11,148,464
Q	4Z90	715610	Small Business Ombudsman	\$246,000	\$248,000
R	5000	715608	Immediate Removal Special Account	\$747,051	\$769,463
S	5030	715621	Hazardous Waste Facility Management	\$2,788,523	\$2,842,749
T	5050	715623	Hazardous Waste Cleanup	\$9,334,680	\$9,559,074
U	5050	715698	Response and Investigations	\$3,822,060	\$4,211,500
V	5320	715646	Recycling and Litter Control	\$4,888,354	\$5,146,276
W	5410	715670	Site Specific Cleanup	\$17,744,091	\$17,746,631
X	5420	715671	Risk Management Reporting	\$144,047	\$147,307
Y	5700	715616	Office of Air Quality Development	\$2,700,000	\$3,600,000
Z	5860	715637	Scrap Tire Market Development	\$1,000,000	\$1,000,000
AA	5A00	715647	Small Business Assistance	\$150,000	\$225,000
AB	5BC0	715622	Local Air Pollution Control	\$2,100,000	\$2,100,000

AC	5BC0	715624	Surface Water	\$6,936,269	\$6,936,269
AD	5BC0	715672	Air Pollution Control	\$9,354,059	\$9,354,059
AE	5BC0	715673	Drinking and Ground Water	\$4,024,215	\$4,133,956
AF	5BC0	715676	Assistance and Prevention	\$4,204,000	\$4,359,000
AG	5BC0	715677	Laboratory	\$4,235,216	\$4,360,265
AH	5BC0	715678	Corrective Actions	\$1,271,429	\$1,271,429
AI	5BC0	715687	Areawide Planning Agencies	\$450,000	\$450,000
AJ	5BC0	715692	Administration	\$19,684,900	\$20,654,900
AK	5BC0	715694	Environmental Resource Coordination	\$814,339	\$832,027
AL	5BT0	715679	C&DD Groundwater Monitoring	\$50,000	\$50,000
AM	5PZ0	715696	Drinking Water Loan Fee	\$4,109,640	\$4,388,600
AN	5Y30	715685	Surface Water Improvement	\$520,000	\$520,000
AO	5YY0	715405	National Priorities List Remedial Support Fund	\$1,500,000	\$1,000,000
AP	6440	715631	Emergency Response Radiological Safety	\$274,997	\$280,510
AQ	6760	715642	Water Pollution Control Loan Administration	\$5,120,000	\$5,282,500

AR 6760 715699	Water Quality Administration	\$5,123,741	\$5,250,489
AS 6790 715636	Emergency Planning	\$2,917,000	\$2,917,000
AT 6960 715643	Air Pollution Control Administration	\$150,000	\$150,000
AU 6990 715644	Water Pollution Control Administration	\$307,859	\$307,858
AV 6A10 715645	Environmental Education	\$550,316	\$550,427
AW 6H20 715695	H2Ohio	\$14,900,000	\$14,900,000
AX	Dedicated Purpose Fund Group Total	\$188,331,570	\$192,864,307
AY	Internal Service Activity Fund Group		
AZ 1990 715602	Laboratory Services	\$500,000	\$500,000
BA 2190 715604	Central Support Indirect	\$10,657,300	\$10,657,300
BB 4A10 715640	Operating Expenses	\$1,092,000	\$1,117,000
BC	Internal Service Activity Fund Group Total	\$12,249,300	\$12,274,300
BD	Federal Fund Group		
BE 3530 715612	Public Water Supply	\$2,564,882	\$2,626,504
BF 3570 715619	Air Pollution Control - Federal	\$6,806,147	\$6,929,318

BG 3620 715605	Underground Injection Control - Federal	\$165,382	\$169,516
BH 3BU0 715684	Water Quality Protection	\$16,230,503	\$16,230,503
BI 3CS0 715688	Federal NRD Settlements	\$1,500,000	\$1,500,000
BJ 3F30 715632	Federally Supported Cleanup and Response	\$13,779,323	\$14,061,350
BK 3HE0 715697	Volkswagen Clean Air Act Settlement	\$6,827,000	\$6,841,000
BL 3T30 715669	Drinking Water State Revolving Fund	\$3,054,165	\$3,145,894
BM 3V70 715606	Agencywide Grants	\$746,900	\$746,900
BN	Federal Fund Group Total	\$51,674,302	\$52,250,985
BO	TOTAL ALL BUDGET FUND GROUPS	\$267,487,706	\$276,655,367

**Section 277.20.** AREAWIDE PLANNING AGENCIES 117430

The Director of Environmental Protection may award grants 117431  
from appropriation item 715687, Areawide Planning Agencies, to 117432  
areawide planning agencies engaged in areawide water quality 117433  
management and planning activities in accordance with Section 117434  
208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 117435

AUTOMOBILE EMISSION TESTING PROGRAM 117436

The foregoing appropriation item GRF 715502, Auto 117437  
Emissions E-Check Program, shall be used by the Environmental 117438  
Protection Agency to support the automobile emission testing 117439

program. On July 1, 2025, or as soon as possible thereafter, the 117440  
Director of Environmental Protection may request that the 117441  
Director of Administrative Services extend the contract with the 117442  
vendor operating in accordance with division (A)(1) of section 117443  
3704.14 of the Revised Code for not longer than twelve months. 117444  
The Director of Administrative Services may enter into a 117445  
contract extension provided that the contract contains the same 117446  
terms and no funds are paid for incomplete work, utilizing 117447  
appropriation item GRF 715502, Auto Emissions E-Check Program, 117448  
in the event that the contractor selected in accordance with 117449  
division (A)(2) of section 3704.14 of the Revised Code cannot 117450  
complete the required work prior to July 1, 2025. 117451

REIMBURSEMENT TO AIR QUALITY DEVELOPMENT AUTHORITY TRUST 117452  
ACCOUNT 117453

Notwithstanding any other provision of law to the 117454  
contrary, the Environmental Protection Agency may reimburse the 117455  
Air Quality Development Authority trust account established 117456  
under section 3706.10 of the Revised Code from all operating 117457  
funds of the agency for expenses pertaining to the 117458  
administration and shared costs incurred by the Office of Air 117459  
Quality Development in the execution of responsibilities as 117460  
prescribed in Chapter 3706. of the Revised Code. The 117461  
reimbursement shall occur in accordance with an administrative 117462  
cost recovery plan approved by the Director of Environmental 117463  
Protection. 117464

**Section 279.10.** 117465  
117466

1 2 3 4 5

B	General Revenue Fund		
C	GRF 172321 Operating Expenses	\$745,000	\$795,000
D	General Revenue Fund Total	\$745,000	\$795,000
E	TOTAL ALL BUDGET FUND GROUPS	\$745,000	\$795,000

**Section 281.10.**

117467

117468

	1	2	3	4	5
A	ETC BROADCAST EDUCATIONAL MEDIA COMMISSION				
B	General Revenue Fund				
C	GRF	935401	Statehouse News Bureau	\$402,000	\$402,000
D	GRF	935402	Ohio Government Telecommunications Services	\$2,344,400	\$2,344,400
E	GRF	935410	Content Development, Acquisition, and Distribution	\$3,909,000	\$3,909,000
F	GRF	935430	Broadcast Education Operating	\$4,324,706	\$4,398,569
G	General Revenue Fund Total			\$10,980,106	\$11,053,969
H	Dedicated Purpose Fund Group				
I	5FK0	935608	Media Services	\$50,000	\$50,000



J	5VB0 935650 Facility Rental	\$10,000	\$10,000
K	Dedicated Purpose Fund Group Total	\$60,000	\$60,000
L	Internal Service Activity Fund Group		
M	4F30 935603 Affiliate Services	\$4,200	\$4,200
N	4T20 935605 Government Television/ Telecommunications Operating	\$55,459	\$0
O	Internal Service Activity Fund Group Total	\$59,659	\$4,200
P	TOTAL ALL BUDGET FUND GROUPS	\$11,099,765	\$11,118,169

**Section 281.20.** STATEHOUSE NEWS BUREAU 117469

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 117470  
117471  
117472

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 117473

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 117474  
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 117481

The foregoing appropriation item 935410, Content 117482

Development, Acquisition, and Distribution, shall be used for 117483  
the development, acquisition, and distribution of information 117484  
resources by public media and radio reading services and for 117485  
educational use in the classroom and online. 117486

Of the foregoing appropriation item 935410, Content 117487  
Development, Acquisition, and Distribution, up to \$965,000 in 117488  
each fiscal year shall be allocated equally among the Ohio 117489  
educational television stations. Funds shall be used for the 117490  
production of interactive instructional programming series with 117491  
priority given to resources aligned with state academic content 117492  
standards. 117493

Of the foregoing appropriation item 935410, Content 117494  
Development, Acquisition, and Distribution, up to \$2,650,000 in 117495  
each fiscal year shall be distributed by the Broadcast 117496  
Educational Media Commission to Ohio's qualified public 117497  
educational television stations and educational radio stations 117498  
to support their operations. The funds shall be distributed 117499  
pursuant to an allocation formula used by the Broadcast 117500  
Educational Media Commission in consultation with Ohio's 117501  
qualified public educational television stations and educational 117502  
radio stations. 117503

Of the foregoing appropriation item 935410, Content 117504  
Development, Acquisition, and Distribution, up to \$294,000 in 117505  
each fiscal year shall be distributed by the Broadcast 117506  
Educational Media Commission to Ohio's qualified radio reading 117507  
services to support their operations. The funds shall be 117508  
distributed pursuant to an allocation formula used by the 117509  
Broadcast Educational Media Commission in consultation with 117510  
Ohio's qualified radio reading services. 117511

**Section 283.10.** 117512

117513

1	2	3	4	5
A		ETH OHIO ETHICS COMMISSION		
B	General Revenue Fund			
C	GRF 146321	Operating Expenses	\$2,480,744	\$2,603,142
D	General Revenue Fund Total		\$2,480,744	\$2,603,142
E	Dedicated Purpose Fund Group			
F	4M60 146601	Operating Support	\$649,781	\$670,793
G	Dedicated Purpose Fund Group Total		\$649,781	\$670,793
H	TOTAL ALL BUDGET FUND GROUPS		\$3,130,525	\$3,273,935

**Section 285.10.**

117514

117515

1	2	3	4	5
A		EXP OHIO EXPOSITIONS COMMISSION		
B	General Revenue Fund			
C	GRF 723403	Junior Fair Subsidy	\$380,000	\$380,000
D	General Revenue Fund Total		\$380,000	\$380,000
E	Dedicated Purpose Fund Group			
F	4N20 723602	Ohio State Fair Harness Racing	\$350,000	\$350,000

G	5060 723601	Operating Expenses	\$20,000,000	\$20,000,000
H	5060 723604	Grounds Maintenance and Repairs	\$300,000	\$300,000
I	Dedicated Purpose Fund Group Total		\$20,650,000	\$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS		\$21,030,000	\$21,030,000

**Section 285.20.** STATE FAIR RESERVE 117516

The General Manager of the Expositions Commission, in 117517  
consultation with the Director of Budget and Management, may 117518  
submit a request to the Controlling Board to use available 117519  
amounts in the State Fair Reserve Fund (Fund 6400) if revenues 117520  
from either the 2025 or the 2026 Ohio State Fair are 117521  
unexpectedly low. 117522

On July 1 of each fiscal year, or as soon as possible 117523  
thereafter, the Director of Budget and Management, in 117524  
consultation with the General Manager of the Expositions 117525  
Commission, may determine that the Ohio Expositions Fund (Fund 117526  
5060) has a cash balance in excess of the anticipated operating 117527  
costs of the Exposition Commission in that fiscal year. 117528  
Notwithstanding section 991.04 of the Revised Code, the Director 117529  
of Budget and Management may transfer an amount up to the excess 117530  
cash from Fund 5060 to Fund 6400 in each fiscal year. 117531

**Section 287.10.** 117532

117533

1 2 3 4 5

B	General Revenue Fund		
C	GRF 230321 Operating Expenses	\$11,171,298	\$11,442,393
D	GRF 230401 Cultural Facilities Lease Rental Bond Payments	\$37,500,000	\$37,500,000
E	GRF 230908 Common Schools General Obligation Bond Debt Service	\$255,000,000	\$230,000,000
F	General Revenue Fund Total	\$303,671,298	\$278,942,393
G	Internal Service Activity Fund Group		
H	1310 230639 State Construction Management Operations	\$9,590,355	\$10,233,822
I	Internal Service Activity Fund Group Total	\$9,590,355	\$10,233,822
J	TOTAL ALL BUDGET FUND GROUPS	\$313,261,653	\$289,176,215

**Section 287.20.** CULTURAL FACILITIES LEASE RENTAL BOND 117534  
PAYMENTS 117535

The foregoing appropriation item 230401, Cultural 117536  
Facilities Lease Rental Bond Payments, shall be used to meet all 117537  
payments during the period from July 1, 2025, through June 30, 117538  
2027, by the Ohio Facilities Construction Commission pursuant to 117539  
leases and agreements for cultural and sports facilities made 117540  
under section 154.23 of the Revised Code. These appropriations 117541  
are the source of funds pledged for bond service charges on 117542  
related obligations issued under Chapter 154. of the Revised 117543

Code. 117544

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 117545

The foregoing appropriation item 230908, Common Schools 117546  
General Obligation Bond Debt Service, shall be used to pay all 117547  
debt service and related financing costs during the period from 117548  
July 1, 2025, through June 30, 2027, on obligations issued under 117549  
sections 151.01 and 151.03 of the Revised Code. 117550

**Section 287.30.** SCHOOL FACILITIES ENCUMBRANCES AND 117551  
REAPPROPRIATION 117552

At the request of the Executive Director of the Ohio 117553  
Facilities Construction Commission, the Director of Budget and 117554  
Management may cancel encumbrances for school district projects 117555  
from a previous biennium if the district has not raised its 117556  
local share of project costs within sixteen months of receiving 117557  
Controlling Board approval under section 3318.05 or 3318.41 of 117558  
the Revised Code. The Executive Director of the Ohio Facilities 117559  
Construction Commission shall certify the amounts of the 117560  
canceled encumbrances to the Director of Budget and Management 117561  
on a quarterly basis. The amounts of the canceled encumbrances 117562  
are hereby appropriated. 117563

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 117564  
APPROPRIATIONS 117565

On July 1, 2025, or as soon as possible thereafter, the 117566  
Executive Director of the Ohio Facilities Construction 117567  
Commission shall certify to the Director of Budget and 117568  
Management the amount of cash receipts and related investment 117569  
income, irrevocable letters of credit from a bank, or 117570  
certification of the availability of funds that have been 117571  
received from a county or a municipal corporation for deposit 117572

into the Capital Donations Fund (Fund 5A10) and that are related 117573  
to an anticipated project. These amounts are hereby appropriated 117574  
to appropriation item C230E2, Capital Donations. Prior to 117575  
certifying these amounts to the Director, the Executive Director 117576  
shall make a written agreement with the participating entity on 117577  
the necessary cash flows required for the anticipated 117578  
construction or equipment acquisition project. 117579

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 117580  
MAINTENANCE LEVY 117581

The Ohio Facilities Construction Commission shall amend 117582  
the project agreement between the Commission and a school 117583  
district that is participating in the Accelerated Urban School 117584  
Building Assistance Program as of September 29, 2018, if the 117585  
Commission determines that it is necessary to do so in order to 117586  
comply with division (B) (3) (c) of section 3318.38 of the Revised 117587  
Code. 117588

**Section 287.60.** Notwithstanding any other provision of law 117589  
to the contrary, the Ohio Facilities Construction Commission may 117590  
determine the amount of funding available for disbursement in a 117591  
given fiscal year for any project approved under sections 117592  
3318.01 to 3318.20 of the Revised Code in order to keep 117593  
aggregate state capital spending within approved limits and may 117594  
take actions including, but not limited to, determining the 117595  
schedule for design or bidding of approved projects, to ensure 117596  
appropriate and supportable cash flow. 117597

**Section 287.70.** RETURNED OR RECOVERED FUNDS 117598

Notwithstanding any provision of law to the contrary, any 117599  
moneys a school district transfers to the Ohio Facilities 117600  
Construction Commission under division (C) (2) or (3) of section 117601

3318.12 of the Revised Code as well as any moneys recovered from 117602  
settlements with or judgments against parties relating to their 117603  
involvement in a classroom facilities project shall be deposited 117604  
into the fund from which the capital appropriation for the 117605  
project was made. In any fiscal year in which the Commission has 117606  
made a deposit under this section, the Executive Director of the 117607  
Ohio Facilities Construction Commission may seek Controlling 117608  
Board approval to increase appropriations from those funds and 117609  
specified appropriation items in an amount equal to the amount 117610  
of the funds deposited under this section. The additional 117611  
amounts, if approved, shall be used in accordance with the 117612  
purposes of Chapter 3318. of the Revised Code for projects 117613  
pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 117614  
3318.45 of the Revised Code. Upon approval of the Controlling 117615  
Board, the additional amounts are hereby appropriated. 117616

**Section 287.80.** The Treasurer of State is hereby 117617  
authorized to issue and sell, in accordance with Section 2i of 117618  
Article VIII, Ohio Constitution, Chapter 154. of the Revised 117619  
Code, and particularly section 154.23 and other applicable 117620  
sections of the Revised Code, original obligations in an 117621  
aggregate principal amount not to exceed \$600,000,000 in 117622  
addition to the original issuance of obligations heretofore 117623  
authorized by prior acts of the General Assembly. These 117624  
authorized obligations shall be issued, subject to applicable 117625  
constitutional and statutory limitations, as needed to provide 117626  
sufficient moneys to the credit of the Cultural and Sports 117627  
Facilities Building Fund (Fund 7030) to pay costs of the 117628  
Cleveland Browns major sports facility stadium project in the 117629  
City of Brook Park. 117630

**Section 289.10.** 117631  
117632



1	2	3	4	5
A		GOV OFFICE OF THE GOVERNOR		
B	General Revenue Fund			
C	GRF 040321 Operating Expenses		\$3,481,221	\$3,580,624
D	General Revenue Fund Total		\$3,481,221	\$3,580,624
E	Internal Service Activity Fund Group			
F	5AK0 040607 Government Relations		\$715,600	\$734,442
G	Internal Service Activity Fund Group Total		\$715,600	\$734,442
H	TOTAL ALL BUDGET FUND GROUPS		\$4,196,821	\$4,315,066

**Section 289.20. OPERATING EXPENSES** 117633

On July 1, 2025, or as soon as possible thereafter, the 117634  
Governor or the Governor's designee may certify to the Director 117635  
of Budget and Management an amount up to the unexpended, 117636  
unencumbered balance of the foregoing appropriation item 040321, 117637  
Operating Expenses, at the end of fiscal year 2025 to be 117638  
reappropriated for fiscal year 2026. The amount certified is 117639  
hereby reappropriated to the same appropriation item for fiscal 117640  
year 2026. 117641

On July 1, 2026, or as soon as possible thereafter, the 117642  
Governor or the Governor's designee may certify to the Director 117643  
of Budget and Management an amount up to the unexpended, 117644  
unencumbered balance of the foregoing appropriation item 040321, 117645  
Operating Expenses, at the end of fiscal year 2026 to be 117646

reappropriated for fiscal year 2027. The amount certified is 117647  
 hereby reappropriated to the same appropriation item for fiscal 117648  
 year 2027. 117649

GOVERNMENT RELATIONS 117650

The Office of the Governor may issue an intrastate 117651  
 transfer voucher to charge any state agency of the executive 117652  
 branch such amounts necessary to represent the interests of Ohio 117653  
 to federal, state, and local government units and to cover the 117654  
 costs or membership dues related to Ohio's participation in 117655  
 national and regional associations. Amounts collected shall be 117656  
 deposited in the Government Relations Fund (Fund 5AK0). 117657

**Section 291.10.** 117658

117659

	1	2	3	4	5
A			DOH DEPARTMENT OF HEALTH		
B			General Revenue Fund		
C	GRF	440413	Local Health Department Support	\$2,379,000	\$2,379,000
D	GRF	440416	Mothers and Children Safety Net Services	\$4,639,763	\$4,690,570
E	GRF	440431	Free Clinic Safety Net Services	\$1,755,837	\$1,758,067
F	GRF	440438	Breast and Cervical Cancer Screening	\$1,190,549	\$1,199,779
G	GRF	440444	AIDS Prevention	\$3,610,779	\$3,623,351

H	GRF	440451	Public Health Laboratory	\$3,893,355	\$3,926,237
I	GRF	440452	Child and Family Health Services Match	\$667,650	\$683,513
J	GRF	440453	Health Care Quality Assurance	\$6,868,538	\$7,023,632
K	GRF	440454	Environmental Health/Radiation Protection	\$5,404,349	\$5,462,815
L	GRF	440465	FQHC Primary Care Workforce Initiative	\$2,695,268	\$2,698,697
M	GRF	440472	Alcohol Testing	\$1,313,349	\$1,338,992
N	GRF	440477	Emergency Preparation and Response	\$2,453,355	\$2,467,067
O	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$5,000,000	\$5,240,000
P	GRF	440483	Infectious Disease Prevention and Control	\$4,924,753	\$4,988,016
Q	GRF	440484	Public Health Technology Innovation	\$1,409,147	\$1,429,959
R	GRF	440485	Health Program Support	\$12,187,500	\$12,187,500
S	GRF	440495	Toxicology Screenings	\$1,000,000	\$1,000,000

T	GRF	440496	Children's Vision Services	\$12,000,000	\$8,000,000
U	GRF	440497	Children's Dental Services	\$3,000,000	\$3,000,000
V	GRF	440505	Children and Youth with Special Health Care Needs	\$13,115,000	\$12,615,000
W	GRF	440507	Targeted Healthcare Services - Over 21	\$2,000,000	\$2,000,000
X	GRF	440672	Youth Homelessness	\$2,504,474	\$2,505,903
Y	GRF	654453	Medicaid - State Health Program Support	\$4,478,896	\$4,581,836
Z			General Revenue Fund Total	\$98,491,562	\$94,799,934
AA			Highway Safety Fund Group		
AB	4T40	440603	Child Highway Safety	\$200,000	\$200,000
AC			Highway Safety Fund Group Total	\$200,000	\$200,000
AD			Dedicated Purpose Fund Group		
AE	4700	440647	Fee Supported Programs	\$32,650,000	\$33,629,000
AF	4710	440619	Certificate of Need	\$408,045	\$408,045
AG	4730	440622	Lab Operating Expenses	\$8,985,000	\$9,254,001
AH	4770	440627	Children and Youth with Special Health Care Needs	\$4,942,318	\$4,973,075

Audit

AI 4D60	440608	Genetics Services	\$3,316,583	\$3,416,000
AJ 4F90	440610	Sickle Cell Disease Control	\$850,000	\$850,000
AK 4G00	440636	Heirloom Birth Certificate	\$15,000	\$15,000
AL 4G00	440637	Birth Certificate Surcharge	\$15,000	\$15,000
AM 4L30	440609	HIV Care and Miscellaneous Expenses	\$52,697,000	\$52,697,000
AN 4P40	440628	Ohio Physician Loan Repayment	\$1,000,000	\$1,000,000
AO 4V60	440641	Save Our Sight	\$3,005,000	\$3,080,000
AP 5B50	440616	Quality, Monitoring, and Inspection	\$5,753,000	\$5,925,000
AQ 5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$6,000,000	\$6,000,000
AR 5D60	440620	Second Chance Trust	\$1,892,541	\$1,892,541
AS 5ED0	440651	Smoke Free Indoor Air	\$280,000	\$280,000
AT 5G40	440639	Adoption Services	\$100,000	\$100,000
AU 5PE0	440659	Breast and Cervical	\$500,000	\$500,000

Cancer Services					
AV	5QJ0	440662	Dental Hygienist Loan Repayments	\$100,000	\$100,000
AW	5SH0	440520	Children's Wish Grant Program	\$275,000	\$275,000
AX	5YS0	440491	Chiropractic Loan Repayment	\$30,000	\$30,000
AY	5Z70	440624	Ohio Dentist Loan Repayment	\$275,000	\$275,000
AZ	6100	440626	Radiation Emergency Response	\$1,551,682	\$1,598,000
BA	6660	440607	Children and Youth with Special Health Care Needs - County Assessments	\$24,060,000	\$24,060,001
BB	6980	440634	Nurse Aide Training	\$126,600	\$126,600
BC	Dedicated Purpose Fund Group Total			\$148,827,769	\$150,499,263
BD	Internal Service Activity Fund Group				
BE	1420	440646	Agency Health Services	\$11,575,000	\$11,575,000
BF	2110	440613	Central Support Indirect Costs	\$39,575,839	\$40,763,000
BG	Internal Service Activity Fund Group Total			\$51,150,839	\$52,338,000

BH Holding Account Fund Group			
BI R014 440631	Vital Statistics	\$155,000	\$155,000
BJ R048 440625	Refunds, Grants Reconciliation, and Audit Settlements	\$20,000	\$20,000
BK Holding Account Fund Group Total		\$175,000	\$175,000
BL Federal Fund Group			
BM 3200 440601	Maternal Child Health Block Grant	\$25,000,000	\$25,750,000
BN 3870 440602	Preventive Health Block Grant	\$11,800,000	\$12,154,000
BO 3890 440604	Women, Infants, and Children	\$250,000,000	\$250,000,001
BP 3910 440606	Medicare Survey and Certification	\$21,800,000	\$22,454,000
BQ 3920 440618	Federal Public Health Programs	\$149,503,000	\$153,988,000
BR 3GD0 654601	Medicaid Program Support	\$41,186,077	\$41,508,003
BS 3GN0 440660	Public Health Emergency Preparedness	\$75,825,000	\$78,099,000
BT 3HP0 440673	Public Health Emergency Response	\$100,500,000	\$100,500,000

BU 3HP0 440686 ELC Strengthening HAI/AR Grant	\$10,000,000	\$10,000,000
BV Federal Fund Group Total	\$685,614,077	\$694,453,004
BW TOTAL ALL BUDGET FUND GROUPS	\$984,459,247	\$992,465,201

**Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 117660

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, up to \$200,000 in each fiscal year may be used to assist families with children who have hearing loss or hearing disorders under twenty-six years of age in purchasing hearing aids and hearing assistive technology. The Director of Health shall adopt rules governing the distribution of these funds, including rules that do both of the following:

(1) establish eligibility criteria to include families with incomes at or below four hundred per cent of the federal poverty guidelines as defined in section 5101.46 of the Revised Code and

(2) develop a sliding scale of disbursements under this section based on family income. The Director may adopt other rules as necessary to implement this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

**FREE CLINIC SAFETY NET SERVICES** 117676

The foregoing appropriation item 440431, Free Clinic Safety Net Services, shall be provided to the Charitable Healthcare Network. Funds may be used to reimburse free clinics for health care services provided, as well as for administrative services, information technology costs, infrastructure repair, or other clinic necessities. Additionally, the Director of Health may designate up to five per cent of the appropriation in



each fiscal year to pay the administrative costs the Department of Health incurs for operating the program. 117684  
117685

AIDS PREVENTION 117686

The foregoing appropriation item 440444, AIDS Prevention, 117687  
shall be used to administer educational and other prevention 117688  
initiatives. 117689

FQHC PRIMARY CARE WORKFORCE INITIATIVE 117690

The foregoing appropriation item 440465, FQHC Primary Care 117691  
Workforce Initiative, shall be provided to the Ohio Association 117692  
of Community Health Centers to administer the FQHC Primary Care 117693  
Workforce Initiative. The Initiative shall provide medical, 117694  
dental, behavioral health, physician assistant, and advanced 117695  
practice nursing students with clinical rotations through 117696  
federally qualified health centers. Additionally, the Director 117697  
of Health may designate up to five per cent of the appropriation 117698  
in each fiscal year to pay the administrative costs the 117699  
Department of Health incurs for operating the program. 117700

EMERGENCY PREPARATION AND RESPONSE 117701

The foregoing appropriation item 440477, Emergency 117702  
Preparation and Response, shall be used to support public health 117703  
emergency preparedness and response efforts. This appropriation 117704  
may also be used to support data infrastructure projects and 117705  
other data analysis and analytics work. 117706

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE 117707

Of the foregoing appropriation item 440482, Chronic 117708  
Disease, Injury Prevention, and Drug Overdose, up to \$625,000 in 117709  
fiscal year 2026 and up to \$635,922 in fiscal year 2027 shall be 117710  
used, in consultation with the Department of Behavioral Health 117711

and the Governor's RecoveryOhio Initiative, to support the 117712  
continuation of the Health Systems Comprehensive Care Initiative 117713  
to enhance Ohio's response to the addiction crisis by creating a 117714  
comprehensive system of care for patients who present in health 117715  
systems with addiction. 117716

Of the foregoing appropriation item 440482, Chronic 117717  
Disease, Injury Prevention, and Drug Overdose, up to \$156,250 in 117718  
fiscal year 2026 and up to \$158,981 in fiscal year 2027 shall be 117719  
used, in consultation with the Governor's RecoveryOhio 117720  
Initiative, to support local health providers' harm reduction 117721  
efforts to reduce overdose rates and deaths. 117722

The remainder of appropriation item 440482, Chronic 117723  
Disease, Injury Prevention, and Drug Overdose, shall be used to 117724  
support the Department of Health's ongoing health improvement 117725  
and wellness efforts, health promotion, and related activities. 117726

HEALTH PROGRAM SUPPORT 117727

Of the forgoing appropriation item 440485, Health Program 117728  
Support, \$10,000,000 in each fiscal year shall be used by the 117729  
Department of Health, in consultation with the Department of 117730  
Education and Workforce, to support school-based health centers 117731  
in high-need counties, as determined by the departments. A 117732  
school-based health center shall obtain parental consent prior 117733  
to providing services to a child. This does not apply in 117734  
emergency situations, first aid, other unanticipated minor 117735  
health care services, or health care services provided pursuant 117736  
to a student's IEP or a school district's obligation under 117737  
section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794. 117738

Of the foregoing appropriation item 440485, Health Program 117739  
Support, \$1,000,000 in each fiscal year shall be distributed to 117740

Ohio organizations currently providing all of the following 117741  
services: wraparound care, including multidisciplinary clinical 117742  
care; local case management services by health care 117743  
professionals; durable medical and augmentative communication 117744  
devices; state and federal advocacy; and support groups and 117745  
patient grants for those diagnosed with amyotrophic lateral 117746  
sclerosis (ALS). The distribution of funds shall be based on 117747  
each awarded organization's identified Ohio county coverage and 117748  
by the prevalence rate of persons living with ALS using the most 117749  
recent population estimates available from the United States 117750  
Census Bureau. Funds shall be used to support persons living 117751  
with ALS, including any of the followings: wraparound care, case 117752  
management, purchase and distribution of durable medical 117753  
equipment and augmentative communication devices, and patient 117754  
grants for disease-related expenses. Funding is required to be 117755  
designated in service to Ohioans and shall not be used for 117756  
persons living outside of the state of Ohio. 117757

Of the foregoing appropriation item 440485, Health Program 117758  
Support, \$125,000 in each fiscal year shall be provided to Ohio 117759  
Adolescent Health Centers to support sexual risk avoidance 117760  
programs in schools. 117761

Of the foregoing appropriation item 440485, Health Program 117762  
Support, \$62,500 in each fiscal year shall be provided to the 117763  
Domestic Violence Project, Inc. to support the addition of a 117764  
Community Educator position. 117765

TOXICOLOGY SCREENINGS 117766

The foregoing appropriation item 440495, Toxicology 117767  
Screenings, shall be used to reimburse county coroners in 117768  
counties in which the coroner has performed toxicology 117769  
screenings on victims of a drug overdose. The Director of Health 117770

shall transfer the funds to the counties in proportion to the 117771  
numbers of toxicology screenings performed per county. 117772

CHILDREN'S VISION SERVICES 117773

The foregoing appropriation item 440496, Children's Vision 117774  
Services, shall be used to support the provision of vision care 117775  
services as described in Section 291.30 of this act. 117776

CHILDREN'S DENTAL SERVICES 117777

The foregoing appropriation item 440497, Children's Dental 117778  
Services, shall be used to support the provision of dental care 117779  
services as described in Section 291.40 of this act. 117780

TARGETED HEALTH CARE SERVICES-OVER 21 117781

The foregoing appropriation item 440507, Targeted Health 117782  
Care Services-Over 21, shall be used to administer the Cystic 117783  
Fibrosis Program and to implement the Hemophilia Insurance 117784  
Premium Payment Program. The Department of Health shall expend 117785  
up to \$100,000 in each fiscal year to implement the Hemophilia 117786  
Insurance Premium Payment Program. 117787

The foregoing appropriation item 440507, Targeted Health 117788  
Care Services-Over 21, shall also be used to do the following: 117789  
cover services provided to adults over the age of twenty-one 117790  
with Cystic Fibrosis who are eligible for treatment under the 117791  
Cystic Fibrosis Program; provide essential medications; and pay 117792  
the copayments for drugs approved by the Department of Health 117793  
and covered by Medicare Part D that are dispensed to Program for 117794  
Children and Youth with Special Health Care Needs participants 117795  
for the Cystic Fibrosis Program. 117796

The Department shall expend all of the funds appropriated 117797  
in appropriation item 440507, Targeted Health Care Services-Over 117798

21.	117799
YOUTH HOMELESSNESS	117800
The foregoing appropriation item 440672, Youth Homelessness, shall be used to address homelessness in youth and pregnant women by providing assertive outreach to provide stable housing, including recovery housing. No funds shall be distributed to youth shelters that promote or affirm social gender transition, in which an individual goes from identifying with and living as a gender that corresponds to the individual's biological sex to identifying with and living as a gender different from the individual's biological sex.	117801 117802 117803 117804 117805 117806 117807 117808 117809
FEE SUPPORTED PROGRAMS	117810
Of the foregoing appropriation item 440647, Fee Supported Programs, \$2,160,000 in each fiscal year shall be used to distribute subsidies, on a per capita basis, to local health departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation.	117811 117812 117813 117814 117815 117816
Of the foregoing appropriation item 440647, Fee Supported Programs, \$1,840,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita basis.	117817 117818 117819 117820 117821
CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT	117822
The Children and Youth with Special Health Care Needs Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for	117823 117824 117825 117826 117827

encouraging Program for Children and Youth with Special Health 117828  
Care Needs recipients to apply for third-party benefits. Moneys 117829  
also may be expended for payments for diagnostic and treatment 117830  
services on behalf of children and youth with special health 117831  
care needs, as defined in division (A) of section 3701.022 of 117832  
the Revised Code, and Ohio residents who are twenty-one or more 117833  
years of age and who are suffering from cystic fibrosis or 117834  
hemophilia. Moneys may also be expended for administrative 117835  
expenses incurred in operating the Program for Children and 117836  
Youth with Special Health Care Needs. 117837

GENETICS SERVICES 117838

The foregoing appropriation item 440608, Genetics 117839  
Services, shall be used by the Department of Health to 117840  
administer programs authorized by sections 3701.501 and 3701.502 117841  
of the Revised Code. None of these funds shall be used to 117842  
counsel or refer for abortion. 117843

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 117844

Of the foregoing appropriation item 440656, Tobacco Use 117845  
Prevention, Cessation, and Enforcement, \$1,000,000 in each 117846  
fiscal year shall be used by the Director of Health, in 117847  
consultation with the Director of Children and Youth, to award 117848  
funds to private, nonprofit, or government entities. The 117849  
Directors shall determine how the funds are to be distributed, 117850  
but shall prioritize awards to entities that serve women who 117851  
reside in communities that have the highest infant mortality 117852  
rates in this state, as identified under section 3701.142 of the 117853  
Revised Code. Recognizing the significant health risks posed to 117854  
women and their children by tobacco use during and after 117855  
pregnancy, the Department of Health shall award grants to 117856  
private, nonprofit, or government entities that demonstrate the 117857

ability to deliver evidence-based tobacco cessation 117858  
interventions to women. 117859

The remainder of appropriation item 440656, Tobacco Use 117860  
Prevention, Cessation, and Enforcement, shall be used to 117861  
administer tobacco use prevention and cessation activities and 117862  
programs, to administer compliance checks, retailer education, 117863  
and programs related to legal age restrictions, and to enforce 117864  
the Ohio Smoke-Free Workplace Act. 117865

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 117866  
ASSESSMENTS 117867

The foregoing appropriation item 440607, Children and 117868  
Youth with Special Health Care Needs - County Assessments, shall 117869  
be used to make payments under division (E) of section 3701.023 117870  
of the Revised Code. 117871

FEDERAL PUBLIC HEALTH PROGRAMS 117872

Of the foregoing appropriation item 440618, Federal Public 117873  
Health Programs, \$7,800,000 in each fiscal year shall be 117874  
provided to Ohio Adolescent Health Centers. 117875

**Section 291.30.** OHIO STUDENT EYE EXAM PROGRAM 117876

(A) The Department of Health shall establish and 117877  
administer the Ohio Student Eye Exam Program, to be known as the 117878  
OhioSEE Program. Under the program, vision care services, 117879  
including vision screenings, eye examinations, and glasses, may 117880  
be provided to Ohio students, kindergarten through third grade, 117881  
who fail vision screenings and lack access to follow-up care. 117882

(B) In administering the program, the Department shall 117883  
focus on improving the percentage of vision care referrals 117884  
completed, increasing student access to eye examinations, and 117885

providing necessary eyewear to eligible students. 117886

**Section 291.40.** CHILDREN'S DENTAL SERVICES PROGRAM 117887

(A) The Department of Health shall establish and 117888  
administer the Children's Dental Services Program. Under the 117889  
program, dental care services, including screenings, treatment, 117890  
and preventive care, may be provided to a child who meets the 117891  
following conditions: 117892

(1) The child resides in an underserved area as determined 117893  
by the Department. 117894

(2) The child meets any other eligibility condition 117895  
established by the Department. 117896

(B) The dental care services described in division (A) of 117897  
this section may be provided by deploying mobile dental units to 117898  
schools and underserved areas. 117899

(C) In administering the program, the Department shall 117900  
focus on increasing children's access to dental care and helping 117901  
to reduce the incidence of dental caries among children. 117902

**Section 293.10.** 117903

117904

	1	2	3	4	5
A	HEF HIGHER EDUCATIONAL FACILITY COMMISSION				
B	Dedicated Purpose Fund Group				
C	4610	372601	Operating Expenses	\$15,513	\$15,513
D	Dedicated Purpose Fund Group Total			\$15,513	\$15,513
E	TOTAL ALL BUDGET FUND GROUPS			\$15,513	\$15,513



**Section 295.10.**

117905

117906

1	2	3	4	5
A	SPA COMMISSION ON HISPANIC/LATINO AFFAIRS			
B	General Revenue Fund			
C	GRF 148321	Operating Expenses	\$466,248	\$483,670
D	General Revenue Fund Total		\$466,248	\$483,670
E	Dedicated Purpose Fund Group			
F	6010 148602	Special Initiatives	\$50,000	\$50,000
G	Dedicated Purpose Fund Group Total		\$50,000	\$50,000
H	TOTAL ALL BUDGET FUND GROUPS		\$516,248	\$533,670

**Section 297.10.**

117907

117908

1	2	3	4	5
A	OHS OHIO HISTORY CONNECTION			
B	General Revenue Fund			
C	GRF 360400	Holocaust and Genocide Memorial and Education Commission	\$985,000	\$985,000
D	GRF 360401	Ohio Commission for the U.S. Semiquincentennial	\$7,500,000	\$2,500,000

E	GRF	360402	UNESCO World Heritage Sites	\$3,260,020	\$2,602,020
F	GRF	360501	Education and Collections	\$6,139,320	\$6,147,040
G	GRF	360502	Site and Museum Operations	\$8,252,200	\$8,252,200
H	GRF	360504	Ohio Preservation Office	\$965,287	\$965,287
I	GRF	360505	National Afro-American Museum	\$811,000	\$811,000
J	GRF	360506	Hayes Presidential Center	\$750,000	\$750,000
K	GRF	360508	State Historical Grants	\$700,000	\$700,000
L	General Revenue Fund Total			\$29,362,827	\$23,712,547
M	Dedicated Purpose Fund Group				
N	5KL0	360602	Ohio History Tax Check- off	\$150,000	\$150,000
O	5PD0	360603	Ohio History License Plate	\$10,000	\$10,000
P	Dedicated Purpose Fund Group Total			\$160,000	\$160,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$29,522,827	\$23,872,547

**Section 297.20.** SUBSIDY APPROPRIATION 117909

Upon approval by the Director of Budget and Management, 117910  
the foregoing appropriation items shall be released to the Ohio 117911

History Connection in quarterly amounts that in total do not 117912  
exceed the annual appropriations. The funds and fiscal records 117913  
of the Ohio History Connection for fiscal year 2026 and fiscal 117914  
year 2027 shall be examined by independent certified public 117915  
accountants approved by the Auditor of State, and a copy of the 117916  
audited financial statements shall be filed with the Office of 117917  
Budget and Management. 117918

The foregoing appropriations shall be considered to be the 117919  
contractual consideration provided by the state to support the 117920  
state's offer to contract with the Ohio History Connection under 117921  
section 149.30 of the Revised Code. 117922

UNESCO WORLD HERITAGE SITES 117923

The foregoing appropriation item 360402, UNESCO World 117924  
Heritage Sites, shall be used for operating costs for approved 117925  
United Nations Educational, Scientific and Cultural Organization 117926  
(UNESCO) World Heritage sites in Ohio. 117927

STATE HISTORICAL GRANTS 117928

Of the foregoing appropriation item 360508, State 117929  
Historical Grants, \$350,000 in each fiscal year shall be used 117930  
for the Western Reserve Historical Society, and \$350,000 in each 117931  
fiscal year shall be used for the Cincinnati Museum Center. 117932

**Section 299.10.** 117933

117934

1 2 3 4 5

A REP OHIO HOUSE OF REPRESENTATIVES

B General Revenue Fund

C	GRF 025321 Operating Expenses	\$35,100,000	\$36,210,000
D	General Revenue Fund Total	\$35,100,000	\$36,210,000
E	Internal Service Activity Fund Group		
F	1030 025601 House of Representatives Reimbursement	\$1,433,664	\$1,433,664
G	4A40 025602 Miscellaneous Sales	\$50,000	\$50,000
H	Internal Service Activity Fund Group Total	\$1,483,664	\$1,483,664
I	TOTAL ALL BUDGET FUND GROUPS	\$36,583,664	\$37,693,664

**Section 299.20. OPERATING EXPENSES** 117935

On July 1, 2025, or as soon as possible thereafter, the 117936  
 Chief Administrative Officer of the House of Representatives may 117937  
 certify to the Director of Budget and Management an amount up to 117938  
 the unexpended, unencumbered balance of the foregoing 117939  
 appropriation item 025321, Operating Expenses, at the end of 117940  
 fiscal year 2025 to be reappropriated to fiscal year 2026. The 117941  
 amount certified is hereby reappropriated to the same 117942  
 appropriation item for fiscal year 2026. 117943

On July 1, 2026, or as soon as possible thereafter, the 117944  
 Chief Administrative Officer of the House of Representatives may 117945  
 certify to the Director of Budget and Management an amount up to 117946  
 the unexpended, unencumbered balance of the foregoing 117947  
 appropriation item 025321, Operating Expenses, at the end of 117948  
 fiscal year 2026 to be reappropriated to fiscal year 2027. The 117949  
 amount certified is hereby reappropriated to the same 117950

appropriation item for fiscal year 2027. 117951

HOUSE REIMBURSEMENT 117952

If it is determined by the Chief Administrative Officer of 117953  
the House of Representatives that additional appropriations are 117954  
necessary for the foregoing appropriation item 025601, House of 117955  
Representatives Reimbursement, the amounts are hereby 117956  
appropriated. 117957

**Section 301.10.** 117958

117959

	1	2	3	4	5
A	HFA OHIO HOUSING FINANCE AGENCY				
B	Dedicated Purpose Fund Group				
C	5AZ0	997601	Housing Finance Agency	\$18,900,000	\$19,600,000
			Personal Services		
D	Dedicated Purpose Fund Group Total			\$18,900,000	\$19,600,000
E	TOTAL ALL BUDGET FUND GROUPS			\$18,900,000	\$19,600,000

**Section 303.10.** 117960

117961

	1	2	3	4	5
A	IGO OFFICE OF THE INSPECTOR GENERAL				
B	General Revenue Fund				
C	GRF	965321	Operating Expenses	\$2,079,000	\$2,158,000
D	General Revenue Fund Total			\$2,079,000	\$2,158,000

E	Internal Service Activity Fund Group		
F	5FA0 965603 Deputy Inspector General for ODOT	\$400,000	\$400,000
G	5FT0 965604 Deputy Inspector General for BWC/OIC	\$425,000	\$425,000
H	Internal Service Activity Fund Group Total	\$825,000	\$825,000
I	TOTAL ALL BUDGET FUND GROUPS	\$2,904,000	\$2,983,000

**Section 305.10.**

117962  
117963

1	2	3	4	5
A	INS DEPARTMENT OF INSURANCE			
B	Dedicated Purpose Fund Group			
C	5540 820401 Examination		\$11,242,604	\$11,690,798
D	5540 820601 Operating Expenses - OSHIIP		\$400,670	\$414,002
E	5540 820606 Operating Expenses		\$36,479,179	\$37,595,513
F	Dedicated Purpose Fund Group Total		\$48,122,453	\$49,700,313
G	Federal Fund Group			
H	3U50 820602 OSHIIP Operating Grant		\$3,050,000	\$3,050,000
I	Federal Fund Group Total		\$3,050,000	\$3,050,000

J TOTAL ALL BUDGET FUND GROUPS \$51,172,453 \$52,750,313

**Section 305.20.** MARKET CONDUCT EXAMINATION 117964

When conducting a market conduct examination of any 117965  
insurer doing business in this state, the Superintendent of 117966  
Insurance may assess the costs of the examination against the 117967  
insurer. The Superintendent may enter into consent agreements to 117968  
impose administrative assessments or fines for conduct 117969  
discovered that may be violations of statutes or rules 117970  
administered by the Superintendent. All costs, assessments, or 117971  
fines collected shall be deposited to the credit of the 117972  
Department of Insurance Operating Fund (Fund 5540). 117973

**Section 307.10.** 117974

117975

1 2 3 4 5

A JFS DEPARTMENT OF JOB AND FAMILY SERVICES

B General Revenue Fund

C GRF 600410 TANF State Maintenance of \$147,169,083 \$147,169,083  
Effort

D GRF 600450 Program Operations \$150,325,446 \$151,655,581

E GRF 600502 Child Support - Local \$26,400,000 \$26,400,000

F GRF 600521 Family Assistance - Local \$53,216,226 \$53,216,226

G GRF 600533 Child, Family, and \$13,500,000 \$13,500,000  
Community Protection  
Services

H	GRF	600534	Adult Protective Services	\$11,720,000	\$11,720,000
I	GRF	600551	Job and Family Services Program Support	\$1,500,000	\$1,500,000
J	GRF	655425	Medicaid Program Support	\$15,779,739	\$16,393,535
K	GRF	655522	Medicaid Program Support - Local	\$44,000,000	\$44,000,000
L	GRF	655523	Medicaid Program Support - Local Transportation	\$43,530,000	\$43,530,000
M	General Revenue Fund Total			\$507,140,494	\$509,084,425
N	Dedicated Purpose Fund Group				
O	4A80	600658	Public Assistance Activities	\$21,400,000	\$21,400,000
P	4A90	600607	Unemployment Compensation Administration Fund	\$45,180,000	\$36,670,000
Q	5CI1	6006B6	Utility Community Assistance	\$0	\$686,947
R	5DM0	600633	Audit Settlements and Contingency	\$1,000,000	\$1,000,000
S	5ES0	600630	Food Bank Assistance	\$500,000	\$500,000
T	5M40	6006B2	Low Income Energy Assistance	\$0	\$176,222,102
U	5RX0	600699	Workforce Development	\$1,500,000	\$1,500,000



Projects

V	5RY0	600698	Human Services Project	\$15,000,000	\$15,000,000
W			Dedicated Purpose Fund Group Total	\$84,580,000	\$252,979,049
X			Internal Service Activity Fund Group		
Y	5HL0	600602	State and County Shared Services	\$2,000,000	\$2,000,000
Z	5WU0	6006C2	Ohio Benefits	\$0	\$169,005,914
AA			Internal Service Activity Fund Group Total	\$2,000,000	\$171,005,914
AB			Fiduciary Fund Group		
AC	1920	600646	Child Support Intercept- Federal	\$100,000,000	\$100,000,000
AD	5830	600642	Child Support Intercept- State	\$13,000,000	\$13,000,000
AE	5B60	600601	Food Assistance Intercept	\$9,000,000	\$9,000,000
AF			Fiduciary Fund Group Total	\$122,000,000	\$122,000,000
AG			Holding Account Fund Group		
AH	R012	600643	Refunds and Audit Settlements	\$500,000	\$500,000
AI			Holding Account Fund Group Total	\$500,000	\$500,000

AJ Federal Fund Group

AK 3310 600615	Veterans Programs	\$9,729,693	\$10,046,576
AL 3310 600624	Employment Services	\$33,757,412	\$33,361,820
AM 3310 600686	Workforce Programs	\$3,726,601	\$3,831,863
AN 3840 600610	Food Assistance Programs	\$353,577,548	\$355,477,007
AO 3850 600614	Refugee Services	\$43,221,914	\$47,817,949
AP 3950 600616	Federal Discretionary Grants	\$4,500,000	\$4,500,000
AQ 3960 600620	Social Services Block Grant	\$38,100,747	\$38,339,506
AR 3970 600626	Child Support - Federal	\$206,615,245	\$206,484,306
AS 3F01 655624	Medicaid Program Support - Federal	\$221,532,699	\$222,146,496
AT 3F10 6006B4	Home Weatherization Program	\$0	\$45,000,000
AU 3K90 6006B3	Home Energy Assistance Block Grant	\$0	\$180,000,000
AV 3K90 6006B7	HEAP Weatherization	\$0	\$44,000,000
AW 3L00 6006B8	Community Services Block Grant	\$0	\$32,000,000
AX 3S50 600622	Child Support Projects	\$539,000	\$539,000

AY 3V00 600688	Workforce Innovation and Opportunity Act Programs	\$165,467,651	\$172,078,185
AZ 3V40 600632	Trade Programs	\$3,001,000	\$3,001,000
BA 3V40 600678	Federal Unemployment Programs	\$122,666,388	\$125,686,620
BB 3V40 600679	Unemployment Compensation Review Commission-Federal	\$6,068,609	\$6,249,573
BC 3V60 600689	TANF Block Grant	\$561,481,981	\$561,481,981
BD	Federal Fund Group Total	\$1,773,986,488	\$2,092,041,882
BE	TOTAL ALL BUDGET FUND GROUPS	\$2,490,206,982	\$3,147,611,270

**Section 307.20.** COUNTY ADMINISTRATIVE FUNDS 117976

(A) Of the foregoing appropriation item 600521, Family Assistance - Local, at least \$46,000,000 in each fiscal year shall be provided to county departments of job and family services to administer food assistance and disability assistance programs. 117977  
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(B) Of the foregoing appropriation item 600521, Family Assistance -Local, an additional \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 117982  
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(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, shall be provided to county departments of job and family services to administer the Medicaid program 117988  
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and the State Children's Health Insurance program. 117991

(D) At the request of the Director of Job and Family 117992  
Services, the Director of Budget and Management may transfer 117993  
appropriations between the following appropriation items to 117994  
ensure county administrative funds are expended from the proper 117995  
appropriation item: 117996

(1) Appropriation item 600521, Family Assistance - Local, 117997  
and appropriation item 655522, Medicaid Program Support - Local; 117998  
and 117999

(2) Appropriation item 655523, Medicaid Program Support - 118000  
Local Transportation, and appropriation item 655522, Medicaid 118001  
Program Support - Local. 118002

**Section 307.30. NAME OF FOOD STAMP PROGRAM** 118003

The Director of Job and Family Services is not required to 118004  
amend rules regarding the Food Stamp Program to change the name 118005  
of the program to the Supplemental Nutrition Assistance Program. 118006  
The Director may refer to the program as the Food Stamp Program, 118007  
the Supplemental Nutrition Assistance Program, or the Food 118008  
Assistance Program in rules and documents of the Department of 118009  
Job and Family Services. 118010

**Section 307.35. TANF STATE MAINTENANCE OF EFFORT** 118011

Of the foregoing appropriation item 600410, TANF State 118012  
Maintenance of Effort, \$400,000 in each fiscal year shall be 118013  
provided to the Simon Kenton Council for the administration of 118014  
the ScoutReach program. Funding shall be used for the following: 118015  
to expand access to scouting in under-resourced communities; to 118016  
provide financial assistance for participating families; to hire 118017  
two additional program coordinators, a risk manager, and a 118018  
social worker; to purchase program supplies; and to provide 118019

marketing resources to enhance outreach and engagement. Funds 118020  
shall be distributed in accordance with guidelines established 118021  
for nonprofit educational and youth development programs. The 118022  
Simon Kenton Council shall submit an annual report to the 118023  
Department of Job and Family Services detailing the program's 118024  
expansion, impact, and financial expenditures. 118025

**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS 118026

Of the foregoing appropriation items 600410, TANF State 118027  
Maintenance of Effort, 600658, Public Assistance Activities, and 118028  
600689, TANF Block Grant, a total of up to \$22,050,000 in each 118029  
fiscal year shall be used to provide funds to the Ohio 118030  
Association of Food Banks to purchase and distribute food 118031  
products, support Innovative Summer Meals programs for children, 118032  
provide SNAP outreach and free tax filing services, and provide 118033  
capacity building equipment for food pantries and soup kitchens. 118034

Notwithstanding section 5101.46 of the Revised Code and 118035  
any other provision in this act, the Director of Job and Family 118036  
Services shall provide assistance from eligible funds to the 118037  
Ohio Association of Food Banks in an amount not less than 118038  
\$24,550,000 in each fiscal year. This amount includes the funds 118039  
designated to the Ohio Association of Food Banks in the first 118040  
paragraph of this section. 118041

Eligible nonfederal expenditures made by member food banks 118042  
of the Association shall be counted by the Department of Job and 118043  
Family Services toward the TANF maintenance of effort 118044  
requirements of 42 U.S.C. 609(a) (7). The Director of Job and 118045  
Family Services shall enter into an agreement with the Ohio 118046  
Association of Food Banks, in accordance with sections 5101.80 118047  
and 5101.801 of the Revised Code, to carry out the requirements 118048  
under this section. 118049

**Section 307.50.** OHIO ASSOCIATION OF FOODBANKS SUBGRANT 118050

The Department of Job and Family Services shall enter into 118051  
a subgrant agreement with the Ohio Association of Foodbanks to 118052  
enable the Association to provide food distribution to low- 118053  
income families and individuals via the statewide charitable 118054  
emergency food provider network and to support transportation of 118055  
meals for the Governor's Office of Faith-Based and Community 118056  
Initiatives Innovative Summer Meals programs for children and 118057  
provide capacity building equipment for food pantries and soup 118058  
kitchens. 118059

The Ohio Association of Foodbanks shall do all of the 118060  
following: 118061

(A) Purchase food for the Agriculture Clearance and Ohio 118062  
Food Programs. Information regarding the food purchase shall be 118063  
reflected in the plan for statewide distribution of food 118064  
products to local food distribution agencies. 118065

(B) Support the Capacity Building Grant program and 118066  
purchase equipment for partner agencies that is needed to 118067  
increase their capacity to serve more families eligible under 118068  
the Temporary Assistance for Needy Families program with 118069  
perishable foods, fruits, and vegetables. This equipment 118070  
purchase shall include, but is not limited to, shelving, pallet 118071  
jacks, commercial refrigerators, and commercial freezers. 118072

(C) Submit a quarterly report to the Department of Job and 118073  
Family Services not later than sixty days after the close of the 118074  
quarter to which the report pertains. The quarterly report shall 118075  
include all of the following: 118076

(1) A summary of the allocation and expenditure of grant 118077  
funds; 118078

(2) Product type and pounds distributed by foodbank service region and county;	118079 118080
(3) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served.	118081 118082 118083 118084 118085
(D) Submit an annual report to the Agreement Manager at the Department of Job and Family Services not later than one hundred twenty days after the end of the fiscal year. The annual report shall include the following:	118086 118087 118088 118089
(1) A summary of the allocation and expenditure of grant funds;	118090 118091
(2) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served.	118092 118093 118094 118095 118096
(3) The quantity and type of food distributed and the total per pound cost of the food purchased;	118097 118098
(4) Information on the cost of storage, transportation, and processing;	118099 118100
(5) An evaluation of the success in achieving expected performance outcomes.	118101 118102
<b>Section 307.60. FOOD STAMPS TRANSFER</b>	118103
On July 1, 2025, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000	118104 118105 118106

cash from the Food Stamp Offset Fund (Fund 5B60), to the Food Assistance Fund (Fund 5ES0). 118107  
118108

**Section 307.70.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 118109

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a) (7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities. 118110  
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**Section 307.80.** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS 118118  
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(A) Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, and 600689, TANF Block Grant, up to \$13,410,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601. Of this amount, allocations shall be made as follows: 118120  
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(1) \$1,000,000 in each fiscal year for the Siemer Institute to support family stability programs in collaboration with United Way affiliates; 118131  
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(2) \$1,000,000 in each fiscal year for the Independent Living Initiative, including life skills training and work 118134  
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supports for older children in foster care and those who have 118136  
recently aged out of foster care who meet TANF eligibility 118137  
requirements; 118138

(3) \$750,000 in each fiscal year for the Ohio Council of 118139  
YWCA's to support child care, food programs for youth and 118140  
families, educational opportunities for at-risk youth, trauma- 118141  
informed support, violence prevention, and food insecurity; 118142

(4) \$500,000 in each fiscal year for Big Brothers Big 118143  
Sisters of Central Ohio to provide mentoring services to 118144  
children throughout the state who have experienced trauma in 118145  
their lives, including parental incarceration; 118146

(5) \$100,000 in each fiscal year for Marriage Works! Ohio 118147  
in Dayton. 118148

(B) Of the foregoing appropriation items 600410, TANF 118149  
State Maintenance of Effort, and 600689, TANF Block Grant, 118150  
\$7,500,000 in each fiscal year shall be provided, in accordance 118151  
with sections 5101.80 and 5101.801 of the Revised Code, to the 118152  
Ohio Alliance of Boys and Girls Clubs to provide after-school 118153  
and summer programs that protect at-risk children and enable 118154  
youth to become responsible adults. Not less than \$150,000 in 118155  
each fiscal year shall be provided to the Boys and Girls Club of 118156  
Massillon. 118157

(C) Of the foregoing appropriation item 600689, TANF Block 118158  
Grant, \$1,500,000 in each fiscal year shall be provided, in 118159  
accordance with sections 5101.80 and 5101.801 of the Revised 118160  
Code, to the Children's Hunger Alliance to assist with meal 118161  
sponsorship, early child care programs, child care, 118162  
consultations and nutrition education, school district nutrition 118163  
programs, after school nutrition programs, and summer nutrition 118164

programs. 118165

(D) Of the foregoing appropriation item 600689, TANF Block 118166  
Grant, \$250,000 in each fiscal year shall be provided to the 118167  
Toledo Seagate Foodbank, in accordance with sections 5101.80 and 118168  
5101.801 of the Revised Code. 118169

(E) Of the foregoing appropriation item 600689, TANF Block 118170  
Grant, \$100,000 in each fiscal year shall be provided, in 118171  
accordance with sections 5101.80 and 5101.801 of the Revised 118172  
Code, to Bethany House Services. 118173

(F) Of the foregoing appropriation item 600689, TANF Block 118174  
Grant, \$57,500 in each fiscal year shall be provided, in 118175  
accordance with sections 5101.80 and 5101.801 of the Revised 118176  
Code, to the Big Brothers Big Sisters of Northwest Ohio. Not 118177  
less than \$20,000 in each fiscal year shall be used to provide 118178  
programming to youth within Ohio state parks. 118179

(G) Of the foregoing appropriation item 600689, TANF Block 118180  
Grant, \$500,000 in each fiscal year shall be provided, in 118181  
accordance with sections 5101.80 and 5101.801 of the Revised 118182  
Code, to Child Focus, Inc. 118183

(H) Of the foregoing appropriation item 600689, TANF Block 118184  
Grant, \$75,000 in each fiscal year shall be provided, in 118185  
accordance with sections 5101.80 and 5101.801 of the Revised 118186  
Code, to Dads2B. 118187

(I) Of the foregoing appropriation item 600689, TANF Block 118188  
Grant, \$375,000 in each fiscal year shall be provided, in 118189  
accordance with sections 5101.80 and 5101.801 of the Revised 118190  
Code, to Foundry Row, Sail, Dream. 118191

(J) Of the foregoing appropriation item 600689, TANF Block 118192  
Grant, \$250,000 in each fiscal year shall be provided, in 118193

accordance with sections 5101.80 and 5101.801 of the Revised Code, to OhioGuidestone. 118194  
118195

(K) Of the foregoing appropriation item 600689, TANF Block Grant, \$1,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Open Doors Academy. 118196  
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(L) Of the foregoing appropriation item 600689, TANF Block Grant, \$1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Produce Perks. 118200  
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(M) Of the foregoing appropriation item 600689, TANF Block Grant, \$100,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio YMCA to support day camps and before and after school programs to help students remove barriers to their learning. 118204  
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**Section 307.90. PROGRAM OPERATIONS** 118210

Of the foregoing appropriation item 600450, Program Operations, \$5,000,000 in each fiscal year shall be allocated for the GRIT program to be administered by the Department of Job and Family Services, in coordination with the Governor's Office of Appalachia and the Department of Development. The program shall expand the qualified worker pipeline, remove barriers to fill local and remote jobs, and promote entrepreneurial endeavors in economically distressed and at-risk areas within the Appalachian region of Ohio, as defined in section 107.21 of the Revised Code, and other like counties within the state. The amount set aside for the GRIT program under this section shall be used for the following: 118211  
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(A) To establish, in collaboration with private businesses 118223  
and public sector partners, virtual workforce development 118224  
centers and supportive resources and to place unemployed and 118225  
underemployed youth and adults into jobs; 118226

(B) To support assessment, coaching, wraparound services, 118227  
and other career development and training activities for both 118228  
high school youth and adults. 118229

The amount set aside for the GRIT program under this 118230  
section may be used for operating costs. 118231

**Section 307.100.** CHILD, FAMILY, AND COMMUNITY PROTECTION 118232  
SERVICES 118233

(A) The foregoing appropriation item 600533, Child, 118234  
Family, and Community Protection Services, shall be distributed 118235  
to county departments of job and family services. County 118236  
departments shall use the funds distributed to them under this 118237  
section as follows, in accordance with the written plan of 118238  
cooperation entered into under section 307.983 of the Revised 118239  
Code: 118240

(1) To assist individuals in achieving or maintaining 118241  
self-sufficiency, including by reducing or preventing dependency 118242  
among individuals with family income not exceeding two hundred 118243  
per cent of the federal poverty guidelines; 118244

(2) Subject to division (B) of this section, to respond to 118245  
reports of abuse, neglect, or exploitation of children and 118246  
adults, including through the differential response approach 118247  
program; 118248

(3) To provide outreach and referral services regarding 118249  
home and community-based services to individuals at risk of 118250  
placement in a group home or institution, regardless of the 118251

individuals' family income and without need for a written application; 118252  
118253

(4) To provide outreach, referral, application assistance, 118254  
and other services to assist individuals to receive assistance, 118255  
benefits, or services under Medicaid; Title IV-A programs, as 118256  
defined in section 5101.80 of the Revised Code; the Supplemental 118257  
Nutrition Assistance Program; and other public assistance 118258  
programs. 118259

(B) Protective services may be provided to a child or 118260  
adult as part of a response, under division (A)(2) of this 118261  
section, to a report of abuse, neglect, or exploitation without 118262  
regard to a child or adult's family income and without need for 118263  
a written application. The protective services may be provided 118264  
if the case record documents circumstances of actual or 118265  
potential abuse, neglect, or exploitation. 118266

**Section 307.110. ADULT PROTECTIVE SERVICES** 118267

Of the foregoing appropriation item 600534, Adult 118268  
Protective Services, \$7,040,000 in each fiscal year shall be 118269  
used to provide an initial allocation of \$80,000 to each county. 118270  
The remainder of appropriation item 600534 shall be provided to 118271  
counties in accordance with the formula established in section 118272  
5101.612 of the Revised Code. 118273

**Section 307.115. JOB AND FAMILY SERVICES PROGRAM SUPPORT** 118274

The foregoing appropriation item 600551, Job and Family 118275  
Services Program Support, shall be provided to La Soupe to 118276  
support and expand its core food security programs across Ohio. 118277

**Section 307.120. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS** 118278

The Fiduciary Fund Group and Holding Account Fund Group 118279

shall be used to hold revenues until the appropriate fund is 118280  
determined or until the revenues are directed to the appropriate 118281  
governmental agency other than the Department of Job and Family 118282  
Services. Any Department of Job and Family Services refunds or 118283  
reconciliations received or held by the Department of Medicaid 118284  
shall be transferred or credited to the Refunds and Audit 118285  
Settlement Fund (Fund R012). If receipts credited to the Support 118286  
Intercept - Federal Fund (Fund 1920), the Support Intercept - 118287  
State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), 118288  
or the Refunds and Audit Settlements Fund (Fund R012) exceed the 118289  
amounts appropriated from the fund, the Director of Job and 118290  
Family Services may request the Director of Budget and 118291  
Management to authorize expenditures from the fund in excess of 118292  
the amounts appropriated. Upon the approval of the Director of 118293  
Budget and Management, the additional amounts are hereby 118294  
appropriated. 118295

**Section 307.130. HEAP WEATHERIZATION** 118296

Up to twenty-five per cent of the federal funds deposited 118297  
to the credit of the Home Energy Assistance Block Grant (Fund 118298  
3K90) may be expended from appropriation item 6006B7, HEAP 118299  
Weatherization, to provide home weatherization services in the 118300  
state as determined by the Director of Job and Family Services. 118301

**Section 307.140. SUMMER ELECTRONIC BENEFITS TRANSFER FOR 118302  
CHILDREN FUND** 118303

(A) The Summer Electronic Benefits Transfer for Children 118304  
Fund is created, which shall be in the custody of the Treasurer 118305  
of State but shall not be part of the state treasury. The fund 118306  
shall consist of all money awarded by the United States 118307  
Department of Agriculture as benefits under 42 U.S.C. 1762. All 118308  
money in the fund shall be used by the Director of Job and 118309

Family Services solely for the purpose of paying eligible 118310  
charges incurred by children and families eligible for, and 118311  
participating in, the Summer Electronic Benefits Transfer for 118312  
Children Program. 118313

(B) On or before August 1 of each fiscal year, the 118314  
Director shall submit to the Governor, the Director of Budget 118315  
and Management, the President of the Senate, the Speaker of the 118316  
House of Representatives, the Minority Leader of the Senate, and 118317  
the Minority Leader of the House of Representatives information 118318  
regarding the Summer Electronic Benefits Transfer for Children 118319  
Program created under 42 U.S.C. 1762, including the amount of 118320  
federal funding received for the program in the previous fiscal 118321  
year. 118322

**Section 307.150. WORK REQUIREMENTS** 118323

The Director of Job and Family Services may refer Ohio 118324  
Works First and Supplemental Nutrition Assistance Program 118325  
participants who have indicated that they have a mental or 118326  
physical illness or impairment to the agency for vocational 118327  
rehabilitation assessment and support services. Such 118328  
participants must continue with vocational rehabilitation 118329  
services pursuant to this section in order to meet Ohio Works 118330  
First and Supplemental Nutrition Assistance Program work 118331  
requirements, unless they are determined unable to work by the 118332  
Opportunities for Ohioans with Disabilities agency, or otherwise 118333  
meet minimum program work requirements. Participants who are not 118334  
determined unable to work by the Opportunities for Ohioans with 118335  
Disabilities agency and who do not participate with vocational 118336  
rehabilitation services pursuant to this section or otherwise 118337  
meet minimum program work requirements will have benefits 118338  
terminated in accordance with federal regulations. 118339

<b>Section 309.10.</b>					118340
					118341
1	2	3	4	5	
A	JCR JOINT COMMITTEE ON AGENCY RULE REVIEW				
B	General Revenue Fund				
C	GRF	029321 Operating Expenses	\$620,000	\$620,000	
D	General Revenue Fund Total		\$620,000	\$620,000	
E	TOTAL ALL BUDGET FUND GROUPS		\$620,000	\$620,000	

**Section 309.20. OPERATING GUIDANCE** 118342

The Legislative Service Commission shall act as fiscal 118343  
agent for the Joint Committee on Agency Rule Review. Members of 118344  
the Committee shall be paid in accordance with section 101.35 of 118345  
the Revised Code. 118346

OPERATING EXPENSES 118347

On July 1, 2025, or as soon as possible thereafter, the 118348  
Executive Director of the Joint Committee on Agency Rule Review 118349  
may certify to the Director of Budget and Management an amount 118350  
up to the unexpended, unencumbered balance of the foregoing 118351  
appropriation item 029321, Operating Expenses, at the end of 118352  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 118353  
amount certified is hereby reappropriated to the same 118354  
appropriation item for fiscal year 2026. 118355

On July 1, 2026, or as soon as possible thereafter, the 118356  
Executive Director of the Joint Committee on Agency Rule Review 118357  
may certify to the Director of Budget and Management an amount 118358



up to the unexpended, unencumbered balance of the foregoing 118359  
appropriation item 029321, Operating Expenses, at the end of 118360  
fiscal year 2026 to be reappropriated to fiscal year 2027. The 118361  
amount certified is hereby reappropriated to the same 118362  
appropriation item for fiscal year 2027. 118363

**Section 313.10.**

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118365

1	2	3	4	5
A		JMO JOINT MEDICAID OVERSIGHT COMMITTEE		
B	General Revenue Fund			
C	GRF 048321 Operating Expenses		\$530,532	\$654,606
D	General Revenue Fund Total		\$530,532	\$654,606
E	TOTAL ALL BUDGET FUND GROUPS		\$530,532	\$654,606

**Section 313.20. OPERATING EXPENSES**

118366

The foregoing appropriation item 048321, Operating 118367  
Expenses, shall be used to support expenses related to the Joint 118368  
Medicaid Oversight Committee created by section 103.41 of the 118369  
Revised Code. 118370

On July 1, 2025, or as soon as possible thereafter, the 118371  
Executive Director of the Joint Medicaid Oversight Committee may 118372  
certify to the Director of Budget and Management an amount up to 118373  
the unexpended, unencumbered balance of the foregoing 118374  
appropriation item 048321, Operating Expenses, at the end of 118375  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 118376  
amount certified is hereby reappropriated to the same 118377  
appropriation item for fiscal year 2026. 118378

On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2026 to be reappropriated to fiscal year 2027. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2027.

**Section 315.10.**

1	2	3	4	5
A	JCO JUDICIAL CONFERENCE OF OHIO			
B	General Revenue Fund			
C	GRF 018321	Operating Expenses	\$1,398,265	\$1,475,131
D	General Revenue Fund Total		\$1,398,265	\$1,475,131
E	Dedicated Purpose Fund Group			
F	4030 018601	Ohio Jury Instructions	\$746,000	\$814,899
G	Dedicated Purpose Fund Group Total		\$746,000	\$814,899
H	TOTAL ALL BUDGET FUND GROUPS		\$2,144,265	\$2,290,030

**Section 315.20. STATE COUNCIL OF UNIFORM STATE LAWS**

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018321, Operating Expenses, up to \$103,315 in fiscal year 2026 and up to \$108,481 in fiscal year 2027 shall be used to pay the expenses of the State Council of

Uniform State Laws, including membership dues to the National 118394  
Conference of Commissioners on Uniform State Laws. 118395

OHIO JURY INSTRUCTIONS FUND 118396

The Ohio Jury Instructions Fund (Fund 4030) shall consist 118397  
of grants, royalties, dues, conference fees, bequests, devises, 118398  
and other gifts received for the purpose of supporting costs 118399  
incurred by the Judicial Conference of Ohio in its activities as 118400  
a part of the judicial system of the state as determined by the 118401  
Judicial Conference Executive Committee. Fund 4030 shall be used 118402  
by the Judicial Conference of Ohio to pay expenses incurred in 118403  
its activities as a part of the judicial system of the state as 118404  
determined by the Judicial Conference Executive Committee. All 118405  
moneys accruing to Fund 4030 in excess of the amount 118406  
appropriated for the current fiscal year are hereby appropriated 118407  
for the purposes authorized. No money in Fund 4030 shall be 118408  
transferred to any other fund by the Director of Budget and 118409  
Management or the Controlling Board. 118410

**Section 317.10.** 118411

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	1	2	3	4	5
A	JSC THE JUDICIARY/SUPREME COURT				
B	General Revenue Fund				
C	GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$213,543,246	\$220,494,519
D	GRF	005401	State Criminal Sentencing Commission	\$1,506,142	\$1,601,731

E	GRF	005406	Law-Related Education	\$250,000	\$250,000
F	GRF	005409	Ohio Courts Technology Initiative	\$4,505,000	\$4,505,000
G	General Revenue Fund Total			\$219,804,388	\$226,851,250
H	Dedicated Purpose Fund Group				
I	4C80	005605	Attorney Services	\$10,718,083	\$10,721,022
J	5HT0	005617	Court Interpreter Certification	\$9,000	\$9,000
K	5SP0	005626	Civil Justice Grant Program	\$425,000	\$425,000
L	5T80	005609	Grants and Awards	\$1,000	\$1,000
M	6720	005601	Continuing Judicial Education	\$37,500	\$37,500
N	Dedicated Purpose Fund Group Total			\$11,190,583	\$11,193,522
O	Fiduciary Fund Group				
P	5JY0	005620	County Law Library Resources Boards	\$313,800	\$318,500
Q	Fiduciary Fund Group Total			\$313,800	\$318,500
R	Federal Fund Group				
S	3J00	005603	Federal Grants	\$1,810,907	\$1,157,600

T	Federal Fund Group Total	\$1,810,907	\$1,157,600
U	TOTAL ALL BUDGET FUND GROUPS	\$233,119,678	\$239,520,872

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION 118413

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 118414  
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LAW-RELATED EDUCATION 118418

Of the foregoing appropriation item 005406, Law-Related Education, \$250,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 118419  
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OHIO COURTS TECHNOLOGY INITIATIVE 118427

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the maintenance of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, 118428  
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and uniform standards, and to aid in the orderly adoption and 118439  
comprehensive use of technology in Ohio courts. All Ohio courts 118440  
and the clerks of the courts of common pleas, whether elected or 118441  
appointed, are eligible for funding under the initiative. 118442

ATTORNEY SERVICES 118443

The Attorney Registration Fund (Fund 4C80) shall consist 118444  
of money received by the Supreme Court (The Judiciary) pursuant 118445  
to the Rules for the Government of the Bar of Ohio. In addition 118446  
to funding other activities considered appropriate by the 118447  
Supreme Court, the foregoing appropriation item 005605, Attorney 118448  
Services, may be used to compensate employees and to fund 118449  
appropriate activities of the following offices established by 118450  
the Supreme Court: the Office of Disciplinary Counsel, the Board 118451  
of Commissioners on Grievances and Discipline, the Clients' 118452  
Security Fund, and the Attorney Services Division which include 118453  
the Office of Bar Admissions. If it is determined by the 118454  
Administrative Director of the Supreme Court that changes to the 118455  
appropriation are necessary, the amounts are hereby 118456  
appropriated. 118457

No money in Fund 4C80 shall be transferred to any other 118458  
fund by the Director of Budget and Management or the Controlling 118459  
Board. Interest earned on money in Fund 4C80 shall be credited 118460  
to the fund. 118461

COURT INTERPRETER CERTIFICATION 118462

The Court Interpreter Certification Fund (Fund 5HT0) shall 118463  
consist of money received by the Supreme Court (The Judiciary) 118464  
pursuant to Rules 80 through 87 of the Rules of Superintendence 118465  
for the Courts of Ohio. The foregoing appropriation item 005617, 118466  
Court Interpreter Certification, shall be used to provide 118467

training, to provide the written examination, and to pay 118468  
language experts to rate, or grade, the oral examinations of 118469  
those applying to become certified court interpreters. If it is 118470  
determined by the Administrative Director of the Supreme Court 118471  
that changes to the appropriation are necessary, the amounts are 118472  
hereby appropriated. 118473

No money in Fund 5HT0 shall be transferred to any other 118474  
fund by the Director of Budget and Management or the Controlling 118475  
Board. Interest earned on money in Fund 5HT0 shall be credited 118476  
to the fund. 118477

CIVIL JUSTICE GRANT PROGRAM 118478

The Civil Justice Program Fund (Fund 5SP0) shall consist 118479  
of (1) \$50 voluntary donations made as part of the biennium 118480  
attorney registration process and (2) \$150 of the pro hac vice 118481  
fees for out-of-state attorneys pursuant to Government of the 118482  
Bar Rule amendments. The foregoing appropriation item 005626, 118483  
Civil Justice Grant Program, shall be used by the Supreme Court 118484  
of Ohio for grants to not-for-profit organizations and agencies 118485  
dedicated to providing civil legal aid to underserved 118486  
populations, to fund innovative programs directed at this 118487  
purpose, and to increase access to judicial service to that 118488  
population. If it is determined by the Administrative Director 118489  
of the Supreme Court that changes to the appropriation are 118490  
necessary, the amounts are hereby appropriated. 118491

No money in Fund 5SP0 shall be transferred to any other 118492  
fund by the Director of Budget and Management or the Controlling 118493  
Board. Interest earned on money in Fund 5SP0 shall be credited 118494  
to the fund. 118495

GRANTS AND AWARDS 118496

The Grants and Awards Fund (Fund 5T80) shall consist of 118497  
grants and other money awarded to the Supreme Court (The 118498  
Judiciary) by the State Justice Institute, the Division of 118499  
Criminal Justice Services, or other entities. The foregoing 118500  
appropriation item 005609, Grants and Awards, shall be used in a 118501  
manner consistent with the purpose of the grant or award. If it 118502  
is determined by the Administrative Director of the Supreme 118503  
Court that changes to the appropriation are necessary, the 118504  
amounts are hereby appropriated. 118505

No money in Fund 5T80 shall be transferred to any other 118506  
fund by the Director of Budget and Management or the Controlling 118507  
Board. Interest earned on money in Fund 5T80 shall be credited 118508  
or transferred to the General Revenue Fund. 118509

JUDICIARY/SUPREME COURT EDUCATION 118510

The Judiciary/Supreme Court Education Fund (Fund 6720) 118511  
shall consist of fees paid for attending judicial and public 118512  
education on the law, reimbursement of costs for judicial and 118513  
public education on the law, and other gifts and grants received 118514  
for the purpose of judicial and public education on the law. The 118515  
foregoing appropriation item 005601, Continuing Judicial 118516  
Education, shall be used to pay expenses for judicial education 118517  
courses for judges, court personnel, and those who serve the 118518  
courts, and for public education on the law. If it is determined 118519  
by the Administrative Director of the Supreme Court that changes 118520  
to the appropriation are necessary, the amounts are hereby 118521  
appropriated. 118522

No money in Fund 6720 shall be transferred to any other 118523  
fund by the Director of Budget and Management or the Controlling 118524  
Board. Interest earned on money in Fund 6720 shall be credited 118525  
to the fund. 118526



COUNTY LAW LIBRARY RESOURCES BOARDS 118527

The Statewide Consortium of County Law Library Resources 118528  
Boards Fund (Fund 5JY0) shall consist of moneys deposited 118529  
pursuant to section 307.515 of the Revised Code into a county's 118530  
law library resources fund and forwarded by that county's 118531  
treasurer for deposit in the state treasury pursuant to division 118532  
(E) (1) of section 3375.481 of the Revised Code. The foregoing 118533  
appropriation item 005620, County Law Library Resources Boards, 118534  
shall be used for the operation of the Statewide Consortium of 118535  
County Law Library Resources Boards. If it is determined by the 118536  
Administrative Director of the Supreme Court that changes to the 118537  
appropriation are necessary, the amounts are hereby 118538  
appropriated. 118539

No money in Fund 5JY0 shall be transferred to any other 118540  
fund by the Director of Budget and Management or the Controlling 118541  
Board. Interest earned on money in Fund 5JY0 shall be credited 118542  
to the fund. 118543

FEDERAL GRANTS 118544

The Federal Grants Fund (Fund 3J00) shall consist of 118545  
grants and other moneys awarded to the Supreme Court (The 118546  
Judiciary) by the United States Government or other entities 118547  
that receive the moneys directly from the United States 118548  
Government and distribute those moneys to the Supreme Court (The 118549  
Judiciary). The foregoing appropriation item 005603, Federal 118550  
Grants, shall be used in a manner consistent with the purpose of 118551  
the grant or award. If it is determined by the Administrative 118552  
Director of the Supreme Court that changes to the appropriation 118553  
are necessary, the amounts are hereby appropriated. 118554

No money in Fund 3J00 shall be transferred to any other 118555

fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

**Section 319.10.**

1	2	3	4	5
A	LEC LAKE ERIE COMMISSION			
B	Dedicated Purpose Fund Group			
C	4C00 780601 Lake Erie Protection		\$900,000	\$940,000
D	6H20 780604 H2Ohio		\$132,000	\$132,000
E	Dedicated Purpose Fund Group Total		\$1,032,000	\$1,072,000
F	Federal Fund Group			
G	3EP0 780603 LEC Federal Grants		\$1,140,000	\$1,140,000
H	Federal Fund Group Total		\$1,140,000	\$1,140,000
I	TOTAL ALL BUDGET FUND GROUPS		\$2,172,000	\$2,212,000

**Section 319.20.**

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

	1	2	3	4	5
A	Fund	Fund Name	User	FY 2026	FY 2027
B	5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000
C	6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000
D	4700	General Operations	Department of Health	\$25,000	\$25,000
E	1570	Program Support	Department of Natural Resources	\$25,000	\$25,000
F	7002	Highway Operating	Department of Transportation	\$25,000	\$25,000
G	1350	Supportive Services	Department of Development	\$25,000	\$25,000

**Section 321.10.**

118569

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	1	2	3	4	5
A		JLE JOINT LEGISLATIVE ETHICS COMMITTEE			
B		General Revenue Fund			
C	GRF	028321	Legislative Ethics Committee	\$713,000	\$713,000
D		General Revenue Fund Total		\$713,000	\$713,000

E	Dedicated Purpose Fund Group		
F	4G70 028601 Joint Legislative Ethics Committee	\$150,000	\$150,000
G	5HNO 028602 Investigations and Financial Disclosure	\$10,000	\$10,000
H	Dedicated Purpose Fund Group Total	\$160,000	\$160,000
I	TOTAL ALL BUDGET FUND GROUPS	\$873,000	\$873,000

**Section 321.20.** LEGISLATIVE ETHICS COMMITTEE 118571

On July 1, 2025, or as soon as possible thereafter, the 118572  
Legislative Inspector General of the Joint Legislative Ethics 118573  
Committee may certify to the Director of Budget and Management 118574  
an amount up to the unexpended, unencumbered balance of the 118575  
foregoing appropriation item 028321, Legislative Ethics 118576  
Committee, at the end of fiscal year 2025 to be reappropriated 118577  
to fiscal year 2026. The amount certified is hereby 118578  
reappropriated to the same appropriation item for fiscal year 118579  
2026. 118580

On July 1, 2026, or as soon as possible thereafter, the 118581  
Legislative Inspector General of the Joint Legislative Ethics 118582  
Committee may certify to the Director of Budget and Management 118583  
an amount up to the unexpended, unencumbered balance of the 118584  
foregoing appropriation item 028321, Legislative Ethics 118585  
Committee, at the end of fiscal year 2026 to be reappropriated 118586  
to fiscal year 2027. The amount certified is hereby 118587  
reappropriated to the same appropriation item for fiscal year 118588  
2027. 118589

Section 323.10.					118590
1	2	3	4	5	118591
A		LSC LEGISLATIVE SERVICE COMMISSION			
B		General Revenue Fund			
C	GRF	035321 Operating Expenses	\$24,800,000	\$24,800,000	
D	GRF	035402 Legislative Fellows	\$1,200,000	\$1,200,000	
E	GRF	035405 Correctional Institution Inspection Committee	\$497,000	\$522,000	
F	GRF	035407 Legislative Task Force on Redistricting	\$100,000	\$0	
G	GRF	035409 National Associations	\$712,000	\$712,000	
H	GRF	035410 Legislative Information Systems	\$15,000,000	\$15,000,000	
I	GRF	035501 Litigation	\$1,000,000	\$1,000,000	
J		General Revenue Fund Total	\$43,309,000	\$43,234,000	
K		TOTAL ALL BUDGET FUND GROUPS	\$43,309,000	\$43,234,000	

**Section 323.20. OPERATING EXPENSES** 118592

On July 1, 2025, or as soon as possible thereafter, the 118593  
 Director of the Legislative Service Commission may certify to 118594  
 the Director of Budget and Management an amount up to the 118595  
 unexpended, unencumbered balance of the foregoing appropriation 118596

item 035321, Operating Expenses, at the end of fiscal year 2025 118597  
to be reappropriated to fiscal year 2026. The amount certified 118598  
is hereby reappropriated to the same appropriation item for 118599  
fiscal year 2026. 118600

On July 1, 2026, or as soon as possible thereafter, the 118601  
Director of the Legislative Service Commission may certify to 118602  
the Director of Budget and Management an amount up to the 118603  
unexpended, unencumbered balance of the foregoing appropriation 118604  
item 035321, Operating Expenses, at the end of fiscal year 2026 118605  
to be reappropriated to fiscal year 2027. The amount certified 118606  
is hereby reappropriated to the same appropriation item for 118607  
fiscal year 2027. 118608

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 118609

On July 1, 2025, or as soon as possible thereafter, the 118610  
Director of the Legislative Service Commission may certify to 118611  
the Director of Budget and Management an amount up to the 118612  
unexpended, unencumbered balance of the foregoing appropriation 118613  
item 035405, Correctional Institution Inspection Committee, at 118614  
the end of fiscal year 2025 to be reappropriated to fiscal year 118615  
2026. The amount certified is hereby reappropriated to the same 118616  
appropriation item for fiscal year 2026. 118617

On July 1, 2026, or as soon as possible thereafter, the 118618  
Director of the Legislative Service Commission may certify to 118619  
the Director of Budget and Management an amount up to the 118620  
unexpended, unencumbered balance of the foregoing appropriation 118621  
item 035405, Correctional Institution Inspection Committee, at 118622  
the end of fiscal year 2026 to be reappropriated to fiscal year 118623  
2027. The amount certified is hereby reappropriated to the same 118624  
appropriation item for fiscal year 2027. 118625

LEGISLATIVE TASK FORCE ON REDISTRICTING 118626

An amount equal to the unexpended, unencumbered balance of 118627  
the foregoing appropriation item 035407, Legislative Task Force 118628  
on Redistricting, at the end of fiscal year 2025 is hereby 118629  
reappropriated to the Legislative Service Commission for the 118630  
same purpose for fiscal year 2026. 118631

An amount equal to the unexpended, unencumbered balance of 118632  
the foregoing appropriation item 035407, Legislative Task Force 118633  
on Redistricting, at the end of fiscal year 2026 is hereby 118634  
reappropriated to the Legislative Service Commission for the 118635  
same purpose for fiscal year 2027. 118636

LEGISLATIVE INFORMATION SYSTEMS 118637

On July 1, 2025, or as soon as possible thereafter, the 118638  
Director of the Legislative Service Commission may certify to 118639  
the Director of Budget and Management an amount up to the 118640  
unexpended, unencumbered balance of the foregoing appropriation 118641  
item 035410, Legislative Information Systems, at the end of 118642  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 118643  
amount certified is hereby reappropriated to the same 118644  
appropriation item for fiscal year 2026. 118645

On July 1, 2026, or as soon as possible thereafter, the 118646  
Director of the Legislative Service Commission may certify to 118647  
the Director of Budget and Management an amount up to the 118648  
unexpended, unencumbered balance of the foregoing appropriation 118649  
item 035410, Legislative Information Systems, at the end of 118650  
fiscal year 2026 to be reappropriated to fiscal year 2027. The 118651  
amount certified is hereby reappropriated to the same 118652  
appropriation item for fiscal year 2027. 118653

LITIGATION 118654

The foregoing appropriation item 035501, Litigation, shall 118655  
be used for any lawsuit in which the General Assembly, or either 118656  
house of the General Assembly, is made a party. The chairperson 118657  
and vice-chairperson of the Legislative Service Commission shall 118658  
both approve the use of the appropriated moneys. 118659

An amount equal to the unexpended, unencumbered balance of 118660  
the foregoing appropriation item 035501, Litigation, at the end 118661  
of fiscal year 2025 is hereby reappropriated to the Legislative 118662  
Service Commission for the same purpose for fiscal year 2026. 118663

An amount equal to the unexpended, unencumbered balance of 118664  
the foregoing appropriation item 035501, Litigation, at the end 118665  
of fiscal year 2026 is hereby reappropriated to the Legislative 118666  
Service Commission for the same purpose for fiscal year 2027. 118667

**Section 325.10.** 118668  
118669

	1	2	3	4	5
A			LIB STATE LIBRARY BOARD		
B			General Revenue Fund		
C	GRF	350321	Operating Expenses	\$4,772,036	\$4,858,474
D	GRF	350401	Ohioana Library Association	\$310,516	\$310,516
E	GRF	350502	Regional Library Systems	\$494,000	\$494,000
F	GRF	350512	Library for the Blind	\$1,274,194	\$1,274,194
G			General Revenue Fund Total	\$6,850,746	\$6,937,184



H	Dedicated Purpose Fund Group		
I	4590 350603 Services for Libraries	\$6,748,455	\$6,783,244
J	4S40 350604 Ohio Public Library Information Network	\$5,567,715	\$5,587,432
K	Dedicated Purpose Fund Group Total	\$12,316,170	\$12,370,676
L	Internal Service Activity Fund Group		
M	1390 350602 Services for State Agencies	\$8,000	\$8,000
N	Internal Service Activity Fund Group Total	\$8,000	\$8,000
O	Federal Fund Group		
P	3130 350601 LSTA Federal	\$5,554,767	\$5,609,015
Q	Federal Fund Group Total	\$5,554,767	\$5,609,015
R	TOTAL ALL BUDGET FUND GROUPS	\$24,729,683	\$24,924,875

**Section 325.20.** OHIOANA LIBRARY ASSOCIATION 118670

Of the foregoing appropriation item 350401, Ohioana 118671  
Library Association, \$191,000 in each fiscal year shall be used 118672  
to support the operating expenses of the Martha Kinney Cooper 118673  
Ohioana Library Association under section 3375.61 of the Revised 118674  
Code. 118675

The remainder of the foregoing appropriation item 350401, 118676  
Ohioana Library Association, shall be used to pay the rental 118677

expenses of the Martha Kinney Cooper Ohioana Library Association 118678  
under section 3375.61 of the Revised Code. 118679

REGIONAL LIBRARY SYSTEMS 118680

The foregoing appropriation item 350502, Regional Library 118681  
Systems, shall be used to support regional library systems 118682  
eligible for funding under sections 3375.83 and 3375.90 of the 118683  
Revised Code. 118684

OHIO PUBLIC LIBRARY INFORMATION NETWORK 118685

(A) The foregoing appropriation item 350604, Ohio Public 118686  
Library Information Network, shall be used for an information 118687  
telecommunications network linking public libraries in the state 118688  
and such others as may participate in the Ohio Public Library 118689  
Information Network (OPLIN). 118690

The Ohio Public Library Information Network Board of 118691  
Trustees created under section 3375.65 of the Revised Code may 118692  
make decisions regarding use of the foregoing appropriation item 118693  
350604, Ohio Public Library Information Network. 118694

(B) The OPLIN Board shall research and assist or advise 118695  
local libraries with regard to emerging technologies and methods 118696  
that may be effective means to control access to obscene and 118697  
illegal materials. The OPLIN Director shall provide written 118698  
reports upon request within ten days to the Governor, the 118699  
Speaker and Minority Leader of the House of Representatives, and 118700  
the President and Minority Leader of the Senate on any steps 118701  
being taken by OPLIN and public libraries in the state to limit 118702  
and control such improper usage as well as information on 118703  
technological, legal, and law enforcement trends nationally and 118704  
internationally affecting this area of public access and 118705  
service. 118706

(C) The Ohio Public Library Information Network, INFOhio, 118707  
and OhioLINK shall, to the extent feasible, coordinate and 118708  
cooperate in their purchase or other acquisition of the use of 118709  
electronic databases for their respective users and shall 118710  
contribute funds in an equitable manner to such effort. 118711

LIBRARY FOR THE BLIND 118712

The foregoing appropriation item 350512, Library for the 118713  
Blind, shall be used for the statewide Talking Book Program to 118714  
assist the blind and disabled. 118715

**Section 327.10.** 118716

118717

1	2	3	4	5
A	LCO LIQUOR CONTROL COMMISSION			
B	Dedicated Purpose Fund Group			
C	5LP0 970601 Commission Operating		\$1,177,114	\$1,241,735
	Expenses			
D	Dedicated Purpose Fund Group Total		\$1,177,114	\$1,241,735
E	TOTAL ALL BUDGET FUND GROUPS		\$1,177,114	\$1,241,735

**Section 329.10.** 118718

118719

1	2	3	4	5
A	LOT STATE LOTTERY COMMISSION			
B	State Lottery Fund Group			

C	7044	950321	Operating Expenses	\$73,138,202	\$75,729,884
D	7044	950402	Advertising Contracts	\$30,811,375	\$30,811,375
E	7044	950403	Gaming Contracts	\$123,355,327	\$128,639,066
F	7044	950601	Direct Prize Payments	\$183,030,000	\$183,282,000
G	7044	950605	Responsible Gambling	\$5,000,000	\$5,000,000
H	8710	950602	Annuity Prizes	\$35,637,000	\$34,737,000
I	State Lottery Fund Group Total			\$450,971,904	\$458,199,325
J	TOTAL ALL BUDGET FUND GROUPS			\$450,971,904	\$458,199,325

**Section 329.20. OPERATING EXPENSES** 118720

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amount appropriated in each fiscal year, up to a maximum of 10 per cent of the amount appropriated that fiscal year in the foregoing appropriation item 950321, Operating Expenses. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated. 118721  
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**DIRECT PRIZE PAYMENTS** 118729

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated. 118730  
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**ANNUITY PRIZES** 118734

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,462,000,000 in fiscal year 2026 and \$1,467,000,000 in fiscal year 2027. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

**Section 333.10.**

	1	2	3	4	5
A			MCD DEPARTMENT OF MEDICAID		
B			General Revenue Fund		
C	GRF	651425	Medicaid Program Support	\$169,515,456	\$170,222,590
			- State		
D	GRF	651525	Medicaid Health Care	\$20,211,230,933	\$21,720,593,421
			Services - Total		

E		Medicaid Health Care Services - State	\$5,617,062,390	\$5,985,395,603
F		Medicaid Health Care Services - Federal	\$14,594,168,543	\$15,735,197,818
G	GRF	651526 Medicare Part D	\$745,500,073	\$829,099,684
H		General Revenue Fund Total	\$21,126,246,462	\$22,719,915,695
I		Dedicated Purpose Fund Group		
J	4E30	651605 Resident Protection Fund	\$7,000,000	\$7,000,000
K	5AN0	651686 State Directed Payment Program	\$233,410,621	\$233,212,717
L	5DL0	651639 Medicaid Services - Recoveries	\$928,907,575	\$808,467,290
M	5DL0	651685 Medicaid Recoveries - Program Support	\$89,560,719	\$91,388,371
N	5DL0	651690 Multi-system Youth Custody Relinquishment	\$20,000,000	\$20,000,000
O	5FX0	651638 Medicaid Services - Payment Withholding	\$12,000,000	\$12,000,000
P	5GF0	651656 Medicaid Services - Hospital Franchise Fee	\$2,632,211,017	\$3,030,014,270
Q	5R20	651608 Medicaid Services-Long Term	\$451,000,000	\$451,000,000

R	5TN0	651684	Medicaid Services-HIC Fee	\$879,876,850	\$869,039,656
S	6510	651649	Medicaid Services- Hospital Care Assurance Program	\$320,543,800	\$168,455,600
T	Dedicated Purpose Fund Group Total			\$5,574,510,582	\$5,690,577,904
U	Holding Account Fund Group				
V	R055	651644	Refunds and Reconciliation	\$14,001,665	\$14,001,665
W	Holding Account Fund Group Total			\$14,001,665	\$14,001,665
X	Federal Fund Group				
Y	3F00	651623	Medicaid Services - Federal	\$13,023,116,674	\$13,653,856,942
Z	3F00	651624	Medicaid Program Support - Federal	\$504,962,706	\$507,333,992
AA	3FA0	651680	Health Care Grants - Federal	\$7,000,000	\$7,000,000
AB	3G50	651655	Medicaid Interagency Pass Through	\$264,653,075	\$264,644,638
AC	Federal Fund Group Total			\$13,799,732,455	\$14,432,835,572
AD	TOTAL ALL BUDGET FUND GROUPS			\$40,514,491,164	\$42,857,330,836

To the extent permitted by federal law, no funds 118756  
appropriated in Section 333.10 shall be used for diversity, 118757  
equity, and inclusion initiatives. 118758

**Section 333.15. MEDICAID IN SCHOOLS PROGRAM** 118759

Of the foregoing appropriation items 651425, Medicaid 118760  
Program Support - State, and 651624, Medicaid Program Support - 118761  
Federal, \$349,925 in each line item in fiscal year 2026 and 118762  
\$358,362 in each line item in fiscal year 2027 shall be used by 118763  
the Department of Medicaid to support the Medicaid School 118764  
Program. 118765

**Section 333.30. LODGING FOR FAMILIES** 118766

Of the foregoing appropriation item 651525, Medicaid 118767  
Health Care Services, \$2,500,000 in each fiscal year shall be 118768  
used by the Medicaid Director to work with the Centers for 118769  
Medicare and Medicaid Services to continue lodging as an 118770  
administrative service affiliated with Ohio children's hospitals 118771  
available for families with children who have special health 118772  
care needs. 118773

**Section 333.40. PERSONAL NEEDS ALLOWANCE SUPPORT** 118774

Upon the request of the Medicaid Director, the Director of 118775  
Budget and Management may transfer up to \$2,200,000 118776  
appropriation in fiscal year 2026 and \$4,400,000 appropriation 118777  
in fiscal year 2027 from appropriation item 651525, Medicaid 118778  
Health Care Services, to appropriation items in the Department 118779  
of Developmental Disabilities. This funding shall be used to 118780  
support an increase in the personal needs allowance for 118781  
individuals residing in an intermediate care facility for 118782  
individuals with intellectual disabilities. The Medicaid 118783  
Director may transfer federal funds as the state's single state 118784



agency for Medicaid reimbursements, as drawn for these 118785  
transactions. Any amounts transferred are hereby appropriated. 118786

**Section 333.50. MEDICARE PART D** 118787

The foregoing appropriation item 651526, Medicare Part D, 118788  
may be used by the Department of Medicaid for the implementation 118789  
and operation of the Medicare Part D requirements contained in 118790  
the "Medicare Prescription Drug, Improvement, and Modernization 118791  
Act of 2003," Pub. L. No. 108-173, as amended. Upon the request 118792  
of the Medicaid Director, the Director of Budget and Management 118793  
may transfer the state share of appropriations between 118794  
appropriation item 651525, Medicaid Health Care Services, and 118795  
appropriation item 651526, Medicare Part D. If the state share 118796  
of appropriation item 651525, Medicaid Health Care Services, is 118797  
adjusted, the Director of Budget and Management shall adjust the 118798  
federal share accordingly. The Department of Medicaid shall 118799  
provide notification to the Controlling Board of any transfers 118800  
at the next scheduled Controlling Board meeting. 118801

**Section 333.70. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 118802  
COSTS** 118803

Upon the request of the Medicaid Director, the Director of 118804  
Budget and Management may transfer state share appropriations in 118805  
each fiscal year between appropriation item 651525, Medicaid 118806  
Health Care Services, within the Department of Medicaid, and 118807  
655522, Medicaid Program Support - Local, within the Department 118808  
of Job and Family Services. If such a transfer occurs, the 118809  
Director of Budget and Management shall adjust, using the 118810  
federal reimbursement rate, the federal share appropriations of 118811  
appropriation item 651525, Medicaid Health Care Services, within 118812  
the Department of Medicaid, and appropriation item 655624, 118813  
Medicaid Program Support - Federal, within the Department of Job 118814

and Family Services. Any increase in funding shall be provided 118815  
to county departments of job and family services and shall only 118816  
be used for costs related to processing cases for work 118817  
requirements for the expansion eligibility group that are 118818  
established under the medicaid waiver component required under 118819  
section 5166.37 of the Revised Code, and as prescribed by the 118820  
Medicaid Director. These funds shall not be used for existing 118821  
and ongoing operating expenses. The Medicaid Director shall 118822  
establish criteria for distributing these funds and for county 118823  
departments of job and family services to submit allowable 118824  
expenses. 118825

**Section 333.80.** DEPOSITS TO THE HEALTH CARE/MEDICAID 118826  
SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT 118827

Of the amount received by the Department of Medicaid 118828  
during fiscal year 2026 and fiscal year 2027 from the 118829  
intergovernmental transfers paid under any directed payment 118830  
program as authorized under 42 CFR 438.6(c), the Medicaid 118831  
Director shall deposit a portion of the payments into the state 118832  
treasury to the credit of the Health Care/Medicaid Support and 118833  
Recoveries Fund (Fund 5DL0). The Director of Budget and 118834  
Management may adjust appropriations in line item 651685, 118835  
Medicaid Recoveries - Program Support, along with the 118836  
corresponding federal share in line item 651624, Medicaid 118837  
Program Support - Federal, based on the amount of the deposits 118838  
to Fund 5DL0 made under this section. Any adjusted amounts are 118839  
hereby appropriated. 118840

**Section 333.85.** DEPOSITS TO THE STATE DIRECTED PAYMENT 118841  
PROGRAM FUND 118842

(A) Transfers made for the Hospital Directed Payment 118843  
Program authorized by section 5162.25 of the Revised Code shall 118844

be deposited into the State Directed Payment Program Fund (Fund 118845  
5AN0). The state share of the program shall be derived from 118846  
deposits attributable to the intergovernmental transfers 118847  
received for the Hospital Directed Payment Program, and the 118848  
corresponding federal share in appropriation item 651623, 118849  
Medicaid Services - Federal, shall be used for the Hospital 118850  
Directed Payment Program. Except for deposits under Section 118851  
333.80 of this act, the Director of Budget and Management may 118852  
transfer any remaining cash in Fund 5DL0 at the end of the 118853  
fiscal year 2025 attributable to the Hospital Directed Payment 118854  
Program to Fund 5AN0 to the credit of the Hospital Directed 118855  
Payment Program. 118856

(B) If receipts credited to the State Directed Payment 118857  
Program Fund (Fund 5AN0) exceed the amounts appropriated from 118858  
the fund, the Medicaid Director may seek controlling board 118859  
approval for expenditures from the fund in excess of the amounts 118860  
appropriated. If any additional amounts are authorized, the 118861  
Director of Budget and Management shall adjust, using the 118862  
federal reimbursement rate, the amount in appropriation item 118863  
651623, Medicaid Services - Federal, accordingly. Any authorized 118864  
expenditures and adjusted amounts are hereby appropriated. 118865

(C) The Medicaid Director shall terminate the Hospital 118866  
Directed Payment Program if funds deposited are insufficient to 118867  
operate the program. 118868

**Section 333.100.** CASH TRANSFERS FROM THE HEALTH 118869  
CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL 118870  
HEALTH CARE FUND 118871

Upon the request of the Medicaid Director, the Director of 118872  
Budget and Management may transfer up to \$2,200,000 cash in each 118873  
fiscal year from the Health Care/Medicaid Support and Recoveries 118874

Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 118875  
used by the Department of Behavioral Health. Any transferred 118876  
funds shall be used to support Centers of Excellence and related 118877  
activities. Any transferred amounts are hereby appropriated. 118878

**Section 333.110.** HOSPITAL FRANCHISE FEE PROGRAM 118879

The Director of Budget and Management may authorize 118880  
additional expenditures from appropriation item 651623, Medicaid 118881  
Services - Federal, appropriation item 651525, Medicaid Health 118882  
Care Services, and appropriation item 651656, Medicaid Services 118883  
- Hospital Franchise Fee, in order to implement the programs 118884  
authorized by sections 5168.20 through 5168.28 of the Revised 118885  
Code. Any amounts authorized are hereby appropriated. 118886

**Section 333.120.** HEALTH INSURING CORPORATION CLASS 118887  
FRANCHISE FEE 118888

If receipts credited to the Health Insuring Corporation 118889  
Class Franchise Fee Fund (Fund 5TN0) exceed the amounts 118890  
appropriated from the fund, the Medicaid Director may request 118891  
the Director of Budget and Management to authorize expenditures 118892  
from the fund in excess of the amounts appropriated. If any 118893  
additional amounts are authorized, the Director of Budget and 118894  
Management shall adjust, using the federal reimbursement rate, 118895  
the federal appropriation item identified by the Medicaid 118896  
Director accordingly. Any authorized amounts and any 118897  
corresponding federal adjustments are hereby appropriated. 118898

**Section 333.130.** HOSPITAL CARE ASSURANCE MATCH 118899

If receipts credited to the Health Care Federal Fund (Fund 118900  
3F00) exceed the amounts appropriated from the fund for making 118901  
the hospital care assurance program distribution, the Medicaid 118902  
Director may request the Director of Budget and Management to 118903

authorize expenditures from the fund in excess of the amounts 118904  
appropriated. Upon the approval of the Director of Budget and 118905  
Management, the additional amounts are hereby appropriated. 118906

The foregoing appropriation item 651649, Medicaid Services 118907  
- Health Care Assurance Program, shall be used by the Department 118908  
of Medicaid for distributing the state share of all hospital 118909  
care assurance program funds to hospitals under section 5168.09 118910  
of the Revised Code. If receipts credited to the Hospital Care 118911  
Assurance Program Fund (Fund 6510) exceed the amounts 118912  
appropriated from the fund for making the hospital care 118913  
assurance program distribution, the Medicaid Director may 118914  
request the Director of Budget and Management to authorize 118915  
expenditures from the fund in excess of the amounts 118916  
appropriated. Upon the approval of the Director of Budget and 118917  
Management, the additional amounts are hereby appropriated. 118918

**Section 333.140. HOSPITAL ADDITIONAL PAYMENTS PROGRAM** 118919

The Hospital Additional Payment Program is created. The 118920  
program shall be a state directed payment program for inpatient 118921  
and outpatient hospital services provided to Medicaid care 118922  
management system enrollees receiving care at in-state 118923  
hospitals. Participating hospitals or hospital industry 118924  
representatives shall work collaboratively with the Department 118925  
of Medicaid to establish quality improvement initiatives that 118926  
are approved by the Medicaid Director and that align with and 118927  
advance the goals of the Department of Medicaid's quality 118928  
strategy required under 42. C.F.R. 438.340. Participating 118929  
hospitals shall receive payments directly for services provided 118930  
under the program. 118931

The non-federal share of services under the program shall 118932  
be funded through the hospital franchise fee. Hospital franchise 118933

fees made for this program shall be deposited into the Medicaid  
Hospital Fund (Fund 5GF0). The state share of this program shall  
be derived from deposits attributable to the incremental  
franchise fee for the program, and the corresponding federal  
share in appropriation item 651623, Medicaid Services - Federal,  
shall be used for the HAP Program. The Medicaid Director shall  
seek approval from the Centers for Medicare and Medicaid  
Services for the program in accordance with section 5162.07 of  
the Revised Code.

**Section 333.150. REFUNDS AND RECONCILIATION FUND** 118943

If estimated receipts to the Refunds and Reconciliation  
Fund (Fund R055) exceed the amounts appropriated from the fund,  
the Medicaid Director may request the Director of Budget and  
Management to authorize expenditures from the fund in excess of  
the amounts appropriated. Upon approval of the Director of  
Budget and Management, the additional amounts are hereby  
appropriated.

**Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION** 118951

In order to ensure access to a non-emergency medical  
transportation brokerage program established pursuant to section  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)  
(70), upon the request of the Medicaid Director, the Director of  
Budget and Management may transfer the state share  
appropriations between General Revenue Fund appropriation item  
651525, Medicaid Health Care Services, within the Department of  
Medicaid and 655523, Medicaid Program Support - Local  
Transportation, within the Department of Job and Family  
Services. If such a transfer occurs, the Director of Budget and  
Management shall adjust, using the federal reimbursement rate,  
the federal share appropriations of appropriation item 651525,

Medicaid Health Care Services, within the Department of 118964  
Medicaid, and appropriation item 655624, Medicaid Program 118965  
Support - Federal, within the Department of Job and Family 118966  
Services. The Medicaid Director may transfer federal funds as 118967  
the state's single state agency for Medicaid reimbursements, as 118968  
drawn for these transactions. Any amounts transferred are hereby 118969  
appropriated. 118970

**Section 333.210.** CASH TRANSFERS FROM FRANCHISE PERMIT FEE 118971  
FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING 118972

Upon the request of the Medicaid Director, the Director of 118973  
Budget and Management may transfer up to \$5,000,000 cash in each 118974  
fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) 118975  
to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used 118976  
by the Department of Health. Also, upon the request of the 118977  
Medicaid Director, the Director of Budget and Management may 118978  
transfer up to \$9,300,000 cash in each fiscal year from the 118979  
Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman 118980  
Support Fund (Fund 5BA0), used by the Department of Aging. All 118981  
transferred funds shall be utilized in accordance with section 118982  
5168.54 of the Revised Code. At the end of each fiscal year, the 118983  
Department of Health and the Department of Aging shall report on 118984  
spending activities to the Office of Budget and Management. 118985

**Section 333.230.** MEDICAID INTERAGENCY PASS-THROUGH 118986

The Medicaid Director may request the Director of Budget 118987  
and Management to increase appropriation item 651655, Medicaid 118988  
Interagency Pass-Through. Upon the approval of the Director of 118989  
Budget and Management, the additional amounts are hereby 118990  
appropriated. 118991

**Section 333.240.** MEDICAID SERVICES RECOVERIES 118992

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651639, Medicaid Services Recoveries. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 333.250. MYCARE OHIO EXPANSION**

(A) As required by H.B. 33 of the 135th General Assembly, the Medicaid Director shall continue, during fiscal years 2026 and 2027, to expand the Integrated Care Delivery System, as that phrase is defined in section 5164.01 of the Revised Code, or if the Director terminates the Integrated Care Delivery System, the successor program developed by the Director and approved by the United States Centers for Medicare and Medicaid Services, to all counties of this state.

(B) The entities selected for the expanded Integrated Care Delivery System shall be selected by the Department.

(C) The Department shall establish requirements for care management and coordination of waiver services in the expanded Integrated Care Delivery System, subject to all of the following:

(1) The entities selected pursuant to division (B) of this section shall employ the applicable area agency on aging to be coordinators of home and community-based services available under a Medicaid waiver component available for eligible individuals over the age of fifty-nine;

(2) The entities may delegate to the applicable area agency on aging full care coordination function for home and community-based services and other health care services received by those eligible individuals;

(3) Individuals enrolled in an entity's plan or plans may



choose the entity or its designee as the care coordinator as an 119022  
alternative to the area agency on aging; 119023

(4) The Department may specify an alternative approach to 119024  
care management and coordination of waiver services if the 119025  
performance of the area agency on aging does not meet the 119026  
requirements of the Integrated Care Delivery System or if the 119027  
Department determines that the needs of a defined group of 119028  
individuals requires an alternative approach. 119029

**Section 333.260.** INCREASING CHILDREN'S ACCESS TO VISION 119030  
AND DENTAL SERVICES 119031

Upon the request of the Medicaid Director, the Director of 119032  
Budget and Management may transfer up to \$4,660,000 in 119033  
appropriations in fiscal year 2026 and \$4,295,000 in 119034  
appropriations in fiscal year 2027 from appropriation item 119035  
651525, Medicaid Health Care Services, to appropriation items in 119036  
the Department of Health. This funding shall be used to support 119037  
public health programs or the provision of certain services, 119038  
including preventive care and other interventions, to improve 119039  
the health of low-income children. 119040

Of the transferred funds, up to \$2,660,000 in fiscal year 119041  
2026 and \$2,295,000 in fiscal year 2027 shall be used to 119042  
increase children's access to vision care, and up to \$2,000,000 119043  
in each fiscal year shall be used to increase children's access 119044  
to dental care. The Director of Medicaid may transfer federal 119045  
funds as the state's single state agency for Medicaid 119046  
reimbursements, as drawn for these transactions. Any transferred 119047  
amounts are hereby appropriated. 119048

**Section 333.263.** MEDICAID ADD-ON PAYMENT FOR NURSING 119049  
FACILITY DIALYSIS SERVICES 119050

For fiscal year 2026 and fiscal year 2027, the Department  
of Medicaid shall pay a rate add-on of one hundred ten dollars  
per treatment for dialysis services provided in a nursing  
facility, as defined in section 5165.01 of the Revised Code, to  
a resident enrolled in the Medicaid program.

**Section 333.270. HCBS DIRECT CARE WORKER WAGES**

The Department of Medicaid, jointly, with the Department  
of Aging and the Department of Developmental Disabilities, shall  
collect data from providers regarding the wages paid to direct  
care workers providing direct care services under the Medicaid  
home and community-based waiver components administered by those  
agencies. Not later than the last day in December of each fiscal  
year of the biennium, the Department of Medicaid shall compile a  
report and submit the report to the Governor.

**Section 333.280. GRADUAL IMPLEMENTATION OF PDPM TO  
CALCULATE NURSING FACILITY DIRECT CARE RATES**

For fiscal year 2026, a nursing facility's quarterly case  
mix score from June 30, 2025, shall be used to determine the  
facility's direct care rate from July 1, 2025, through December  
31, 2025. Beginning January 1, 2026, the increase or decrease in  
a nursing facility's direct care rate shall be one-third of the  
difference between the direct care rate on January 1, 2025, and  
the direct care rate determined utilizing case mix scores  
calculated in accordance with section 5165.192 of the Revised  
Code.

In fiscal year 2027, the increase or decrease to a nursing  
facility's direct care rate shall be two-thirds of the  
difference between the direct care rate on January 1, 2025, and  
the direct care rate determined utilizing case mix scores

calculated in accordance with section 5165.192 of the Revised Code. Thereafter, a nursing facility's direct care rate shall be determined utilizing case mix scores calculated in accordance with section 5165.192 of the Revised Code.

**Section 333.290.** RURAL SOUTHERN OHIO HOSPITAL TAX PILOT PROGRAM

(A) As used in this section:

(1) "Hospital tax assessment" means an assessment imposed under Section 333.300 of this act to fund the nonfederal share of the Rural Southern Ohio Hospital Tax Pilot Program.

(2) "Preprint" means a form created by the United States Centers for Medicare and Medicaid Services to request approval of a state directed payment program as required under 42 C.F.R. 438.6(c).

(B) The Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 5CM1) is created. Investment earnings of the Rural Southern Ohio Hospital Tax Pilot Program Fund shall be credited to the fund.

(C) The Medicaid Director may create a Rural Southern Ohio Hospital Tax Pilot Program for directed payments to rural southern Ohio hospitals, and their related health systems, that meet the following criteria:

(1) The hospital is located in one of the following counties: Fayette, Greene, Highland, Hocking, Muskingum, Perry, Pike, Ross, or Scioto.

(2) The hospital is enrolled as a provider in the Medicaid program.

(D) The Rural Southern Ohio Hospital Tax Pilot Program

established pursuant to this section shall comply with the 119108  
requirements of 42 C.F.R. 438.6(c), including all of the 119109  
following: 119110

(1) The program shall be approved by the United States 119111  
Centers for Medicare and Medicaid Services, and the Medicaid 119112  
Director shall seek approval for the program in accordance with 119113  
section 5162.07 of the Revised Code. 119114

(2) Directed payments under the program shall not exceed 119115  
the average commercial rate under a preprint as approved by the 119116  
United States Centers for Medicare and Medicaid Services. 119117

(3) The program shall be subject to an evaluation plan, in 119118  
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 119119

(E) Hospital providers participating in the Rural Southern 119120  
Ohio Hospital Tax Pilot Program shall do all of the following: 119121

(1) Enter into one or more contracts related to the 119122  
program as necessary, as determined by the Department of 119123  
Medicaid; 119124

(2) Comply with average commercial rate reporting 119125  
requirements established by the Department, related to the 119126  
requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 119127

(3) Comply with the Department's quality measure set, 119128  
including the metrics and targets set by the Department to 119129  
advance the goals and objectives in the Department's quality 119130  
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 119131  
C.F.R. 438.340; 119132

(4) Cooperate with any evaluation or reporting 119133  
requirements established by the Department related to the 119134  
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 119135

(F) Any hospital provider contracts required under 119136  
division (E) (1) of this section shall be executed not later than 119137  
the first day of October preceding the first fiscal year of a 119138  
biennium. A contract required under this section may be entered 119139  
into in accordance with section 5162.32 of the Revised Code. 119140

(G) All funds supporting the Rural Southern Ohio Tax Pilot 119141  
Program shall comply with the requirements specified in 42 119142  
C.F.R. Part 433. No hospital provider may participate in the 119143  
Rural Southern Ohio Hospital Tax Pilot Program unless sufficient 119144  
tax funds are assessed, collected, obligated, and appropriated. 119145

(H) The Director may terminate or decline to establish the 119146  
Rural Southern Ohio Hospital Tax Pilot Program if federal or 119147  
local tax funding is not available or sufficient to sustain the 119148  
program. The Department shall not at any time be required to 119149  
provide funding for the Rural Southern Ohio Hospital Tax Pilot 119150  
Program. The requirements of this section apply only as long as 119151  
the United States Centers for Medicare and Medicaid Services 119152  
determines that the assessment imposed under Section 333.300 of 119153  
this act is a permissible health care-related tax pursuant to 119154  
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 119155  
If the Department is informed that the assessment is an 119156  
impermissible health care related tax, the Department shall 119157  
promptly refund to each hospital the amount of money currently 119158  
in the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 119159  
5CM1) that has been paid by the hospital under Section 333.300 119160  
of this act, plus any investment earnings on that amount. 119161

(I) The nonfederal share of the directed payments shall be 119162  
funded exclusively by a hospital tax assessment pursuant to 119163  
Section 333.300 of this act and must be remitted to the 119164  
Department through intergovernmental transfer from a multi- 119165

county funding district, as specified in that section. 119166

(J) Transfers made for the program shall be deposited into 119167  
the Rural Southern Ohio Hospital Tax Pilot Program Fund (Fund 119168  
5CM1). The state share of this program shall be derived from 119169  
deposits attributable to the intergovernmental transfers 119170  
received for the Rural Southern Ohio Hospital Tax Pilot Program, 119171  
and the corresponding federal share in appropriation item 119172  
651623, Medicaid Services - Federal, shall be used for the Rural 119173  
Southern Ohio Hospital Tax Pilot Program. 119174

**Section 333.300.** RURAL SOUTHERN OHIO HOSPITAL PILOT 119175  
PROGRAM ASSESSMENTS 119176

(A) (1) As used in this section, "county" means a county 119177  
identified in Section 333.290 of this act that has fewer than 119178  
two hospitals located in the county. 119179

(2) For purposes of this section, one or more contiguous 119180  
counties may create a multi-county funding district. The 119181  
boundary of any multi-county funding district shall be 119182  
coextensive with the combined boundaries of the counties 119183  
contained in the multi-county funding district. 119184

(B) In establishing a multi-county funding district, all 119185  
of the following apply: 119186

(1) A multi-county funding district is a governmental 119187  
entity. 119188

(2) The board of county commissioners of each county 119189  
within the boundaries of a proposed multi-county funding 119190  
district shall pass a resolution or ordinance establishing the 119191  
multi-county funding district and appointing one county 119192  
commissioner to serve on the district's governing board. Upon 119193  
the adoption of a resolution or ordinance by each board of 119194

county commissioners, the multi-county funding district is 119195  
created. Following the creation of a multi-county funding 119196  
district, each resolution or ordinance required to establish the 119197  
district shall be amended before a new county may join the 119198  
district. 119199

(3) The governing board of a multi-county funding district 119200  
shall be comprised solely of the county commissioners appointed 119201  
by each county within the boundaries of the district. A county 119202  
may replace its appointment to the governing board by resolution 119203  
or ordinance. 119204

(4) The governing board of a multi-county funding district 119205  
shall delegate the operational and administrative burdens of the 119206  
districts to the counties that comprise the district. Within 119207  
sixty days of the establishment of a multi-county funding 119208  
district, the governing board shall designate at least one 119209  
county to serve as the operational and administrative lead for 119210  
the district. The governing board may change this designation at 119211  
any time. 119212

(C) A county or multi-county funding district may 119213  
establish a local hospital assessment to provide the nonfederal 119214  
share for Medicaid payments under division (G) of Section 119215  
333.290 of this act. Any local assessment established under this 119216  
section shall comply with all of the requirements applicable to 119217  
provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 119218  
C.F.R. 433.68. 119219

(1) Each county or multi-county funding district shall set 119220  
the annual rate of the local hospital assessment. 119221

(2) An assessment established under this section shall 119222  
apply uniformly to all non-public hospitals within the 119223

jurisdiction of the county or multi-county funding district. A 119224  
county or multi-county funding district may apply the assessment 119225  
to public hospitals. 119226

(3) A county or multi-county funding district shall set 119227  
the rate of the assessment such that, in the aggregate, the 119228  
assessment will generate sufficient revenue to cover both of the 119229  
following: 119230

(a) The nonfederal share of Medicaid payments that benefit 119231  
hospitals in the county or multi-county funding district; 119232

(b) The administrative expenses of the county or multi- 119233  
county funding district in administering the local hospital 119234  
assessment, except that administrative expenses shall not exceed 119235  
one hundred fifty thousand dollars annually. 119236

(4) Implementation of an assessment established under this 119237  
section shall further the state's evolving quality goals, 119238  
including improving mental health, substance abuse prevention, 119239  
and advancing maternal health. 119240

(5) A county or multi-county funding district may impose 119241  
penalties upon a hospital that is subject to an assessment that 119242  
fails to pay the assessment in a timely manner. 119243

**Section 333.360.** GROUP VIII TRANSITION PLAN 119244

(A) As used in this section, "expansion eligibility group" 119245  
has the same meaning as in section 5163.01 of the Revised Code. 119246

(B) If, during fiscal year 2026 or fiscal year 2027, the 119247  
federal medical assistance percentage for the Medicaid expansion 119248  
eligibility group is set below ninety percent, and individuals 119249  
enrolled in Medicaid on the basis of being enrolled in the 119250  
expansion eligibility group are no longer eligible to be 119251



enrolled in the Medicaid program in accordance with section 119252  
5163.04 of the Revised Code, the Department of Medicaid shall 119253  
implement a phased transition plan to assist those individuals 119254  
by redirecting them to private insurance subsidies or charity 119255  
care programs that provide medical assistance. 119256

(C) As part of the transition plan, the Medicaid Director 119257  
may establish a temporary hospital assessment to offset the cost 119258  
of uncompensated care that may result from providing medical 119259  
care to former members of the expansion eligibility group. 119260

(D) Notwithstanding paragraph (E) of section 131.35 of the 119261  
Revised Code, if the Medicaid Director establishes such a 119262  
temporary hospital assessment, the Director may request 119263  
Controlling Board approval to transfer appropriations and 119264  
increase appropriations as necessary to implement this temporary 119265  
assessment. Upon approval of the Controlling Board, any 119266  
transfers or additional appropriations are hereby appropriated. 119267

**Section 335.10.** 119268  
119269

	1	2	3	4	5
A	MED STATE MEDICAL BOARD				
B	Dedicated Purpose Fund Group				
C	5C60	883609	Operating Expenses	\$14,315,005	\$14,891,225
D	Dedicated Purpose Fund Group Total			\$14,315,005	\$14,891,225
E	TOTAL ALL BUDGET FUND GROUPS			\$14,315,005	\$14,891,225

**Section 337.10.** 119270  
119271

	1	2	3	4	5
A			MHA DEPARTMENT OF BEHAVIORAL HEALTH		
B			General Revenue Fund		
C	GRF	336321	Program Support and Operations	\$59,724,405	\$61,389,013
D	GRF	336402	Resident Trainees	\$380,000	\$380,000
E	GRF	336406	Prevention and Wellness	\$7,650,000	\$7,650,000
F	GRF	336407	Crisis Services and Stablization	\$17,000,000	\$22,000,000
G	GRF	336409	State of Ohio Action Resiliency Network	\$5,000,000	\$0
H	GRF	336412	Hospital Services	\$326,954,104	\$335,525,387
I	GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
J	GRF	336421	Continuum of Care Services	\$103,830,000	\$103,830,000
K	GRF	336422	Criminal Justice Services	\$28,500,000	\$28,500,000
L	GRF	336425	Specialized Docket Support	\$11,282,469	\$11,287,028
M	GRF	336504	Community Innovations	\$23,500,000	\$8,500,000

N	GRF	336510	Residential State Supplement	\$24,000,000	\$24,000,000
O	GRF	336516	Appalachian Children Coalition	\$2,500,000	\$2,500,000
P	GRF	336519	Community Projects	\$1,100,000	\$1,100,000
Q	GRF	652321	Medicaid Support	\$478,055	\$492,396
R	GRF	336522	9-8-8 Suicide Crisis	\$20,000,000	\$20,000,000
S			General Revenue Fund Total	\$659,399,033	\$651,353,824
T			Dedicated Purpose Fund Group		
U	4750	336623	Statewide Treatment and Prevention	\$24,000,000	\$24,000,000
V	4850	336632	Mental Health Operating	\$19,000,000	\$24,200,000
W	5AA1	336661	9-8-8 Suicide and Crisis Response	\$2,500,000	\$0
X	5AU0	336615	Behavioral Health Care	\$11,000,000	\$11,000,000
Y	5JL0	336629	Problem Gambling and Casino Addiction	\$9,000,000	\$7,750,000
Z	5T90	336641	Problem Gambling Services	\$3,200,000	\$3,200,000
AA	5TZ0	336666	Behavioral Health Assistance	\$20,000,000	\$20,000,000
AB	5VV0	336645	Transcranial Magnetic	\$2,500,000	\$2,500,000

Stimulation Program				
AC 6320	336616	Community Capital Replacement	\$350,000	\$350,000
AD 6890	336640	Education and Conferences	\$200,000	\$200,000
AE	Dedicated Purpose Fund Group Total		\$91,750,000	\$93,200,000
AF	Internal Service Activity Fund Group			
AG 1490	336609	Hospital Operating Expenses	\$16,000,000	\$16,000,000
AH 1490	336610	Operating Expenses	\$7,350,000	\$7,350,000
AI 1510	336601	Ohio Pharmacy Services	\$124,937,150	\$146,503,708
AJ 4P90	336604	Community Mental Health Projects	\$250,000	\$250,000
AK	Internal Service Activity Fund Group Total		\$148,537,150	\$170,103,708
AL	Federal Fund Group			
AM 3240	336605	Medicaid/Medicare	\$18,000,000	\$18,000,000
AN 3A70	336612	Social Services Block Grant	\$8,500,000	\$8,500,000
AO 3A80	336613	Federal Grants	\$8,600,000	\$8,600,000
AP 3A90	336614	Mental Health Block Grant	\$52,000,000	\$46,000,000

AQ 3B10 652636	Community Medicaid Legacy Support	\$1,600,000	\$1,600,000
AR 3G40 336618	Substance Abuse Block Grant	\$87,000,000	\$86,000,000
AS 3H80 336606	Demonstration Grants	\$16,000,000	\$16,000,000
AT 3HB1 336644	State Opioid Response	\$170,000,000	\$170,000,000
AU 3N80 336639	Administrative Reimbursement	\$1,000,000	\$1,000,000
AV	Federal Fund Group Total	\$362,700,000	\$355,700,000
AW	TOTAL ALL BUDGET FUND GROUPS	\$1,262,386,183	\$1,270,357,532

**Section 337.20.** STATE BLOCK GRANTS 119272

(A) As used in this section: 119273

(1) "Drug used in withdrawal management or detoxification" 119274  
means a drug approved by the United States Food and Drug 119275  
Administration for use in, or a drug in standard use for, 119276  
mitigating alcohol or opioid withdrawal symptoms or assisting 119277  
with detoxification. 119278

(2) "Jail" has the same meaning as in section 2929.01 of 119279  
the Revised Code. 119280

(3) "Medication-assisted treatment" has the same meaning 119281  
as in section 340.01 of the Revised Code. 119282

(4) "Medication-assisted treatment drug court program" 119283  
means a session of any of the following that holds initial or 119284  
final certification from the Supreme Court of Ohio as a 119285

specialized docket program for drugs and that uses medication- 119286  
assisted treatment as part of its specialized docket program: a 119287  
common pleas court, municipal court, or county court, or a 119288  
division of any of those courts. 119289

(5) "Alcohol and drug addiction services," "mental health 119290  
services," "recovery housing residence," and "recovery supports" 119291  
have the same meanings as in section 5119.01 of the Revised 119292  
Code. 119293

(B) In fiscal years 2026 and 2027, the Department of 119294  
Behavioral Health may allocate General Revenue Funds described 119295  
in this section, as well as any other General Revenue Funds and 119296  
Dedicated Purpose Funds determined by the Department, to boards 119297  
of alcohol, drug addiction, and mental health services through 119298  
state block grants. These state block grants shall serve to 119299  
provide flexibility within established allowable uses for the 119300  
boards to disburse funds to behavioral health providers to 119301  
provide harm reduction, prevention, substance use disorder 119302  
treatment, mental health treatment, recovery supports, and 119303  
crisis services in local communities. The Director of Behavioral 119304  
Health shall adopt guidelines on the eligible uses of these 119305  
block grants. 119306

(C) The Director of Behavioral Health shall create a 119307  
uniform reporting structure related to the expenditures, uses, 119308  
and outcomes of the state block grants described in this section 119309  
to ensure that thorough and accurate data is reported with a 119310  
focus on transparency, accountability, process improvement, 119311  
outcomes, and return on investment. This data shall be made 119312  
available in accordance with state of Ohio data governance best 119313  
practices and federal and state security and privacy laws, 119314  
regulations, and standards. 119315

(D) The Department of Behavioral Health shall disburse the state block grant funds to boards of alcohol, drug addiction, and mental health services in accordance with distribution methodologies determined by the Director of Behavioral Health. In determining the methodologies, the Director shall consider, at a minimum, all of the following factors: population indicators, poverty rates, health workforce shortage statistics, relevant emerging behavioral health trends, and the amounts of fiscal year 2025 awards made to each board of alcohol, drug addiction, and mental health services for related programs that are eligible uses of the state block grant funds.

(E) A portion of the foregoing appropriation item 336406, Prevention and Wellness, shall be used to create a Prevention State Block Grant that boards of alcohol, drug addiction, and mental health services shall use to fund the provision of evidence-based or evidence-informed early intervention, suicide prevention, and other prevention services.

The Director of Behavioral Health shall establish allowable uses for the Prevention State Block Grant that include, but are not limited to, all of the following:

- (1) Prevention across the lifespan;
- (2) Suicide prevention across the lifespan;
- (3) Early intervention;
- (4) Cross-system collaborative effort to address prevention needs in the community.

(F) A portion of the foregoing appropriation item 336407, Crisis Services and Stabilization, shall be used to create a Crisis Services State Block Grant that shall be used by boards of alcohol, drug addiction, and mental health services to fund

the provision of crisis services and supports. 119345

The Director of Behavioral Health shall establish 119346  
allowable uses for the Crisis Services State Block Grant that 119347  
include, but are not limited to, all of the following: 119348

(1) Substance use and mental health crisis stabilization 119349  
centers; 119350

(2) Crisis stabilization and crisis prevention services 119351  
and supports; 119352

(3) Cross-systems collaborative efforts to address crisis 119353  
services needs in the community. 119354

(G) A portion of the foregoing appropriation item 336421, 119355  
Continuum of Care Services, shall be used to create a Mental 119356  
Health State Block Grant that shall be used by boards of 119357  
alcohol, drug addiction, and mental health services to fund the 119358  
provision of mental health services and recovery supports. 119359

The Director of Behavioral Health shall establish 119360  
allowable uses for the Mental Health State Block Grant that 119361  
include, but are not limited to, all of the following: 119362

(1) Mental health services, including the treatment of 119363  
indigent mentally ill persons subject to court order in 119364  
hospitals or inpatient units licensed by the Department of 119365  
Behavioral Health under section 5119.33 of the Revised Code; 119366

(2) Cross-system collaborative efforts to serve adults 119367  
with serious mental illness who are involved in multiple human 119368  
services or criminal justice systems; 119369

(3) Other initiatives designed to address mental health 119370  
needs. 119371



(H) A portion of the foregoing appropriation item 336421, 119372  
Continuum of Care Services, shall also be used to create a 119373  
Substance Use Disorder State Block Grant that shall be used by 119374  
boards of alcohol, drug addiction, and mental health services to 119375  
fund the provision of alcohol and drug addiction services and 119376  
recovery supports. 119377

The Director of Behavioral Health shall establish 119378  
allowable uses for the Substance Use Disorder State Block Grant 119379  
that include, but are not limited to, all of the following: 119380

(1) Initiatives concerning alcohol and drug addiction 119381  
services; 119382

(2) Substance use stabilization centers; 119383

(3) Cross-system collaborative efforts to address 119384  
substance use disorder needs in the community. 119385

(I) A portion of the foregoing appropriation item 336421, 119386  
Continuum of Care Services, shall be used to create a Recovery 119387  
Supports State Block Grant that shall be used by boards of 119388  
alcohol, drug addiction, and mental health services to fund the 119389  
provision of recovery supports. 119390

The Director of Behavioral Health shall establish 119391  
allowable uses for the Recovery Supports State Block Grant that 119392  
include, but are not limited to, all of the following: 119393

(1) Subsidized support for psychotropic and substance use 119394  
disorder treatment medication needs of indigent citizens in the 119395  
community to reduce unnecessary hospitalization due to lack of 119396  
medication; 119397

(2) Peer support; 119398

(3) Operational expenses and minor facility improvements 119399

to class two and class three residential facilities licensed 119400  
under section 5119.34 of the Revised Code and recovery housing 119401  
residences; 119402

(4) Community reintegration supports; 119403

(5) Cross-system collaborative efforts to address recovery 119404  
support needs in the community. 119405

(J) A portion of the foregoing appropriation item 336422, 119406  
Criminal Justice Services, shall be used to create a Criminal 119407  
Justice State Block Grant that shall be used by boards of 119408  
alcohol, drug addiction, and mental health services to fund the 119409  
provision of services and supports to incarcerated individuals 119410  
and individuals being discharged from prisons and jails. 119411

The Director of Behavioral Health shall establish 119412  
allowable uses for the Criminal Justice State Block Grant that 119413  
include, but are not limited to, all of the following: 119414

(1) Medication-assisted treatment and treatment involving 119415  
drugs used in withdrawal management or detoxification; 119416

(2) Community reintegration supports; 119417

(3) Substance use disorder treatment and mental health 119418  
treatment, including the provision of such treatment as an 119419  
alternative to incarceration, as well as recovery supports; 119420

(4) Forensic monitoring and tracking of individuals on 119421  
conditional release; 119422

(5) Forensic and crisis response training; 119423

(6) Projects that assist courts and law enforcement in 119424  
identifying and developing appropriate alternative services to 119425  
incarceration for nonviolent offenders with mental illness; 119426

(7) The provision of services to incarcerated individuals 119427  
in jails with a substance use disorder, severe mental illness, 119428  
or both, including screening and clinically appropriate 119429  
treatment; 119430

(8) Linkages to, and the provision of, substance use 119431  
disorder treatment, mental health treatment, recovery supports, 119432  
and specialized re-entry services for incarcerated individuals 119433  
leaving prisons and jails; 119434

(9) The support of specialized dockets, including the 119435  
expansion of existing medication-assisted treatment drug court 119436  
programs, the creation of new medication-assisted treatment drug 119437  
court programs, and assistance with the administrative expenses 119438  
of participating courts, community addiction services providers, 119439  
and community mental health services providers; 119440

(10) Cross-system collaborative efforts to address the 119441  
needs of individuals involved in the criminal justice system. 119442

**Section 337.30. PREVENTION AND WELLNESS** 119443

The foregoing appropriation item 336406, Prevention and 119444  
Wellness, shall be used as follows: 119445

(A) Up to \$3,000,000 in each fiscal year shall be 119446  
allocated to boards of alcohol, drug addiction, and mental 119447  
health services through the Prevention State Block Grant 119448  
established in division (E) of Section 337.20 of this act. 119449

(B) Up to \$2,500,000 in each fiscal year shall be used to 119450  
support suicide prevention efforts. 119451

(C) Up to \$2,150,000 in each fiscal year shall be used to 119452  
increase access to early identification and prevention of 119453  
behavioral health disorders across the lifespan. 119454

**Section 337.40.** ACTION RESILIENCY NETWORK 119455

The foregoing appropriation item 336409, State of Ohio 119456  
Action Resiliency Network, shall be used by the Department of 119457  
Behavioral Health for the State of Ohio Action for Resiliency 119458  
Network and a strategic research agenda and capacity needed to 119459  
conduct research, clinical trials, direct care, telehealth, data 119460  
collection, and workforce training pertaining to innovative 119461  
practices in behavioral prevention, harm reduction, treatment, 119462  
and recovery. 119463

**Section 337.50.** HOSPITAL SERVICES 119464

The foregoing appropriation item 336412, Hospital 119465  
Services, may be used for any of the following purposes: 119466

(A) Supporting all operations related to the hospitals 119467  
established, controlled, or supervised by the Department of 119468  
Behavioral Health under Chapter 5119. of the Revised Code; 119469

(B) Supporting physical environments that are designed for 119470  
patients to receive assessment, evaluation, and stabilization 119471  
interventions within general hospitals; 119472

(C) Providing jails and associated health care providers 119473  
with access to telehealth consultations with psychiatric 119474  
specialists, such as psychiatrists and psychiatric nurse 119475  
practitioners. 119476

**Section 337.60.** MENTAL HEALTH FACILITIES LEASE RENTAL BOND 119477  
PAYMENTS 119478

The foregoing appropriation item 336415, Mental Health 119479  
Facilities Lease Rental Bond Payments, shall be used to meet all 119480  
payments during the period from July 1, 2025, through June 30, 119481  
2027, by the Department of Behavioral Health pursuant to leases 119482

and agreements made under section 154.20 of the Revised Code. 119483  
These appropriations are the source of funds pledged for bond 119484  
service charges on obligations issued pursuant to Chapter 154. 119485  
of the Revised Code. 119486

**Section 337.70. CONTINUUM OF CARE SERVICES** 119487

The foregoing appropriation item 336421, Continuum of Care 119488  
Services, shall be used as follows: 119489

(A) Up to \$69,500,000 in each fiscal year shall be 119490  
allocated to boards of alcohol, drug addiction, and mental 119491  
health services through the Mental Health State Block Grant 119492  
established in division (G) of Section 337.20 of this act; 119493

(B) Up to \$9,500,000 in each fiscal year shall be 119494  
allocated to boards of alcohol, drug addiction, and mental 119495  
health services through the Substance Use Disorder State Block 119496  
Grant established in division (H) of Section 337.20 of this act; 119497

(C) Up to \$19,500,000 in each fiscal year shall be 119498  
allocated to boards of alcohol, drug addiction, and mental 119499  
health services through the Recovery Supports State Block Grant 119500  
established in division (I) of Section 337.20 of this act; 119501

(D) Of the foregoing appropriation item 336421, Continuum 119502  
of Care Services, up to \$4,000,000 in each fiscal year shall be 119503  
used to expand statewide access to rapid mobile response and 119504  
stabilization services provided to youth experiencing an 119505  
emotional or behavioral health crisis and their families; 119506

(E) Up to \$455,000 in each fiscal year shall be used to 119507  
implement sections 5119.39 to 5119.397 of the Revised Code; 119508

(F) Up to \$400,000 in each fiscal year shall be used to 119509  
provide funding for community projects across the state that 119510

focus on support for families, assisting families in avoiding crisis, and crisis intervention; and

(G) \$225,000 in each fiscal year shall be allocated to LifeTown Columbus to provide additional support for facility renovations and operations, including professional development, curriculum development, education materials, equipment, marketing, and recruitment.

(H) \$250,000 in each fiscal year shall be allocated to Flying Horse Farms.

**Section 337.80. CRIMINAL JUSTICE SERVICES**

(A) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,115,483 in fiscal year 2026 and \$5,077,378 in fiscal year 2027 shall be allocated to boards of alcohol, drug addiction, and mental health services through the Criminal Justice State Block Grant established in division (J) of Section 337.20 of this act.

(B) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$7,750,000 in each fiscal year shall be allocated to the Behavioral Health Drug Reimbursement Program established in section 5119.19 of the Revised Code.

(C) The remainder of appropriation item 336422, Criminal Justice Services, shall be used for all of the following:

(1) The provision of forensic psychiatric evaluations to courts of common pleas;

(2) The completion of evaluations of patients of forensic status in facilities operated or designated by the Department of Behavioral Health prior to each patient's conditional release to the community;

- (3) Workforce, training, and technological initiatives 119539  
that support the items specified in divisions (C) (1) and (2) of 119540  
this section; 119541
- (4) Support therapeutic communities; 119542
- (5) Provide forensic and crisis response training; 119543
- (6) Establish and administer outpatient and jail-based 119544  
competency restoration services; 119545
- (7) Establish and administer pre-trial diversion programs; 119546
- (8) Support assisted outpatient treatment programs; 119547
- (9) Link and provide behavioral health treatment and 119548  
recovery supports, including housing assistance, to incarcerated 119549  
individuals with a substance use disorder, severe mental 119550  
illness, or both, upon their release from jail or prison; 119551
- (10) Support jail-based treatment and symptom management; 119552
- (11) Support specialized dockets, including the expansion 119553  
of existing medication-assisted treatment drug court programs, 119554  
the creation of new medication-assisted treatment drug court 119555  
programs, and assistance with the administrative expenses of 119556  
participating courts and community addiction services providers 119557  
and community mental health services providers; 119558
- (12) Establish and administer outpatient competency 119559  
restoration services. The services shall be provided by forensic 119560  
centers described in section 5119.10 of the Revised Code or, to 119561  
the extent a forensic center in a community does not provide 119562  
outpatient competency restoration services, a psychiatric 119563  
program or facility selected by a board of alcohol, drug 119564  
addiction, and mental health services to provide such services. 119565

**Section 337.90.** SPECIALIZED DOCKET SUPPORT 119566

(A) Except as otherwise provided in this section, the 119567  
foregoing appropriation item 336425, Specialized Docket Support, 119568  
shall be used to defray a portion of the annual payroll costs 119569  
associated with the specialized docket of a common pleas court, 119570  
municipal court, county court, juvenile court, or family court 119571  
that meets all of the eligibility requirements in division (B) 119572  
of this section, including a family dependency treatment docket. 119573  
The foregoing appropriation item 336425, Specialized Docket 119574  
Support, may also be used to defray costs associated with 119575  
treatment services and recovery supports for participants. 119576

(B) To be eligible, the specialized docket must have 119577  
received Supreme Court of Ohio initial or final certification 119578  
and include participants with behavioral health needs in its 119579  
target population. 119580

(C) Of the foregoing appropriation item 336425, 119581  
Specialized Docket Support, the Department of Behavioral Health 119582  
shall use up to one per cent of the funds appropriated in each 119583  
fiscal year to pay the cost it incurs in administering the 119584  
duties established in this section. 119585

(D) The Department, in consultation with the Supreme Court 119586  
of Ohio, may adopt funding distribution methodology, guidelines, 119587  
and procedures as necessary to carry out the purposes of this 119588  
section. 119589

**Section 337.100.** COMMUNITY INNOVATIONS 119590

The foregoing appropriation item 336504, Community 119591  
Innovations, may be used by the Department of Behavioral Health 119592  
to make targeted investments in programs, projects, or systems 119593  
operated by or under the authority of other state agencies, 119594



governmental entities, or private not-for-profit agencies that 119595  
impact, or are impacted by, the operations and functions of the 119596  
Department, with the goal of achieving a net reduction in 119597  
expenditure of state general revenue funds and/or improved 119598  
outcomes for Ohio citizens without a net increase in state 119599  
general revenue fund spending. 119600

The Director shall identify and evaluate programs, 119601  
projects, or systems proposed or operated, in whole or in part, 119602  
outside of the authority of the Department, where targeted 119603  
investment of these funds in the program, project, or system is 119604  
expected to decrease demand for the Department or other 119605  
resources funded with state general revenue funds, and/or to 119606  
measurably improve outcomes for Ohio citizens with mental 119607  
illness or with alcohol, drug, or gambling addictions. The 119608  
Director shall have discretion to provide funds from this 119609  
appropriation item to private not-for-profit entities in 119610  
amounts, and subject to conditions, that the Director determines 119611  
most likely to achieve state savings and/or improved outcomes. 119612  
Distribution of funds from this appropriation item shall not be 119613  
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 119614  
Code. 119615

The Department shall enter into an agreement with each 119616  
recipient of community innovation funds, identifying the 119617  
following: allowable expenditure of the funds; other commitment 119618  
of funds or other resources to the program, project, or system; 119619  
expected state savings and/or improved outcomes and proposed 119620  
mechanisms for measurement of such savings or outcomes; and 119621  
required reporting regarding expenditure of funds and savings or 119622  
outcomes achieved. 119623

Of the foregoing appropriation item 336504, Community 119624

Innovations, up to \$3,000,000 in each fiscal year shall be used 119625  
to support workforce development initiatives. 119626

Of the foregoing appropriation item 336504, Community 119627  
Innovations, up to \$1,500,000 in each fiscal year shall be used 119628  
to provide behavioral health access and opportunities. 119629

Of the foregoing appropriation item 336504, Community 119630  
Innovations, up to \$3,000,000 in each fiscal year shall be used 119631  
to support the creation and expansion of programs established by 119632  
peer-run organizations in this state for the purpose of offering 119633  
individuals with a mental illness, or a mental illness and co- 119634  
occurring substance use disorder, opportunities for employment, 119635  
housing, education, and access to medical and psychiatric 119636  
services. Programs and facilities shall be operated in 119637  
accordance with model standards and benchmarks selected by the 119638  
Department of Behavioral Health. 119639

Of the foregoing appropriation item 336504, Community 119640  
Innovations, up to \$15,000,000 in fiscal year 2026 shall be used 119641  
to support the coordination of care across the behavioral health 119642  
continuum and enhance patient care by establishing and 119643  
sustaining health information systems for providers licensed or 119644  
certified by the Department of Behavioral Health. 119645

Of the foregoing appropriation item 336504, Community 119646  
Innovations, \$125,000 in each fiscal year shall be used to 119647  
support the Pilot Grant Program for Doctoral Psychology 119648  
Internships. The funds shall be awarded to doctoral psychology 119649  
internship programs accredited by the American Psychological 119650  
Association that offer clinical rotations in non-residential or 119651  
community mental health and health care systems. Grant funds 119652  
awarded shall be used to augment stipends for doctoral-level 119653  
psychology students that come to Ohio internship sites. 119654

**Section 337.110.** RESIDENTIAL STATE SUPPLEMENT 119655

The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Behavioral Health to implement and operate the Residential State Supplement (RSS) Program required by section 5119.41 of the Revised Code. 119656  
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**Section 337.115.** APPALACHIAN CHILDREN COALITION 119660

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in Appalachian Ohio. 119661  
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**Section 337.117.** COMMUNITY PROJECTS 119665

Of the foregoing appropriation item 336519, Community Projects, \$700,000 in each fiscal year shall be allocated to the Social Advocates for Youth (S.A.Y.) Program at the Bellefaire Jewish Children's Bureau. These funds shall be used to support the expansion of school-based prevention and crises intervention services for youth including community crisis and trauma services, school-based counselors, behavioral health-trained teachers and intervention specialists, and a dedicated researcher to document outcomes. 119666  
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Of the foregoing appropriation item 336519, Community Projects, \$150,000 in each fiscal year shall be distributed to Challenge Ministries. 119675  
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Of the foregoing appropriation item 336519, Community Projects, \$250,000 in each fiscal year shall be distributed to The Refuge to support existing programming and services. 119678  
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**Section 337.120.** MEDICAID SUPPORT 119681

The foregoing appropriation item 652321, Medicaid Support, 119682

shall be used to fund specified Medicaid Services as delegated 119683  
by the state's single agency responsible for the Medicaid 119684  
Program. 119685

**Section 337.130.** 9-8-8 LIFELINE 119686

(A) As used in this section, "9-8-8 Suicide and Crisis 119687  
Lifeline" means the 9-8-8 universal telephone number designated 119688  
for use within the United States under section 251(e) of the 119689  
"Communications Act of 1934," 47 U.S.C. 251(e), as amended by 119690  
the "National Suicide Hotline Designation Act of 2020," Pub. L. 119691  
No. 116-172, for the purpose of the national suicide prevention 119692  
and mental health crisis hotline system. 119693

(B) The foregoing appropriation items 336661, 9-8-8 119694  
Suicide and Crisis Response, and 336522, 9-8-8 Suicide Crisis, 119695  
shall be used to support statewide operations and related 119696  
activities of the 9-8-8 Suicide and Crisis Lifeline and mental 119697  
health treatment and response. 119698

**Section 337.150.** PROBLEM GAMBLING AND CASINO ADDICTION 119699

A portion of appropriation item 336629, Problem Gambling 119700  
and Casino Addiction, shall be allocated to boards of alcohol, 119701  
drug addiction, and mental health services in accordance with a 119702  
distribution methodology determined by the Director of 119703  
Behavioral Health. 119704

**Section 337.160.** TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 119705

The foregoing appropriation item 336645, Transcranial 119706  
Magnetic Stimulation Program, shall be used for the 119707  
Electroencephalogram (EEG) Combined Transcranial Magnetic 119708  
Stimulation Program as described in section 5119.20 of the 119709  
Revised Code. 119710

**Section 337.170.** ACCESS SUCCESS II PROGRAM 119711

To the extent cash is available, the Director of Budget 119712  
and Management may transfer cash from a fund designated by the 119713  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 119714  
1490), used by the Department of Behavioral Health. The 119715  
transferred cash is hereby appropriated. 119716

The Department of Behavioral Health shall use the 119717  
transferred funds to administer the Access Success II Program to 119718  
help non-Medicaid patients in any hospital established, 119719  
controlled, or supervised by the Department under Chapter 5119. 119720  
of the Revised Code to transition from inpatient status to a 119721  
community setting. 119722

**Section 337.180.** CASH TRANSFER FROM THE INDIGENT DRIVERS 119723  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 119724  
FUND 119725

On a schedule determined by the Director of Budget and 119726  
Management, the Director of Behavioral Health shall certify to 119727  
the Director of Budget and Management the amount of excess 119728  
license reinstatement fees that are available pursuant to 119729  
division (F)(2)(c) of section 4511.191 of the Revised Code to be 119730  
transferred from the Indigent Drivers Alcohol Treatment Fund 119731  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 119732  
4750). Upon certification, the Director of Budget and Management 119733  
may transfer cash from the Indigent Drivers Alcohol Treatment 119734  
Fund to the Statewide Treatment and Prevention Fund. 119735

**Section 337.190.** STATEWIDE MOBILE CRISIS SYSTEM 119736

(A) The Department of Behavioral Health, in coordination 119737  
with local, state, and federal government entities, shall assist 119738  
with the development and implementation of a statewide system of 119739

mobile crisis services for adults and children. 119740

(B) The development of a statewide mobile crisis system is 119741  
contingent on the availability of state and federal funding. 119742  
Should state and federal funding be insufficient for the 119743  
development of a full system or limit the extent to which the 119744  
system can be developed, the Department shall determine whether 119745  
and to what extent pilot projects or other initiatives for the 119746  
provision of mobile crisis services could be implemented. 119747

**Section 337.200.** COMMUNITY BEHAVIORAL HEALTH CLINICS 119748

The ability of the Department of Behavioral Health to 119749  
establish a process and standards for the state certification of 119750  
certified community behavioral health clinics under section 119751  
5119.211 of the Revised Code is contingent on the availability 119752  
of state and federal funding. Should state or federal funding be 119753  
insufficient for the state certification of certified community 119754  
behavioral health clinics, the Department shall determine 119755  
whether and to what extent pilot projects or other initiatives 119756  
to support an integrated care approach for the provision of 119757  
substance use disorder treatment and mental health treatment 119758  
could be implemented. 119759

**Section 339.10.** 119760

1 2 3 4 5  
119761

A MIH COMMISSION ON MINORITY HEALTH

B General Revenue Fund

C	GRF	149321	Operating Expenses	\$844,088	\$855,455
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D	GRF	149501	Demonstration Grants	\$1,352,000	\$1,352,000
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E	GRF	149502	Lupus Program	\$118,000	\$118,000
F	GRF	149503	Infant Mortality Health Grants	\$4,970,489	\$4,974,489
G	General Revenue Fund Total			\$7,284,577	\$7,299,944
H	Dedicated Purpose Fund Group				
I	4C20	149601	Minority Health Conference	\$35,000	\$35,000
J	Dedicated Purpose Fund Group Total			\$35,000	\$35,000
K	Federal Fund Group				
L	3J90	149405	Healthier Communities	\$1,000,000	\$1,000,000
M	Federal Fund Group Total			\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS			\$8,319,577	\$8,334,944

**Section 341.10.**

119762

119763

	1	2	3	4	5
A	CRB MOTOR VEHICLE REPAIR BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	865601	Operating Expenses	\$781,067	\$821,804
D	Dedicated Purpose Fund Group Total			\$781,067	\$821,804
E	TOTAL ALL BUDGET FUND GROUPS			\$781,067	\$821,804

Section 343.10.

119764

119765

1	2	3	4	5
A		DNR DEPARTMENT OF NATURAL RESOURCES		
B		General Revenue Fund		
C	GRF 725401	Division of Wildlife - Operating Subsidy	\$1,700,000	\$1,700,000
D	GRF 725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$57,500,000	\$76,500,000
E	GRF 725456	Canal Lands	\$118,000	\$118,000
F	GRF 725459	Buckeye State Tree Nursery	\$1,134,650	\$1,134,650
G	GRF 725460	LWCF Recreation Lands	\$262,646	\$266,995
H	GRF 725505	Healthy Lake Erie Program	\$931,976	\$939,077
I	GRF 725507	Coal and Mine Safety Programs	\$3,222,147	\$3,297,340
J	GRF 725520	Special Projects	\$350,000	\$350,000
K	GRF 725903	Natural Resources General Obligation Bond Debt Service	\$14,300,000	\$14,300,000
L	GRF 727321	Division of Forestry	\$10,216,231	\$10,437,678



M	GRF	729321	Office of Information Technology	\$576,055	\$593,337
N	GRF	730321	Parks and Recreation	\$55,000,000	\$55,000,000
O	GRF	736321	Division of Engineering	\$2,531,760	\$2,576,358
P	GRF	737321	Division of Water Resources	\$2,752,230	\$2,803,759
Q	GRF	738321	Office of Real Estate and Land Management	\$1,038,539	\$1,060,089
R	GRF	741321	Division of Natural Areas and Preserves	\$5,104,211	\$5,205,199
S			General Revenue Fund Total	\$156,738,445	\$176,282,482
T			Dedicated Purpose Fund Group		
U	2270	725406	Parks Projects Personnel	\$4,831,529	\$4,976,475
V	4300	725671	Canal Lands	\$479,012	\$479,012
W	4S90	725622	NatureWorks Personnel	\$317,806	\$327,341
X	4U60	725668	Scenic Rivers Protection	\$58,860	\$58,860
Y	5090	725602	State Forest	\$10,852,951	\$11,010,594
Z	5110	725646	Ohio Geological Mapping	\$6,123,647	\$6,323,883
AA	5120	725605	State Parks Operations	\$43,122,931	\$43,358,465
AB	5140	725606	Lake Erie Shoreline	\$1,694,771	\$1,732,863

AC	5160	725620	Water Management	\$3,256,522	\$3,562,000
AD	5180	725643	Oil and Gas Regulation and Safety	\$31,230,432	\$31,784,411
AE	5180	725677	Oil and Gas Well Plugging	\$47,734,902	\$48,022,027
AF	5210	725627	Off-Road Vehicle Trails	\$1,781,723	\$286,068
AG	5220	725656	Natural Areas and Preserves	\$585,191	\$600,500
AH	5290	725639	Mining Regulation and Safety	\$4,004,552	\$4,090,096
AI	5310	725648	Reclamation Forfeiture	\$195,573	\$195,579
AJ	5BJ1	7256A7	Wildlife Area Land Royalties	\$3,000,000	\$0
AK	5ELO	725612	Wildlife Law Enforcement	\$11,826	\$11,826
AL	5HK0	725625	Ohio Nature Preserves	\$9,239	\$9,239
AM	5LD0	725458	Oil and Gas Leasing Commission	\$10,000	\$10,000
AN	5P20	725634	Wildlife Boater Angler Administration	\$5,968,330	\$5,968,330
AO	5TD0	725514	Park Maintenance	\$1,540,331	\$1,540,331
AP	6150	725661	Dam Safety	\$5,673,950	\$6,473,950
AQ	6970	725670	Submerged Lands	\$667,210	\$679,080

AR 6H20 725681	H2Ohio	\$26,200,000	\$26,200,000
AS 7015 740401	Division of Wildlife Conservation	\$84,946,128	\$87,919,242
AT 7086 725414	Waterways Improvement	\$7,282,184	\$7,380,807
AU 7086 739401	Watercraft Operations	\$28,432,898	\$28,922,532
AV 8150 725636	Cooperative Management Projects	\$625,271	\$625,271
AW 8160 725649	Wetlands Habitat	\$659,691	\$659,691
AX 8170 725655	Wildlife Conservation Checkoff	\$1,923,060	\$1,923,060
AY 8180 725629	Cooperative Fisheries Research	\$1,500,000	\$1,500,000
AZ 8190 725685	Ohio River Management	\$43,786	\$43,786
BA 81B0 725688	Wildlife Habitats	\$1,359,102	\$1,359,102
BB	Dedicated Purpose Fund Group Total	\$326,123,408	\$328,034,421
BC	Internal Service Activity Fund Group		
BD 1550 725601	Departmental Projects	\$1,566,470	\$1,586,980
BE 1570 725651	Program Support	\$26,713,040	\$27,292,005
BF 5100 725631	Maintenance - State-owned Residences	\$43,713	\$43,713

BG Internal Service Activity Fund Group	\$28,323,223	\$28,922,698
Total		
BH Capital Projects Fund Group		
BI 7061 725405 Clean Ohio Trail	\$267,307	\$273,030
Operating		
BJ Capital Projects Fund Group Total	\$267,307	\$273,030
BK Fiduciary Fund Group		
BL 5ZT0 7256A2 State Park Lodges	\$11,950,641	\$11,950,641
Maintenance and Repair		
BM Fiduciary Fund Group Total	\$11,950,641	\$11,950,641
BN Holding Account Fund Group		
BO R017 725659 Performance Cash Bond	\$450,999	\$450,999
Refunds		
BP R043 725624 Forestry	\$2,104,919	\$2,104,919
BQ Holding Account Fund Group Total	\$2,555,918	\$2,555,918
BR Federal Fund Group		
BS 3320 725669 Federal Mine Safety Grant	\$306,979	\$316,189
BT 3B30 725640 Federal Forest Pass-Thru	\$419,535	\$419,535
BU 3B40 725641 Federal Flood Pass-Thru	\$106,648	\$106,648
BV 3B50 725645 Federal Abandoned Mine	\$69,114,806	\$69,268,735

Lands					
BW	3B60	725653	Federal Land and Water Conservation Grants	\$10,800,000	\$25,800,000
BX	3B70	725654	Reclamation - Regulatory	\$1,311,309	\$1,340,625
BY	3IR0	7256A5	Long Term Abandoned Mine Land Reclamation	\$100,000	\$100,000
BZ	3P10	725632	Geological Survey - Federal	\$805,102	\$786,700
CA	3P20	725642	Oil and Gas - Federal	\$20,109,957	\$20,115,008
CB	3P20	725698	Oil And Gas - Federal Orphan Well Plug	\$22,363,120	\$22,363,120
CC	3P30	725650	Coastal Management - Federal	\$3,953,487	\$4,013,587
CD	3P40	725660	Federal - Soil and Water Resources	\$416,420	\$422,292
CE	3R50	725673	Acid Mine Drainage Abatement/Treatment	\$860,489	\$860,489
CF	3Z50	725657	Federal Recreation and Trails	\$1,122,594	\$1,127,603
CG	Federal Fund Group Total			\$131,790,446	\$147,040,531
CH	TOTAL ALL BUDGET FUND GROUPS			\$657,749,388	\$695,059,721

The Department of Natural Resources shall use a methodology for determining each division's payments into the Program Support Fund (Fund 1570). The methodology used shall contain the characteristics of administrative ease and uniform application in compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to Fund 1570 shall be made using an intrastate transfer voucher.

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND  
PAYMENTS

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, and animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the

Director may decide. The Director shall give priority to 119796  
recommendations that encourage farmers to adopt agricultural 119797  
production guidelines commonly known as 4R nutrient stewardship 119798  
practices. 119799

SPECIAL PROJECTS 119800

Of the foregoing appropriation item 725520, Special 119801  
Projects, \$250,000 in each fiscal year shall be used for 119802  
improvements at Mosquito Lake State Park. Of the foregoing 119803  
appropriation item 725520, Special Projects, \$100,000 in each 119804  
fiscal year shall be used to support Ohio Education Programs at 119805  
Aullwood Audubon Center and Farm and Grange Insurance Audubon 119806  
Center. 119807

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 119808

The foregoing appropriation item 725903, Natural Resources 119809  
General Obligation Bond Debt Service, shall be used to pay all 119810  
debt service and related financing costs during the period July 119811  
1, 2025, through June 30, 2027, on obligations issued under 119812  
sections 151.01 and 151.05 of the Revised Code. 119813

**Section 343.30.** WELL LOG FILING FEES 119814

The Chief of the Division of Water Resources shall deposit 119815  
fees forwarded to the Division pursuant to section 1521.05 of 119816  
the Revised Code into the Water Management Fund (Fund 5160) for 119817  
the purposes described in that section. 119818

PARKS CAPITAL EXPENSES FUND 119819

The Director of Natural Resources shall submit to the 119820  
Director of Budget and Management the estimated design, 119821  
engineering, and planning costs of capital-related work to be 119822  
done by Department of Natural Resources staff for parks projects 119823

within the Ohio Parks and Recreation Improvement Fund (Fund 119824  
7035). If the Director of Budget and Management approves the 119825  
estimated costs, the Director may release appropriations from 119826  
Fund 7035 appropriation item C725E6, Project Planning, for those 119827  
purposes. Upon release of the appropriations, the Department of 119828  
Natural Resources shall pay for these expenses from the Parks 119829  
Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 119830  
shall be reimbursed by Fund 7035 using an intrastate transfer 119831  
voucher. 119832

NATUREWORKS CAPITAL EXPENSES FUND 119833

The Department of Natural Resources shall submit to the 119834  
Director of Budget and Management the estimated design, 119835  
planning, and engineering costs of capital-related work to be 119836  
done by Department of Natural Resources staff for each capital 119837  
improvement project within the Ohio Parks and Natural Resources 119838  
Fund (Fund 7031). If the Director of Budget and Management 119839  
approves the estimated costs, the Director may release 119840  
appropriations from Fund 7031 appropriation item C725E5, Project 119841  
Planning, for those purposes. Upon release of the 119842  
appropriations, the Department of Natural Resources shall pay 119843  
for these expenses from the Capital Expenses Fund (Fund 4S90). 119844  
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 119845  
using an intrastate transfer voucher. 119846

PARK MAINTENANCE 119847

The foregoing appropriation item 725514, Park Maintenance, 119848  
shall be used by the Department of Natural Resources to pay the 119849  
costs of projects supported by the State Park Maintenance Fund 119850  
(Fund 5TD0) under section 1501.08 of the Revised Code. 119851

On July 1 of each fiscal year or as soon as possible 119852



thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years of deposits in the State Park Fund (Fund 5120) to the Director of Budget and Management. The Director of Budget and Management may transfer up to \$2,200,000 from Fund 5120 to the State Park Maintenance Fund (Fund 5TD0).

WATERWAYS IMPROVEMENTS

The Director of Natural Resources shall consult with the Loramie Watershed Association to identify portions of Lake Loramie that are negatively affected by hard pan sediment and hard clay debris. Of the foregoing appropriation item 725414, Waterways Improvement, \$250,000 in each fiscal year shall be used by the Director of Natural Resources to contract with a third-party vendor for channel excavation and the removal of hard pan sediment and hard clay debris at Lake Loramie.

**Section 343.50.** CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

**Section 343.60.** (A) As used in this section:

(1) "Locally administer" means to supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of a capital facility project without the assistance of the Ohio Facilities Construction Commission.

(2) "Capital facility project" means any activities, projects, or improvements described in division (B)(1) of section 1501.011 of the Revised Code. "Capital facility project"

does not include the construction of a new facility, structure,  
or lodge.

(B) Notwithstanding section 123.21 of the Revised Code or  
any other provision of law to the contrary, for fiscal years  
2026 and 2027, the Department of Natural Resources may locally  
administer any capital facility project commenced within those  
fiscal years, regardless of estimated cost.

(C) The Department shall do both of the following  
regarding a capital facility project that is locally  
administered:

(1) Comply with the applicable procedures and guidelines  
established in Chapter 153. of the Revised Code;

(2) Track all project information in the Ohio  
Administrative Knowledge System capital improvements application  
pursuant to Ohio Facilities Construction Commission guidelines  
as though the Department is administering the project pursuant  
to section 123.211 of the Revised Code and all generally  
applicable laws.

(D) Nothing in this section interferes with the powers of  
the Department of Natural Resources authorized in Chapter 1501.  
of the Revised Code.

**Section 345.10.**

1 2 3 4 5

A NUR STATE BOARD OF NURSING

B Dedicated Purpose Fund Group

C	4K90	884609	Operating Expenses	\$13,033,034	\$13,491,425
D	5AC0	884602	Nurse Education Grant Program	\$1,350,000	\$1,350,000
E	Dedicated Purpose Fund Group Total			\$14,383,034	\$14,841,425
F	TOTAL ALL BUDGET FUND GROUPS			\$14,383,034	\$14,841,425

**Section 347.10.**

119905  
119906

1            2                            3                            4                            5

A            PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS  
BOARD

B            Dedicated Purpose Fund Group

C	4K90	890609	Operating Expenses	\$1,352,852	\$1,434,859
D	Dedicated Purpose Fund Group Total			\$1,352,852	\$1,434,859
E	TOTAL ALL BUDGET FUND GROUPS			\$1,352,852	\$1,434,859

**Section 353.10.**

119907  
119908

1            2                            3                            4                            5

A            OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

B            General Revenue Fund

C	GRF	415402	Independent Living Council	\$252,000	\$252,000
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D	GRF	415406	Assistive Technology	\$26,000	\$26,000
E	GRF	415431	Brain Injury	\$800,000	\$800,000
F	GRF	415506	Services for Individuals with Disabilities	\$40,015,000	\$40,015,000
G	GRF	415508	Services for the Deaf	\$527,000	\$527,000
H	GRF	415511	Centers for Independent Living	\$1,500,000	\$1,500,000
I	GRF	415512	Visually Impaired Reading Services	\$50,000	\$50,000
J	GRF	415513	Accessible Ohio	\$1,000,000	\$1,000,000
K			General Revenue Fund Total	\$44,170,000	\$44,170,000
L			Dedicated Purpose Fund Group		
M	4670	415609	Business Enterprise Operating Expenses	\$913,127	\$918,806
N	4680	415618	Third Party Services Funding	\$3,725,233	\$3,725,233
O	4L10	415619	Services for Rehabilitation	\$2,000,000	\$2,000,000
P			Dedicated Purpose Fund Group Total	\$6,638,360	\$6,644,039
Q			Internal Service Activity Fund Group		
R	4W50	415606	Program Management	\$17,083,462	\$17,539,339

S	Internal Service Activity Fund Group	\$17,083,462	\$17,539,339
	Total		
T	Federal Fund Group		
U	3170 415620 Disability Determination	\$88,981,907	\$90,733,204
V	3790 415616 Federal-Vocational Rehabilitation	\$170,000,000	\$175,100,000
W	3GH0 415602 Personal Care Assistance	\$3,995,399	\$4,017,337
X	3GH0 415604 Community Centers for the Deaf	\$772,420	\$772,420
Y	3GH0 415613 Independent Living	\$2,737,411	\$2,737,411
Z	3GH0 415627 Independent Living Projects	\$100,000	\$100,000
AA	3ILO 415629 Works4Me Disability Innovation Fund Grant	\$2,300,000	\$2,300,000
AB	3L40 415615 Federal-Supported Employment	\$1,200,000	\$1,200,000
AC	3L40 415617 Independent Living Older Blind	\$2,567,746	\$2,908,622
AD	Federal Fund Group Total	\$272,654,883	\$279,868,994
AE	TOTAL ALL BUDGET FUND GROUPS	\$340,546,705	\$348,222,372

The foregoing appropriation item 415402, Independent Living Council, shall be provided to the Ohio Statewide Independent Living Council to support its operations under the State Plan for Independent Living.

Of the foregoing appropriation item 415511, Centers for Independent Living, the amount needed in each fiscal year for state matching funds for the Federal Independent Living Grant shall be provided to support the state independent living programs and centers under Title VII of the federal "Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended by the Rehabilitation Act Amendments of 1992 and known as the federal Independent Living Services and Centers for Independent Living.

Of the foregoing appropriation item 415511, Centers for Independent Living, up to \$1,355,608 in each fiscal year may be used as state matching funds to provide vocational rehabilitation services to Ohioans with disabilities.

Of the foregoing appropriation item 415511, Centers for Independent Living, \$74,124 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

The foregoing appropriation item 415613, Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan for Independent Living.

ASSISTIVE TECHNOLOGY

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with

disabilities in the state of Ohio.	119939
BRAIN INJURY	119940
Of the foregoing appropriation item 415431, Brain Injury,	119941
\$500,000 in each fiscal year shall be provided to The Ohio State	119942
University College of Medicine to support the Brain Injury	119943
Program established under section 3335.60 of the Revised Code.	119944
The remainder of appropriation item 415431, Brain Injury,	119945
shall be provided to the Brain Injury Association of Ohio for	119946
direct services and supports for brain injury survivors and	119947
caregivers.	119948
SERVICES FOR THE DEAF	119949
The foregoing appropriation item 415508, Services for the	119950
Deaf, shall be used to support community centers for the deaf.	119951
VISUALLY IMPAIRED READING SERVICES	119952
The foregoing appropriation item 415512, Visually Impaired	119953
Reading Services, shall be used to support VOICEcorps Reading	119954
Services to provide reading services for blind individuals.	119955
SIGHT CENTERS	119956
Of the foregoing appropriation item 415617, Independent	119957
Living Older Blind, \$30,000 in each fiscal year shall be used to	119958
contract in equal amounts with the Cleveland Sight Center, the	119959
Cincinnati Association for the Blind and Visually Impaired, and	119960
the Sight Center of Northwest Ohio to provide outreach to the	119961
community of individuals with blindness or low vision.	119962
<b>Section 361.10.</b>	119963
	119964

A	PEN PENSION SUBSIDIES		
B	General Revenue Fund		
C	GRF 090524	Police and Fire Disability Pension Fund	\$300 \$300
D	GRF 090534	Police and Fire Ad Hoc Cost of Living	\$14,000 \$14,000
E	GRF 090554	Police and Fire Survivor Benefits	\$138,000 \$138,000
F	GRF 090575	Police and Fire Death Benefits	\$40,000,000 \$40,000,000
G	General Revenue Fund Total		\$40,152,300 \$40,152,300
H	TOTAL ALL BUDGET FUND GROUPS		\$40,152,300 \$40,152,300

**Section 361.20.** POLICE AND FIRE DEATH BENEFIT FUND 119965

The foregoing appropriation item 090575, Police and Fire 119966  
 Death Benefits, shall be disbursed quarterly by the Treasurer of 119967  
 State at the beginning of each quarter of each fiscal year to 119968  
 the Board of Trustees of the Ohio Police and Fire Pension Fund, 119969  
 which serves as trustees of the Ohio Public Safety Officers 119970  
 Death Benefit Fund pursuant to section 742.62 of the Revised 119971  
 Code. The Treasurer of State shall certify such amounts 119972  
 quarterly to the Director of Budget and Management. By the 119973  
 twentieth day of June of each fiscal year, the Board of Trustees 119974  
 shall certify to the Treasurer of State the amount disbursed in 119975  
 the current fiscal year to make the payments required by 119976  
 sections 124.824 and 742.63 of the Revised Code and shall return 119977



to the Treasurer of State moneys received from this 119978  
appropriation item but not disbursed. 119979

Notwithstanding any provision of section 124.824 of the 119980  
Revised Code to the contrary, for each death benefit fund 119981  
recipient who participates in health, medical, hospital, dental, 119982  
surgical, or vision benefits under section 124.824 of the 119983  
Revised Code, the Board of Trustees of the Ohio Police and Fire 119984  
Pension Fund shall forward as a pass-through from the revenue 119985  
received from the foregoing appropriation item 090575, Police 119986  
and Fire Death Benefits, the percentage of the cost for the 119987  
applicable benefits that would be paid by a state employer for a 119988  
state employee who elects that coverage and any applicable 119989  
administrative costs, which shall not exceed two per cent of the 119990  
total cost of the benefits. The Board of Trustees shall also 119991  
withhold from the benefits paid to a death benefit fund 119992  
recipient under section 742.63 of the Revised Code the 119993  
percentage of the cost for such benefits that would be paid by a 119994  
state employee, and forward the withheld amounts to the 119995  
Department of Administrative Services from the revenue received 119996  
from the foregoing appropriation item 090575, Police and Fire 119997  
Death Benefits. 119998

In fiscal year 2026 or 2027, if it is determined by the 119999  
Director of Administrative Services, in consultation with the 120000  
Chairperson of the Board of Trustees of the Ohio Police and Fire 120001  
Pension Fund, or designee, that additional amounts are necessary 120002  
to pay the cost of providing benefits under section 124.824 or 120003  
742.63 of the Revised Code, the Director of Administrative 120004  
Services may certify the additional amount necessary to the 120005  
Director of Budget and Management. The amount certified is 120006  
hereby appropriated. 120007

**Section 363.10.**

120008

120009

1	2	3	4	5
A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD			
B	Dedicated Purpose Fund Group			
C	6910 810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$1,778,594	\$1,910,092
D	Dedicated Purpose Fund Group Total		\$1,778,594	\$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS		\$1,778,594	\$1,910,092

**Section 367.10.**

120010

120011

1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY			
B	Dedicated Purpose Fund Group			
C	4A50 887605	Drug Law Enforcement	\$50,000	\$50,000
D	4K90 658605	OARRS Integration - State	\$207,657	\$208,860
E	4K90 887609	Operating Expenses	\$13,773,784	\$14,491,459
F	5SG0 887612	Drug Database	\$2,826,000	\$2,865,000
G	Dedicated Purpose Fund Group Total		\$16,857,441	\$17,615,319

H	Federal Fund Group		
I	3HD0 887614 Pharmacy Federal Grants	\$2,094,643	\$2,111,622
J	3HH0 658601 OARRS Integration - Federal	\$642,117	\$645,729
K	Federal Fund Group Total	\$2,736,760	\$2,757,351
L	TOTAL ALL BUDGET FUND GROUPS	\$19,594,201	\$20,372,670

**Section 367.20.** CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND

Upon the request of the Executive Director of the State Board of Pharmacy, the Director of Budget and Management may transfer up to \$2,745,500 in cash in each fiscal year from the Medical Marijuana Control Program Fund (Fund 5SY0), used by the Department of Commerce, to the Drug Database Fund (Fund 5SG0), used by the State Board of Pharmacy.

**Section 369.10.**

	1	2	3	4	5
A					PSY STATE BOARD OF PSYCHOLOGY
B					Dedicated Purpose Fund Group
C	4K90	882609	Operating Expenses	\$975,010	\$1,011,722
D			Dedicated Purpose Fund Group Total	\$975,010	\$1,011,722
E			TOTAL ALL BUDGET FUND GROUPS	\$975,010	\$1,011,722

Section 371.10.

120022

120023

1	2	3	4	5
A	PUB OHIO PUBLIC DEFENDER COMMISSION			
B	General Revenue Fund			
C	GRF 019401	State Legal Defense Services	\$13,177,100	\$13,417,000
D	GRF 019406	Northwest Regional Hub Support	\$3,350,000	\$3,350,000
E	GRF 019501	County Reimbursement	\$195,469,360	\$200,680,940
F	General Revenue Fund Total		\$211,996,460	\$217,447,940
G	Dedicated Purpose Fund Group			
H	1010 019607	Juvenile Legal Assistance	\$217,456	\$223,980
I	4060 019603	Training and Publications	\$75,000	\$75,000
J	4070 019604	County Representation	\$375,000	\$375,000
K	4080 019605	Client Payments	\$800,000	\$800,000
L	4C70 019601	Multi-County: County Share	\$594,900	\$624,300
M	4N90 019613	Gifts and Grants	\$13,400	\$13,400
N	5740 019606	Civil Legal Aid	\$37,000,000	\$33,000,000

O	5CX0 019617	Civil Case Filing Fee	\$620,000	\$620,000
P	5DY0 019618	Indigent Defense Support - County Share	\$22,908,000	\$22,908,000
Q	5DY0 019619	Indigent Defense Support - State Office	\$4,692,000	\$4,692,000
R	Dedicated Purpose Fund Group Total		\$67,295,756	\$63,331,680
S	Federal Fund Group			
T	3IQ0 019626	Reforming Reentry Program	\$350,000	\$85,321
U	3S80 019608	Federal Representation	\$38,300	\$38,300
V	Federal Fund Group Total		\$388,300	\$123,621
W	TOTAL ALL BUDGET FUND GROUPS		\$279,680,516	\$280,903,241

**Section 371.20.** INDIGENT DEFENSE SUPPORT 120024

The foregoing appropriation item 019501, County 120025  
 Reimbursement, shall be used to reimburse counties for the costs 120026  
 of operating county public defender offices, joint county public 120027  
 defender offices and county appointed counsel systems, the 120028  
 counties' costs and expenses of conducting the defense in 120029  
 capital cases, the counties' costs and expenses of appointed 120030  
 counsel covered by section 2941.51 of the Revised Code, and the 120031  
 costs and expenses of contracting with the state public defender 120032  
 or with any nonprofit organization to provide legal 120033  
 representation to indigent persons. The counties' costs and 120034  
 expenses of appointed counsel covered by section 2941.51 of the 120035  
 Revised Code shall be reimbursed at an hourly rate not to exceed 120036

\$75 per hour, except that the counties' costs and expenses of 120037  
conducting the defense in capital cases shall be reimbursed at 120038  
an hourly rate not to exceed \$140 per hour. 120039

FEDERAL REPRESENTATION 120040

The foregoing appropriation item 019608, Federal 120041  
Representation, shall be used to support representation provided 120042  
by the Ohio Public Defender in federal court cases. 120043

COUNTY INDIGENT DEFENSE BUDGETS 120044

Not later than July 31, 2026, each county through its 120045  
county commission shall submit a biannual indigent defense cost 120046  
projection report to the Ohio Public Defender. The report shall 120047  
contain data on the most current projected costs of the indigent 120048  
defense services in the county for the next two upcoming state 120049  
fiscal years at the time of submission. 120050

**Section 371.30.** NORTHWEST REGIONAL HUB 120051

(A) In fiscal year 2026 and fiscal year 2027, the Ohio 120052  
Public Defender shall create the Northwest Regional Hub pilot 120053  
program to provide indigent defense services in the counties 120054  
that elect to join, in lieu of managing those services directly 120055  
and applying for reimbursement. 120056

(B) The following counties may elect to participate in the 120057  
Northwest Regional Hub, and no other counties are permitted to 120058  
participate: 120059

(1) Allen County; 120060

(2) Hardin County; 120061

(3) Putnam County. 120062

(C) On or after the effective date of this section, any 120063

county listed in division (B) of this section may elect, by 120064  
resolution, to become part of the Northwest Regional Hub and 120065  
thereby transfer administration of the county's indigent defense 120066  
system to the Ohio Public Defender for the period of the pilot 120067  
program. 120068

(D) If a county elects to become part of the Northwest 120069  
Regional Hub and transfer indigent defense services to the Ohio 120070  
Public Defender pursuant to this section, the Ohio Public 120071  
Defender shall assume responsibility for representation of 120072  
indigent persons in the proceedings set forth in division (A) of 120073  
section 120.16 of the Revised Code, to the extent that 120074  
representation is not provided by outside counsel in accordance 120075  
with section 120.33 of the Revised Code. 120076

(E) (1) The Ohio Public Defender shall consult with the 120077  
county commissioners, judiciary, and local attorneys in counties 120078  
that have opted to participate in the Northwest Regional Hub to 120079  
determine the number of indigent defense cases the public 120080  
defender will handle directly. 120081

(2) Except as provided in division (E) (4) of this section, 120082  
in a county that elects to participate in the Northwest Regional 120083  
Hub, the Ohio Public Defender shall provide direct 120084  
representation to indigent defendants in not more than eighty 120085  
per cent of indigent defense cases. 120086

(3) In cases where the Ohio Public Defender does not 120087  
provide direct representation, the court shall appoint counsel 120088  
in accordance with section 120.33 of the Revised Code. 120089

(4) If the Ohio Public Defender, in consultation with the 120090  
county commissioners, judiciary, and local attorneys, determines 120091  
that there is insufficient local counsel available to fill an 120092

appointment under division (E) (3) of this section, the Ohio 120093  
Public Defender shall provide direct representation in the case. 120094

(F) A county that wishes to withdraw from the Northwest 120095  
Regional Hub and resume responsibility for the delivery of 120096  
indigent defense services shall do all of the following: 120097

(1) Hold a public meeting regarding the withdrawal and 120098  
provide notice to all of the following, seven or more days 120099  
before the meeting: 120100

(a) The local bar association; 120101

(b) Every judge serving in the county; 120102

(c) The county prosecutor; 120103

(d) The county public defender; 120104

(e) Every attorney who is on the court's roster for 120105  
appointment to provide indigent defense in accordance with 120106  
section 120.33 of the Revised Code. 120107

(2) Provide the Ohio Public Defender with a copy of the 120108  
resolution electing to withdraw. 120109

(G) When a county transfers indigent defense services to 120110  
the Ohio Public Defender pursuant to this section, and the 120111  
transferring county operates a county public defender office at 120112  
the time of the transfer, the employees of the transferring 120113  
county public defender may be transferred to employees of the 120114  
Ohio Public Defender as the Ohio Public Defender determines to 120115  
be necessary for successful implementation of this section, to 120116  
the extent possible, with no loss of service credit. 120117

NORTHWEST REGIONAL HUB SUPPORT 120118

The foregoing appropriation item 019406, Northwest 120119



Regional Hub Support, shall be used by the Ohio Public Defender 120120  
to pay for all the costs of providing indigent defense services 120121  
in counties that have transferred administration of those 120122  
services pursuant to this section. Expenses may include the cost 120123  
of operating public defender offices, reimbursement of expenses 120124  
of court appointed counsel, and other associated costs of 120125  
providing legal representation to indigent persons as covered by 120126  
section 120.04 of the Revised Code. 120127

**Section 373.10.**

120128  
120129

	1	2	3	4	5
A	DPS DEPARTMENT OF PUBLIC SAFETY				
B	General Revenue Fund				
C	GRF	761403	Recovery Ohio Law Enforcement	\$6,500,000	\$6,500,000
D	GRF	761411	Ohio Narcotics Intelligence Center	\$13,077,345	\$13,641,498
E	GRF	763403	EMA Operating	\$8,931,000	\$9,102,000
F	GRF	763407	State Hazard Mitigation	\$1,000,000	\$1,000,000
G	GRF	763408	State Disaster Relief	\$939,481	\$969,481
H	GRF	763513	Security Grants	\$8,500,000	\$8,500,000
I	GRF	765401	Emergency Medical Services Operating	\$5,572,851	\$5,843,030
J	GRF	767420	Investigative Unit	\$12,554,073	\$10,718,860

		Operating		
K	GRF	768425	Justice Program Services	\$19,195,430 \$19,375,918
L	GRF	768435	Community Police Relations	\$2,445,800 \$2,607,939
M	GRF	769406	Homeland Security - Operating	\$4,946,000 \$5,046,000
N	GRF	769407	Driver Safety	\$6,425,545 \$6,458,591
O	GRF	769412	Ohio School Safety Center	\$8,963,284 \$9,367,524
P			General Revenue Fund Total	\$99,050,809 \$99,130,841
Q			Highway Safety Fund Group	
R	5TMO	762321	Operating Expense - BMV	\$128,500,000 \$129,645,783
S	5TMO	762637	Local Immobilization Reimbursement	\$87,000 \$90,000
T	5TMO	764321	Operating Expense - Highway Patrol	\$404,019,560 \$416,140,146
U	5TMO	764605	Motor Carrier Enforcement Expenses	\$709,000 \$730,000
V	5TMO	769636	Administrative Expenses - Highway Purposes	\$56,062,283 \$58,959,468
W	8370	764602	Turnpike Policing	\$13,652,000 \$14,117,000
X	83C0	764630	Contraband, Forfeiture,	\$500,000 \$500,000

		and Other			
Y	83F0	764657	Law Enforcement Automated Data System	\$6,216,213	\$6,380,428
Z	83G0	764633	OMVI Enforcement/Education	\$156,727	\$157,703
AA	83M0	765640	EMS Grants	\$2,900,000	\$2,900,000
AB	8400	764607	State Fair Security	\$1,788,386	\$1,842,038
AC	8400	764617	Security and Investigations	\$14,376,926	\$14,808,233
AD	8400	764626	State Fairgrounds Police Force	\$1,031,556	\$1,062,502
AE	8460	761625	Motorcycle Safety Education	\$4,215,000	\$4,220,000
AF	8490	762627	Automated Title Processing Board	\$11,000,000	\$10,950,000
AG	8490	762630	Electronic Liens and Titles	\$2,008,000	\$2,008,000
AH			Highway Safety Fund Group Total	\$647,222,651	\$664,511,301
AI			Dedicated Purpose Fund Group		
AJ	4P60	768601	Justice Program Services	\$95,000	\$100,000
AK	4V30	763662	EMA Service and Reimbursements	\$559,000	\$562,000

AL 5390 762614	Motor Vehicle Dealers Board	\$140,000	\$140,000
AM 5AZ1 761680	eWarrant Local Integration	\$2,390,000	\$2,405,000
AN 5B90 766632	Private Investigator and Security Guard Provider	\$2,134,000	\$2,203,000
AO 5BC1 769638	Ohio School Safety and Security Center Training Fees	\$100,000	\$100,000
AP 5BK0 768687	Criminal Justice Services - Operating	\$770,000	\$795,000
AQ 5BK0 768689	Family Violence Shelter Programs	\$1,550,000	\$1,550,000
AR 5ET0 768625	Drug Law Enforcement	\$3,750,000	\$3,750,000
AS 5FF0 762621	Indigent Interlock and Alcohol Monitoring	\$1,400,000	\$1,400,000
AT 5LM0 768698	Criminal Justice Services Law Enforcement Support	\$850,000	\$850,000
AU 5ML0 769635	Infrastructure Protection	\$89,000	\$91,000
AV 5RH0 767697	OIU Special Projects	\$750,000	\$750,000
AW 5Y10 764695	State Highway Patrol Continuing Professional Training	\$148,000	\$148,000

AX 5Y10 767696	Ohio Investigative Unit Continuing Professional Training	\$10,000	\$10,000
AY 6220 767615	Investigative, Contraband, and Forfeiture	\$61,000	\$61,000
AZ 6570 763652	Utility Radiological Safety	\$1,420,000	\$1,467,000
BA 6810 763653	SARA Title III Hazmat Planning	\$400,000	\$331,000
BB	Dedicated Purpose Fund Group Total	\$16,616,000	\$16,713,000
BC	Fiduciary Fund Group		
BD 5J90 761678	Federal Salvage/GSA	\$600,000	\$600,000
BE 5V10 762682	License Plate Contributions	\$2,900,000	\$3,000,000
BF	Fiduciary Fund Group Total	\$3,500,000	\$3,600,000
BG	Holding Account Fund Group		
BH R024 762619	Unidentified Motor Vehicle Receipts	\$1,641,000	\$1,641,000
BI R052 762623	Security Deposits	\$50,000	\$50,000
BJ	Holding Account Fund Group Total	\$1,691,000	\$1,691,000
BK	Federal Fund Group		

BL	3370	763515	COVID Relief - Federal	\$150,000,000	\$150,000,000
BM	3370	763609	Federal Disaster Relief	\$73,500,000	\$73,500,000
BN	3FP0	767620	Ohio Investigative Unit Justice Contraband	\$10,000	\$10,000
BO	3GL0	768619	Justice Assistance Grants	\$10,000,000	\$10,000,000
BP	3GR0	764693	Highway Patrol Justice Contraband	\$227,000	\$227,000
BQ	3GS0	764694	Highway Patrol Treasury Contraband	\$80,000	\$80,000
BR	3GT0	767691	Investigative Unit Federal Equity Share	\$100,000	\$100,000
BS	3GU0	761610	Information and Education Grant	\$435,000	\$435,000
BT	3GU0	764608	Fatality Analysis Report System Grant	\$175,000	\$175,000
BU	3GU0	764610	Highway Safety Programs Grant	\$5,226,000	\$5,333,000
BV	3GU0	764659	Motor Carrier Safety Assistance Program Grant	\$11,242,000	\$11,582,000
BW	3GU0	769610	Investigations Grants - Food Stamps, Liquor, and Tobacco Laws	\$1,000,000	\$1,000,000

BX 3GU0 769631	Homeland Security Disaster Grants	\$1,500,000	\$1,500,000
BY 3GV0 761612	Traffic Safety Action Plan Grant	\$31,625,000	\$31,685,000
BZ 3L50 768604	Justice Program	\$25,000,000	\$25,000,000
CA	Federal Fund Group Total	\$310,120,000	\$310,627,000
CB	TOTAL ALL BUDGET FUND GROUPS	\$1,078,200,460	\$1,096,273,142

**Section 373.20.** RECOVERY OHIO LAW ENFORCEMENT 120130

Of the foregoing appropriation item 761403, Recovery Ohio 120131  
Law Enforcement, up to \$3,400,000 in each fiscal year may be 120132  
used by the Office of Criminal Justice Services to support local 120133  
law enforcement narcotics task forces that focus on cartel 120134  
trafficking interdiction. The interdiction task forces shall be 120135  
designated Ohio Organized Crime Commission task forces subject 120136  
to approval and supervision of the Commission. This earmarked 120137  
amount may also be used to provide funding to local law 120138  
enforcement agencies, the Commission for task force-related 120139  
equipment purchases, and for operating expenses of the Office of 120140  
Criminal Justice Services related to the narcotics interdiction 120141  
task force program. 120142

Of the foregoing appropriation item 761403, Recovery Ohio 120143  
Law Enforcement, up to \$2,500,000 in each fiscal year may be 120144  
used by the Office of Criminal Justice Services for Ohio's 120145  
narcotics task forces in order to build new and strengthen 120146  
existing partnerships with local law enforcement. This earmarked 120147  
amount may also be used to provide funding to local law 120148  
enforcement agencies and for operating expenses of the Office of 120149

Criminal Justice Services related to the Ohio narcotics task force program. 120150  
120151

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to enhance and maintain a uniform records management and data intelligence system, and provide case management, collaboration, data sharing, and data analytics tools for Ohio narcotics task forces and law enforcement agencies. 120152  
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EMERGENCY MEDICAL SERVICES OPERATING 120160

Of the foregoing appropriation item 765401, Emergency Medical Services Operating, \$75,000 in each fiscal year shall be distributed to the Ohio Mortuary Operational Response Team headquarters in Montgomery County for maintenance and training. 120161  
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120164

**Section 373.30. SECURITY GRANTS** 120165

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for all of the following purposes: 120166  
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120169  
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(1) Eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism; 120171  
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120173

(2) Acquiring or retaining the services of a resource officer, special duty police officer, or licensed armed security guards, including the training, licensing, or certification of resource officers; 120174  
120175  
120176  
120177



(3) The lease or purchase of qualified equipment, 120178  
including equipment for emergency and crisis communication, 120179  
crisis management, or trauma and crisis response to assist in 120180  
preventing, preparing for, or responding to acts of terrorism; 120181

(4) Placing the qualified equipment at alternative 120182  
locations that are off the premises belonging to the grantee, 120183  
provided that the grantee receives prior permission from any 120184  
appropriate county, municipal corporation, local law enforcement 120185  
agency, local emergency management agency, or local 120186  
transportation agency, as applicable; 120187

(5) Funding coordinated training between law enforcement, 120188  
counterterrorism agencies, and emergency responders on either 120189  
the premises of a nonprofit corporation or through community- 120190  
wide training efforts. 120191

(B) The Emergency Management Agency shall administer and 120192  
award the grants described in division (A) of this section. The 120193  
Agency shall establish procedures and forms by which applicants 120194  
may apply for a grant, a competitive process for ranking 120195  
applicants and awarding the grants, and procedures for 120196  
distributing grants to recipients. The Agency shall include 120197  
information about the grants and the application process on its 120198  
web site. 120199

(C) The Emergency Management Agency may use up to 120200  
\$1,000,000 in each fiscal year for community police partnerships 120201  
that focus on collaboration, increased efficiencies, or 120202  
otherwise assisting both a nonprofit organization and one or 120203  
more law enforcement, emergency management, or homeland security 120204  
agencies to serve and protect at-risk nonprofit organizations. 120205

(D) An amount equal to the unexpended, unencumbered 120206

balance of the foregoing appropriation item 763513, Security 120207  
Grants, at the end of fiscal year 2025 is hereby reappropriated 120208  
for the same purpose in fiscal year 2026. 120209

(E) An amount equal to the unexpended, unencumbered 120210  
balance of the foregoing appropriation item 763513, Security 120211  
Grants, at the end of fiscal year 2026 is hereby reappropriated 120212  
for the same purpose in fiscal year 2027. 120213

JUSTICE PROGRAM SERVICES 120214

Of the foregoing appropriation item 768425, Justice 120215  
Program Services, up to \$5,000,000 in each fiscal year shall be 120216  
used by the Office of Criminal Justice Services to administer 120217  
and distribute grants to state and local law enforcement 120218  
agencies to implement or enhance body-worn camera programs. 120219

Of the foregoing appropriation item 768425, Justice 120220  
Program Services, up to \$4,531,000 in each fiscal year shall be 120221  
used by the Office of Criminal Justice Services to support anti- 120222  
human trafficking efforts in the areas of prosecution, victim 120223  
services to specifically include assistance for child victims, 120224  
and prevention and policy to implement the priorities of the 120225  
Governor's Ohio Human Trafficking Task Force. 120226

Of the foregoing appropriation item 768425, Justice 120227  
Program Services, up to \$4,000,000 in each fiscal year shall be 120228  
used by the Office of Criminal Justice Services to administer 120229  
and distribute grants to state and local law enforcement 120230  
agencies to assist local communities in reducing and preventing 120231  
crime through the use of promising or proven crime reduction 120232  
strategies. The use of the grants includes, but is not limited 120233  
to, overtime, equipment, technical assistance, and analytical 120234  
support to implement crime reduction strategies. 120235

Of the foregoing appropriation item 768425, Justice 120236  
Program Services, up to \$1,500,000 in each fiscal year shall be 120237  
used to support state and local law enforcement agencies in the 120238  
recruitment, hiring, and training of qualified individuals to 120239  
serve as peace officers; to support state and local first 120240  
responder agencies in mental, physical, and emotional wellness; 120241  
and to administer and distribute grants to state and local first 120242  
responder agencies to assist in recruitment, retention, and 120243  
wellness of their workforce. Of these funds, \$125,000 in each 120244  
fiscal year shall be equally distributed to each of the 120245  
following: 120246

(A) First Responders' Bridge to pay for their programs 120247  
supporting first responders suffering from Post Traumatic Stress 120248  
Disorder, depression, anxiety, and other mental health 120249  
conditions; 120250

(B) Save A Warrior Foundation to pay for their programs 120251  
supporting first responders suffering from Post Traumatic Stress 120252  
Disorder, depression, anxiety, and other mental health 120253  
conditions; and 120254

(C) Tri-State Peer Support Team to pay the administrative 120255  
costs of providing peer support and mental health services for 120256  
first responders and related program development. 120257

Of the foregoing appropriation item 768425, Justice 120258  
Program Services, up to \$1,000,000 in each fiscal year shall be 120259  
used by the Office of Criminal Justice Services to competitively 120260  
procure, directly from the manufacturer, a commercial off-the- 120261  
shelf, completely in canal hearing protection product with a 120262  
minimum noise reduction rating of 25 decibels and a maximum 120263  
output of 80 decibels, to protect the hearing of law enforcement 120264  
officers. The hearing protection shall be made available to any 120265

law enforcement agency in the state on a first-come, first- 120266  
served basis as part of the Law Enforcement Hearing Protection 120267  
Program. 120268

Of the foregoing appropriation item 768425, Justice 120269  
Program Services, up to \$1,000,000 in each fiscal year shall be 120270  
used by the Office of Criminal Justice Services to distribute 120271  
grants to state and/or local law enforcement to conduct 120272  
investigations on sexual assault kit testing results and related 120273  
expenses. 120274

Of the foregoing appropriation item 768425, Justice 120275  
Program Services, up to \$200,000 in each fiscal year shall be 120276  
used by the Office of Criminal Justice Services to competitively 120277  
procure, directly from the manufacturer, a commercial off-the- 120278  
shelf, completely in canal hearing protection product with a 120279  
minimum noise reduction rating of 25 decibels and a maximum 120280  
output of 80 decibels. The hearing protection shall be made 120281  
available to the Ohio State Highway Patrol. 120282

Of the foregoing appropriation item 768425, Justice 120283  
Program Services, up to \$200,000 in each fiscal year shall be 120284  
used by the Office of Criminal Justice Services to implement 120285  
recommendations of the Governor's Warrant Task Force. 120286

**Section 373.40. MOTOR VEHICLE REGISTRATION** 120287

The Director of Public Safety may deposit revenues to meet 120288  
the cash needs of the Public Safety - Highway Purposes Fund 120289  
(Fund 5TM0) established in section 4501.06 of the Revised Code, 120290  
obtained under section 4503.02 of the Revised Code, less all 120291  
other available cash. Revenue deposited pursuant to this 120292  
paragraph shall support in part appropriations for the 120293  
administration and enforcement of laws relative to the operation 120294

and registration of motor vehicles, for payment of highway 120295  
obligations and other statutory highway purposes. 120296  
Notwithstanding section 4501.03 of the Revised Code, the 120297  
revenues shall be paid into Fund 5TM0 before any revenues 120298  
obtained pursuant to section 4503.02 of the Revised Code are 120299  
paid into any other fund. The deposit of revenues to meet the 120300  
aforementioned cash needs shall be in approximately equal 120301  
amounts on a monthly basis or as otherwise approved by the 120302  
Director of Budget and Management. Prior to July 1 of each 120303  
fiscal year, the Director of Public Safety shall submit a plan 120304  
to the Director of Budget and Management requesting approval of 120305  
the anticipated revenue amounts to be deposited into Fund 5TM0 120306  
pursuant to this paragraph. If during the fiscal year changes to 120307  
the plan as approved by the Director of Budget and Management 120308  
are necessary, the Director of Public Safety shall submit a 120309  
revised plan to the Director of Budget and Management for 120310  
approval prior to any change in the deposit of revenues. 120311

VALIDATION STICKER REQUIREMENTS 120312

Validation stickers are required for the annual 120313  
registration of passenger, commercial, motorcycle, and other 120314  
vehicles and are produced in accordance with section 4503.191 of 120315  
the Revised Code. Notwithstanding section 4503.191 of the 120316  
Revised Code, the Registrar of Motor Vehicles may adopt rules 120317  
authorizing validation stickers to be produced at any location. 120318

**Section 373.50.** CASH BALANCE FUND REVIEW 120319

The Director of Public Safety shall review the cash 120320  
balances for each fund in the State Highway Safety Fund Group, 120321  
and may submit a request in writing to the Director of Budget 120322  
and Management to transfer amounts from any fund in the State 120323  
Highway Safety Fund Group to the credit of the Public Safety - 120324

Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt 120325  
of such a request, and subject to the approval of the 120326  
Controlling Board, the Director of Budget and Management may 120327  
make appropriate transfers as requested by the Director of 120328  
Public Safety or as otherwise determined by the Director of 120329  
Budget and Management. 120330

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND 120331  
POLICING FUND 120332

Notwithstanding any other provision of law to the 120333  
contrary, the Director of Budget and Management, upon written 120334  
request of the Director of Public Safety and approval of the 120335  
Controlling Board, may approve the transfer of cash from the 120336  
State Highway Patrol Contraband, Forfeiture, and Other Fund 120337  
(Fund 83C0) to the Security, Investigations and Policing Fund 120338  
(Fund 8400). 120339

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY 120340  
MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 120341

On July 1 of each fiscal year, or as soon as possible 120342  
thereafter, the Director of Budget and Management shall transfer 120343  
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to 120344  
the Emergency Management Agency Service and Reimbursement Fund 120345  
(Fund 4V30). 120346

Of the foregoing appropriation item 763662, EMA Service 120347  
and Reimbursements, \$250,000 in each fiscal year shall be 120348  
distributed to the Ohio Task Force One - Urban Search and Rescue 120349  
Unit to pay for its operating expenses and developing new 120350  
programs. 120351

Of the foregoing appropriation item 763662, EMA Service 120352  
and Reimbursements, \$200,000 in each fiscal year shall be 120353

distributed to the Ohio Task Force One - Urban Search and Rescue 120354  
Unit, other similar urban search and rescue units around the 120355  
state, and for maintenance of the statewide fire emergency 120356  
response plan by an entity recognized by the Ohio Emergency 120357  
Management Agency. 120358

STATE DISASTER RELIEF 120359

The State Disaster Relief Fund (Fund 5330) may accept 120360  
transfers of cash or appropriations from Controlling Board 120361  
appropriation items for the Ohio Emergency Management Agency 120362  
disaster response costs and disaster program management costs, 120363  
and may also be used for the following purposes: 120364

(A) To accept transfers of cash or appropriations from 120365  
Controlling Board appropriation items for Ohio Emergency 120366  
Management Agency recovery and mitigation program match costs to 120367  
reimburse eligible local governments and private nonprofit 120368  
organizations for costs related to disasters; 120369

(B) To accept transfers of cash or appropriations from 120370  
Controlling Board appropriation items to cover costs incurred 120371  
and to reimburse government entities for Emergency Management 120372  
Assistance Compact (EMAC) missions; 120373

(C) To accept disaster related reimbursement from federal, 120374  
state, and local governments. The Director of Budget and 120375  
Management may transfer cash from reimbursements received by 120376  
this fund to other funds of the state from which transfers were 120377  
originally approved by the Controlling Board. 120378

(D) To accept transfers of cash or appropriations from 120379  
Controlling Board appropriation items to fund the State Disaster 120380  
Relief Program, for disasters that qualify for the program by 120381  
written authorization of the Governor, and the State Individual 120382

Assistance Program for disasters that have been declared by the 120383  
federal Small Business Administration and that qualify for the 120384  
program by written authorization from the Governor. 120385

(E) The State Disaster Relief Fund (Fund 5330) may accept, 120386  
hold, administer, and expend any cash received from a gift, 120387  
donation, bequest, devise, or contribution. 120388

DRUG LAW ENFORCEMENT FUND 120389

Notwithstanding division (D) of section 5502.68 of the 120390  
Revised Code, in each of fiscal years 2026 and 2027, the 120391  
cumulative amount of funding provided to any single drug task 120392  
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 120393  
exceed \$500,000 in any calendar year. 120394

SARA TITLE III HAZMAT PLANNING 120395

The SARA Title III Hazmat Planning Fund (Fund 6810) is 120396  
entitled to receive grant funds from the Emergency Response 120397  
Commission to implement the Emergency Management Agency's 120398  
responsibilities under Chapter 3750. of the Revised Code. 120399

**Section 373.60.** COLLECTIVE BARGAINING INCREASES 120400

Notwithstanding division (D) of section 127.14 and 120401  
division (B) of section 131.35 of the Revised Code, except for 120402  
the General Revenue Fund, the Controlling Board may, upon the 120403  
request of either the Director of Budget and Management, or the 120404  
Department of Public Safety with the approval of the Director of 120405  
Budget and Management, authorize expenditures in excess of 120406  
appropriations and transfer appropriations, as necessary, for 120407  
any fund used by the Department of Public Safety, to assist in 120408  
paying the costs of increases in employee compensation that have 120409  
occurred pursuant to collective bargaining agreements under 120410  
Chapter 4117. of the Revised Code and, for exempt employees, 120411



under section 124.152 of the Revised Code. Any money approved 120412  
for expenditure under this paragraph is hereby appropriated. 120413

**Section 375.10.**

120414  
120415

1	2	3	4	5
A	PUC PUBLIC UTILITIES COMMISSION OF OHIO			
B	Dedicated Purpose Fund Group			
C	4A30	870614	Grade Crossing Protection Devices - State	\$1,200,000 \$1,200,000
D	4L80	870617	Pipeline Safety - State	\$350,000 \$360,000
E	5610	870606	Power Siting Board	\$1,100,000 \$1,100,000
F	5F60	870622	Utility and Railroad Regulation	\$45,851,137 \$47,757,281
G	5F60	870624	NARUC/NRRI Subsidy	\$45,340 \$45,340
H	5LT0	870640	Intrastate Registration	\$230,298 \$237,207
I	5LT0	870641	Unified Carrier Registration	\$451,794 \$465,348
J	5LT0	870643	Non-Hazardous Materials Civil Forfeiture	\$278,202 \$286,548
K	5LT0	870644	Hazardous Materials Civil Forfeiture	\$1,167,567 \$1,178,594
L	5LT0	870645	Motor Carrier Enforcement	\$5,680,962 \$5,786,733

M	5Q50	870626	Telecommunications Relay Service	\$1,020,000	\$1,020,000
N	5QR0	870646	Underground Facilities Protection	\$20,000	\$20,000
O	5QS0	870647	Underground Facilities Administration	\$239,729	\$246,776
P	Dedicated Purpose Fund Group Total			\$57,635,029	\$59,703,827
Q	Federal Fund Group				
R	3330	870601	Gas Pipeline Safety	\$1,683,226	\$1,733,723
S	3500	870608	Motor Carrier Safety	\$16,103,547	\$16,288,415
T	3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$750,000	\$750,000
U	3ID0	870649	Department of Energy Grid Resiliency	\$7,122,706	\$7,122,706
V	3IE0	870650	Hazardous Material Commercial Vehicle Inspection Grants	\$300,000	\$300,000
W	Federal Fund Group Total			\$25,959,479	\$26,194,844
X	TOTAL ALL BUDGET FUND GROUPS			\$83,594,508	\$85,898,671

120417

	1	2	3	4	5
A			PWC PUBLIC WORKS COMMISSION		
B			General Revenue Fund		
C	GRF	150904	Conservation General Obligation Bond Debt Service	\$46,500,000	\$39,000,000
D	GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$225,000,000	\$240,000,000
E			General Revenue Fund Total	\$271,500,000	\$279,000,000
F			Capital Projects Fund Group		
G	7038	150321	State Capital Improvements Program - Operating Expenses	\$974,304	\$991,125
H	7056	150403	Clean Ohio Conservation Operating	\$324,768	\$330,375
I			Capital Projects Fund Group Total	\$1,299,072	\$1,321,500
J			TOTAL ALL BUDGET FUND GROUPS	\$272,799,072	\$280,321,500

**Section 379.10.**

120418

120419

1	2	3	4	5
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A	RAC STATE RACING COMMISSION		
B	Dedicated Purpose Fund Group		
C	5620 875601 Thoroughbred Development	\$870,555	\$873,434
D	5630 875602 Standardbred Development	\$1,246,399	\$1,246,970
E	5650 875604 Racing Commission Operating	\$3,473,682	\$3,503,170
F	5JK0 875610 Horse Racing Development - Casino	\$10,499,999	\$10,499,999
G	5NL0 875611 Revenue Redistribution	\$12,800,000	\$12,800,000
H	Dedicated Purpose Fund Group Total	\$28,890,635	\$28,923,573
I	Fiduciary Fund Group		
J	5C40 875607 Simulcast Horse Racing Purse	\$3,921,226	\$3,921,226
K	Fiduciary Fund Group Total	\$3,921,226	\$3,921,226
L	Holding Account Fund Group		
M	R021 875605 Bond Reimbursements	\$108,700	\$108,700
N	Holding Account Fund Group Total	\$108,700	\$108,700
O	TOTAL ALL BUDGET FUND GROUPS	\$32,920,561	\$32,953,499

Section 381.10.

120420

120421

1	2	3	4	5
A	BOR DEPARTMENT OF HIGHER EDUCATION			
B	General Revenue Fund			
C	GRF	235321 Operating Expenses	\$9,155,067	\$9,331,598
D	GRF	235402 Sea Grants	\$308,000	\$308,000
E	GRF	235406 Articulation and Transfer	\$2,269,500	\$2,314,890
F	GRF	235408 Midwest Higher Education Compact	\$115,000	\$115,000
G	GRF	235413 Computer Science	\$4,004,863	\$4,006,508
H	GRF	235414 Grants and Scholarship Administration	\$922,538	\$985,378
I	GRF	235417 Technology Maintenance and Operations	\$4,520,396	\$4,528,397
J	GRF	235425 Ohio Work Ready Grant	\$10,500,000	\$10,500,000
K	GRF	235428 Appalachian New Economy Workforce Partnership	\$4,580,000	\$4,580,000
L	GRF	235438 Choose Ohio First Scholarship	\$32,000,000	\$32,000,000
M	GRF	235443 Aspire - State	\$7,083,000	\$0
N	GRF	235444 Ohio Technical Centers	\$22,138,000	\$22,138,000

O	GRF	235450	Military and Veterans Offices	\$1,144,000	\$1,144,000
P	GRF	235474	Area Health Education Centers Program Support	\$1,899,000	\$1,899,000
Q	GRF	235475	Campus Security Support Program	\$2,000,000	\$2,000,000
R	GRF	235476	Campus Student Safety Grant Program	\$1,000,000	\$1,000,000
S	GRF	235492	Campus Safety and Training	\$656,504	\$661,950
T	GRF	235501	State Share of Instruction	\$2,160,060,469	\$2,203,261,678
U	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$25,000,000	\$30,000,000
V	GRF	235507	OhioLINK	\$6,447,000	\$6,447,000
W	GRF	235508	Air Force Institute of Technology	\$2,000,000	\$2,000,000
X	GRF	235510	Ohio Supercomputer Center	\$5,086,000	\$5,086,000
Y	GRF	235511	The Ohio State University Extension Service	\$25,504,000	\$25,504,000
Z	GRF	235514	Central State Supplement	\$12,768,910	\$13,151,977

AA GRF	235515	Case Western Reserve University School of Medicine	\$2,100,000	\$2,100,000
AB GRF	235519	Family Practice	\$3,098,000	\$3,098,000
AC GRF	235520	Shawnee State Supplement	\$9,270,000	\$9,548,100
AD GRF	235525	Geriatric Medicine	\$511,000	\$511,000
AE GRF	235526	Primary Care Residencies	\$1,468,000	\$1,468,000
AF GRF	235530	Governor's Merit Scholarship	\$47,000,000	\$70,000,000
AG GRF	235533	Program and Project Support	\$28,785,000	\$13,500,000
AH GRF	235535	Ohio State Agricultural Research	\$37,169,000	\$37,169,000
AI GRF	235536	The Ohio State University Clinical Teaching	\$9,461,000	\$9,461,000
AJ GRF	235537	University of Cincinnati Clinical Teaching	\$8,085,000	\$8,085,000
AK GRF	235538	University of Toledo Clinical Teaching	\$6,065,000	\$6,065,000
AL GRF	235539	Wright State University Clinical Teaching	\$4,447,000	\$4,447,000
AM GRF	235540	Ohio University Clinical	\$2,849,000	\$2,849,000

		Teaching		
AN GRF	235541	Northeast Ohio Medical University Clinical Teaching	\$2,930,000	\$2,930,000
AO GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$500,000	\$500,000
AP GRF	235546	Central State Agricultural Research and Development	\$5,828,000	\$5,828,000
AQ GRF	235548	Central State Cooperative Extension Services	\$5,168,000	\$5,168,000
AR GRF	235552	Capital Component	\$3,629,566	\$3,629,566
AS GRF	235555	Library Depositories	\$1,100,000	\$1,100,000
AT GRF	235556	Ohio Academic Resources Network	\$3,568,000	\$3,568,000
AU GRF	235558	Long-term Care Research	\$318,000	\$318,000
AV GRF	235563	Ohio College Opportunity Grant	\$220,600,000	\$207,400,000
AW GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$15,000,000	\$15,000,000
AX GRF	235572	The Ohio State University	\$750,000	\$750,000



Clinic Support

AY	GRF	235578	Federal Research Network	\$5,099,000	\$5,099,000
AZ	GRF	235585	Educator Preparation Programs	\$2,500,000	\$2,500,000
BA	GRF	235591	Co-Op Internship Program	\$1,065,000	\$1,065,000
BB	GRF	235595	Commercial Truck Driver Student Aid Program	\$2,550,486	\$2,550,651
BC	GRF	235598	Rural University Program	\$412,000	\$412,000
BD	GRF	235599	National Guard Scholarship Program	\$18,399,750	\$18,399,750
BE	GRF	2355A1	FAFSA Support Teams	\$1,000,000	\$1,000,000
BF	GRF	2355A4	Ohio Higher Education Public Policy Research Consortium	\$1,000,000	\$1,000,000
BG	GRF	235909	Higher Education General Obligation Bond Debt Service	\$250,000,000	\$210,000,000
BH	General Revenue Fund Total			\$3,042,888,049	\$3,039,482,443
BI	Dedicated Purpose Fund Group				
BJ	2200	235614	Program Approval and Reauthorization	\$769,126	\$789,679
BK	4560	235603	Sales and Services	\$129,725	\$133,017

BL 4E80 235602	Higher Educational Facility Commission Administration	\$69,839	\$73,807
BM 5CJ1 2356A2	Strategic Square Footage Reduction	\$82,650,000	\$0
BN 5D40 235675	Conference/Special Purposes	\$125,000	\$125,000
BO 5FR0 235650	State and Non-Federal Grants and Awards	\$1,405,944	\$1,412,670
BP 5NH0 235517	Talent Ready Grant Program	\$10,000,000	\$10,000,000
BQ 5P30 235663	Variable Savings Plan	\$8,522,034	\$8,522,034
BR 5YD0 235494	Second Chance Grant Program	\$2,000,000	\$2,000,000
BS 5ZY0 235592	Grow Your Own Teacher Program	\$7,000,000	\$7,000,000
BT 6450 235664	Guaranteed Savings Plan	\$1,110,131	\$1,110,132
BU 6820 235606	Nursing Loan Program	\$1,203,730	\$1,210,344
BV	Dedicated Purpose Fund Group Total	\$114,985,529	\$32,376,683
BW	Bond Research and Development Fund Group		
BX 7014 235639	Research Incentive Third Frontier - Tax	\$8,000,000	\$8,000,000

BY Bond Research and Development Fund	\$8,000,000	\$8,000,000
Group Total		
BZ Federal Fund Group		
CA 3120 235611 Gear-up Grant	\$2,956,000	\$2,956,000
CB 3120 235612 Carl D. Perkins Grant/Plan Administration	\$1,371,939	\$1,388,525
CC 3120 235641 Aspire - Federal	\$18,996,799	\$0
CD 3120 235669 Industry Credential Transfer Assurance Guides Initiative	\$300,000	\$300,000
CE 3BG0 235651 Gear Up Grant Scholarships	\$3,100,000	\$3,100,000
CF 3N60 235658 John R. Justice Student Loan Repayment Program	\$128,000	\$128,000
CG Federal Fund Group Total	\$26,852,738	\$7,872,525
CH TOTAL ALL BUDGET FUND GROUPS	\$3,192,726,316	\$3,087,731,651

**Section 381.20. OPERATING EXPENSES** 120422

(A) Of the foregoing appropriation item 235321, Operating 120423  
Expenses, up to \$1,200,000 in each fiscal year shall be used by 120424  
the Chancellor of Higher Education, in consultation with OH- 120425  
TECH, to enhance security operations and services. 120426

(B) Enhanced security operations and services shall 120427  
benefit all members of OH-TECH and may include, but shall not be 120428

limited to:	120429
(1) Establishing an enterprise security operations center;	120430
(2) Configuration management in the area of data loss prevention;	120431 120432
(3) Endpoint patch and compliance;	120433
(4) Log aggregation;	120434
(5) Web application firewall;	120435
(6) Vulnerability management across the consortium;	120436
(7) Other critical security enhancement services as determined appropriate by the Chancellor.	120437 120438
(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense.	120439 120440 120441 120442 120443 120444 120445 120446
SEA GRANTS	120447
The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.	120448 120449 120450 120451 120452 120453
<b>Section 381.30. ARTICULATION AND TRANSFER</b>	120454
The foregoing appropriation item 235406, Articulation and	120455

Transfer, shall be used by the Chancellor of Higher Education to 120456  
maintain and expand the work of the Articulation and Transfer 120457  
Network Advisory Council to develop a system of transfer 120458  
policies to ensure that students at state institutions of higher 120459  
education can transfer and have coursework apply to their majors 120460  
and degrees at any other state institution of higher education 120461  
without unnecessary duplication or institutional barriers under 120462  
sections 3333.16, 3333.161, 3333.162, and 3333.164 of the 120463  
Revised Code. 120464

**Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE 120465**  
COMPACT 120466

The foregoing appropriation item 235408, Midwest Higher 120467  
Education Compact, shall be distributed by the Chancellor of 120468  
Higher Education under section 3333.40 of the Revised Code. 120469

**Section 381.80. COMPUTER SCIENCE 120470**

The foregoing appropriation item 235413, Computer Science, 120471  
shall be used to administer and award grants under the Teach CS 120472  
Grant Program established in section 3333.129 of the Revised 120473  
Code. 120474

**Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION 120475**

The foregoing appropriation item 235414, Grants and 120476  
Scholarship Administration, shall be used by the Chancellor of 120477  
Higher Education to manage and administer student financial aid 120478  
programs created by the General Assembly and grants for which 120479  
the Department of Higher Education is responsible. The 120480  
appropriation item also shall be used to support all state 120481  
financial aid audits and student financial aid programs created 120482  
by Congress, and to provide fiscal and administrative services 120483  
for the Ohio National Guard Scholarship Program. 120484

**Section 381.110.** TECHNOLOGY MAINTENANCE AND OPERATIONS 120485

The foregoing appropriation item 235417, Technology 120486  
Maintenance and Operations, shall be used by the Chancellor of 120487  
Higher Education to support the development and implementation 120488  
of information technology solutions designed to improve the 120489  
performance and capacity of the Department of Higher Education. 120490  
The information technology solutions may be provided by the Ohio 120491  
Technology Consortium (OH-TECH). 120492

Of the foregoing appropriation item 235417, Technology 120493  
Maintenance and Operations, a portion in each fiscal year may be 120494  
used by the Chancellor to support the continued implementation 120495  
of eStudent Services, a consortium organized under division (T) 120496  
of section 3333.04 of the Revised Code to expand access to dual 120497  
enrollment opportunities for high school students, continue the 120498  
support of the statewide eTutoring program, and for any other 120499  
strategic priorities of the Chancellor. 120500

Of the foregoing appropriation item 235417, Technology 120501  
Maintenance and Operations, a portion in each fiscal year shall 120502  
be used by the Chancellor to implement a high priority data 120503  
warehouse, advanced analytics, and visualization integration 120504  
services associated with the Higher Education Information (HEI) 120505  
system. The services may be facilitated by OH-TECH. 120506

Of the foregoing appropriation item 235417, Technology 120507  
Maintenance and Operations, \$150,000 in each fiscal year shall 120508  
be used to support Ohio Reach to provide mentoring and support 120509  
services to former foster youth attending college. 120510

**Section 381.160.** OHIO WORK READY GRANT 120511

(A) Of the foregoing appropriation item 235425, Ohio Work 120512  
Ready Grant, \$500,000 in each fiscal year shall be used by the 120513

Chancellor of Higher Education to award grants according to the 120514  
section of this act entitled "AI INTEGRATION IN COMMUNITY 120515  
COLLEGES GRANT PROGRAM." 120516

(B) The remainder of the foregoing appropriation item 120517  
235425, Ohio Work Ready Grant, shall be used by the Chancellor 120518  
of Higher Education to establish and operate the Ohio Work Ready 120519  
Grant Program pursuant to section 3333.24 of the Revised Code. 120520

**Section 381.165.** AI INTEGRATION IN COMMUNITY COLLEGES 120521  
GRANT PROGRAM 120522

(A) The Chancellor of Higher Education shall create the 120523  
Artificial Intelligence Integration in Community Colleges Pilot 120524  
Grant Program to provide financial assistance to community 120525  
colleges to implement artificial intelligence initiatives. 120526

(B) The Chancellor shall award five competitive grants of 120527  
\$100,000 each in each fiscal year to community colleges, as 120528  
defined in section 3333.168 of the Revised Code. 120529

(C) The Chancellor shall establish procedures and criteria 120530  
for awarding the grants and shall give preference to community 120531  
colleges that show a strong commitment and track record to 120532  
integrating artificial intelligence into education, workforce 120533  
development, and industry alignment. 120534

(D) Eligible uses of the grant funds include all of the 120535  
following: 120536

(1) Integrating artificial intelligence curriculum into 120537  
credential programs; 120538

(2) Establishing artificial intelligence-based College 120539  
Credit Plus Program offerings; 120540

(3) Training faculty and staff on the uses of artificial 120541

intelligence technologies relevant to local industry or state needs; 120542  
120543

(4) Supporting students with practical artificial intelligence skills through certifications and project-based learning; 120544  
120545  
120546

(5) Purchasing artificial intelligence hardware and software; 120547  
120548

(6) Utilizing artificial intelligence in streamlining administrative functions and student services; 120549  
120550

(7) Contracting with a vendor to provide any or all of the services described in this division. 120551  
120552

(E) The Chancellor shall monitor the performance of each grant recipient in meeting the objectives of the program. 120553  
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(F) Upon completion of the program, the Chancellor shall submit a report with legislative recommendations for further development of the program to the General Assembly in accordance with section 101.68 of the Revised Code. 120555  
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**Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP** 120559  
120560

Of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, \$625,000 in each fiscal year shall be allocated to the Excellence Training Center at Youngstown State University. 120561  
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The remainder of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, shall be distributed to Ohio University's Voinovich School to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these 120565  
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funds to provide leadership in the development and 120570  
implementation of initiatives in the areas of entrepreneurship, 120571  
management, education, and technology. 120572

**Section 381.190.** CHOOSE OHIO FIRST SCHOLARSHIP 120573

The foregoing appropriation item 235438, Choose Ohio First 120574  
Scholarship, shall be used to operate the program prescribed in 120575  
sections 3333.60 to 3333.69 of the Revised Code. 120576

During each fiscal year, the Chancellor of Higher 120577  
Education, as soon as possible after cancellation, may certify 120578  
to the Director of Budget and Management the amount of canceled 120579  
prior-year encumbrances in appropriation item 235438, Choose 120580  
Ohio First Scholarship. Upon receipt of the certification, the 120581  
Director of Budget and Management may transfer cash, up to the 120582  
certified amount, from the General Revenue Fund to the Choose 120583  
Ohio First Scholarship Reserve Fund (Fund 5PV0). 120584

**Section 381.200.** ASPIRE 120585

The foregoing appropriation item 235443, Aspire - State, 120586  
shall be used to support the Aspire program. The supported 120587  
programs shall satisfy the state match and maintenance of effort 120588  
requirements for the state-administered grant program in fiscal 120589  
year 2026. The funds may be used to support students that speak 120590  
English as their second language. 120591

**Section 381.210.** OHIO TECHNICAL CENTERS FUNDING 120592

The foregoing appropriation item 235444, Ohio Technical 120593  
Centers, shall be used by the Chancellor of Higher Education to 120594  
support post-secondary adult career-technical education. The 120595  
Chancellor shall provide coordination for Ohio Technical Centers 120596  
through program approval processes, data collection of program 120597  
and student outcomes, and subsidy disbursements from the 120598

foregoing appropriation item 235444, Ohio Technical Centers. 120599

(A) (1) As soon as possible in each fiscal year, in 120600  
accordance with instructions of the Chancellor, each Ohio 120601  
Technical Center shall report its actual data, consistent with 120602  
the definitions in the Higher Education Information (HEI) 120603  
system's files, to the Chancellor. 120604

(a) In defining the number of full-time equivalent 120605  
students for state subsidy purposes, the Chancellor shall 120606  
exclude all students who are not residents of Ohio. 120607

(b) A full-time equivalent student shall be defined as a 120608  
student who completes 450 hours. Those students that complete 120609  
some portion of 450 hours shall be counted as a partial full- 120610  
time equivalent for funding purposes, while students that 120611  
complete more than 450 hours shall be counted as proportionally 120612  
greater than one full-time equivalent. 120613

(c) In calculating each Ohio Technical Center's full-time 120614  
equivalent students, the Chancellor shall use a three-year 120615  
average. 120616

(d) Ohio Technical Centers shall operate with, or be an 120617  
active candidate for, accreditation by an accreditor authorized 120618  
by the United States Department of Education to be eligible to 120619  
receive subsidies from the foregoing appropriation item 235444, 120620  
Ohio Technical Centers. 120621

(2) In each fiscal year, 25 per cent of the allocation for 120622  
Ohio Technical Centers shall be distributed based on the 120623  
proportion of each Center's full-time equivalent students to the 120624  
total full-time equivalent students who complete a post- 120625  
secondary technical workforce training program approved by the 120626  
Chancellor with a grade of C or better or a grade of pass if the 120627

program is evaluated on a pass/fail basis. 120628

(3) In each fiscal year, 20 per cent of the allocation for 120629  
Ohio Technical Centers shall be distributed based on the 120630  
proportion of each Center's full-time equivalent students to the 120631  
total full-time equivalent students who complete 50 per cent of 120632  
a program of study as a measure of student retention. 120633

(4) In each fiscal year, 50 per cent of the allocation for 120634  
Ohio Technical Centers shall be distributed based on the 120635  
proportion of each Center's full-time equivalent students to the 120636  
total full-time equivalent students who have found employment, 120637  
entered military service, or enrolled in additional post- 120638  
secondary education and training in accordance with the 120639  
placement definitions of the Strengthening Career and Technical 120640  
Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). 120641  
The calculation for eligible full-time equivalent students shall 120642  
be based on the per cent of Perkins placements for students who 120643  
have completed at least 50 per cent of a program of study. 120644

(5) In each fiscal year, five per cent of the allocation 120645  
for Ohio Technical Centers shall be distributed based on the 120646  
proportion of each Center's full-time equivalent students to the 120647  
total full-time equivalent students who have earned a credential 120648  
from an industry-recognized third party. 120649

(B) Of the foregoing appropriation item 235444, Ohio 120650  
Technical Centers, up to 2.38 per cent in each fiscal year may 120651  
be distributed by the Chancellor to the Ohio Central School 120652  
System, up to \$48,000 in each fiscal year may be utilized for 120653  
assistance for Ohio Technical Centers, and up to \$2,000,000 in 120654  
each fiscal year may be distributed by the Chancellor to Ohio 120655  
Technical Centers that provide customized training and business 120656  
consultation services with matching local dollars, with 120657

preference to industries on the in-demand jobs list created 120658  
under section 6301.11 of the Revised Code, industries in 120659  
regionally emerging fields, or local businesses and industries. 120660  
Each center meeting this requirement shall receive at least 120661  
\$25,000 but not more than a maximum amount determined by the 120662  
Chancellor. 120663

(C) The remainder of the foregoing appropriation item 120664  
235444, Ohio Technical Centers, in each fiscal year shall be 120665  
distributed in accordance with division (A) of this section. 120666

**Section 381.215. MILITARY AND VETERANS OFFICES** 120667

(A) The foregoing appropriation item 235450, Military and 120668  
Veterans Offices, shall be used by the Chancellor of Higher 120669  
Education to support higher education institutions that are 120670  
members of the Ohio Veterans Education Council. The Chancellor 120671  
may consult with the Director of Veterans Services as needed. 120672

(B) Of the foregoing appropriation item 235450, Military 120673  
and Veterans Offices, up to \$213,750 in each fiscal year shall 120674  
be used by the Chancellor to provide awards of \$2,500 per 120675  
student to up to six students serving as a Military Community 120676  
Advocate at an Ohio Veterans Education Council-member public 120677  
university and up to three students serving as a Military 120678  
Community Advocate at an Ohio Veterans Education Council-member 120679  
public community college or private nonprofit university or 120680  
college. 120681

(C) Of the foregoing appropriation item 235450, Military 120682  
and Veterans Offices, \$255,000 in each fiscal year shall be used 120683  
for grants for military and veterans offices at institutions of 120684  
higher education to support growth in private philanthropy, in 120685  
collaboration with the National Veterans Leadership Foundation. 120686

(D) Of the foregoing appropriation item 235450, Military and Veterans Offices, \$91,800 in each fiscal year shall be used to sponsor staff from military and veterans offices at institutions of higher education to attend the National Veterans Leadership Foundation's Advancement Institute.

(E) The remainder of the foregoing appropriation item 235450, Military and Veterans Offices, shall be used to do all of the following:

(1) Support the administrative costs of the National Veterans Leadership Foundation;

(2) Create a web site to connect veterans to programs and offerings at all Ohio Veterans Education Council-member colleges and universities;

(3) Administer membership and Ohio Purple Star status;

(4) Facilitate information sharing;

(5) Support any other expenses as determined appropriate by the Chancellor, in consultation with the National Veterans Leadership Foundation.

**Section 381.220.** AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT

(A) Of the foregoing appropriation item 235474, Area Health Education Centers Program Support, \$1,000,000 in each fiscal year shall be allocated to the Ohio Council for Home Care and Hospice to establish and administer the Home Care and Hospice Workforce Program to enhance the nursing workforce across the state. Of these funds:

(1) \$500,000 in each fiscal year shall be used to provide competitive scholarships to nursing students who are in their

last year of study. The scholarship amounts for each student 120715  
shall be \$20,000 for registered nurse (RN) and Bachelor of 120716  
Science in Nursing (BSN) students, \$10,000 for licensed 120717  
practical nurse (LPN) to RN bridge students, and \$6,000 for LPN 120718  
students. The Council, in collaboration with the Chancellor of 120719  
Higher Education, shall develop guidelines for the scholarships 120720  
and procedures for making an award. 120721

(2) \$400,000 in each fiscal year shall be used to provide 120722  
competitive grants to home care agencies to mentor recent 120723  
nursing graduates. Grant amounts shall be \$20,000 for each nurse 120724  
that receives training and mentoring during the first three 120725  
months of employment. The Council, in collaboration with the 120726  
Chancellor, shall develop guidelines for the grants and 120727  
procedures for making an award. 120728

(3) \$100,000 in each fiscal year shall be used to 120729  
administer the program. 120730

(B) The remainder of the foregoing appropriation item 120731  
235474, Area Health Education Centers Program Support, shall be 120732  
used by the Chancellor of Higher Education to support the 120733  
medical school regional area health education centers' 120734  
educational programs for the continued support of medical and 120735  
other health professions education and for support of the Area 120736  
Health Education Center Program. 120737

CAMPUS SECURITY SUPPORT PROGRAM 120738

The foregoing appropriation item 235475, Campus Security 120739  
Support Program, shall be distributed by the Chancellor of 120740  
Higher Education to institutionally sanctioned student 120741  
organizations, located on or off campus, affiliated with 120742  
communities that are at risk for increased threats of violent 120743

crime, terror attacks, hate crimes, or harassment to enhance 120744  
security measures and increase student safety at institutions of 120745  
higher education throughout the state. A portion of the 120746  
foregoing appropriation item 235475, Campus Security Support 120747  
Program, may be used by the Chancellor to administer the 120748  
program. 120749

CAMPUS STUDENT SAFETY GRANT PROGRAM 120750

The foregoing appropriation item 235476, Campus Student 120751  
Safety Grant Program, shall be used by the Chancellor of Higher 120752  
Education to support the Campus Student Safety Grant Program 120753  
pursuant to section 3333.80 of the Revised Code. 120754

CAMPUS SECURITY SUPPORT AND STUDENT SAFETY GRANT REPORTS 120755

Not later than July 1, 2026, the Chancellor of Higher 120756  
Education shall submit reports regarding the programs funded 120757  
under the foregoing appropriation items 235475, Campus Security 120758  
Support Program, and 235476, Campus Student Safety Grant 120759  
Program, to the chairpersons of the committees of each house 120760  
that considers higher education legislation. Each report shall 120761  
include, but not be limited to, information about the number of 120762  
award recipients and how the funds have been spent under each 120763  
program. 120764

**Section 381.230.** CAMPUS SAFETY AND TRAINING 120765

The foregoing appropriation item 235492, Campus Safety and 120766  
Training, shall be used by the Chancellor of Higher Education 120767  
for the purpose of developing model best practices for 120768  
preventing and responding to sexual violence on campus. The 120769  
Chancellor, in consultation with state institutions of higher 120770  
education as defined in section 3345.011 of the Revised Code and 120771  
private nonprofit institutions of higher education holding 120772

certificates of authorization under Chapter 1713. of the Revised 120773  
Code, shall continue to develop model best practices in line 120774  
with emerging trends, research, and evidence-based training for 120775  
preventing and responding to sexual violence and protecting 120776  
students and staff who are victims of sexual violence on campus. 120777  
The Chancellor shall convene state institutions of higher 120778  
education and private nonprofit institutions of higher education 120779  
in the training and implementation of best practices regarding 120780  
campus sexual violence. 120781

**Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS** 120782

The Chancellor of Higher Education shall establish 120783  
procedures to allocate the foregoing appropriation item 235501, 120784  
State Share of Instruction, based on the formulas detailed in 120785  
this section that utilize the enrollment, course completion, 120786  
degree attainment, and student achievement factors reported 120787  
annually by each state institution of higher education 120788  
participating in the Higher Education Information (HEI) system. 120789  
A state institution that does not report data for a full 120790  
academic year for any of the years included in the three-year 120791  
reporting period for a fiscal year's state share of instruction 120792  
allocations shall not receive an allocation for that fiscal year 120793  
unless the Chancellor determines that exceptional circumstances 120794  
warrant the institution receiving a full or partial allocation. 120795

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 120796  
COMPLETIONS 120797

(1) As soon as possible during each fiscal year of the 120798  
biennium ending June 30, 2027, in accordance with instructions 120799  
of the Department of Higher Education, each state institution of 120800  
higher education shall report its actual data, consistent with 120801  
the definitions in the Higher Education Information (HEI) 120802



system's enrollment files, to the Chancellor. 120803

(2) In defining the number of full-time equivalent 120804  
students for state subsidy instructional cost purposes, the 120805  
Chancellor shall exclude all undergraduate students who are not 120806  
residents of Ohio or who do not meet the definition of residency 120807  
for state subsidy and tuition surcharge purposes, except those 120808  
charged in-state fees in accordance with reciprocity agreements 120809  
made under section 3333.17 of the Revised Code or employer 120810  
contracts entered into under section 3333.32 of the Revised 120811  
Code. 120812

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 120813

For purposes of calculating state share of instruction 120814  
allocations, the total instructional costs per full-time 120815  
equivalent student shall be: 120816  
120817

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	\$12,218	\$12,710
C	ARTS AND HUMANITIES 2	\$16,282	\$16,938
D	ARTS AND HUMANITIES 3	\$20,250	\$21,066
E	ARTS AND HUMANITIES 4	\$28,250	\$29,388
F	ARTS AND HUMANITIES 5	\$45,031	\$46,846
G	ARTS AND HUMANITIES 6	\$41,346	\$43,013
H	BUSINESS, EDUCATION &	\$12,297	\$12,793

	SOCIAL SCIENCES 1		
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$12,723	\$13,235
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$15,491	\$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$16,941	\$17,623
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,293	\$24,232
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$28,346	\$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,425	\$35,812
O	DOCTORAL 1	\$52,586	\$54,705
P	DOCTORAL 2	\$57,637	\$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$12,059	\$12,545
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$15,367	\$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$17,403	\$18,105

	MEDICINE 3		
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$19,364	\$20,144
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$24,715	\$25,711
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,736	\$22,612
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$28,839	\$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$42,767	\$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$60,542	\$62,982

Doctoral I and Doctoral II models shall be allocated in 120818  
accordance with division (D)(2) of this section. 120819

Medical I and Medical II models shall be allocated in 120820  
accordance with divisions (D)(3) and (D)(4) of this section. 120821

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 120822  
MEDICAL, AND GRADUATE WEIGHTS 120823

For the purpose of implementing the recommendations of the 120824  
 2006 State Share of Instruction Consultation and the Higher 120825  
 Education Funding Study Council that priority be given to 120826  
 maintaining state support for science, technology, engineering, 120827  
 mathematics, medicine, and graduate programs, the costs in 120828  
 division (B) of this section shall be weighted by the amounts 120829  
 provided below: 120830  
 120831

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	1.0000	1.0000
C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION &	1.0000	1.0000

	SOCIAL SCIENCES 4		
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425
O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222

V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 120832  
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 120833

(1) Of the foregoing appropriation item 235501, State 120834  
Share of Instruction, 50 per cent of the appropriation for 120835  
universities, as established in division (B) (1) (b) of the 120836  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 120837  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 120838  
reserved for support of associate, baccalaureate, master's, and 120839  
professional level degree attainment. 120840

The degree attainment funding shall be allocated to 120841  
universities in proportion to each campus's share of the total 120842  
statewide degrees granted, weighted by the cost of the degree 120843  
programs. The degree cost calculations shall include the model 120844  
cost weights for the science, technology, engineering, 120845  
mathematics, and medicine models as established in division (C) 120846

of this section. 120847

For degrees including credits earned at multiple 120848  
institutions, degree attainment funding shall be allocated to 120849  
universities in proportion to each campus's share of the 120850  
student-specific cost of earned credits for the degree. Each 120851  
institution shall receive its prorated share of degree funding 120852  
for credits earned at that institution. Cost of credits not 120853  
earned at a university main or regional campus shall be credited 120854  
to the degree-granting institution for the first degree earned 120855  
by a student at each degree level. The cost credited to the 120856  
degree-granting institution shall not be eligible for at-risk 120857  
weights and shall be limited to 12.5 per cent of the student- 120858  
specific degree costs. However, the 12.5 per cent limitation 120859  
shall not apply if the student transferred 12 or fewer credits 120860  
into the degree granting institution. 120861

In calculating the subsidy entitlements for degree 120862  
attainment for universities, the Chancellor shall use the 120863  
following count of degrees and degree costs: 120864

(a) The subsidy eligible undergraduate degrees shall be 120865  
defined as follows: 120866

(i) The subsidy eligible degrees conferred to students 120867  
identified as residents of the state of Ohio in any term of 120868  
their studies, as reported through the Higher Education 120869  
Information (HEI) system student enrollment file, shall be 120870  
weighted by a factor of 1. 120871

(ii) The subsidy eligible degrees conferred to students 120872  
identified as out-of-state residents during all terms of their 120873  
studies, as reported through the Higher Education Information 120874  
(HEI) system student enrollment file, who remain in the state of 120875

Ohio at least one year after graduation, as calculated based on 120876  
the three-year average in-state residency rate using the 120877  
Unemployment Wage data for out-of-state graduates at each 120878  
institution, shall be weighted by a factor of 50 per cent. 120879

(iii) Subsidy eligible associate degrees are defined as 120880  
those earned by students attending any state-supported 120881  
university main or regional campus. 120882

(b) In calculating each campus's count of degrees, the 120883  
Chancellor shall use the three-year average associate, 120884  
baccalaureate, master's, and professional degrees awarded for 120885  
the most recent completed three-year period that is practicable 120886  
as agreed to by the Inter-University Council and the Chancellor. 120887

(i) If a student is awarded an associate degree and, 120888  
subsequently, is awarded a baccalaureate degree, the amount 120889  
funded for the baccalaureate degree shall be limited to either 120890  
the difference in cost between the cost of the baccalaureate 120891  
degree and the cost of the associate degree paid previously, or 120892  
if the associate degree has a higher cost than the baccalaureate 120893  
degree, the cost of the credits earned by the student after the 120894  
associate degree was awarded. 120895

(ii) If a student earns an associate degree then, 120896  
subsequently, earns a baccalaureate degree, the associate degree 120897  
granting institution shall only receive the prorated share of 120898  
the baccalaureate degree funding for the credits earned at that 120899  
institution after the associate degree is awarded. 120900

(iii) If a student earns more than one degree at the same 120901  
institution at the same degree level in the same fiscal year, 120902  
the funding for the highest cost degree shall be prorated among 120903  
institutions based on where the credits were earned and 120904



additional degrees shall be funded at 25 per cent of the cost of 120905  
the degrees. 120906

(c) Associate degrees and baccalaureate degrees earned by 120907  
a student defined as at-risk based on academic under- 120908  
preparation, age, minority status, financial status, or first 120909  
generation post-secondary status based on neither parent 120910  
completing any education beyond high school, shall be defined as 120911  
degrees earned by an at-risk student and shall be weighted by 120912  
the following: 120913

A student-specific degree completion weight, where the 120914  
weight is calculated based on the at-risk factors of the 120915  
individual student, determined by calculating the difference 120916  
between the percentage of students with each risk factor who 120917  
earned a degree and the percentage of non-at-risk students who 120918  
earned a degree. 120919

(2) Of the foregoing appropriation item 235501, State 120920  
Share of Instruction, up to 11.78 per cent of the appropriation 120921  
for universities, as established in division (B) (1) (b) of the 120922  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 120923  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 120924  
reserved for support of doctoral programs to implement the 120925  
funding recommendations made by representatives of the 120926  
universities. The amount so reserved shall be referred to as the 120927  
doctoral set-aside. 120928

In each fiscal year, the doctoral set-aside funding 120929  
allocation shall be allocated to universities as follows: 120930

(a) 25 per cent of the doctoral set-aside shall be 120931  
allocated to universities in proportion to their share of the 120932  
statewide total earnings of each state institution's three-year 120933

average course completions. The subsidy eligible enrollments by 120934  
model shall equal only those FTE students who successfully 120935  
complete the course as defined and reported through the Higher 120936  
Education Information (HEI) system course enrollment file. 120937  
Course completion earnings shall be determined by multiplying 120938  
the amounts listed above in divisions (B) and (C) of this 120939  
section by the subsidy-eligible FTEs for the most recent 120940  
completed three-year period that is practicable as agreed to by 120941  
the Inter-University Council and the Chancellor for all doctoral 120942  
enrollments in graduate-level models. 120943

(b) 50 per cent of the doctoral set-aside shall be 120944  
allocated to universities in proportion to each campus's share 120945  
of the total statewide doctoral degrees, weighted by the cost of 120946  
the doctoral discipline. In calculating each campus's doctoral 120947  
degrees the Chancellor shall use the three-year average doctoral 120948  
degrees awarded for the most recent completed three-year period 120949  
that is practicable as agreed to by the Inter-University Council 120950  
and the Chancellor. 120951

(c) 25 per cent of the doctoral set-aside shall be 120952  
allocated to universities in proportion to their share of 120953  
research grant activity. Funding for this component shall be 120954  
allocated to eligible universities in proportion to their share 120955  
of research grant activity published by the National Science 120956  
Foundation. Grant awards from the Department of Health and Human 120957  
Services shall be weighted at 50 per cent. 120958

(3) Of the foregoing appropriation item 235501, State 120959  
Share of Instruction, 6.41 per cent of the appropriation for 120960  
universities, as established in division (B) (1) (b) of the 120961  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 120962  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 120963

reserved for support of Medical II FTEs. The amount so reserved 120964  
shall be referred to as the medical II set-aside. 120965

The medical II set-aside shall be allocated to 120966  
universities in proportion to their share of the statewide total 120967  
of each state institution's three-year average Medical II FTEs 120968  
as calculated in division (A) of this section. 120969

In calculating the core subsidy entitlements for Medical 120970  
II models only, students repeating terms may be no more than 120971  
five per cent of current year enrollment. 120972

(4) Of the foregoing appropriation item 235501, State 120973  
Share of Instruction, 1.69 per cent of the appropriation for 120974  
universities, as established in division (B) (1) (b) of the 120975  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 120976  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 120977  
reserved for support of Medical I FTEs. The amount so reserved 120978  
shall be referred to as the medical I set-aside. 120979

In each fiscal year, the medical I set-aside shall be 120980  
allocated to universities as follows: 120981

(a) 12.34 per cent of the medical I set-aside shall be 120982  
allocated to universities in proportion to their share of the 120983  
statewide total of each state institution's three-year average 120984  
Medical I FTEs, as calculated in division (A) of this section, 120985  
enrolled in public colleges of podiatric medicine. 120986

(b) 87.66 per cent of the medical I set-aside shall be 120987  
allocated to universities in proportion to their share of the 120988  
statewide total of each state institution's three-year average 120989  
Medical I FTEs, as calculated in division (A) of this section, 120990  
enrolled in public colleges of dentistry and veterinary 120991  
medicine. 120992

(5) Of the foregoing appropriation item 235501, State 120993  
Share of Instruction, 5 per cent of the appropriation for 120994  
universities, as established in division (B)(1)(b) of the 120995  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 120996  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 120997  
reserved for support of student success programs. The amount so 120998  
reserved shall be referred to as the student success set-aside. 120999

In each fiscal year, the student success set-aside funding 121000  
allocation shall be allocated to universities as follows: 121001

(a) 50 per cent of the student success set-aside shall be 121002  
equally distributed among universities with a main campus 121003  
undergraduate enrollment comprised of at least 25 per cent Pell- 121004  
eligible students with in-state residency. In calculating each 121005  
university's percentage of Pell-eligible student enrollment, the 121006  
Chancellor shall use the three-year average enrollment for the 121007  
most recent completed three-year period that is practicable as 121008  
determined by the Chancellor. 121009

(b) 50 per cent of the student success set-aside shall be 121010  
allocated to universities with a main campus undergraduate 121011  
enrollment comprised of at least 25 per cent Pell-eligible 121012  
students with in-state residency in proportion to each 121013  
university's share of the total statewide enrollment of 121014  
undergraduate Pell-eligible students. In calculating each 121015  
university's enrollment of Pell-eligible students, the 121016  
Chancellor shall use the three-year average enrollment for the 121017  
most recent completed three-year period that is practicable as 121018  
determined by the Chancellor. 121019

(6) Of the foregoing appropriation item 235501, State 121020  
Share of Instruction, 5 per cent of the appropriation for 121021  
universities, as established in division (B)(1)(b) of the 121022

section of this act entitled "STATE SHARE OF INSTRUCTION FOR 121023  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 121024  
reserved for support of College Credit Plus pathways and 121025  
accelerated ninety-hour degree programs as described in section 121026  
3345.88 of the Revised Code. The College Credit Plus pathways 121027  
and accelerated ninety-hour degree programs funding shall be 121028  
allocated to universities in proportion to each campus's share 121029  
of the total statewide enrollment in College Credit Plus 121030  
pathways and accelerated ninety-hour degree programs. 121031

In calculating the subsidy entitlements for enrollment in 121032  
College Credit Plus pathways and accelerated ninety-hour degree 121033  
programs, the Chancellor shall use the following: 121034

(a) The subsidy for College Credit Plus pathways and 121035  
accelerated ninety-hour degree programs shall be distributed as 121036  
follows: 121037

(i) The subsidy enrollment in College Credit Plus pathways 121038  
and accelerated ninety-hour degree programs for students 121039  
identified as residents of this state in any term of their 121040  
studies, as reported through the Higher Education Information 121041  
(HEI) system student enrollment file, shall be weighted by a 121042  
factor of 1. 121043

(ii) The subsidy enrollment in College Credit Plus 121044  
pathways and accelerated ninety-hour degree programs for 121045  
students identified as out-of-state residents during all terms 121046  
of their studies, as reported through the Higher Education 121047  
Information (HEI) system student enrollment file, who remain in 121048  
the state of Ohio at least one year after graduation, as 121049  
calculated based on the three-year average in-state residency 121050  
rate using unemployment wage data for out-of-state graduates at 121051  
each institution, shall be weighted by a factor of 50 per cent. 121052

(b) In calculating each campus's enrollment in College Credit Plus pathways and accelerated ninety-hour degree programs, the Chancellor shall use the three-year average enrollment for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(7) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the prior three calendar years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of

this section by the subsidy-eligible FTEs for the most recent 121082  
completed three-year period that is practicable as agreed to by 121083  
the Inter-University Council and the Chancellor for all models 121084  
except Medical I and Medical II. 121085

(d) For universities, the Chancellor shall compute the 121086  
course completion earnings by dividing the appropriation for 121087  
universities, established in division (B) (1) (b) of the section 121088  
of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 121089  
YEARS 2026 AND 2027," less the degree attainment funding as 121090  
calculated in division (D) (1) of this section, less the doctoral 121091  
set-aside, less the medical I set-aside, and less the medical II 121092  
set-aside, by the sum of all campuses' instructional costs as 121093  
calculated in division (D) (5) of this section. 121094

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 121095  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 121096

(1) Of the foregoing appropriation item 235501, State 121097  
Share of Instruction, 50 per cent of the appropriation for 121098  
state-supported community colleges, state community colleges, 121099  
and technical colleges as established in division (B) (1) (a) of 121100  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 121101  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 121102  
reserved for course completion FTEs as aggregated by the subsidy 121103  
models defined in division (B) of this section. 121104

The course completion funding shall be allocated to 121105  
campuses in proportion to each campus's share of the total 121106  
sector's course completions, weighted by the instructional cost 121107  
of the subsidy models. 121108

To calculate the subsidy entitlements for course 121109  
completions at community colleges, state community colleges, and 121110

technical colleges, the Chancellor shall use the following 121111  
calculations: 121112

(a) In calculating each campus's count of FTE course 121113  
completions, the Chancellor shall use a three-year average for 121114  
course completions for the three-year period ending in the prior 121115  
year for students identified as residents of the state of Ohio 121116  
in any term of their studies, as reported through the Higher 121117  
Education Information (HEI) system student enrollment file. 121118

(b) The subsidy eligible enrollments by model shall equal 121119  
only those FTE students who successfully complete the course as 121120  
defined and reported through the Higher Education Information 121121  
(HEI) system course enrollment file. 121122

(c) Those students with successful course completions, 121123  
that are defined as access students based on financial status, 121124  
minority status, age, or academic under-preparation shall have 121125  
their eligible course completions weighted by a statewide access 121126  
weight. The weight given to any student that meets any access 121127  
factor shall be 15 per cent for all course completions. 121128

(d) The model costs as used in the calculation shall be 121129  
augmented by the model weights for science, technology, 121130  
engineering, mathematics, and medicine models as established in 121131  
division (C) of this section. 121132

(2) Of the foregoing appropriation item 235501, State 121133  
Share of Instruction, 25 per cent of the appropriation for 121134  
state-supported community colleges, state community colleges, 121135  
and technical colleges as established in division (B) (1) (a) of 121136  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 121137  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 121138  
reserved for colleges in proportion to their share of college 121139



student success factors. 121140

Student success factors shall be awarded at the 121141  
institutional level for each subsidy-eligible student that 121142  
successfully: 121143

(a) Completes a college-level math course within the first 121144  
30 hours of completed coursework. 121145

(b) Completes a college-level English course within the 121146  
first 30 hours of completed coursework. 121147

(c) Completes 12 semester credit hours of college-level 121148  
coursework. 121149

(d) Completes 24 semester credit hours of college-level 121150  
coursework. 121151

(e) Completes 36 semester credit hours of college-level 121152  
coursework. 121153

(3) Of the foregoing appropriation item 235501, State 121154  
Share of Instruction, 25 per cent of the appropriation for 121155  
state-supported community colleges, state community colleges, 121156  
and technical colleges as established in division (B) (1) (a) of 121157  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 121158  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 121159  
reserved for completion milestones. 121160

Completion milestones shall include baccalaureate degrees, 121161  
associate degrees, technical certificates over 30 credit hours 121162  
as designated by the Department of Higher Education, and 121163  
students transferring to any four-year institution with at least 121164  
12 credit hours of college-level coursework earned at that 121165  
community college, state community college, or technical 121166  
college. 121167

The completion milestone funding shall be allocated to 121168  
colleges in proportion to each institution's share of the 121169  
sector's total completion milestones, weighted by the 121170  
instructional cost of the degree, certificate, or transfer 121171  
models. Costs for technical certificates over 30 hours shall be 121172  
weighted at one-half of the associate degree model costs and 121173  
transfers with at least 12 credit hours of college-level 121174  
coursework shall be weighted at one-fourth of the average cost 121175  
for all associate degree model costs. 121176

(4) To calculate the subsidy entitlements for completions 121177  
at community colleges, state community colleges, and technical 121178  
colleges, the Chancellor shall use the following calculations: 121179

(a) In calculating each campus's count of completions, the 121180  
Chancellor shall use a three-year average for completion 121181  
milestones awarded to students identified as subsidy eligible in 121182  
any term of their studies, as reported through the Higher 121183  
Education Information (HEI) system student enrollment file. 121184

(b) The subsidy eligible completion milestones by model 121185  
shall equal only those students who successfully complete a 121186  
baccalaureate or an associate degree, or technical certificate 121187  
over 30 credit hours, or transfer to any four-year institution 121188  
with at least 12 credit hours of college-level coursework as 121189  
defined and reported in the Higher Education Information (HEI) 121190  
system. Student completions reported in HEI shall have an 121191  
accompanying course enrollment record in order to be subsidy 121192  
eligible. 121193

(c) Those students with successful completions for 121194  
baccalaureate or associate degrees, technical certificates over 121195  
30 credit hours, or transfer to any four-year institution with 121196  
at least 12 credit hours of college-level coursework, identified 121197

in division (E) (3) of this section, that are defined as access 121198  
students based on financial status, minority status, age, or 121199  
academic under-preparation shall have their eligible completions 121200  
weighted by a statewide access weight. The weight shall be 25 121201  
per cent for students with one access factor, 66 per cent for 121202  
students with two access factors, 150 per cent for students with 121203  
three access factors, and 200 per cent for students with four 121204  
access factors. 121205

(d) For those students who complete more than one 121206  
completion milestone, funding for each additional degree or 121207  
technical certificate over 30 credit hours designated as such by 121208  
the Department of Higher Education shall be funded at 50 per 121209  
cent of the model costs as defined in division (E) (3) of this 121210  
section. 121211

(5) For purposes of the calculations made in division (E) 121212  
of this section, the Chancellor shall only include subsidy- 121213  
eligible students identified as residents of the state of Ohio 121214  
in any term of their studies, as reported through the Higher 121215  
Education Information (HEI) system student enrollment file. The 121216  
Chancellor shall be prohibited from including nonresident 121217  
students as subsidy-eligible except for those students otherwise 121218  
identified as subsidy-eligible in division (A) (2) of this 121219  
section. 121220

(F) CAPITAL COMPONENT DEDUCTION 121221

After all other adjustments have been made, state share of 121222  
instruction earnings shall be reduced for each campus by the 121223  
amount, if any, by which debt service charged in H.B. 16 of the 121224  
126th General Assembly, H.B. 699 of the 126th General Assembly, 121225  
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 121226  
127th General Assembly for that campus exceeds that campus's 121227

capital component earnings. Half of the sum of the total amounts 121228  
of these deductions for the remainder of the program shall be 121229  
transferred to appropriation item 235552, Capital Component, in 121230  
each fiscal year, except that the deduction and transfer may be 121231  
reduced to the extent that appropriation item 235552, Capital 121232  
Component, is sufficient to cover the payments under division 121233  
(A) of the section of this act entitled "CAPITAL COMPONENT." If 121234  
the Chancellor of Higher Education determines that the transfer 121235  
and deduction from this appropriation item can be reduced, the 121236  
adjustments shall be completed proportionately to each 121237  
institution's share of the total. 121238

(G) EXCEPTIONAL CIRCUMSTANCES 121239

Adjustments may be made to the state share of instruction 121240  
payments and other subsidies distributed by the Chancellor to 121241  
state colleges and universities for exceptional circumstances. 121242  
No adjustments for exceptional circumstances may be made without 121243  
the recommendation of the Chancellor and the approval of the 121244  
Controlling Board. 121245

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 121246  
INSTRUCTION 121247

The standard provisions of the state share of instruction 121248  
calculation as described in the preceding sections of temporary 121249  
law shall apply to any reductions made to appropriation item 121250  
235501, State Share of Instruction, before the Chancellor has 121251  
formally approved the final allocation of the state share of 121252  
instruction funds for any fiscal year. 121253

Any reductions made to appropriation item 235501, State 121254  
Share of Instruction, after the Chancellor has formally approved 121255  
the final allocation of the state share of instruction funds for 121256

any fiscal year, shall be uniformly applied to each campus in 121257  
proportion to its share of the final allocation. 121258

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 121259

The state share of instruction payments to the 121260  
institutions shall be in substantially equal monthly amounts 121261  
during the fiscal year, unless otherwise determined by the 121262  
Director of Budget and Management pursuant to section 126.09 of 121263  
the Revised Code. Payments during the first six months of the 121264  
fiscal year may be based upon the state share of instruction 121265  
appropriation estimates made for the various institutions of 121266  
higher education, and payments during the last six months of the 121267  
fiscal year may be based on the final data from the Chancellor. 121268  
If agreed to by the Chancellor and the Inter-University Council, 121269  
payments to universities in each month of a fiscal year shall be 121270  
based on final data in the higher education information system 121271  
for the selected three-year period that is acceptable to both 121272  
parties. 121273

**Section 381.250.** STATE SHARE OF INSTRUCTION FOR FISCAL 121274  
YEARS 2026 AND 2027 121275

(A) (1) Of the foregoing appropriation item 235501, State 121276  
Share of Instruction, up to \$100,000,000 in each fiscal year 121277  
shall be distributed according to a formula devised by the 121278  
Chancellor of Higher Education based on the following order of 121279  
priority, using data from the United States Census Post- 121280  
Secondary Employment Outcomes project: 121281

(a) Retention-rate outcomes based on factors, including, 121282  
but not limited to, the number of graduates employed by an Ohio- 121283  
based employer and employment outcomes of the graduates of each 121284  
college and university. In counting students under division (A) 121285

(1) (a) of this section, graduates who are residents of this state under rules adopted under section 3333.31 of the Revised Code and are employed by an Ohio-based employer shall be weighted the highest, followed by graduates who are employed by an Ohio-based employer but are not residents of this state;

(b) Employment outcomes of the graduates of each college and university. In counting students under division (A) (1) (b) of this section, the Chancellor shall use as a factor employment by the graduates of each institution, measured at the 2-digit level of the Classification of Instructional Programs codes published by the National Center for Education Statistics.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to \$10,000,000 in each fiscal year shall be distributed according to a formula devised by the Chancellor that provides funding bonuses of \$10,000 per graduate for technician-aligned associate degrees, as determined by the Governor's Office of Workforce Transformation, that are produced above a historical baseline of institutional production, as calculated by the Chancellor. In developing a formula under division (A) (2) of this section, the Chancellor shall give priority to retention-based outcomes, as specified in division (A) (1) (a) of this section, and count only graduates that are employed by an Ohio-based employer.

(3) Of the amount set aside in division (A) (1) of this section for each fiscal year, 76.8 per cent shall be distributed to state-supported university main and regional campuses and 23.2 per cent shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(B) (1) The remainder of the foregoing appropriation item 235501, State Share of Instruction, shall be distributed

according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS." Of these funds: 121316  
121317

(a) 23.2 per cent in each fiscal year shall be distributed to state-supported community colleges, state community colleges, and technical colleges; 121318  
121319  
121320

(b) 76.8 per cent in each fiscal year shall be distributed to state-supported university main and regional campuses. 121321  
121322

(2) Any increases in the amount distributed to an institution from the funds set aside in division (B) of this section that are above the prior year may be used by the institution to provide need-based aid and to provide counseling, support services, and workforce preparation services to students. 121323  
121324  
121325  
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**Section 381.260.** RESTRICTION ON FEE INCREASES 121329

(A) In fiscal years 2026 and 2027, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees. 121330  
121331  
121332  
121333

(1) For the 2025-2026 and 2026-2027 academic years, each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than five dollars per credit hour over what the institution charged for the previous academic year. 121334  
121335  
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121340

(2) The limitations under division (A) (1) of this section do not apply to student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for 121341  
121342  
121343  
121344

licensure and certification examinations, fees in elective 121345  
courses associated with travel experiences, elective service 121346  
charges, fines, and voluntary sales transactions. 121347

(B) The limitations under this section shall not apply to 121348  
increases required to comply with institutional covenants 121349  
related to their obligations or to meet unfunded legal mandates 121350  
or legally binding obligations incurred or commitments made 121351  
prior to the effective date of this section with respect to 121352  
which the institution had identified such fee increases as the 121353  
source of funds. Any increase required by such covenants and any 121354  
such mandates, obligations, or commitments shall be reported by 121355  
the Chancellor of Higher Education to the Controlling Board. 121356  
These limitations may also be modified by the Chancellor, with 121357  
the approval of the Controlling Board, to respond to exceptional 121358  
circumstances as identified by the Chancellor. 121359

(C) Institutions offering an undergraduate tuition 121360  
guarantee pursuant to section 3345.48 of the Revised Code may 121361  
increase instructional and general fees pursuant to that 121362  
section. 121363

**Section 381.270.** HIGHER EDUCATION - BOARD OF TRUSTEES 121364

(A) Funds appropriated for instructional subsidies at 121365  
colleges and universities may be used to provide such branch or 121366  
other off-campus undergraduate courses of study and such 121367  
master's degree courses of study as may be approved by the 121368  
Chancellor of Higher Education. 121369

(B) In providing instructional and other services to 121370  
students, boards of trustees of state institutions of higher 121371  
education shall supplement state subsidies with income from 121372  
charges to students. Except as otherwise provided in this act, 121373



each board shall establish the fees to be charged to all 121374  
students, including an instructional fee for educational and 121375  
associated operational support of the institution and a general 121376  
fee for noninstructional services, including locally financed 121377  
student services facilities used for the benefit of enrolled 121378  
students. The instructional fee and the general fee shall 121379  
encompass all charges for services assessed uniformly to all 121380  
enrolled students. Each board may also establish special purpose 121381  
fees, service charges, and fines as required; such special 121382  
purpose fees and service charges shall be for services or 121383  
benefits furnished individual students or specific categories of 121384  
students and shall not be applied uniformly to all enrolled 121385  
students. A tuition surcharge shall be paid by all students who 121386  
are not residents of Ohio. 121387

The board of trustees of a state institution of higher 121388  
education shall not authorize a waiver or nonpayment of 121389  
instructional fees or general fees for any particular student or 121390  
any class of students other than waivers specifically authorized 121391  
by law or approved by the Chancellor. This prohibition is not 121392  
intended to limit the authority of boards of trustees to provide 121393  
for payments to students for services rendered the institution, 121394  
nor to prohibit the budgeting of income for staff benefits or 121395  
for student assistance in the form of payment of such 121396  
instructional and general fees. 121397

Each board may authorize a lower differential tuition rate 121398  
of instructional or general fees equal to the default rate 121399  
options provided under the College Credit Plus Program pursuant 121400  
to Chapter 3365. of the Revised Code or equal to rates 121401  
established pursuant to an agreement for an alternative payment 121402  
structure pursuant to section 3365.07 of the Revised Code for 121403  
nonpublic and home schooled students participating in that 121404

program that are not publicly funded. Each board may establish a 121405  
lower differential tuition rate for in-state undergraduate 121406  
instructional fees or general fees for students enrolled 121407  
exclusively in online courses, as well as a lower differential 121408  
tuition rate for the surcharge for nonresidents enrolled 121409  
exclusively in online courses, provided a surcharge is still 121410  
assessed. 121411

Each board may authorize a lower tuition rate for courses 121412  
taken by high school students that do not qualify for funding 121413  
under the College Credit Plus program under section 3365.07 of 121414  
the Revised Code. These tuition rates must align with the 121415  
institution's tuition rates charged for courses eligible for 121416  
funding under the College Credit Plus Program. 121417

Each state institution of higher education in its 121418  
statement of charges to students shall separately identify the 121419  
instructional fee, the general fee, the tuition charge, and the 121420  
tuition surcharge. Fee charges to students for instruction shall 121421  
not be considered to be a price of service but shall be 121422  
considered to be an integral part of the state government 121423  
financing program in support of higher educational opportunity 121424  
for students. 121425

(C) The boards of trustees of state institutions of higher 121426  
education shall ensure that faculty members devote a proper and 121427  
judicious part of their work week to the actual instruction of 121428  
students. Total class credit hours of production per academic 121429  
term per full-time faculty member is expected to meet the 121430  
standards set forth in the budget data submitted by the 121431  
Chancellor. 121432

(D) The authority of government vested by law in the 121433  
boards of trustees of state institutions of higher education 121434

shall in fact be exercised by those boards. Boards of trustees 121435  
may consult extensively with appropriate student and faculty 121436  
groups. Administrative decisions about the utilization of 121437  
available resources, about organizational structure, about 121438  
disciplinary procedure, about the operation and staffing of all 121439  
auxiliary facilities, and about administrative personnel shall 121440  
be the exclusive prerogative of boards of trustees. Any 121441  
delegation of authority by a board of trustees in other areas of 121442  
responsibility shall be accompanied by appropriate standards of 121443  
guidance concerning expected objectives in the exercise of such 121444  
delegated authority and shall be accompanied by periodic review 121445  
of the exercise of this delegated authority to the end that the 121446  
public interest, in contrast to any institutional or special 121447  
interest, shall be served. 121448

**Section 381.280. WAR ORPHANS AND SEVERELY DISABLED 121449**  
VETERANS' CHILDREN SCHOLARSHIPS 121450

The foregoing appropriation item 235504, War Orphans and 121451  
Severely Disabled Veterans' Children Scholarships, shall be used 121452  
to reimburse state institutions of higher education for waivers 121453  
of instructional fees and general fees provided by them, to 121454  
provide grants to institutions that have received a certificate 121455  
of authorization from the Chancellor of Higher Education under 121456  
Chapter 1713. of the Revised Code, in accordance with the 121457  
provisions of section 5910.04 of the Revised Code, and to fund 121458  
additional scholarship benefits provided by section 5910.032 of 121459  
the Revised Code. 121460

During each fiscal year, the Chancellor, as soon as 121461  
possible after cancellation, may certify to the Director of 121462  
Budget and Management the amount of canceled prior-year 121463  
encumbrances in appropriation item 235504, War Orphans and 121464

Severely Disabled Veterans' Children Scholarships. Upon receipt 121465  
of the certification, the Director of Budget and Management may 121466  
transfer cash, up to the certified amount, from the General 121467  
Revenue Fund to the War Orphans and Severely Disabled Veterans' 121468  
Children Scholarship Reserve Fund (Fund 5PW0). 121469

**Section 381.290.** STATE SHARE OF INSTRUCTION RECONCILIATION 121470

By the first day of September in each fiscal year, or as 121471  
soon as possible thereafter, the Chancellor of Higher Education 121472  
shall certify to the Director of Budget and Management the 121473  
amount necessary to pay any outstanding prior-year obligations 121474  
to higher education institutions under the State Share of 121475  
Instruction formulas, as determined by the Chancellor. 121476  
Notwithstanding any provisions of law to the contrary, the 121477  
Director of Budget and Management, upon the request of the 121478  
Chancellor, may transfer cash in an amount up to the amounts 121479  
certified for State Share of Instruction reconciliation from the 121480  
State Financial Aid Reconciliation Fund (Fund 5Y50) to the 121481  
General Revenue Fund. The amounts certified for State Share of 121482  
Instruction reconciliation are hereby appropriated to 121483  
appropriation item 235505, State Share of Instruction 121484  
Reconciliation. 121485

**Section 381.300.** OHIOLINK 121486

The foregoing appropriation item 235507, OhioLINK, shall 121487  
be used by the Chancellor of Higher Education to support 121488  
OhioLINK, a consortium organized under division (T) of section 121489  
3333.04 of the Revised Code to serve as the state's electronic 121490  
library information and retrieval system, which provides access 121491  
statewide to an extensive set of electronic databases and 121492  
resources, the library holdings of Ohio's public and 121493  
participating private nonprofit colleges and universities, and 121494

the State Library of Ohio. 121495

**Section 381.310.** AIR FORCE INSTITUTE OF TECHNOLOGY 121496

(A) Of the foregoing appropriation item 235508, Air Force 121497  
Institute of Technology, \$75,000 in each fiscal year shall be 121498  
allocated to the Aerospace Professional Development Center in 121499  
Dayton for statewide workforce development services in the 121500  
aerospace industry. 121501

(B) The remainder of the foregoing appropriation item 121502  
235508, Air Force Institute of Technology, shall be used to do 121503  
both of the following: 121504

(1) Strengthen the research and educational linkages 121505  
between the Wright Patterson Air Force Base and institutions of 121506  
higher education in Ohio; and 121507

(2) Support the Defense Associated Graduate Student 121508  
Innovators, an engineering graduate consortium of Wright State 121509  
University, the University of Dayton, and the Air Force 121510  
Institute of Technology, with the participation of the 121511  
University of Cincinnati and The Ohio State University. 121512

**Section 381.320.** OHIO SUPERCOMPUTER CENTER 121513

The foregoing appropriation item 235510, Ohio 121514  
Supercomputer Center, shall be used by the Chancellor of Higher 121515  
Education to support the operation of the Ohio Supercomputer 121516  
Center, a consortium organized under division (T) of section 121517  
3333.04 of the Revised Code, located at The Ohio State 121518  
University. The Ohio Supercomputer Center is a statewide 121519  
resource available to Ohio research universities both public and 121520  
private. It is also intended that the center be made accessible 121521  
to private industry as appropriate. 121522

The Ohio Supercomputer Center's services shall support 121523  
Ohio's colleges, universities, and businesses to make Ohio a 121524  
leader in using computational science, modeling, and simulation 121525  
to promote higher education, research, and economic 121526  
competitiveness. 121527

**Section 381.330.** THE OHIO STATE UNIVERSITY EXTENSION 121528  
SERVICE 121529

The foregoing appropriation item 235511, The Ohio State 121530  
University Extension Service, shall be disbursed through the 121531  
Chancellor of Higher Education to The Ohio State University in 121532  
monthly payments, unless otherwise determined by the Director of 121533  
Budget and Management under section 126.09 of the Revised Code. 121534

**Section 381.340.** CENTRAL STATE SUPPLEMENT 121535

The foregoing appropriation item 235514, Central State 121536  
Supplement, shall be disbursed by the Chancellor of Higher 121537  
Education to Central State University. Funds shall be used in a 121538  
manner consistent with the goals of increasing enrollment, 121539  
improving course completion, and increasing the number of 121540  
degrees conferred. 121541

**Section 381.350.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 121542  
MEDICINE 121543

The foregoing appropriation item 235515, Case Western 121544  
Reserve University School of Medicine, shall be disbursed to 121545  
Case Western Reserve University through the Chancellor of Higher 121546  
Education in accordance with agreements entered into under 121547  
section 3333.10 of the Revised Code, provided that the state 121548  
support per full-time medical student shall not exceed that 121549  
provided to full-time medical students at state universities. 121550

**Section 381.360.** FAMILY PRACTICE 121551

The foregoing appropriation item 235519, Family Practice, 121552  
shall be distributed in each fiscal year, based on each medical 121553  
school's share of residents placed in a family practice and 121554  
graduates practicing in a family practice. 121555

**Section 381.370.** SHAWNEE STATE SUPPLEMENT 121556

The foregoing appropriation item 235520, Shawnee State 121557  
Supplement, shall be disbursed by the Chancellor of Higher 121558  
Education to Shawnee State University. Funds shall be used in a 121559  
manner consistent with the goals of improving course completion, 121560  
increasing the number of degrees conferred, and furthering the 121561  
university's mission of service to the Appalachian region. 121562

**Section 381.380.** GERIATRIC MEDICINE 121563

The Chancellor of Higher Education shall distribute 121564  
appropriation item 235525, Geriatric Medicine, consistent with 121565  
existing criteria and guidelines. 121566

**Section 381.390.** PRIMARY CARE RESIDENCIES 121567

The foregoing appropriation item 235526, Primary Care 121568  
Residencies, shall be distributed in each fiscal year, based on 121569  
each medical school's share of residents placed in a primary 121570  
care field and graduates practicing in a primary care field. 121571

**Section 381.400.** GOVERNOR'S MERIT SCHOLARSHIP 121572

(A) The foregoing appropriation item 235530, Governor's 121573  
Merit Scholarship, shall be used by the Chancellor of Higher 121574  
Education to administer the Governor's Merit Scholarship and to 121575  
award merit-based aid to qualifying institutions on behalf of 121576  
eligible students. Funds awarded under this section shall be 121577  
used in a manner consistent with the goal of allowing high- 121578  
achieving high school graduates to remain in Ohio to pursue 121579

their post-secondary studies and contribute to Ohio's expanding economic opportunities. 121580  
121581

(B) In awarding funds under this section, and to the extent that funds are sufficient to do so, the Chancellor shall provide per-student awards of \$5,000 per academic year to eligible students determined to be in the top five per cent of their public or chartered nonpublic high school graduating class at the end of their junior year, as determined by their public or chartered nonpublic high school using criteria established by the Chancellor in consultation with the Director of Education and Workforce. School districts and chartered nonpublic high schools shall provide the information as requested by the Chancellor to determine scholarship eligibility. Eligible students shall receive an award for up to the equivalent of four academic years of instruction at a qualifying institution, contingent on satisfactory academic progress. 121582  
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(C) The Chancellor, in consultation with the Director, shall determine eligibility for graduating high school students who were home schooled to provide a level of access to the program described in this section that is reasonably commensurate with the merit-based criteria used to determine eligibility for students graduating from a public or chartered nonpublic high school. 121596  
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(D) The Governor's Merit Scholarship shall be used to pay eligible expenses, as determined by the Chancellor, included within the published cost of attendance at a qualifying institution. 121603  
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(E) A qualifying institution shall not make changes to scholarship or financial aid programs offered by that institution that have the goal or net effect of shifting the 121607  
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cost burden of those programs to the program described in this 121610  
section. Institutions of higher education that enroll students 121611  
receiving merit-based financial aid grants under this section 121612  
shall maintain the same level of merit-based financial aid the 121613  
institution provided in the most recent academic year in the 121614  
aggregate to all students or on a per-student basis. 121615

(F) Notwithstanding any provision of law to the contrary, 121616  
the Chancellor may establish guidelines for the purpose of 121617  
implementing this section, except that the Chancellor shall not 121618  
place limits on the number of students receiving an award under 121619  
this section that enroll at a qualifying institution. 121620

(G) As used in this section, "qualifying institution" 121621  
means a state institution of higher education, as defined in 121622  
section 3345.011 of the Revised Code. 121623

**Section 381.410.** PROGRAM AND PROJECT SUPPORT 121624

(A) Of the foregoing appropriation item 235533, Program 121625  
and Project Support, \$500,000 in each fiscal year shall be used 121626  
to support the Ohio Aerospace Institute's Space Grant 121627  
Consortium. 121628

(B) Of the foregoing appropriation item 235533, Program 121629  
and Project Support, \$2,000,000 in each fiscal year shall be 121630  
distributed to The Ohio State University to support the Salmon 121631  
P. Chase Center for Civics, Culture, and Society established 121632  
under section 3335.39 of the Revised Code. 121633

(C) Of the foregoing appropriation item 235533, Program 121634  
and Project Support, \$2,000,000 in each fiscal year shall be 121635  
distributed to the University of Toledo to support the Institute 121636  
of American Constitutional Thought and Leadership established 121637  
under section 3364.07 of the Revised Code. 121638

(D) Of the foregoing appropriation item 235533, Program 121639  
and Project Support, \$2,000,000 in each fiscal year shall be 121640  
distributed to Miami University to support the center for 121641  
civics, culture, and society established under section 3339.06 121642  
of the Revised Code. 121643

(E) Of the foregoing appropriation item 235533, Program 121644  
and Project Support, \$2,000,000 in each fiscal year shall be 121645  
distributed to Cleveland State University to support the center 121646  
for civics, culture, and society established under section 121647  
3344.07 of the Revised Code. 121648

(F) Of the foregoing appropriation item 235533, Program 121649  
and Project Support, \$2,000,000 in each fiscal year shall be 121650  
distributed to Wright State University to support the center for 121651  
civics, culture, and workforce development established under 121652  
section 3352.16 of the Revised Code. 121653

(G) Of the foregoing appropriation item 235533, Program 121654  
and Project Support, \$14,000,000 in fiscal year 2026 shall be 121655  
distributed to Miami University to establish the Ohio Institute 121656  
for Quantum Computing Research, Talent, and Commercialization 121657  
and an urban bridge to Cleveland. 121658

(H) Of the foregoing appropriation item 235533, Program 121659  
and Project Support, \$200,000 in each fiscal year shall be used 121660  
to support the University of Dayton Statehouse Civic Scholars 121661  
Program. 121662

(I) Of the foregoing appropriation item 235533, Program 121663  
and Project Support, \$935,000 in fiscal year 2026 shall be 121664  
allocated to support Ashland University's Military and Veterans 121665  
Services program. 121666

(J) Of the foregoing appropriation item 235533, Program 121667

and Project Support, \$800,000 in each fiscal year shall be 121668  
allocated to Cleveland State University to support its wrestling 121669  
programs. Of these funds, \$400,000 in each fiscal year shall be 121670  
used to support its men's wrestling program and \$400,000 in each 121671  
fiscal year shall be used to establish and maintain a women's 121672  
wrestling program. 121673

(K) Of the foregoing appropriation item 235533, Program 121674  
and Project Support, \$350,000 in fiscal year 2026 shall be 121675  
distributed to Sinclair Community College for the purchase of 121676  
equipment for manufacturing education in Ohio's correctional 121677  
institutions that will support training leading to industry 121678  
credentials valued by manufacturing employers, as determined by 121679  
support of a regional manufacturing industry sector partnership 121680  
endorsed by the Ohio Manufacturer's Association. 121681

(L) Of the foregoing appropriation item 235533, Program 121682  
and Project Support, \$500,000 in each fiscal year shall be 121683  
distributed to the Strategic Ohio Council on Higher Education to 121684  
support the Ohio Intern Academy program. 121685

(M) Of the foregoing appropriation item 235533, Program 121686  
and Project Support, \$1,500,000 in each fiscal year shall be 121687  
used to provide loan repayments on behalf of certain attorneys 121688  
as described in section 3333.131 of the Revised Code. 121689

**Section 381.415.** CENTERS FOR CIVICS, CULTURE AND SOCIETY 121690  
AND WORKFORCE DEVELOPMENT CONSULTATION 121691

The Chancellor of Higher Education shall consult with the 121692  
directors, or the directors' designees, of the centers created 121693  
by sections 3335.39, 3339.06, 3344.07, 3352.16, and 3364.07 of 121694  
the Revised Code. The consultation shall evaluate the extent to 121695  
which the centers may be leveraged for the benefit of the entire 121696

state. 121697

By March 31, 2026, the directors, or their designees, 121698  
shall prepare and submit to the Chancellor a summary of 121699  
recommendations and a plan to achieve maximum statewide benefit, 121700  
which shall include options to establish programming at other 121701  
state institutions of higher education such as seminars, 121702  
lectures, student courses and assisting faculty with curriculum 121703  
development or sharing of curriculum developed by the centers. 121704  
In developing the plan and summary of recommendations, the 121705  
centers shall seek to achieve the broadest geographic coverage 121706  
possible. Effective July 1, 2026, the Chancellor may require the 121707  
centers to engage in activities included in their summary of 121708  
recommendations that are intended to benefit the entire state. 121709

Each center shall use a portion of its funding in each 121710  
fiscal year to benefit the entire state and shall report in its 121711  
annual report required by the Revised Code the percentage of its 121712  
funds used to assist other universities and a summary of the 121713  
specific types of services and benefits provided. 121714

**Section 381.420.** OHIO STATE AGRICULTURAL RESEARCH 121715

The foregoing appropriation item 235535, Ohio State 121716  
Agricultural Research, shall be disbursed through the Chancellor 121717  
of Higher Education to The Ohio State University in monthly 121718  
payments, unless otherwise determined by the Director of Budget 121719  
and Management under section 126.09 of the Revised Code. 121720

The Ohio Agricultural Research and Development Center, an 121721  
entity of the College of Food, Agricultural, and Environmental 121722  
Sciences of The Ohio State University, shall further its mission 121723  
of enhancing Ohio's economic development and job creation by 121724  
continuing to internally allocate on a competitive basis 121725

appropriated funding of programs based on demonstrated 121726  
performance. Academic units, faculty, and faculty-driven 121727  
programs shall be evaluated and rewarded consistent with agreed- 121728  
upon performance expectations as called for in the College's 121729  
Expectations and Criteria for Performance Assessment. 121730

**Section 381.430. STATE UNIVERSITY CLINICAL TEACHING** 121731

The foregoing appropriation items 235536, The Ohio State 121732  
University Clinical Teaching; 235537, University of Cincinnati 121733  
Clinical Teaching; 235538, University of Toledo Clinical 121734  
Teaching; 235539, Wright State University Clinical Teaching; 121735  
235540, Ohio University Clinical Teaching; and 235541, Northeast 121736  
Ohio Medical University Clinical Teaching, shall be distributed 121737  
through the Chancellor of Higher Education. 121738

Of the foregoing appropriation item 235539, Wright State 121739  
University Clinical Teaching, \$1,500,000 in each fiscal year 121740  
shall be used to support the Aerospace Medicine and Human 121741  
Performance Center at Wright State University. 121742

**Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND 121743  
DEVELOPMENT** 121744

The foregoing appropriation item 235546, Central State 121745  
Agricultural Research and Development, shall be used in 121746  
conjunction with appropriation item 235548, Central State 121747  
Cooperative Extension Services, by Central State University for 121748  
its state match requirement as an 1890 land grant university. 121749

**Section 381.450. CAPITAL COMPONENT** 121750

The foregoing appropriation item 235552, Capital 121751  
Component, shall be used by the Chancellor of Higher Education 121752  
to provide funding for prior commitments made pursuant to the 121753  
state's former capital funding policy for state colleges and 121754

universities that was originally established in H.B. 748 of the 121st General Assembly. The amounts provided to state colleges and universities in fiscal year 2026 and fiscal year 2027 shall cover the remaining obligations for the program, which shall cease to exist effective June 30, 2027. Funding shall consist of:

(A) Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

(B) Any campus for which the estimated campus debt service attributable to qualifying capital projects for the remainder of the program is greater than the campus's formula-determined capital component allocation shall have half the difference subtracted in each fiscal year of the biennium, after allowable adjustments by the Chancellor of Higher Education, from its State Share of Instruction allocation. If necessary, appropriation equal to the sum of all such amounts shall be transferred, after allowable adjustments by the Chancellor of Higher Education, from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component.

**Section 381.460. LIBRARY DEPOSITORIES**

The foregoing appropriation item 235555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and

access to lesser-used materials in university library 121785  
collections. The depositories shall be administrated by the 121786  
Chancellor of Higher Education, or by OhioLINK at the discretion 121787  
of the Chancellor. 121788

**Section 381.470.** OHIO ACADEMIC RESOURCES NETWORK (OARNET) 121789

The foregoing appropriation item 235556, Ohio Academic 121790  
Resources Network, shall be used by the Chancellor of Higher 121791  
Education to support the operations of the Ohio Academic 121792  
Resources Network, a consortium organized under division (T) of 121793  
section 3333.04 of the Revised Code, which shall include support 121794  
for Ohio's colleges and universities in maintaining and 121795  
enhancing network connections, using new network technologies to 121796  
improve research, education, and economic development programs, 121797  
and sharing information technology services. To the extent 121798  
network capacity is available, OARnet shall support allocating 121799  
bandwidth to eligible programs directly supporting Ohio's 121800  
economic development. 121801

**Section 381.480.** LONG-TERM CARE RESEARCH 121802

The foregoing appropriation item 235558, Long-term Care 121803  
Research, shall be disbursed to Miami University for long-term 121804  
care research. 121805

**Section 381.490.** OHIO COLLEGE OPPORTUNITY GRANT 121806

(A) (1) As used in this section: 121807

(a) "Eligible institution" means any institution described 121808  
in divisions(B) (2) (a) to (c) of section 3333.122 of the Revised 121809  
Code. 121810

(b) The three "sectors" of institutions of higher 121811  
education consist of the following: 121812

(i) State colleges and universities, community colleges, 121813  
state community colleges, university branches, and technical 121814  
colleges; 121815

(ii) Eligible private nonprofit institutions of higher 121816  
education; 121817

(iii) Eligible private for-profit career colleges and 121818  
schools. 121819

(2) (a) Awards under section 3333.122 of the Revised Code 121820  
shall be as follows for fiscal year 2026 and fiscal year 2027: 121821

(i) \$4,000 per student at a state institution of higher 121822  
education; 121823

(ii) \$5,000 per student at an eligible nonprofit 121824  
institution of higher education; 121825

(iii) \$2,000 per student at a private for-profit career 121826  
college or school. 121827

(b) For students attending an eligible institution year- 121828  
round, awards may be distributed on an annual basis, once Pell 121829  
grants have been exhausted. 121830

(3) Notwithstanding anything to the contrary in section 121831  
3333.122 of the Revised Code, the Chancellor of Higher Education 121832  
shall make awards under that section in fiscal year 2026 and 121833  
fiscal year 2027 to students with a student aid index, or any 121834  
federal successor, of three thousand seven hundred fifty or 121835  
less. 121836

(4) If the Chancellor determines that the amounts 121837  
appropriated for support of the Ohio College Opportunity Grant 121838  
program are inadequate to provide grants to all eligible 121839  
students as specified under division (D) of section 3333.122 of 121840



the Revised Code, the Chancellor may follow methods established 121841  
in division (C) (1) (a) or (b) of section 3333.122 of the Revised 121842  
Code. If the Chancellor determines that reductions in award 121843  
amounts are necessary, the Chancellor shall reduce the award 121844  
amounts proportionally among the sectors of institutions 121845  
specified in division (A) (1) of this section in a manner 121846  
determined by the Chancellor. The Chancellor shall notify the 121847  
Controlling Board of the distribution method. Any formula 121848  
calculated under this division shall be complete and established 121849  
to coincide with the start of each academic year. 121850

(B) Prior to determining the amount of funds available to 121851  
award under this section and section 3333.122 of the Revised 121852  
Code, the Chancellor shall use the foregoing appropriation item 121853  
235563, Ohio College Opportunity Grant, to pay for waivers of 121854  
tuition and student fees for eligible students under the Ohio 121855  
Safety Officer's College Memorial Fund Program under section 121856  
3333.26 of the Revised Code and for grants to qualifying 121857  
institutions on behalf of eligible students under the adoption 121858  
grant program established under section 3333.128 of the Revised 121859  
Code. 121860

In each fiscal year, with the exception of sections 121861  
3333.121 and 3333.124 of the Revised Code and the section of 121862  
this act entitled "STATE FINANCIAL AID RECONCILIATION," the 121863  
Chancellor shall not distribute or obligate or commit to be 121864  
distributed an amount greater than what is appropriated under 121865  
the foregoing appropriation item 235563, Ohio College 121866  
Opportunity Grant. 121867

(C) The Chancellor shall establish, and post on the 121868  
Department of Higher Education's web site, award tables based on 121869  
the amounts specified under division (A) of this section. The 121870

Chancellor shall notify students and institutions of any 121871  
reductions in awards. 121872

(D) Notwithstanding section 3333.122 of the Revised Code, 121873  
no student shall be eligible to receive an Ohio College 121874  
Opportunity Grant for more than ten semesters, fifteen quarters, 121875  
or the equivalent of five academic years, less the number of 121876  
semesters or quarters in which the student received an Ohio 121877  
Instructional Grant. 121878

(E) During each fiscal year, the Chancellor, as soon as 121879  
possible after cancellation, may certify to the Director of 121880  
Budget and Management the amount of canceled prior-year 121881  
encumbrances in appropriation item 235563, Ohio College 121882  
Opportunity Grant. Upon receipt of the certification, the 121883  
Director of Budget and Management may transfer cash, up to the 121884  
certified amount, from the General Revenue Fund to the Ohio 121885  
College Opportunity Grant Program Reserve Fund (Fund 5PU0). 121886

(F) No eligible institution that enrolls Ohio College 121887  
Opportunity Grant recipients shall make any change to its 121888  
scholarship or financial aid programs with the goal or net 121889  
effect of shifting the cost burden of those programs to the Ohio 121890  
College Opportunity Grant program. 121891

Each eligible institution that enrolls Ohio College 121892  
Opportunity Grant recipients shall provide at least the same 121893  
level of needs-based financial aid to its students as it 121894  
provided in the immediately prior academic year in terms of 121895  
either the aggregate aid to all students or on a per student 121896  
basis. The Chancellor may grant an eligible institution a 121897  
temporary waiver from that requirement if the Chancellor 121898  
determines exceptional circumstances make it necessary. The 121899  
Chancellor shall determine the terms of the waiver. 121900

**Section 381.500.** THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT 121901  
121902

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations. 121903  
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**Section 381.510.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 121908

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics. 121909  
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**Section 381.520.** FEDERAL RESEARCH NETWORK 121913

The foregoing appropriation item 235578, Federal Research Network, shall be allocated to The Ohio State University to collaborate with federal installations in Ohio, state institutions of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235578, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research 121914  
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Program and related federal programs. 121930

**Section 381.525. EDUCATOR PREPARATION PROGRAMS** 121931

The foregoing appropriation item 235585, Educator 121932  
Preparation Programs, shall be used by the Chancellor of Higher 121933  
Education to implement and administer sections 3333.048, 121934  
3333.049, 3333.0411, and 3333.0419 of the Revised Code or other 121935  
educator preparation programs, such as the Ohio Teacher 121936  
Apprenticeship Program, as determined by the Chancellor. 121937

Notwithstanding any provision of law to the contrary, 121938  
beginning with the first full academic year following the 121939  
adoption of new standards, each educator preparation program at 121940  
an institution of higher education shall include in its 121941  
curriculum standards for social studies that align with the 121942  
standards adopted by the Department of Education and Workforce 121943  
to ensure that educators and other school personnel are 121944  
adequately prepared and trained in social studies. 121945

Within six months of the beginning of the first full 121946  
academic year in which the new standards are used, the 121947  
Chancellor shall complete a review and evaluation process to 121948  
assess the degree to which every educator preparation program at 121949  
an institution of higher education is teaching social studies in 121950  
alignment with the standards. 121951

**Section 381.530. CO-OP INTERNSHIP PROGRAM** 121952

Of the foregoing appropriation item 235591, Co-Op 121953  
Internship Program, \$165,000 in each fiscal year shall be used 121954  
to support the operations of Ohio University's Voinovich School. 121955

Of the foregoing appropriation item 235591, Co-Op 121956  
Internship Program, \$75,000 in each fiscal year shall be used to 121957  
support the Model United Nations Program at Wright State 121958

University.	121959
Of the foregoing appropriation item 235591, Co-Op	121960
Internship Program, \$75,000 in each fiscal year shall be used to	121961
support the operations of The Ohio State University's John Glenn	121962
College of Public Affairs.	121963
Of the foregoing appropriation item 235591, Co-Op	121964
Internship Program, \$75,000 in each fiscal year shall be used to	121965
support the Bliss Institute of Applied Politics at the	121966
University of Akron.	121967
Of the foregoing appropriation item 235591, Co-Op	121968
Internship Program, \$75,000 in each fiscal year shall be used to	121969
support the Center for Public Management and Regional Affairs at	121970
Miami University.	121971
Of the foregoing appropriation item 235591, Co-Op	121972
Internship Program, \$75,000 in each fiscal year shall be used to	121973
support the Student Mentoring and Career Development Program at	121974
the Levin College Advancing Public Service Professionals at	121975
Cleveland State University.	121976
Of the foregoing appropriation item 235591, Co-Op	121977
Internship Program, \$75,000 in each fiscal year shall be used to	121978
support the University of Cincinnati Internship Program.	121979
Of the foregoing appropriation item 235591, Co-Op	121980
Internship Program, \$75,000 in each fiscal year shall be used to	121981
support the Kent State University Washington Program in National	121982
Issues.	121983
Of the foregoing appropriation item 235591, Co-Op	121984
Internship Program, \$75,000 in each fiscal year shall be used to	121985
support the Kent State University Columbus Program.	121986

Of the foregoing appropriation item 235591, Co-Op 121987  
Internship Program, \$75,000 in each fiscal year shall be used to 121988  
support the University of Toledo Urban Affairs Center. 121989

Of the foregoing appropriation item 235591, Co-Op 121990  
Internship Program, \$75,000 in each fiscal year shall be used to 121991  
support the Shawnee State University Institute for Appalachian 121992  
Public Policy. 121993

Of the foregoing appropriation item 235591, Co-Op 121994  
Internship Program, \$75,000 in each fiscal year shall be used to 121995  
support the Center for Regional Development at Bowling Green 121996  
State University. 121997

Of the foregoing appropriation item 235591, Co-Op 121998  
Internship Program, \$75,000 in each fiscal year shall be used to 121999  
support the Initiative for Community and Regional Development at 122000  
Youngstown State University. 122001

**Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID** 122002  
PROGRAM 122003

The foregoing appropriation item 235595, Commercial Truck 122004  
Driver Student Aid Program, shall be used by the Chancellor of 122005  
Higher Education to administer and provide grants and loans 122006  
under the Commercial Truck Driver Student Aid Program 122007  
established in section 3333.125 of the Revised Code. 122008

**Section 381.550. RURAL UNIVERSITY PROGRAM** 122009

The foregoing appropriation item 235598, Rural University 122010  
Program, shall be used for the Rural University Program, a 122011  
collaboration of Bowling Green State University, Kent State 122012  
University, Miami University, and Ohio University that provides 122013  
rural communities with economic development, public 122014  
administration, and public health services. Each of the four 122015

participating universities shall receive \$103,000 in each fiscal year to support their respective programs. 122016  
122017

**Section 381.560.** NATIONAL GUARD SCHOLARSHIP PROGRAM 122018

The Chancellor of Higher Education shall disburse funds 122019  
from appropriation item 235599, National Guard Scholarship 122020  
Program. During each fiscal year, the Chancellor, as soon as 122021  
possible after cancellation, may certify to the Director of 122022  
Budget and Management the amount of canceled prior-year 122023  
encumbrances in appropriation item 235599, National Guard 122024  
Scholarship Program. Upon receipt of the certification, the 122025  
Director of Budget and Management may transfer cash, up to the 122026  
certified amount, from the General Revenue Fund to the National 122027  
Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the 122028  
foregoing appropriation item 235599, National Guard Scholarship 122029  
Program, may be used to administer the program with the 122030  
concurrence of the Adjutant General. 122031

**Section 381.565.** FAFSA SUPPORT TEAMS 122032

The foregoing appropriation item 2355A1, FAFSA Support 122033  
Teams, shall be used by the Chancellor of Higher Education 122034  
pursuant to section 3333.303 of the Revised Code.OHIO HIGHER 122035  
EDUCATION PUBLIC POLICY RESEARCH CONSORTIUM 122036

Of the foregoing appropriation item 2355A4, Ohio Higher 122037  
Education Public Policy Research Consortium, \$150,000 in each 122038  
fiscal year may be used by the Chancellor of Higher Education to 122039  
establish and administer the Ohio Higher Education Public Policy 122040  
Research Consortium pursuant to section 3345.602 of the Revised 122041  
Code. 122042

The remainder of the foregoing appropriation item 2355A4, 122043  
Ohio Higher Education Public Policy Research Consortium, shall 122044

be used by the Chancellor to award competitive research grants 122045  
pursuant to division (B) of section 3333.952 of the Revised 122046  
Code. 122047

**Section 381.570. PLEDGE OF FEES** 122048

Any new pledge of fees, or new agreement for adjustment of 122049  
fees, made in the biennium ending June 30, 2027, to secure bonds 122050  
or notes of a state institution of higher education for a 122051  
project for which bonds or notes were not outstanding on the 122052  
effective date of this section, to secure a refund of prior debt 122053  
that is anticipated to increase the total cost of retiring the 122054  
original debt, or to extend the period in which that full debt 122055  
is retired shall be effective only after approval by the 122056  
Chancellor of Higher Education, unless approved in a previous 122057  
biennium. 122058

**Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND** 122059  
**DEBT SERVICE** 122060

The foregoing appropriation item 235909, Higher Education 122061  
General Obligation Bond Debt Service, shall be used to pay all 122062  
debt service and related financing costs during the period from 122063  
July 1, 2025, through June 30, 2027, for obligations issued 122064  
under sections 151.01 and 151.04 of the Revised Code. 122065

**Section 381.590. SALES AND SERVICES** 122066

The Chancellor of Higher Education is authorized to charge 122067  
and accept payment for the provision of goods and services. Such 122068  
charges shall be reasonably related to the cost of producing the 122069  
goods and services. Except as otherwise provided by law, no 122070  
charges may be levied for goods or services that are produced as 122071  
part of the routine responsibilities or duties of the 122072  
Chancellor. All revenues received by the Chancellor shall be 122073



deposited into Fund 4560 and may be used by the Chancellor to 122074  
pay for the costs of producing the goods and services. 122075

**Section 381.600.** HIGHER EDUCATIONAL FACILITY COMMISSION 122076  
ADMINISTRATION 122077

The foregoing appropriation item 235602, Higher 122078  
Educational Facility Commission Administration, shall be used by 122079  
the Chancellor of Higher Education for operating expenses 122080  
related to the Chancellor's support of the activities of the 122081  
Ohio Higher Educational Facility Commission. Upon the request of 122082  
the Chancellor, the Director of Budget and Management may 122083  
transfer cash in an amount up to the amount appropriated from 122084  
the foregoing appropriation item 235602, Higher Educational 122085  
Facility Commission Administration, in each fiscal year from the 122086  
HEFC Operating Expenses Fund (Fund 4610) to the HEFC 122087  
Administration Fund (Fund 4E80). 122088

**Section 381.630.** TALENT READY GRANT PROGRAM 122089

(A) The foregoing appropriation item 235517, Talent Ready 122090  
Grant Program, shall be used by the Chancellor of Higher 122091  
Education to administer the Talent Ready Grant program to 122092  
support workforce credential and certificate programs under 122093  
thirty credit hours at a community college, state community 122094  
college, technical college, university regional campus, or less 122095  
than 900 clock hours at an Ohio Technical Center. Such funding 122096  
shall be used to do both of the following: 122097

(1) Establish and operate workforce credential and 122098  
certificate programs under thirty credit hours or less than 900 122099  
clock hours, as identified by the Governor's Office of Workforce 122100  
Transformation in consultation with the Chancellor. In 122101  
identifying programs as eligible for funding, the Governor's 122102

Office of Workforce Transformation and the Chancellor shall 122103  
review the top jobs list and prioritize programs that are 122104  
particularly well-aligned with occupations determined to be most 122105  
in-demand to meet statewide or regional workforce goals. An 122106  
eligible entity may submit a request to the Chancellor to 122107  
consider adding a program to the list identified as eligible for 122108  
funding by providing information and justification in the form 122109  
and manner required by the Chancellor, in consultation with the 122110  
Governor's Office of Workforce Transformation; and 122111

(2) Provide additional support to short-term certificate 122112  
programs determined to be eligible for funding, as identified by 122113  
the Governor's Office of Workforce Transformation in 122114  
consultation with the Chancellor pursuant to the process 122115  
described in division (A) (1) of this section. 122116

(B) The Chancellor shall allocate funds among eligible 122117  
entities in approximate proportion to each entity's share of 122118  
eligible short-term certificate programs while also considering 122119  
student enrollments, completions, and past utilization of short- 122120  
term certificate funding disbursed under this line item, among 122121  
other factors. For purposes of allocating funds between 122122  
community colleges, state community colleges, and technical 122123  
colleges, the Chancellor shall allocate the funding to each 122124  
campus in proportion to each campus's share of the total 122125  
sector's course completions for the most recent available year, 122126  
as reported through the Higher Education Information System 122127  
student enrollment file, weighted by the instructional cost of 122128  
the subsidy models. 122129

**Section 381.635. SUPER RAPIDS** 122130

On July 1, 2025, or as soon as possible thereafter, the 122131  
Chancellor of Higher Education shall certify to the Director of 122132

Budget and Management an amount up to the unexpended, 122133  
unencumbered balance of appropriation item 235688, Super RAPIDS, 122134  
at the end of fiscal year 2025 to be reappropriated to fiscal 122135  
year 2026. The amount certified is hereby reappropriated to the 122136  
same appropriation item for fiscal year 2026. 122137

On July 1, 2026, or as soon as possible thereafter, the 122138  
Chancellor of Higher Education shall certify to the Director of 122139  
Budget and Management an amount up to the unexpended, 122140  
unencumbered balance of appropriation item 235688, Super RAPIDS, 122141  
at the end of fiscal year 2026 to be reappropriated to fiscal 122142  
year 2027. The amount certified is hereby reappropriated to the 122143  
same appropriation item for fiscal year 2027. 122144

**Section 381.640.** STATE FINANCIAL AID RECONCILIATION 122145

By the first day of September in each fiscal year, or as 122146  
soon as possible thereafter, the Chancellor of Higher Education 122147  
shall certify to the Director of Budget and Management the 122148  
amount necessary to pay any outstanding prior year obligations 122149  
to higher education institutions for the state's financial aid 122150  
programs. The amounts certified are hereby appropriated to 122151  
appropriation item 235618, State Financial Aid Reconciliation, 122152  
from revenues received in the State Financial Aid Reconciliation 122153  
Fund (Fund 5Y50). 122154

**Section 381.650.** SECOND CHANCE GRANT PROGRAM 122155

The foregoing appropriation item 235494, Second Chance 122156  
Grant Program, shall be distributed by the Chancellor of Higher 122157  
Education to qualifying institutions of higher education and 122158  
Ohio Technical Centers to provide grants to eligible students 122159  
under the Second Chance Grant Program established in section 122160  
3333.127 of the Revised Code. 122161

<b>Section 381.655.</b> GROW YOUR OWN TEACHER PROGRAM	122162
The foregoing appropriation item 235592, Grow Your Own	122163
Teacher Program, shall be used by the Chancellor of Higher	122164
Education to implement and administer the Grow Your Own Teacher	122165
Program pursuant to sections 3333.393 and 3333.394 of the	122166
Revised Code and the Ohio Teacher Apprenticeship Program.	122167
<b>Section 381.660.</b> NURSING LOAN PROGRAM	122168
The foregoing appropriation item 235606, Nursing Loan	122169
Program, shall be used to administer the nurse education	122170
assistance program.	122171
<b>Section 381.670.</b> RESEARCH INCENTIVE THIRD FRONTIER - TAX	122172
(A) The foregoing appropriation item 235639, Research	122173
Incentive Third Frontier - Tax, shall be used by the Chancellor	122174
of Higher Education to advance collaborative research at	122175
institutions of higher education. Of the foregoing appropriation	122176
item 235639, Research Incentive Third Frontier - Tax, a portion	122177
in each fiscal year shall be used by the Chancellor to support	122178
and promote research that is intended to be commercialized.	122179
Research funded under division (A) of this section shall include	122180
a condition that the discoveries, inventions, or patents	122181
developed therein be retained by the researcher, unless all or a	122182
portion of the interests therein are specifically granted to the	122183
state college or university at which the researcher is employed.	122184
In reviewing proposals and making awards under division (A) of	122185
this section, the Chancellor may enlist the assistance of the	122186
Ohio Technology Transfer Officer's Council.	122187
(B) Of the foregoing appropriation item 235639, Research	122188
Incentive Third Frontier - Tax, up to \$2,000,000 in each fiscal	122189
year may be allocated toward research regarding the improvement	122190

of water quality, up to \$750,000 in each fiscal year may be 122191  
allocated for spinal cord research, up to \$750,000 in each 122192  
fiscal year may be allocated toward research regarding cyber 122193  
security initiatives, up to \$300,000 in each fiscal year may be 122194  
allocated toward the I-Corps@Ohio program, and up to \$200,000 in 122195  
each fiscal year may be allocated toward the Ohio Innovation 122196  
Exchange program. 122197

**Section 381.680. VETERANS PREFERENCES** 122198

The Chancellor of Higher Education shall work with the 122199  
Department of Veterans Services to develop specific veterans 122200  
preference guidelines for higher education institutions. These 122201  
guidelines shall ensure that the institutions' hiring practices 122202  
are in accordance with the intent of Ohio's veterans' preference 122203  
laws. 122204

**Section 381.690. (A) As used in this section:** 122205

(1) "Board of trustees" includes the managing authority of 122206  
a university branch district. 122207

(2) "State institution of higher education" has the same 122208  
meaning as in section 3345.011 of the Revised Code. 122209

(B) The board of trustees of any state institution of 122210  
higher education, notwithstanding any rule of the institution to 122211  
the contrary, may adopt a policy providing for mandatory 122212  
furloughs of employees, including faculty, to achieve spending 122213  
reductions necessitated by institutional budget deficits. 122214

**Section 381.700. EFFICIENCY REPORTS** 122215

In each fiscal year, the board of trustees of each public 122216  
institution of higher education shall approve the institution's 122217  
efficiency report submitted to the Chancellor of Higher 122218

Education under section 3333.95 of the Revised Code.	122219
MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS	122220
For each fiscal year, each institution of higher education	122221
that receives funds from the foregoing appropriation items	122222
235515, Case Western Reserve University School of Medicine,	122223
235519, Family Practice, 235525, Geriatric Medicine, 235526,	122224
Primary Care Residencies, 235536, The Ohio State University	122225
Clinical Teaching, 235537, University of Cincinnati Clinical	122226
Teaching, 235538, University of Toledo Clinical Teaching,	122227
235539, Wright State University Clinical Teaching, 235540, Ohio	122228
University Clinical Teaching, 235541, Northeast Ohio Medical	122229
University Clinical Teaching, 235543, Kent State University	122230
College of Podiatric Medicine Clinic Subsidy, 235558, Long-term	122231
Care Research, and 235572, The Ohio State University Clinic	122232
Support, shall report to the Chancellor of Higher Education the	122233
residency status of graduates from the respective programs	122234
receiving support from those appropriation items one year and	122235
five years after graduating.	122236
<b>Section 381.710.</b> The Chancellor of Higher Education shall	122237
support the continued development of the Ohio Innovation	122238
Exchange for the purpose of showcasing the research expertise of	122239
Ohio's university and college faculty in a variety of fields,	122240
including, but not limited to, engineering, biomedicine, and	122241
information technology, and to identify institutional research	122242
equipment available in the state.	122243
<b>Section 381.720.</b> COLLEGE CREDIT PLUS PROGRAM	122244
(A) The Chancellor of Higher Education, in consultation	122245
with the Director of Education and Workforce, may take action as	122246
necessary to ensure that public colleges and universities and	122247

school districts are fully engaging and participating in the 122248  
College Credit Plus Program as required by Chapter 3365. of the 122249  
Revised Code. Such actions may include publicly displaying 122250  
program participation data by district and institution. 122251

(B) For the purposes of model pathways required under 122252  
section 3365.13 of the Revised Code, the Chancellor and Director 122253  
shall work with public secondary schools and partnering public 122254  
colleges and universities, as necessary, to encourage the 122255  
establishment of model pathways that prepare participants to 122256  
successfully enter the workforce in certain fields, which may 122257  
include any of the following: 122258

(1) Engineering technology and other fields essential to 122259  
the superconductor industry; 122260

(2) Nursing, with particular emphasis on models that 122261  
facilitate a participant's potential progression through 122262  
different levels of nursing; 122263

(3) Teaching and other related education professions; 122264

(4) Social and behavioral or mental health professions; 122265

(5) Law enforcement or corrections; and 122266

(6) Other fields as determined appropriate by the 122267  
Chancellor and Director, in consultation with the Governor's 122268  
Office of Workforce Transformation. 122269

(C) Notwithstanding any provision of law to the contrary, 122270  
students enrolled under a statewide innovative waiver pathway, 122271  
as established in section 3365.131 of the Revised Code, shall 122272  
follow a model pathway as established in section 3365.13 of the 122273  
Revised Code. Priority shall be given to pathways aligned with 122274  
engineering technology and other fields essential to the 122275

superconductor industry. 122276

**Section 381.730.** EASTERN GATEWAY COMMUNITY COLLEGE 122277

The Chancellor of Higher Education, in consultation with 122278  
postsecondary educational institutions and other stakeholders as 122279  
determined to be appropriate, shall monitor and evaluate the 122280  
ongoing availability of postsecondary educational offerings 122281  
within the four-county service district formerly served by 122282  
Eastern Gateway Community College. To the extent practicable, 122283  
the Chancellor shall seek to ensure a strong continuity of 122284  
postsecondary educational access to residents of the region, 122285  
with a particular focus on access to programs aligned with 122286  
regional workforce priorities. If determined to be necessary, 122287  
the Chancellor may seek to achieve favorable outcomes by 122288  
engaging with other postsecondary educational institutions to 122289  
encourage uninterrupted access to educational opportunities. 122290  
This may include, but not be limited to, outcomes associated 122291  
with academic program offerings, program-related equipment, or 122292  
physical facilities. 122293

**Section 381.740.** CREDENTIAL AND WORK EXPERIENCE 122294  
CONSIDERATION 122295

Prior to admitting any students applying for enrollment 122296  
after July 1, 2025, each state institution of higher education, 122297  
as defined in section 3345.011 of the Revised Code, shall 122298  
consider an applicant's work experience and credentials earned 122299  
as part of the admissions process. An applicant's work 122300  
experience or credential does not need to align to the program 122301  
or discipline the applicant is seeking to pursue to be 122302  
considered by the state institution as a positive reason to 122303  
accept the applicant as a student at the institution. 122304



At the time of the student's acceptance, an institution 122305  
shall either grant credit for prior learning or experience or 122306  
detail the potential opportunities and required documentation 122307  
needed to grant such credit based on the review of the student's 122308  
specific information provided in the application. 122309

**Section 381.750. GENERAL EDUCATION REQUIREMENTS** 122310

(A) Not later than December 31, 2025, the board of 122311  
trustees of each state institution of higher education, as 122312  
defined in section 3345.011 of the Revised Code, shall formally 122313  
review and evaluate the components of the state institution's 122314  
general education curriculum and adopt a resolution 122315  
acknowledging the board's completion of that review. Each board 122316  
shall submit a copy of its resolution to the Chancellor of 122317  
Higher Education. 122318

(B) Not later than March 31, 2026, the board of trustees 122319  
of each state institution of higher education shall formally 122320  
evaluate the state institution's general education curriculum to 122321  
enhance content that furthers the state's post-secondary 122322  
education attainment and workforce goals. In conducting the 122323  
evaluation, the board shall consider adjusting the general 122324  
education curriculum in the following areas: 122325

(1) Civics, culture, and society, including United States 122326  
and Ohio history, the foundations of American representative 122327  
government, how to disagree in a civil manner, and the 122328  
principles of civil discourse; 122329

(2) Artificial intelligence, STEM, and computational 122330  
thinking; 122331

(3) Entrepreneurship and the principles of innovation; 122332

(4) Workforce readiness, including fundamental skills 122333

necessary for Ohio's graduates to gain employment in in-demand occupations. 122334  
122335

(C) Not later than June 30, 2026, the board of trustees of each state institution of higher education shall adopt a resolution summarizing changes to the state institution's general education curriculum resulting from the evaluation process and submit a copy of the resolution to the Chancellor. 122336  
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(D) The Chancellor shall provide a copy of each resolution submitted under this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives. 122341  
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122343

(E) Adjustments made to a state institution of higher education's general education curriculum pursuant to this section are not exempt from the requirements of the Chancellor's program approval process. 122344  
122345  
122346  
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**Section 381.760. OHIO TECH TALENT INITIATIVE** 122348

(A) The Ohio Tech Talent Initiative is created. The purpose of the initiative is to promote, prioritize, and expand engineering technician education for engineering technology and other fields essential to the semiconductor and advanced manufacturing industries. In administering the program, the Chancellor of Higher Education may determine the list of academic programs included, in consultation with the Governor's Office of Workforce Transformation, based on the Classification of Instructional Programs (CIP). 122349  
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(B) For the purposes of model and statewide innovative waiver pathways authorized under sections 3365.13 and 3365.131 of the Revised Code, the Chancellor and Director of Education and Workforce, in consultation with the Governor's Office of Workforce Transformation, shall jointly collaborate with public 122358  
122359  
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122362

secondary schools and partnering public colleges and 122363  
universities, as necessary, to establish, promote, and 122364  
prioritize pathways that prepare participants to successfully 122365  
enter the workforce in engineering technology and other fields 122366  
essential to the semiconductor or advanced manufacturing 122367  
industries. The Chancellor and Director shall also leverage the 122368  
one-year option credit articulation process for students 122369  
enrolled in Ohio Technical Centers, as defined in section 122370  
3333.94 of the Revised Code, who complete a 900-hour program of 122371  
study and obtain an industry-recognized credential. 122372

(C) In administering the program, and notwithstanding any 122373  
provision of law to the contrary, the Chancellor and Director of 122374  
Development may utilize funds appropriated from the following 122375  
appropriation items with the goal of reducing student costs and 122376  
increasing the number of graduates in technician-aligned 122377  
programs: 122378

(1) Appropriation item 235438, Choose Ohio First 122379  
Scholarship; 122380

(2) Appropriation item 235517, Talent Ready Grant Program; 122381

(3) Appropriation item 235425, Ohio Work Ready Grant 122382  
Program; 122383

(4) Appropriation item 235494, Second Chance Grant 122384  
Program; 122385

(5) Appropriation item C23529, Workforce Based Training 122386  
and Equipment; 122387

(6) Appropriation item 195556, TechCred Program; 122388

(7) Other appropriation items as determined to be 122389  
necessary by the Chancellor, in consultation with the Governor's 122390

Office of Workforce Transformation. 122391

(D) The Chancellor may require a state institution of 122392  
higher education, as defined in section 3345.011 of the Revised 122393  
Code, and a private college as defined in section 3365.01 of the 122394  
Revised Code, to establish a workforce-education partnership 122395  
program, as defined in section 3333.93 of the Revised Code. In 122396  
establishing a workforce-education partnership program, the 122397  
Chancellor, in consultation with the Governor's Office of 122398  
Workforce Transformation, may require college, university and 122399  
employer participants to specifically focus on engineering 122400  
technology and other fields essential to the semiconductor 122401  
industry, advanced manufacturing industry, or both. 122402

**Section 381.770. DIRECT ADMISSIONS** 122403

(A) As used in this section: 122404

(1) "Academic record" includes grade point average, high 122405  
school and college transcript information, standardized 122406  
assessment scores, scores on the end-of-course examinations 122407  
prescribed under section 3301.0712 of the Revised Code, and any 122408  
other measure of postsecondary readiness determined appropriate 122409  
by the Chancellor of Higher Education. 122410

(2) "Postsecondary institution" means any of the 122411  
following: 122412

(a) A state institution of higher education, as defined in 122413  
section 3345.011 of the Revised Code; 122414

(b) A private nonprofit institution of higher education 122415  
that holds a certificate of authorization under Chapter 1713. of 122416  
the Revised Code; 122417

(c) An Ohio technical center, as defined in section 122418

3333.94 of the Revised Code. 122419

(3) "School governing body" means the board of education 122420  
of a city, local, exempted village, or joint vocational school 122421  
district, the governing authority of a chartered nonpublic 122422  
school, the governing authority of a community school 122423  
established under Chapter 3314. of the Revised Code, or the 122424  
governing body of a STEM school established under Chapter 3326. 122425  
of the Revised Code. 122426

(B) The Chancellor of Higher Education, in consultation 122427  
with the Director of Education and Workforce, shall establish a 122428  
direct admissions pilot program to notify students enrolled at 122429  
participating high schools about whether they meet the 122430  
admissions criteria for participating postsecondary 122431  
institutions. 122432

Under the pilot program, the Chancellor shall establish a 122433  
process that uses a student's academic record to determine 122434  
whether the student meets the admissions requirements. To the 122435  
extent practicable, and in accordance with applicable law, the 122436  
Chancellor shall use existing primary, secondary, and higher 122437  
education student information systems to automate the process 122438  
and use information held by a participating student's high 122439  
school to minimize the need for the student to provide any 122440  
additional information. 122441

The Chancellor shall endeavor to implement the pilot 122442  
program so that students graduating in the 2026-2027 school year 122443  
may participate in the program. 122444

(C) The Chancellor may do any of the following: 122445

(1) Establish eligibility requirements for students, 122446  
school governing bodies, and postsecondary institutions who 122447

elect to participate in the pilot program; 122448

(2) Consult with stakeholders and form advisory councils 122449  
as necessary to design and operate the pilot program; 122450

(3) Terminate the pilot program if the Chancellor 122451  
determines its operation is impracticable. 122452

(D) A school governing body or postsecondary institution 122453  
shall apply to participate in the pilot program in a form and 122454  
manner prescribed by the Chancellor. 122455

A participating school governing body may adopt a written 122456  
policy authorizing any high school it operates to participate in 122457  
the pilot program. Not later than ninety days after the adoption 122458  
of the policy, the school governing body shall transmit an 122459  
electronic copy of the policy to the Chancellor and the Director 122460  
of Education and Workforce. 122461

A participating school governing body shall develop a 122462  
procedure to determine whether a student who wants to 122463  
participate in the pilot program meets any eligibility 122464  
requirements established under division (C) of this section. 122465

(E) At least once each school year, the Chancellor, in 122466  
consultation with the Director of Education and Workforce, shall 122467  
issue a report on the pilot program. The Chancellor shall set a 122468  
deadline for the report's issuance. The report shall include 122469  
information about the number of students who participate in the 122470  
program. The report also shall evaluate, to the extent 122471  
practicable, the impact of the program on postsecondary outcomes 122472  
for students from populations traditionally underserved in 122473  
higher education. 122474

The Chancellor shall submit the report to the Governor, 122475  
the President of the Senate, the Speaker of the House of 122476

Representatives, the Director of Education and Workforce, the 122477  
Director of Budget and Management, and the Governor's Office of 122478  
Workforce Transformation. 122479

(F) No student, school governing body, or postsecondary 122480  
institution shall be required to participate in the pilot 122481  
program. 122482

**Section 383.10.** 122483  
122484

	1	2	3	4	5
A	DRC DEPARTMENT OF REHABILITATION AND CORRECTION				
B	General Revenue Fund				
C	GRF	501321	Institutional Operations	\$1,465,770,700	\$1,539,309,235
D	GRF	501405	Reentry, Housing, and Support Services	\$87,700,200	\$90,558,100
E	GRF	501406	Adult Correctional Facilities Lease Rental Bond Payments	\$42,000,000	\$60,000,000
F	GRF	501407	Community Nonresidential Programs	\$71,472,947	\$74,153,531
G	GRF	501408	Community Misdemeanor Programs	\$10,101,000	\$10,555,545
H	GRF	501411	Probation Improvement and Incentive Grants	\$5,512,500	\$5,760,562
I	GRF	501501	Community Residential	\$104,015,600	\$108,161,800

			Programs - Community Based Correctional Facilities		
J	GRF	503321	Parole and Community Operations	\$135,000,000	\$135,000,000
K	GRF	504321	Administrative Operations	\$29,927,970	\$31,394,440
L	GRF	505321	Institution Medical Services	\$377,800,462	\$402,429,929
M	GRF	506321	Institution Education Services	\$53,496,437	\$57,943,527
N			General Revenue Fund Total	\$2,382,797,816	\$2,515,266,669
O			Dedicated Purpose Fund Group		
P	4B00	501601	Sewer Treatment Services	\$600,000	\$600,000
Q	4D40	501603	Prisoner Programs	\$400,000	\$400,000
R	4L40	501604	Transitional Control	\$2,450,000	\$2,450,000
S	4S50	501608	Education Services	\$4,660,000	\$4,660,000
T	5AF0	501609	State and Non-Federal Awards	\$1,300,000	\$1,300,000
U	5H80	501617	Offender Financial Responsibility	\$1,860,000	\$1,860,000
V	5ZQ0	501505	Local Jail Grants	\$75,000,000	\$0



W	Dedicated Purpose Fund Group Total	\$86,270,000	\$11,270,000
X	Internal Service Activity Fund Group		
Y	1480 501602 Institutional Services	\$3,500,000	\$3,500,000
Z	2000 501607 Ohio Penal Industries	\$46,515,000	\$46,515,000
AA	4830 501605 Leased Property Maintenance and Operating	\$7,500,000	\$7,500,000
AB	5710 501606 Corrections Training Maintenance and Operating	\$940,000	\$940,000
AC	5L60 501611 Information Technology Services	\$500,000	\$500,000
AD	Internal Service Activity Fund Group Total	\$58,955,000	\$58,955,000
AE	Federal Fund Group		
AF	3230 501619 Federal Grants	\$4,500,000	\$4,500,000
AG	3CW0 501622 Federal Equitable Sharing	\$300,000	\$300,000
AH	Federal Fund Group Total	\$4,800,000	\$4,800,000
AI	TOTAL ALL BUDGET FUND GROUPS	\$2,532,822,816	\$2,590,291,669

**Section 383.20. EXPEDITED PARDON INITIATIVE** 122485

Of the foregoing appropriation item 501321, Institutional 122486  
Operations, up to \$500,000 in each fiscal year may be used by 122487  
the Department of Rehabilitation and Correction to support 122488

projects connecting rehabilitated citizens with community 122489  
partners to advance the expedited pardon initiative and help 122490  
eligible individuals navigate the process and access clemency. 122491

FELONY OFFENSE COST REIMBURSEMENTS 122492

Of the foregoing appropriation item 501321, Institutional 122493  
Operations, the Department of Rehabilitation and Correction 122494  
shall allocate an amount not to exceed \$250,000 in each fiscal 122495  
year to reimburse counties for their costs incurred in the 122496  
prosecution of felonies that occur on the grounds of state 122497  
correctional institutions operated by the Department. Eligible 122498  
reimbursement costs include those incurred by the prosecuting 122499  
attorney, indigent defense counsel, the court of common pleas, 122500  
the clerk of the court of common pleas, and the sheriff. 122501

OSU MEDICAL CHARGES 122502

Notwithstanding section 341.192 of the Revised Code, at 122503  
the request of the Department of Rehabilitation and Correction, 122504  
the Ohio State University Medical Center, including the Arthur 122505  
G. James Cancer Hospital and Richard J. Solove Research 122506  
Institute and the Richard M. Ross Heart Hospital, shall provide 122507  
necessary care to persons who are confined in state adult 122508  
correctional facilities. The provision of necessary inpatient 122509  
care billed to the Department shall be reimbursed at a rate not 122510  
to exceed the authorized reimbursement rate for the same service 122511  
established by the Department of Medicaid under the Medicaid 122512  
Program. 122513

TRANSITIONAL HOUSING FUNDING 122514

Of the foregoing appropriation item 501405, Reentry, 122515  
Housing, and Support Services, priority shall be given to 122516  
residential providers that accept and place individuals released 122517

from institutions operated by the Department of Rehabilitation 122518  
and Correction to the supervision of the Adult Parole Authority 122519  
who were previously rejected by all other residential providers. 122520

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 122521

The foregoing appropriation item 501406, Adult 122522  
Correctional Facilities Lease Rental Bond Payments, shall be 122523  
used to meet all payments during the period from July 1, 2025, 122524  
through June 30, 2027, by the Department of Rehabilitation and 122525  
Correction pursuant to leases and agreements for facilities made 122526  
under Chapters 152. and 154. of the Revised Code. These 122527  
appropriations are the source of funds pledged for bond service 122528  
charges on related obligations issued under Chapters 152. and 122529  
154. of the Revised Code. 122530

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 122531

The foregoing appropriation item 501411, Probation 122532  
Improvement and Incentive Grants, shall be allocated by the 122533  
Department of Rehabilitation and Correction to municipalities as 122534  
Probation Improvement and Incentive Grants with an emphasis on: 122535  
(1) providing services to those addicted to opiates and other 122536  
illegal substances, and (2) supplementing the programs and 122537  
services funded by grants distributed from the foregoing 122538  
appropriation item 501407, Community Nonresidential Programs. 122539

FREDERICK DOUGLASS PROJECT FOR JUSTICE 122540

Of the foregoing appropriation item 506321, Institution 122541  
Education Services, \$350,000 in fiscal year 2026 and \$150,000 in 122542  
fiscal year 2027 shall be distributed directly to the Frederick 122543  
Douglass Project for Justice to operate in all prisons. 122544

**Section 383.30.** LOCAL JAIL GRANTS 122545

The foregoing appropriation item 501505, Local Jail Grants, shall be used for the construction and renovation of county jails. The Department of Rehabilitation and Correction shall designate the projects involving the construction and renovation of county jails.

To determine which projects will receive funding, the Department of Rehabilitation and Correction shall rank each county based on its financial need with a percentile ranking using the following funding formula, as calculated by the Department of Taxation.

The Department of Taxation shall determine the total value of all property in the county listed and assessed for taxation on the tax list as reported by the Department of Taxation in the preceding tax year, and list each county in order of total value, ascending, so that the county with the lowest value is number one on the list, which shall be called its property tax ranking.

The Department of Taxation also shall rank each county based on the estimate of the gross amount of taxable retail sales sourced to the county as reported by the Department for the preceding calendar year, computed by dividing the total amount of tax revenue received by the county during that period from taxes levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 of the Revised Code by the aggregate tax rate levied by the county under sections 5739.021 and 5739.026 of the Revised Code on the last day of the preceding calendar year, and list each county in order of total value, ascending, so that the county with the lowest value is number one on the list, except that any county that does not currently levy taxes under section 5739.021 or 5739.026 of the Revised Code shall be ranked at

number eighty-eight on the list, which ranking shall be called 122576  
its sales tax ranking. 122577

The Department of Taxation shall then, for each county, 122578  
add the property tax ranking to the sales tax ranking, and shall 122579  
order the counties according to the sum of the two rankings, the 122580  
county with the lowest sum being number one on the list, to 122581  
determine the county's final ranking. The percentile ranking 122582  
shall be determined by taking the county's final ranking, 122583  
dividing it by eighty-eight, and multiplying it by one hundred. 122584

If the final ranking is the same for two or more counties, 122585  
the county with the lowest population shall receive the lowest 122586  
final ranking. The final ranking for the counties shall be 122587  
numbers one through eighty-eight, the lowest ranking county 122588  
being number one, and the highest number eighty-eight. 122589

Upon receiving the final rankings, the Department of 122590  
Rehabilitation and Correction shall select a number of counties 122591  
among the lowest ranking counties and invite the selected 122592  
counties to apply for assistance. Two or more counties may 122593  
jointly apply for assistance as long as at least one of the 122594  
counties was invited to apply. 122595

The Department of Rehabilitation and Correction shall 122596  
adopt guidelines to accept and review applications and designate 122597  
projects. The guidelines shall require the county or counties to 122598  
justify the need for the project and to comply with timelines 122599  
for the submission of documentation pertaining to the project 122600  
and project location. The guidelines may require applications 122601  
for multicounty jail facilities to provide evidence that the 122602  
counties all are in agreement regarding each county's respective 122603  
share of the basic project cost and each county's respective 122604  
share of the operations and maintenance of the proposed jail 122605

facility and evidence that each county will be able to generate 122606  
adequate revenue to fund its respective portion of the basic 122607  
project cost and the operations and maintenance of the proposed 122608  
jail facility. 122609

Upon the application of a county so invited, the 122610  
Department of Rehabilitation and Correction shall proceed with a 122611  
needs assessment. 122612

Under a needs assessment, the Department shall make a 122613  
determination of all of the following: 122614

(1) The need of the county for additional jail facilities, 122615  
or for renovations or improvements to existing jail facilities, 122616  
based on whether and to what extent existing facilities comply 122617  
with the standards in section 5120.10 of the Revised Code, 122618  
including the age and condition of the jail facilities; 122619

(2) The number of jail facilities to be included in a 122620  
project; 122621

(3) The estimated annual, monthly, or daily cost of 122622  
operating the facility once it is operational, as reported and 122623  
certified by the county auditor; 122624

(4) The estimated basic project cost of constructing, 122625  
acquiring, reconstructing, or making additions to each facility; 122626

(5) Whether the county has recently received a grant from 122627  
the state to construct or renovate jail facilities. 122628

The Department, following the completion of a needs 122629  
assessment, shall make a determination in favor of constructing, 122630  
acquiring, reconstructing, or making additions to a jail 122631  
facility only upon evidence that the proposed project conforms 122632  
to the construction and renovation standards described in 122633

divisions (D) and (E) of section 5120.10 of the Revised Code, 122634  
and that it keeps with the needs of the county or counties as 122635  
determined by the needs assessment. Exceptions shall be 122636  
authorized only in those areas where topography, sparsity of 122637  
population, and other factors make larger jail facilities 122638  
impracticable. 122639

Except as otherwise provided in this section, the portion 122640  
of the basic project cost supplied by the state for each 122641  
approved county shall be the difference between one hundred per 122642  
cent, and a per cent equal to one per cent of the basic project 122643  
costs times the percentile in which the county ranks according 122644  
to the percentile ranking under this section, for the fiscal 122645  
year preceding the fiscal year in which the Department approved 122646  
the county's or counties' project. 122647

At no time shall the state's portion of the basic project 122648  
cost be less than twenty-five per cent of the total basic 122649  
project cost. If a county's portion of the basic project cost is 122650  
calculated to be greater than seventy-five per cent of the total 122651  
basic project cost, the county's portion shall be seventy-five 122652  
per cent of the basic project cost. In the case of a multicounty 122653  
jail facility, if the sum of two or more counties' portions of 122654  
the total basic project cost are calculated to be greater than 122655  
seventy-five per cent of the total basic project cost, the 122656  
counties' portions shall be determined pro rata, so that the sum 122657  
of their portions shall be equal to seventy-five per cent of the 122658  
total basic project cost. 122659

The Department of Rehabilitation and Correction shall 122660  
award the funds to selected counties not later than July 1, 122661  
2027. 122662

**Section 387.10.** 122663

122664

1	2	3	4	5
A		RDF STATE REVENUE DISTRIBUTIONS		
B		General Revenue Fund		
C	GRF 042511	Public Library Funding	\$485,000,000	\$495,000,000
D	GRF 110403	Personal Property Tax Replacement Phase Out - Local Government	\$3,770,000	\$3,170,000
E	GRF 110908	Property Tax Reimbursement - Local Government	\$687,764,172	\$698,816,877
F	GRF 200417	Personal Property Tax Replacement Phase Out - School District	\$46,478,241	\$42,618,185
G	GRF 200903	Property Tax Reimbursement - Education	\$1,291,917,108	\$1,312,678,846
H		General Revenue Fund Total	\$2,514,929,521	\$2,552,283,908
I		Revenue Distribution Fund Group		
J	5JG0 110633	Gross Casino Revenue Payments - County	\$168,320,000	\$166,460,000
K	5JH0 110634	Gross Casino Revenue Payments - School Districts	\$112,210,000	\$110,970,000



L	5JJ0	110636	Gross Casino Revenue - Host City	\$16,530,000	\$16,400,000
M	7049	336900	Indigent Drivers Alcohol Treatment	\$1,800,000	\$1,800,000
N	7050	762900	International Registration Plan Distribution	\$26,000,000	\$26,000,000
O	7051	762901	Auto Registration Distribution	\$379,000,000	\$391,000,000
P	7060	110652	Gasoline Excise Tax Fund - Municipal	\$413,400,000	\$421,900,000
Q	7060	110653	Gasoline Excise Tax Fund - Township	\$214,000,000	\$218,400,000
R	7060	110654	Gasoline Excise Tax Fund - County	\$359,800,000	\$367,200,000
S	7066	800966	Undivided Liquor Permits	\$14,600,000	\$14,600,000
T	7069	110969	Local Government Fund	\$531,700,000	\$549,100,000
U	7082	110982	Horse Racing Tax	\$31,200	\$31,200
V	7083	700900	Ohio Fairs Fund	\$471,000	\$471,000
W	Revenue Distribution Fund Group Total			\$2,237,862,200	\$2,284,332,200
X	Fiduciary Fund Group				
Y	4P80	001698	Cash Management	\$1,000,000	\$1,000,000

Improvement Fund					
Z	5VR0	110902	Municipal Net Profit Tax	\$241,330,000	\$253,400,000
AA	6080	001699	Investment Earnings	\$1,050,000,000	\$975,000,000
AB	7001	110996	Horse Racing Tax Local Government Payments	\$120,000	\$120,000
AC	7062	110962	Resort Area Excise Tax Distribution	\$2,540,000	\$2,650,000
AD	7063	110963	Permissive Sales Tax Distribution	\$3,706,800,000	\$3,788,700,000
AE	7067	110967	School District Income Tax Distribution	\$748,610,000	\$778,170,000
AF	7085	800985	Volunteer Firemen's Dependents Fund	\$300,000	\$300,000
AG	7094	110641	Wireless 9-1-1 Government Assistance	\$35,500,000	\$31,300,000
AH	7095	110995	Municipal Income Tax	\$8,100,000	\$8,100,000
AI	7099	762902	Permissive Tax Distribution - Auto Registration	\$262,000,000	\$270,000,000
AJ	Fiduciary Fund Group Total			\$6,056,300,000	\$6,108,740,000
AK	Holding Account Fund Group				
AL	R045	110617	International Fuel Tax	\$101,700,000	\$108,200,000

Distribution

AM Holding Account Fund Group Total	\$101,700,000	\$108,200,000
AN TOTAL ALL BUDGET FUND GROUPS	\$10,910,791,721	\$11,053,556,108

**Section 387.20.** ADDITIONAL APPROPRIATIONS 122665

Appropriation items in Section 387.10 of this act shall be 122666  
used for the purpose of administering and distributing the 122667  
designated revenue distribution funds according to the Revised 122668  
Code. If it is determined that additional appropriations are 122669  
necessary for this purpose in any appropriation items in Section 122670  
387.10 of this act, such amounts are hereby appropriated. 122671

TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS 122672

The foregoing appropriation items 200417, Personal 122673  
Property Tax Replacement Phase Out-School District, and 110403, 122674  
Personal Property Tax Replacement Phase Out - Local Government, 122675  
shall be used to make reimbursement payments to school districts 122676  
and other local taxing units under sections 5709.92 and 5709.93 122677  
of the Revised Code. If it is determined that additional 122678  
appropriations are needed to make those reimbursement payments 122679  
in full, such amounts are hereby appropriated. 122680

Notwithstanding division (I) of section 5709.92 of the 122681  
Revised Code, any school district that has a nuclear power plant 122682  
located within its territory shall receive no less under this 122683  
section in fiscal year 2027 than paid in fiscal year 2026. 122684

PROPERTY TAX REIMBURSEMENT - EDUCATION 122685

The foregoing appropriation item 200903, Property Tax 122686  
Reimbursement - Education, is appropriated to pay for the 122687

state's costs incurred because of the homestead exemption, the 122688  
property tax rollback, and payments required under division (C) 122689  
of section 5705.2110 of the Revised Code. In cooperation with 122690  
the Department of Taxation, the Department of Education and 122691  
Workforce shall distribute these funds directly to the 122692  
appropriate school districts of the state, notwithstanding 122693  
sections 321.24 and 323.156 of the Revised Code, which provide 122694  
for payment of the homestead exemption and property tax rollback 122695  
by the Tax Commissioner to the appropriate county treasurer and 122696  
the subsequent redistribution of these funds to the appropriate 122697  
local taxing districts by the county auditor. 122698

Upon receipt of these amounts, each school district shall 122699  
distribute the amount among the proper funds as if it had been 122700  
paid as real or tangible personal property taxes. Payments for 122701  
the costs of administration shall continue to be paid to the 122702  
county treasurer and county auditor as provided for in sections 122703  
319.54, 321.26, and 323.156 of the Revised Code. 122704

Any sums, in addition to the amount specifically 122705  
appropriated in appropriation item 200903, Property Tax 122706  
Reimbursement - Education, for the homestead exemption and the 122707  
property tax rollback payments, and payments required under 122708  
division (C) of section 5705.2110 of the Revised Code, which are 122709  
determined to be necessary for these purposes, are hereby 122710  
appropriated. 122711

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 122712

The foregoing appropriation item 110908, Property Tax 122713  
Reimbursement-Local Government, is hereby appropriated to pay 122714  
for the state's costs incurred due to the Homestead Exemption, 122715  
the Manufactured Home Property Tax Rollback, and the Property 122716  
Tax Rollback. The Tax Commissioner shall distribute these funds 122717

directly to the appropriate local taxing districts, except for 122718  
school districts, notwithstanding the provisions in sections 122719  
321.24 and 323.156 of the Revised Code, which provide for 122720  
payment of the Homestead Exemption, the Manufactured Home 122721  
Property Tax Rollback, and Property Tax Rollback by the Tax 122722  
Commissioner to the appropriate county treasurer and the 122723  
subsequent redistribution of these funds to the appropriate 122724  
local taxing districts by the county auditor. 122725

Upon receipt of these amounts, each local taxing district 122726  
shall distribute the amount among the proper funds as if it had 122727  
been paid as real property taxes. Payments for the costs of 122728  
administration shall continue to be paid to the county treasurer 122729  
and county auditor as provided for in sections 319.54, 321.26, 122730  
and 323.156 of the Revised Code. 122731

Any sums, in addition to the amounts specifically 122732  
appropriated in appropriation item 110908, Property Tax 122733  
Allocation - Local Government, for the Homestead Exemption, the 122734  
Manufactured Home Property Tax Rollback, and the Property Tax 122735  
Rollback payments, which are determined to be necessary for 122736  
these purposes, are hereby appropriated. 122737

MUNICIPAL INCOME TAX 122738

The foregoing appropriation item 110995, Municipal Income 122739  
Tax, shall be used to make payments to municipal corporations 122740  
under section 5745.05 of the Revised Code. If it is determined 122741  
that additional appropriations are necessary to make such 122742  
payments, such amounts are hereby appropriated. 122743

MUNICIPAL NET PROFIT TAX 122744

The foregoing appropriation item 110902, Municipal Net 122745  
Profit Tax, shall be used to make payments to municipal 122746

corporations under section 718.83 of the Revised Code. If it is 122747  
determined that additional amounts are necessary to make such 122748  
payments, such amounts are hereby appropriated. 122749

During fiscal year 2026 and fiscal year 2027, if the Tax 122750  
Commissioner determines that there is insufficient cash in the 122751  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 122752  
distribution obligations under section 718.83 of the Revised 122753  
Code, the Tax Commissioner shall certify to the Director of 122754  
Budget and Management the amount of additional cash necessary to 122755  
satisfy those obligations. In addition, the Commissioner shall 122756  
submit a plan to the Director requesting the necessary cash be 122757  
transferred from one or a combination of the following funds: 122758  
the Municipal Income Tax Administrative Fund, the Local Sales 122759  
Tax Administrative Fund, the General School District Income Tax 122760  
Administrative Fund, the Motor Fuel Tax Administrative Fund, the 122761  
Property Tax Administrative Fund, or the General Revenue Fund. 122762  
This plan shall include a proposed repayment schedule to 122763  
reimburse those funds for any cash transferred in accordance 122764  
with this section. After receiving the certification and funding 122765  
plan from the Tax Commissioner and if the Director determines 122766  
that sufficient cash is available, the Director may transfer the 122767  
cash to the Municipal Net Profit Tax Fund in accordance with the 122768  
plan submitted by the Tax Commissioner or as otherwise 122769  
determined by the Director of Budget and Management. The 122770  
Director of Budget and Management may transfer cash from the 122771  
Municipal Net Profit Tax Fund to reimburse the funds from which 122772  
cash was transferred for the purpose outlined in this section. 122773

LOCAL GOVERNMENT FUND 122774

Notwithstanding the requirement in division (A) of section 122775  
131.51 of the Revised Code that the Director of Budget and 122776

Management credit to the Local Government Fund one and seven- 122777  
 tenths per cent of the total tax revenue credited to the General 122778  
 Revenue Fund during the preceding month, the Director shall 122779  
 instead calculate these amounts during fiscal year 2026 and 122780  
 fiscal year 2027 using one and seventy-five one-hundredths as 122781  
 the percentage. 122782

**Section 391.10.**

122783

122784

1	2	3	4	5
A	OSB DEAF AND BLIND EDUCATION SERVICES			
B	General Revenue Fund			
C	GRF 226321 Operations		\$32,700,258	\$33,454,668
D	General Revenue Fund Total		\$32,700,258	\$33,454,668
E	Dedicated Purpose Fund Group			
F	4H80 226602 Blind School State Grants		\$350,000	\$350,000
G	4M00 226400 Deaf School Educational Program Expenses		\$250,000	\$250,000
H	4M10 226401 Deaf School State Grants		\$25,000	\$25,000
I	4M50 226601 Blind School Educational Program Expenses		\$330,000	\$340,000
J	5H60 226402 Early Childhood Education		\$65,000	\$65,000
K	5NJ0 226622 Employee Food Service Charges		\$22,467	\$23,141

L	Dedicated Purpose Fund Group Total	\$1,042,467	\$1,053,141
M	Federal Fund Group		
N	3100 226626 Blind School Federal Grants	\$1,099,000	\$1,099,000
O	3110 226403 Deaf School Federal Grants	\$574,000	\$574,000
P	3DT0 226621 Ohio Transition Collaborative	\$230,000	\$230,000
Q	3P50 226643 Medicaid Professional Services Reimbursement	\$459,500	\$459,500
R	Federal Fund Group Total	\$2,362,500	\$2,362,500
S	TOTAL ALL BUDGET FUND GROUPS	\$36,105,225	\$36,870,309

**Section 395.10.** 122785  
 122786

	1	2	3	4	5
A	SOS SECRETARY OF STATE				
B	General Revenue Fund				
C	GRF	050321	Operating Expenses	\$3,505,147	\$3,510,274
D	GRF	050407	Poll Workers Training	\$0	\$500,000
E	GRF	050509	County Voting Systems Lease Rental Payments	\$12,200,000	\$12,200,000



F	General Revenue Fund Total	\$15,705,147	\$16,210,274
G	Dedicated Purpose Fund Group		
H	4120 050609 Notary Commission	\$541,455	\$555,487
I	4S80 050610 Board of Voting Machine Examiners	\$14,400	\$14,400
J	5990 050603 Business Services Operating Expenses	\$28,686,668	\$29,281,310
K	5990 050629 Statewide Voter Registration Database	\$705,000	\$730,000
L	5990 050630 Elections Support Supplement	\$4,458,687	\$4,545,000
M	5990 050631 Precinct Election Officials Training	\$0	\$500,000
N	5990 050636 County Election Officials Training	\$240,000	\$240,000
O	5SN0 050626 Address Confidentiality	\$200,000	\$200,000
P	Dedicated Purpose Fund Group Total	\$34,846,210	\$36,066,197
Q	Holding Account Fund Group		
R	R002 050606 Corporate/Business Filing Refunds	\$85,000	\$85,000
S	Holding Account Fund Group Total	\$85,000	\$85,000

T	Federal Fund Group		
U	3AS0 050616 Help America Vote Act (HAVA)	\$100,000	\$100,000
V	Federal Fund Group Total	\$100,000	\$100,000
W	TOTAL ALL BUDGET FUND GROUPS	\$50,736,357	\$52,461,471

**Section 395.20. POLL WORKERS TRAINING** 122787

The foregoing appropriation item 050407, Poll Workers Training, shall be used to provide funding to county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. 122788  
122789  
122790  
122791

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 122792

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems. 122793  
122794  
122795  
122796  
122797  
122798  
122799  
122800

BOARD OF VOTING MACHINE EXAMINERS 122801

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used 122802  
122803  
122804  
122805  
122806  
122807

shall be returned to the person or entity submitting equipment 122808  
for examination. If it is determined by the Secretary of State 122809  
that additional appropriation amounts are necessary, the 122810  
Secretary of State may request that the Director of Budget and 122811  
Management approve such amounts. Upon approval of the Director 122812  
of Budget and Management, such amounts are hereby appropriated. 122813

BALLOT ADVERTISING COSTS 122814

Notwithstanding division (G) of section 3501.17 of the 122815  
Revised Code, upon requests submitted by the Secretary of State, 122816  
the Controlling Board may approve cash and appropriation 122817  
transfers from the Controlling Board Emergency 122818  
Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot 122819  
Advertising Fund (Fund 5FH0) in order to pay for the cost of 122820  
public notices associated with statewide ballot initiatives. 122821

ABSENT VOTER'S BALLOT APPLICATION MAILING 122822

Notwithstanding division (B) of section 111.31 of the 122823  
Revised Code, upon the request of the Secretary of State, the 122824  
Controlling Board may approve cash and appropriation transfers 122825  
from the Controlling Board Emergency Purposes/Contingencies Fund 122826  
(Fund 5KM0) to the Absent Voter's Ballot Application Mailing 122827  
Fund (Fund 5RG0) to be used by the Secretary of State to pay the 122828  
costs of printing and mailing unsolicited applications for 122829  
absent voters' ballots for the general election to be held in 122830  
November 2026. 122831

ADDRESS CONFIDENTIALITY PROGRAM 122832

Upon the request of the Secretary of State, the Director 122833  
of Budget and Management may transfer up to \$200,000 per fiscal 122834  
year in cash from the Business Services Operating Expenses Fund 122835  
(Fund 5990) to the Address Confidentiality Program Fund (Fund 122836

5SN0) .	122837
CORPORATE/BUSINESS FILING REFUNDS	122838
The foregoing appropriation item 050606,	122839
Corporate/Business Filing Refunds, shall be used to hold	122840
revenues until they are directed to the appropriate accounts or	122841
until they are refunded. If it is determined by the Secretary of	122842
State that additional appropriation amounts are necessary, the	122843
Secretary of State may request that the Director of Budget and	122844
Management approve such amounts. Upon approval of the Director	122845
of Budget and Management, such amounts are hereby appropriated.	122846
HAVA FUNDS	122847
An amount equal to the unexpended, unencumbered portion of	122848
appropriation item 050616, Help America Vote Act (HAVA), at the	122849
end of fiscal year 2025 is hereby reappropriated for the same	122850
purpose in fiscal year 2026.	122851
An amount equal to the unexpended, unencumbered portion of	122852
appropriation item 050616, Help America Vote Act (HAVA), at the	122853
end of fiscal year 2026 is hereby reappropriated for the same	122854
purpose in fiscal year 2027.	122855
<b>Section 395.30. ELECTRONIC POLLBOOKS</b>	122856
The appropriation item 050638, Electronic Pollbooks, shall	122857
be used by the Secretary of State to pay eighty-five per cent of	122858
the calculated allocation cost of acquiring electronic	122859
pollbooks, as defined in section 3506.05 of the Revised Code,	122860
and ancillary equipment, for county boards of elections in	122861
accordance with this section.	122862
An amount equal to the unexpended, unencumbered portion of	122863
the appropriation item 050638, Electronic Pollbooks, at the end	122864

of fiscal year 2025 is hereby reappropriated to the Secretary of State for the same purpose in fiscal year 2026.

When required, pursuant to state purchasing requirements and at the request of the Secretary of State, the Office of Procurement Services within the Department of Administrative Services shall initiate a competitive solicitation for the purpose of identifying and securing contracts with qualified vendors that can provide electronic pollbooks, as defined in section 3506.05 of the Revised Code, and ancillary equipment. The Department shall maintain such contracts for use by county boards of elections in accordance with this section.

The Secretary of State shall calculate the portion of appropriation item 050638, Electronic Pollbooks, to be allocated to each county board of elections in proportion to the number of registered voters in each county as recorded in the statewide voter registration database as of July 1, 2022. The Secretary of State, in conjunction with the Office of Procurement Services within the Department of Administrative Services, shall use the funding allocated to each county board of elections to reimburse them for the cost of acquiring electronic pollbooks and ancillary equipment as follows:

(A) For electronic pollbooks and ancillary equipment to be acquired from vendors identified through competitive solicitation by the Office of Procurement Services within the Department of Administrative Services after the effective date of this section, upon request by a county board of elections, the Secretary of State shall provide a list of the vendors and electronic pollbooks certified in accordance with section 3506.05 of the Revised Code. The board of elections shall select electronic pollbooks from this list, notify the Secretary of

State of its selection, and shall acquire the selected 122895  
electronic pollbooks and any other necessary equipment. The 122896  
board of elections shall enter into a memorandum of 122897  
understanding with the applicable board of county commissioners 122898  
and the Secretary of State concerning those acquisitions. The 122899  
Secretary of State shall reimburse the board of elections for 122900  
the lesser amount of either eighty-five per cent of the cost of 122901  
those acquisitions, or the amount of the allocation as 122902  
determined by the Secretary of State under this section. 122903

(B) If, between December 31, 2019 and July 1, 2023, a 122904  
board of elections acquired electronic pollbooks or ancillary 122905  
equipment and is otherwise in compliance with all applicable 122906  
directives and statutes, the Secretary of State shall reimburse 122907  
the board of elections for the lesser amount of either eighty- 122908  
five per cent of the cost of that acquisition, or the amount of 122909  
the allocation as determined by the Secretary of State under 122910  
this section. Reimbursement shall be paid to the county board of 122911  
elections. 122912

**Section 397.10.** 122913  
122914

1	2	3	4	5
A	SEN THE OHIO SENATE			
B	General Revenue Fund			
C	GRF 020321 Operating Expenses		\$27,000,000	\$27,000,000
D	General Revenue Fund Total		\$27,000,000	\$27,000,000
E	Internal Service Activity Fund Group			

F	1020	020602	Senate Reimbursement	\$425,800	\$425,800
G	4090	020601	Miscellaneous Sales	\$34,497	\$34,497
H			Internal Service Activity Fund Group	\$460,297	\$460,297
			Total		
I			TOTAL ALL BUDGET FUND GROUPS	\$27,460,297	\$27,460,297

**Section 397.20.** OPERATING EXPENSES 122915

On July 1, 2025, or as soon as possible thereafter, the 122916  
Clerk of the Senate may certify to the Director of Budget and 122917  
Management an amount up to the unexpended, unencumbered balance 122918  
of the foregoing appropriation item 020321, Operating Expenses, 122919  
at the end of fiscal year 2025 to be reappropriated to fiscal 122920  
year 2026. The amount certified is hereby reappropriated to the 122921  
same appropriation item for fiscal year 2026. 122922

On July 1, 2026, or as soon as possible thereafter, the 122923  
Clerk of the Senate may certify to the Director of Budget and 122924  
Management an amount up to the unexpended, unencumbered balance 122925  
of the foregoing appropriation item 020321, Operating Expenses, 122926  
at the end of fiscal year 2026 to be reappropriated to fiscal 122927  
year 2027. The amount certified is hereby reappropriated to the 122928  
same appropriation item for fiscal year 2027. 122929

**Section 399.10.** 122930

122931

1 2 3 4 5

A CSV COMMISSION ON SERVICE AND VOLUNTEERISM

B General Revenue Fund

C	GRF 866321 CSV Operations	\$694,000	\$694,000
D	General Revenue Fund Total	\$694,000	\$694,000
E	Dedicated Purpose Fund Group		
F	5GN0 866605 Serve Ohio Support	\$10,000	\$2,103
G	Dedicated Purpose Fund Group Total	\$10,000	\$2,103
H	Federal Fund Group		
I	3R70 866617 AmeriCorps Programs	\$13,923,794	\$13,956,503
J	Federal Fund Group Total	\$13,923,794	\$13,956,503
K	TOTAL ALL BUDGET FUND GROUPS	\$14,627,794	\$14,652,606

**Section 401.10.**

122932  
122933

1	2	3	4	5
A	CSF COMMISSIONERS OF THE SINKING FUND			
B	Debt Service Fund Group			
C	7070 155905 Third Frontier Research and Development Bond Retirement Fund	\$45,000,000	\$45,000,000	
D	7072 155902 Highway Capital Improvement Bond Retirement Fund	\$118,500,000	\$131,500,000	
E	7073 155903 Natural Resources Bond	\$14,300,000	\$14,300,000	



		Retirement Fund		
F	7074	155904 Conservation Projects	\$46,500,000	\$39,000,000
		Bond Retirement Fund		
G	7076	155906 Coal Research and	\$4,050,000	\$2,525,000
		Development Bond		
		Retirement Fund		
H	7077	155907 State Capital Improvement	\$225,000,000	\$240,000,000
		Bond Retirement Fund		
I	7078	155908 Common Schools Bond	\$255,000,000	\$230,000,000
		Retirement Fund		
J	7079	155909 Higher Education Bond	\$250,000,000	\$210,000,000
		Retirement Fund		
K	7080	155901 Persian Gulf,	\$975,000	\$0
		Afghanistan, and Iraq		
		Conflict Bond Retirement		
		Fund		
L		Debt Service Fund Group Total	\$959,325,000	\$912,325,000
M		TOTAL ALL BUDGET FUND GROUPS	\$959,325,000	\$912,325,000

**Section 401.20.** ADDITIONAL APPROPRIATIONS 122934

Appropriation items in this section are for the purpose of 122935  
 paying debt service and financing costs during the period from 122936  
 July 1, 2025, through June 30, 2027, on bonds or notes of the 122937  
 state issued under the Ohio Constitution, Revised Code, and acts 122938  
 of the General Assembly. If it is determined that additional 122939

amounts are necessary for this purpose, such amounts are hereby 122940  
appropriated. 122941

**Section 404.10.** 122942  
122943

	1	2	3	4	5
A	SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	123609	Operating Expenses	\$649,200	\$665,400
D	Dedicated Purpose Fund Group Total			\$649,200	\$665,400
E	TOTAL ALL BUDGET FUND GROUPS			\$649,200	\$665,400

**Section 407.10.** 122944  
122945

	1	2	3	4	5
A	BTA BOARD OF TAX APPEALS				
B	General Revenue Fund				
C	GRF	116321	Operating Expenses	\$2,110,000	\$2,160,000
D	General Revenue Fund Total			\$2,110,000	\$2,160,000
E	TOTAL ALL BUDGET FUND GROUPS			\$2,110,000	\$2,160,000

**Section 409.10.** 122946  
122947

	1	2	3	4	5
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A	TAX DEPARTMENT OF TAXATION			
B	General Revenue Fund			
C	GRF 110321	Operating Expenses	\$63,677,392	\$67,427,723
D	GRF 110404	Tobacco Settlement Enforcement	\$163,000	\$166,271
E	General Revenue Fund Total		\$63,840,392	\$67,593,994
F	Dedicated Purpose Fund Group			
G	2280 110628	CAT Administration	\$13,368,132	\$13,072,718
H	4350 110607	Local Tax Administration	\$38,632,001	\$39,008,489
I	4360 110608	Motor Vehicle Audit Administration	\$1,282,300	\$1,282,300
J	4380 110609	School District Income Tax Administration	\$9,651,710	\$9,732,886
K	4C60 110616	International Registration Plan Administration	\$697,635	\$706,187
L	4R60 110610	Tire Tax Administration	\$138,123	\$138,123
M	5BP0 110639	Wireless 9-1-1 Administration	\$251,418	\$251,418
N	5JM0 110637	Casino Tax Administration	\$101,000	\$101,000
O	5N50 110605	Municipal Income Tax	\$115,848	\$115,848

		Administration			
P	5N60	110618	Kilowatt Hour Tax	\$63,415	\$63,415
			Administration		
Q	5NY0	110643	Petroleum Activity Tax	\$1,114,260	\$1,114,260
			Administration		
R	5V70	110622	Motor Fuel Tax	\$6,713,625	\$6,871,008
			Administration		
S	5V80	110623	Property Tax	\$5,677,332	\$5,759,569
			Administration		
T	5YQ0	110651	Sports Gaming Tax	\$5,000	\$5,000
			Administration Operating Expenses		
U	5ZA0	110650	Ohio Tax System Operating Expenses	\$7,000,000	\$8,000,000
V	6390	110614	Cigarette Tax Enforcement	\$1,087,029	\$1,114,117
W	6880	110615	Local Excise Tax	\$391,778	\$392,536
			Administration		
X			Dedicated Purpose Fund Group Total	\$86,290,606	\$87,728,874
Y			Fiduciary Fund Group		
Z	4250	110635	Tax Refunds	\$3,082,044,000	\$3,082,044,000
AA	5CZ0	110631	Vendor's License Application	\$575,000	\$575,000

AB Fiduciary Fund Group Total	\$3,082,619,000	\$3,082,619,000
AC Holding Account Fund Group		
AD R010 110611 Tax Distributions	\$25,000	\$25,000
AE R011 110612 Miscellaneous Tax Receipts	\$500	\$500
AF Holding Account Fund Group Total	\$25,500	\$25,500
AG TOTAL ALL BUDGET FUND GROUPS	\$3,232,775,498	\$3,237,967,368

**Section 409.20. TAX REFUNDS** 122948

The foregoing appropriation item 110635, Tax Refunds, 122949  
shall be used to pay refunds under section 5703.052 of the 122950  
Revised Code. If it is determined that additional appropriations 122951  
are necessary for this purpose, such amounts are hereby 122952  
appropriated. 122953

**VENDOR'S LICENSE PAYMENTS** 122954

The foregoing appropriation item 110631, Vendor's License 122955  
Application, shall be used to make payments to county auditors 122956  
under section 5739.17 of the Revised Code. If it is determined 122957  
that additional appropriations are necessary to make such 122958  
payments, such amounts are hereby appropriated. 122959

**INTERNATIONAL REGISTRATION PLAN ADMINISTRATION** 122960

The foregoing appropriation item 110616, International 122961  
Registration Plan Administration, shall be used under section 122962  
5703.12 of the Revised Code for audits of persons with vehicles 122963  
registered under the International Registration Plan. 122964

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	122965
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	122966 122967 122968 122969 122970 122971 122972 122973
TOBACCO SETTLEMENT ENFORCEMENT	122974
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	122975 122976 122977 122978
OHIO TAX SYSTEM SUPPORT FUND	122979
The foregoing appropriation item 110650, Ohio Tax System Operating Expenses, shall be used to pay costs incurred in the maintenance and support of the department's Ohio Tax System. The Tax Commissioner shall submit a plan to the Director of Budget and Management requesting the necessary cash be transferred to the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby created in the state treasury. Cash shall be transferred from any fund used by the Department of Taxation that is otherwise allowable under state or federal law, except the General Revenue Fund. This plan shall include a schedule of cash transfers. After receiving the funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Ohio Tax System Support Fund with the plan submitted by the Tax Commissioner or	122980 122981 122982 122983 122984 122985 122986 122987 122988 122989 122990 122991 122992 122993

as otherwise determined by the Director of Budget and Management. The transfers of cash to the Ohio Tax System Support Fund shall not exceed \$15,000,000 in the fiscal year 2026-2027 biennium.

MISCELLANEOUS TAX RECEIPTS

The foregoing appropriation item 110612, Miscellaneous Tax Receipts, shall be used to hold miscellaneous tax payments received by the Tax Commissioner until the appropriate account or fund is identified and the money can be transferred for the identified purpose. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

**Section 411.10.**

	1	2	3	4	5
A	DOT DEPARTMENT OF TRANSPORTATION				
B	General Revenue Fund				
C	GRF	772456	Unmanned Aerial Systems Center	\$4,500,000	\$500,000
D	GRF	775470	Public Transportation - State	\$37,014,636	\$37,014,636
E	GRF	776465	Rail Development	\$6,000,000	\$6,000,000
F	GRF	777471	Airport Improvements - State	\$17,000,000	\$15,000,000
G	General Revenue Fund Total			\$64,514,636	\$58,514,636

H	Dedicated Purpose Fund Group		
I	5CN1 777628 Ohio Airport Improvement Program	\$4,650,000	\$4,650,000
J	5QT0 776670 Ohio Maritime Assistance Program	\$4,000,000	\$4,000,000
K	Dedicated Purpose Fund Group Total	\$8,650,000	\$8,650,000
L	TOTAL ALL BUDGET FUND GROUPS	\$73,164,636	\$67,164,636

**Section 411.20. DRONES FOR FIRST RESPONDERS PILOT PROGRAM** 123008

Of the foregoing appropriation item 772456, Unmanned 123009  
Aerial Systems Center, \$4,000,000 in fiscal year 2026 shall be 123010  
used to fund the Drones for First Responders pilot program, 123011  
created under Section 755.20 of this act. 123012

An amount equal to the unexpended, unencumbered balance of 123013  
the foregoing appropriation item 772456, Unmanned Aerial Systems 123014  
Center, at the end of fiscal year 2026 is hereby reappropriated 123015  
to the same appropriation item in fiscal year 2027. 123016

**OHIO MARITIME ASSISTANCE PROGRAM** 123017

The foregoing appropriation item 776670, Ohio Maritime 123018  
Assistance Program, shall be used to provide grants under the 123019  
Ohio Maritime Assistance Program established under section 123020  
5501.91 of the Revised Code. 123021

An amount equal to the unexpended, unencumbered balance of 123022  
the foregoing appropriation item 776670, Ohio Maritime 123023  
Assistance Program, at the end of fiscal year 2026 is hereby 123024  
reappropriated to the same appropriation item in fiscal year 123025



2027. 123026

**Section 411.30.** AIRPORT IMPROVEMENTS - STATE 123027

Of the foregoing appropriation item 777471 Airport 123028  
Improvements - State, \$5,000,000 in each fiscal year shall be 123029  
used by the Office of Aviation to provide matching funds for 123030  
eligible airports awarded Airport Infrastructure Grant funding 123031  
through the Infrastructure Investment and Jobs Act. Any matching 123032  
funds provided to airports that are returned to the Office of 123033  
Aviation due to lower than estimated project costs shall be 123034  
reallocated to other eligible projects. The reallocated amounts 123035  
are hereby appropriated. 123036

Of the foregoing appropriation item 777471 Airport 123037  
Improvements - State, \$2,000,000 in fiscal year 2026 shall be 123038  
used by the Eastern Ohio Military Affairs Commission to support 123039  
construction and repair projects at the Youngstown Air Reserve 123040  
Station, the Youngstown-Warren Regional Airport, and the Camp 123041  
James A. Garfield Joint Military Training Center. 123042

OHIO AIRPORT IMPROVEMENT PROGRAM 123043

The foregoing appropriation item 777628, Ohio Airport 123044  
Improvement Program, shall be used to administer the Ohio 123045  
Airport Improvement Program established in section 4561.03 of 123046  
the Revised Code. 123047

An amount equal to the unexpended, unencumbered balance of 123048  
the foregoing appropriation item 777628, Ohio Airport 123049  
Improvement Program, at the end of fiscal year 2026 is hereby 123050  
reappropriated to the same appropriation item for fiscal year 123051  
2027. 123052

**Section 413.10.** 123053

123054

1	2	3	4	5
A	TOS TREASURER OF STATE			
B	General Revenue Fund			
C	GRF 090321	Operating Expenses	\$5,432,000	\$5,432,000
D	General Revenue Fund Total		\$5,432,000	\$5,432,000
E	Dedicated Purpose Fund Group			
F	4E90 090603	Securities Lending Income	\$12,972,444	\$13,408,214
G	4E90 090639	STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
H	4X90 090614	Political Subdivision Obligation	\$38,332	\$39,460
I	5770 090605	Investment Pool Reimbursement	\$1,838,291	\$1,885,100
J	5BE1 090638	Ohio Treasurer of State Information Technology Reserve	\$1,459,000	\$1,459,000
K	5C50 090602	County Treasurer Education	\$250,000	\$250,000
L	6050 090609	Treasurer of State Administrative Fund	\$1,820,361	\$1,827,252
M	Dedicated Purpose Fund Group Total		\$19,278,428	\$19,769,026

N	Fiduciary Fund Group		
O	4250 090635 Tax Refunds	\$12,000,000	\$12,000,000
P	Fiduciary Fund Group Total	\$12,000,000	\$12,000,000
Q	TOTAL ALL BUDGET FUND GROUPS	\$36,710,428	\$37,201,026

**Section 413.20. TAX REFUNDS** 123055

The foregoing appropriation item 090635, Tax Refunds, 123056  
shall be used to pay refunds under section 5703.052 of the 123057  
Revised Code. If the Director of Budget and Management 123058  
determines that additional amounts are necessary for this 123059  
purpose, such amounts are hereby appropriated. 123060

**Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 123061  
PAYMENTS** 123062

The foregoing appropriation item 090406, Treasury 123063  
Management System Lease Rental Payments, shall be used to make 123064  
payments during the period from July 1, 2025, through June 30, 123065  
2027, pursuant to leases and agreements entered into under 123066  
Section 701.20 of H.B. 497 of the 130th General Assembly and 123067  
other prior acts of the General Assembly with respect to 123068  
financing the costs associated with the acquisition, 123069  
development, implementation, and integration of the Treasury 123070  
Management System. 123071

**Section 413.40. STABLE MAINTENANCE FEE SUBSIDY** 123072

The foregoing appropriation item 090639, STABLE 123073  
Maintenance Fee Subsidy, shall be used to subsidize costs of 123074  
monthly fees incurred by STABLE account holders for eligible 123075  
individuals with disabilities. 123076

Section 414.10.

123077

123078

1	2	3	4	5
A		VTO VETERANS' ORGANIZATIONS		
B		General Revenue Fund		
C	GRF	743501 American Ex-Prisoners of War	\$45,000	\$45,000
D	GRF	746501 Army and Navy Union, USA, Inc.	\$85,000	\$85,000
E	GRF	747501 Korean War Veterans	\$85,000	\$85,000
F	GRF	748501 Jewish War Veterans	\$62,000	\$62,000
G	GRF	749501 Catholic War Veterans	\$85,000	\$85,000
H	GRF	750501 Military Order of the Purple Heart	\$85,000	\$85,000
I	GRF	751501 Vietnam Veterans of America	\$310,000	\$310,000
J	GRF	752501 American Legion of Ohio	\$450,000	\$450,000
K	GRF	753501 AMVETS	\$450,000	\$450,000
L	GRF	754501 Disabled American Veterans	\$450,000	\$450,000
M	GRF	756501 Marine Corps League	\$214,000	\$214,000

N	GRF	757501	37th Division Veterans' Association	\$17,000	\$17,000
O	GRF	758501	Veterans of Foreign Wars	\$450,000	\$450,000
P			General Revenue Fund Total	\$2,788,000	\$2,788,000
Q			TOTAL ALL BUDGET FUND GROUPS	\$2,788,000	\$2,788,000

**Section 415.10.**

123079  
123080

1	2	3	4	5
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A			DVS DEPARTMENT OF VETERANS SERVICES		
B			General Revenue Fund		
C	GRF	900321	Veterans' Homes	\$51,956,758	\$52,999,692
D	GRF	900402	Hall of Fame	\$74,317	\$75,966
E	GRF	900408	Department of Veterans Services	\$5,077,924	\$5,178,649
F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$1,559,990	\$1,559,990
G	GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$975,000	\$0
H			General Revenue Fund Total	\$59,643,989	\$59,814,297

I	Dedicated Purpose Fund Group		
J	4840 900603 Veterans' Homes Services	\$680,004	\$700,000
K	4E20 900602 Veterans' Homes Operating	\$14,000,000	\$14,000,000
L	5DB0 900643 Military Injury Relief Program	\$97,000	\$97,000
M	5YP0 900650 Sports Gaming - Veterans	\$75,000	\$75,000
N	Dedicated Purpose Fund Group Total	\$14,852,004	\$14,872,000
O	Federal Fund Group		
P	3680 900614 Veterans Training	\$980,404	\$1,021,705
Q	3BX0 900609 Medicare Services	\$1,000,000	\$2,059,273
R	3L20 900601 Veterans' Homes Operations - Federal	\$31,500,000	\$31,500,000
S	Federal Fund Group Total	\$33,480,404	\$34,580,978
T	TOTAL ALL BUDGET FUND GROUPS	\$107,976,397	\$109,267,275

**Section 415.20. VETERANS ORGANIZATIONS' RENT** 123081

The foregoing appropriation item 900408, Department of 123082  
Veterans Services, shall be used to pay veterans organizations' 123083  
rent in buildings managed by the Department of Administrative 123084  
Services. 123085

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 123086

The foregoing appropriation item 900901, Veterans 123087

Compensation General Obligation Bond Debt Service, shall be used 123088  
to pay all debt service and related financing costs during the 123089  
period from July 1, 2025, through June 30, 2027, on obligations 123090  
issued under Section 2r of Article VIII, Ohio Constitution. 123091

**Section 417.10.** 123092  
123093

	1	2	3	4	5
A	DVM STATE VETERINARY MEDICAL LICENSING BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	888609	Operating Expenses	\$532,551	\$554,811
D	5YG0	888603	Veterinarian Student Debt Assistance Program	\$100,000	\$100,000
E	Dedicated Purpose Fund Group Total			\$632,551	\$654,811
F	Internal Service Activity Fund Group				
G	5BU0	888602	Veterinary Student Loan Program	\$20,000	\$20,000
H	Internal Service Activity Fund Group Total			\$20,000	\$20,000
I	TOTAL ALL BUDGET FUND GROUPS			\$652,551	\$674,811

**Section 419.10.** 123094  
123095

	1	2	3	4	5
A	VPB STATE VISION PROFESSIONALS BOARD				

B	Dedicated Purpose Fund Group		
C	4K90 129609 Operating Expenses	\$609,659	\$668,146
D	Dedicated Purpose Fund Group Total	\$609,659	\$668,146
E	TOTAL ALL BUDGET FUND GROUPS	\$609,659	\$668,146

**Section 421.10.**

123096

123097

	1	2	3	4	5
A	DYS DEPARTMENT OF YOUTH SERVICES				
B	General Revenue Fund				
C	GRF	470401	RECLAIM Ohio	\$207,000,000	\$218,000,000
D	GRF	470412	Juvenile Correctional Facilities Lease Rental Bond Payments	\$17,500,000	\$17,500,000
E	GRF	470510	Youth Services	\$16,702,000	\$16,702,000
F	GRF	472321	Parole Operations	\$11,547,202	\$11,926,365
G	GRF	477321	Administrative Operations	\$17,177,391	\$18,017,753
H	General Revenue Fund Total			\$269,926,593	\$282,146,118
I	Dedicated Purpose Fund Group				
J	1470	470612	Vocational Education	\$1,436,125	\$1,494,968
K	1750	470613	Education Services	\$4,140,884	\$4,317,416



L	4790	470609	Employee Food Service	\$30,300	\$30,300
M	4A20	470602	Child Support	\$95,000	\$95,000
N	4G60	470605	Juvenile Special Revenue - Non-Federal	\$115,000	\$115,000
O	5BN0	470629	E-Rate Program	\$71,000	\$71,000
P			Dedicated Purpose Fund Group Total	\$5,888,309	\$6,123,684
Q			Federal Fund Group		
R	3210	470601	Education	\$1,899,343	\$1,956,154
S	3210	470603	Juvenile Justice Prevention	\$2,473,806	\$2,481,942
T	3210	470606	Nutrition	\$1,551,000	\$1,551,000
U	3210	470614	Title IV-E Reimbursements	\$1,521,776	\$1,529,243
V	3V50	470604	Juvenile Justice/Delinquency Prevention	\$1,657,737	\$1,731,824
W			Federal Fund Group Total	\$9,103,662	\$9,250,163
X			TOTAL ALL BUDGET FUND GROUPS	\$284,918,564	\$297,519,965

**Section 421.20. COMMUNITY PROGRAMS** 123098

For purposes of implementing juvenile sentencing reforms, 123099  
and notwithstanding any provision of law to the contrary, the 123100  
Department of Youth Services may use up to \$1,375,000 of the 123101

unexpended, unencumbered balance of the portion of appropriation 123102  
item 470401, RECLAIM Ohio, that is allocated to juvenile 123103  
correctional facilities in each fiscal year to expand Targeted 123104  
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 123105  
other evidence-based community programs. 123106

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND 123107  
PAYMENTS 123108

The foregoing appropriation item 470412, Juvenile 123109  
Correctional Facilities Lease Rental Bond Payments, shall be 123110  
used to meet all payments during the period from July 1, 2025, 123111  
through June 30, 2027, by the Department of Youth Services under 123112  
the leases and agreements for facilities made under Chapters 123113  
152. and 154. of the Revised Code. These appropriations are the 123114  
source of funds pledged for bond service charges on related 123115  
obligations issued under Chapters 152. and 154. of the Revised 123116  
Code. 123117

EDUCATION SERVICES 123118

The foregoing appropriation item 470613, Education 123119  
Services, shall be used to fund the operating expenses of 123120  
providing educational services to youth supervised by the 123121  
Department of Youth Services. Operating expenses include, but 123122  
are not limited to, teachers' salaries, maintenance costs, and 123123  
educational equipment. 123124

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 123125

In collaboration with the county family and children first 123126  
council, the juvenile court of that county that receives 123127  
allocations from one or both of the foregoing appropriation 123128  
items 470401, RECLAIM Ohio, and 470510, Youth Services, may 123129  
transfer portions of those allocations to a flexible funding 123130

pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 123131  
123132

**Section 423.10.**

123133  
123134

1	2	3	4	5
A	KID DEPARTMENT OF CHILDREN AND YOUTH			
B	General Revenue Fund			
C	GRF 650400	Medicaid Program Support - State	\$1,393,000	\$1,393,000
D	GRF 830321	Children and Youth Program Management	\$57,020,372	\$57,790,676
E	GRF 830400	Child Care State/Maintenance of Effort	\$93,636,000	\$93,636,000
F	GRF 830402	Maternal and Infant Housing Assistance	\$500,000	\$500,000
G	GRF 830403	Help Me Grow	\$63,591,050	\$63,000,000
H	GRF 830404	Infant Vitality	\$20,000,000	\$20,000,000
I	GRF 830405	Part C Early Intervention	\$30,621,922	\$32,696,362
J	GRF 830406	Strong Families Strong Communities	\$9,100,000	\$4,100,000
K	GRF 830407	Early Childhood Education	\$130,319,450	\$130,320,617

L	GRF	830409	Early Care and Education Learning Standards	\$3,292,091	\$3,390,959
M	GRF	830410	Family and Children First	\$2,706,000	\$2,706,000
N	GRF	830411	Imagination Library	\$8,000,000	\$8,000,000
O	GRF	830414	Child Care Cred Program	\$10,000,000	\$0
P	GRF	830415	Parenting and Pregnancy Program	\$10,000,000	\$10,000,000
Q	GRF	830416	Adoption Grant Program	\$34,000,000	\$34,000,000
R	GRF	830418	Child Care Provider Recruitment	\$3,200,000	\$0
S	GRF	830419	Children's Crisis Care	\$1,350,000	\$1,350,000
T	GRF	830420	Community Projects and Assistance	\$500,000	\$0
U	GRF	830500	Early Care and Education	\$141,285,000	\$141,285,000
V	GRF	830501	Kinship Permanency Incentive Program	\$1,000,000	\$1,000,000
W	GRF	830502	Court Appointed Special Advocates	\$1,000,000	\$1,000,000
X	GRF	830503	Adoption Services	\$23,992,000	\$23,992,000
Y	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	\$4,000,000	\$4,000,000

Z	GRF	830506	Family and Children Services	\$303,959,990	\$298,959,990
AA	General Revenue Fund Total			\$954,466,875	\$933,120,604
AB	Dedicated Purpose Fund Group				
AC	1980	830600	Children's Trust Fund	\$5,770,407	\$5,800,246
AD	2320	830613	Family and Children First	\$2,485,214	\$2,514,051
AE	4E70	830615	Family and Children Services Collections	\$650,000	\$650,000
AF	4F10	830607	Family and Children Activities	\$655,000	\$655,000
AG	5BN1	830618	Child Welfare Training Support	\$7,387,465	\$7,387,465
AH	5B01	830620	Children and Youth Community Initiatives	\$20,000,000	\$10,000,000
AI	5BP1	830621	Agency Oversight and Support	\$12,000,000	\$10,000,000
AJ	5CN0	830617	Choose Life	\$80,000	\$80,000
AK	5U60	830619	Family and Children Support	\$400,000	\$400,000
AL	Dedicated Purpose Fund Group Total			\$49,428,086	\$37,486,762
AM	Federal Fund Group				

AN 3201 830608	Maternal and Child Health Block Grant	\$5,000,000	\$5,000,000
AO 3270 830601	Child Welfare	\$31,024,665	\$31,147,396
AP 3980 830612	Adoption Program	\$215,000,000	\$215,000,000
AQ 3A91 830622	Mental Health Block Grant	\$1,698,892	\$1,698,892
AR 3C50 830610	Preschool Special Education	\$16,026,864	\$16,026,864
AS 3D30 830602	Children's Trust Fund	\$7,030,643	\$7,048,243
AT 3F02 650600	Medicaid Program Support - Federal	\$1,393,000	\$1,393,000
AU 3H70 830604	Child Care	\$646,049,427	\$591,221,224
AV 3IT0 830609	Community Social Service Programs	\$22,803,908	\$22,803,908
AW 3IU0 830623	Federal Children and Youth Grants	\$52,000,000	\$52,000,000
AX 3N00 830603	Foster Care Program	\$337,778,385	\$338,091,973
AY 3V62 830605	TANF Block Grant	\$277,850,000	\$277,850,000
AZ	Federal Fund Group Total	\$1,613,655,784	\$1,559,281,500
BA	TOTAL ALL BUDGET FUND GROUPS	\$2,617,550,745	\$2,529,888,866

**Section 423.20.** MATERNAL AND INFANT HOUSING ASSISTANCE 123135

Of the foregoing appropriation item 830402, Maternal and 123136

Infant Housing Assistance, up to \$500,000 in each fiscal year 123137  
shall be used to support stable housing initiatives for pregnant 123138  
mothers and their families to improve maternal and infant health 123139  
outcomes. 123140

**Section 423.30.** INFANT VITALITY GRANTS AND PROGRAMS 123141

Of the foregoing appropriation item, 830404, Infant 123142  
Vitality, not less than \$6,000,000 in each fiscal year shall be 123143  
used to support programming by community and local faith-based 123144  
service providers that invests in maternal health programs, 123145  
provides services and support to pregnant mothers, and improves 123146  
both maternal and infant health outcomes. 123147

Of the foregoing appropriation item 830404, Infant 123148  
Vitality, up to \$1,000,000 in each fiscal year shall be used to 123149  
support the per diem nonmedical services provided by residential 123150  
infant care centers. 123151

The remainder of appropriation item 830404, Infant 123152  
Vitality, shall be used to fund a multi-pronged population 123153  
health approach to address infant mortality. This approach may 123154  
include the following: increasing awareness; supporting data 123155  
collection; analysis and interpretation to inform decision- 123156  
making and ensure accountability; targeting resources where the 123157  
need is greatest; and implementing quality improvement science 123158  
and programming that is evidence-based or based on emerging 123159  
practices. Measurable interventions may include activities 123160  
related to safe sleep, community engagement, group prenatal 123161  
care, preconception education, continuous support for women 123162  
during pregnancy and childbirth, patient navigators, community 123163  
health workers, early childhood home visiting, safe birth 123164  
spacing, gestational diabetes, smoking cessation tailored for 123165  
pregnant women, breastfeeding, care coordination, and 123166

progesterone. 123167

**Section 423.40. PART C EARLY INTERVENTION** 123168

Of the foregoing appropriation item 830405, Part C Early 123169  
Intervention, up to \$7,000,000 in fiscal year 2026 and up to 123170  
\$9,000,000 in fiscal year 2027 may be used by the Department of 123171  
Children and Youth to subgrant or contract with county boards of 123172  
developmental disabilities for the provision of early 123173  
intervention evaluations, assessments, and service coordination. 123174  
County boards of developmental disabilities that accept these 123175  
funds shall maintain the level of local funding for early 123176  
intervention at the same funding level as the prior fiscal year. 123177

Of the foregoing appropriation item 830405, Part C Early 123178  
Intervention, \$1,000,000 in total in each fiscal year shall be 123179  
used to contract with the Cleveland Sight Center, the Cincinnati 123180  
Association for the Blind and Visually Impaired, and the Sight 123181  
Center of Northwest Ohio to provide early intervention special 123182  
instruction services and family support to children under the 123183  
age of three with blindness or low vision. 123184

**Section 423.50. CHILDREN'S MENTAL HEALTH** 123185

Of the foregoing appropriation item 830406, Strong 123186  
Families Strong Communities, up to \$3,600,000 in each fiscal 123187  
year shall be used to provide funding for community projects 123188  
across the state that focus on support for families, assisting 123189  
families in avoiding crisis, and crisis intervention. 123190

Of the foregoing appropriation item 830406, Strong 123191  
Families Strong Communities, \$500,000 in each fiscal year shall 123192  
be provided to Riveon Mental Health and Recovery to support 123193  
primary care integration. 123194

The foregoing appropriation item 830505, Infant and Early 123195



Childhood Mental Health, shall be used to promote identification 123196  
and intervention for early childhood mental health and to 123197  
enhance healthy social emotional development in order to reduce 123198  
preschool expulsions and promote kindergarten readiness. Funds 123199  
shall be used by the Department of Children and Youth, in 123200  
coordination with Department of Behavioral Health, to support 123201  
infant and early childhood mental health credentialed 123202  
professionals and consultation services, as well as 123203  
administration, workforce development for the program, and 123204  
program evaluation. 123205

**Section 423.60. PEDIATRIC CANCER RESEARCH** 123206

Of the foregoing appropriation item 830406, Strong 123207  
Families Strong Communities, up to \$5,000,000 in fiscal year 123208  
2026 shall be used to provide funding to qualified entities in 123209  
Ohio to support any of the following: 123210

(A) Research into causes, diagnoses, prevention, and 123211  
treatment of pediatric cancer; 123212

(B) The study of new and novel approaches to researching 123213  
and treating pediatric cancer, as well as the side effects of 123214  
cancer treatment, including discovering and developing new 123215  
drugs, clinical trials, neurosurgery, and other surgical 123216  
interventions, diagnostics, care management, and learning 123217  
disabilities. 123218

**Section 423.70. EARLY CHILDHOOD EDUCATION** 123219

The foregoing appropriation item 830407, Early Childhood 123220  
Education, shall be used to pay the costs of the Early Childhood 123221  
Education Grant Program to provide quality preschool instruction 123222  
to improve kindergarten readiness. The Department shall 123223  
distribute such funds directly to qualifying providers as 123224

specified in section 5104.53 of the Revised Code.	123225
<b>Section 423.85.</b> CHILD CARE CRED PROGRAM	123226
The foregoing appropriation item 830414, Child Care Cred	123227
Program, shall be used for the Child Care Cred Program	123228
established in section 5104.54 of the Revised Code.	123229
<b>Section 423.90.</b> PARENTING AND PREGNANCY PROGRAM	123230
The foregoing appropriation item 830415, Parenting and	123231
Pregnancy Program, shall be used, in accordance with section	123232
5180.71 of the Revised Code, to support the Ohio Parenting and	123233
Pregnancy Program.	123234
An amount equal to the unexpended, unencumbered balance of	123235
appropriation item 830415, Parenting and Pregnancy Program, at	123236
the end of fiscal year 2026 is hereby reappropriated to the same	123237
appropriation item for the same purpose in fiscal year 2027.	123238
<b>Section 423.100.</b> ADOPTION GRANT PROGRAM	123239
The foregoing appropriation item 830416, Adoption Grant	123240
Program, shall be used to administer grants to adoptive parents	123241
through the Adoption Grant Program, in accordance with sections	123242
5180.451 and 5180.452 of the Revised Code.	123243
<b>Section 423.103.</b> CHILD CARE PROVIDER RECRUITMENT	123244
The foregoing appropriation item 830418, Child Care	123245
Provider Recruitment, shall be used for the Child Care Provider	123246
Recruitment and Mentorship Grant Program established in Section	123247
751.30 of this act.	123248
An amount equal to the unexpended, unencumbered balance of	123249
appropriation item 830418, Child Care Provider Recruitment, at	123250
the end of fiscal year 2026 is hereby reappropriated to the same	123251

appropriation item for the same purpose in fiscal year 2027. 123252

**Section 423.105.** COMMUNITY PROJECTS AND ASSISTANCE 123253

The foregoing appropriation item 830420, Community 123254  
Projects and Assistance, shall be distributed to Birthing 123255  
Beautiful Communities to provide perinatal support services for 123256  
at-risk mothers and children in Cuyahoga and Summit counties. 123257

**Section 423.110.** COURT APPOINTED SPECIAL ADVOCATES 123258

Of the foregoing appropriation item 830502, Court 123259  
Appointed Special Advocates, up to \$333,333 in each fiscal year 123260  
shall be used to support administrative costs associated with 123261  
existing court-appointed special advocate programs. 123262

Of the foregoing appropriation item 830502, Court 123263  
Appointed Special Advocates, up to \$666,667 in each fiscal year 123264  
shall be used to establish court-appointed special advocate 123265  
programs in areas of the state that are not served by an 123266  
existing program and to support existing programs. 123267

**Section 423.120.** FAMILY AND CHILDREN SERVICES AND 123268  
ACTIVITIES 123269

Of the foregoing appropriation item 830506, Family and 123270  
Children Services, up to \$25,000,000 in each fiscal year shall 123271  
be provided to assist with the expense of providing services to 123272  
youth requiring support from multiple systems. These funds may 123273  
be used for youth currently in the custody of a public children 123274  
services agency or to prevent children from entering into the 123275  
custody of a public children services agency by custody 123276  
relinquishment or another mechanism. The Director of Children 123277  
and Youth shall adopt rules in accordance with section 111.15 of 123278  
the Revised Code to administer the funding. 123279

Of the foregoing appropriation item 830506, Family and Children Services, up to \$10,000,000 in each fiscal year may be used to incentivize best practices. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item 830506, Family and Children Services, \$150,000 in each fiscal year shall be distributed to Cleveland State University for the Sullivan-Deckard Scholarship Opportunity Program and the Helen Packer Scholarship Program to provide tuition and wrap-around services to young adults who have aged out of foster care.

Of the foregoing appropriation item, 830506, Family and Children Services, not less than \$180,000,000 in fiscal year 2026 and not less than \$185,000,000 in fiscal year 2027 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5180.41 of the Revised Code.

If the funds available for distribution under section 5180.41 of the Revised Code in fiscal year 2026 and fiscal year 2027 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5180.411 of the Revised Code.

The Director of Children and Youth, in consultation and coordination with the Director of Job and Family Services shall

adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

Of the foregoing appropriation item 830506, Family and Children Services, up to \$35,309,990 in each fiscal year shall be used to support activities associated with the delivery of children services activities, including recruiting and retaining foster parents, identifying and supporting kinship providers, family preservation, prevention, direct services, and best practices.

Of the foregoing appropriation item 830506, Family and Children Services, up to \$20,000,000 in fiscal year 2026 and up to \$10,000,000 in fiscal year 2027 shall be used to assist with the establishment of regional child wellness campuses. The Department of Children and Youth shall provide one-time funding to establish regional child wellness campuses across the state to serve children and youth who are, or have been determined by a public children services agency to be at risk of being, in the custody of a public children services agency and who are not placed in a licensed residential setting and are otherwise spending one or more nights in an unlicensed setting. Regional child wellness campuses shall support children in crisis in or near the communities in which the children reside and create additional capacity for short-term treatment. The Department of Children and Youth shall select entities applying to establish regional child wellness campuses through a competitive process. An entity shall provide proof of local funding commitments that fulfill all necessary start-up costs and ongoing community

commitments to ensure timely and appropriate delivery of service 123341  
to meet the needs of the child, family, and community. Of the 123342  
amounts earmarked for these regional child wellness campuses, 123343  
\$250,000 in each fiscal year shall be used for the Providence 123344  
House Every Child Ohio Feasibility Study to identify the most 123345  
viable Ohio communities with the capacity to sustainably operate 123346  
a children's crisis care facility, as defined in section 5103.13 123347  
of the Revised Code. The results and recommendations of the 123348  
study shall be submitted in a report to the Governor, the 123349  
President of the Senate, the Speaker of the House of 123350  
Representatives, and the Director of Children and Youth by 123351  
September 31, 2026. 123352

Of the foregoing appropriation item 830506, Family and 123353  
Children Services, at least \$17,000,000 in each fiscal year 123354  
shall be used for federal match requirements for Title IV-B and 123355  
Title IV-E of the "Social Security Act," 42 U.S.C. 601-687 123356  
funding. 123357

Of the foregoing appropriation item 830506, Family and 123358  
Children Services, up to \$3,000,000 in each fiscal year shall be 123359  
provided to the Ohio Network of Children's Advocacy Centers to 123360  
administer and distribute grants to Child Advocacy Centers to 123361  
coordinate statewide access to investigation, prosecution, and 123362  
treatment of child sexual abuse, while helping children heal. 123363

The foregoing appropriation item 830607, Family and 123364  
Children Activities, shall be used to expend miscellaneous 123365  
foundation funds and grants to support family and children 123366  
services activities. 123367

**Section 423.130.** KINSHIP CARE NAVIGATOR PROGRAM 123368

Of the foregoing appropriation item 830506, Family and 123369

Children Services, up to \$8,500,000 in each fiscal year shall be 123370  
used to support the Kinship Care Navigator Program, and may be 123371  
used to match eligible federal Title IV-E of the "Social 123372  
Security Act," 42 U.S.C. 601-687 funds. 123373

**Section 423.140.** WENDY'S WONDERFUL KIDS 123374

Of the foregoing appropriation items 830506, Family and 123375  
Children Services, 830601, Child Welfare, and 830612, Adoption 123376  
Program, a total of up to \$10,000,000 in each fiscal year may be 123377  
used to provide funds to the Dave Thomas Foundation for Adoption 123378  
to implement statewide the Wendy's Wonderful Kids program of 123379  
professional recruiters who use a child-focused model to find 123380  
permanent homes for children in Ohio foster care. 123381

**Section 423.150.** FAMILY AND CHILDREN FIRST FLEXIBLE 123382  
FUNDING POOL 123383

A county family and children first council may establish 123384  
and operate a flexible funding pool in order to assure access to 123385  
needed services by families, children, and older adults in need 123386  
of protective services. The operation of the flexible funding 123387  
pools is subject to the following restrictions: 123388

(A) The county council shall establish and operate the 123389  
flexible funding pool in accordance with formal guidance issued 123390  
by the Family and Children First Cabinet Council; 123391

(B) The county council shall produce an annual report on 123392  
its use of the pooled funds. The annual report shall conform to 123393  
a format prescribed in the formal guidance issued by the Family 123394  
and Children First Cabinet Council; 123395

(C) Unless otherwise restricted, funds transferred to the 123396  
flexible funding pool may include state general revenues 123397  
allocated to local entities to support the provision of services 123398

to families and children; 123399

(D) The amounts transferred to the flexible funding pool 123400  
shall be limited to amounts that can be redirected without 123401  
impairing the achievement of the objectives for which the 123402  
initial allocation is designated; and 123403

(E) Each amount transferred to the flexible funding pool 123404  
from a specific allocation shall be approved for transfer by the 123405  
director of the local agency that was the original recipient of 123406  
the allocation. 123407

In collaboration with the county family and children first 123408  
council, a county department of job and family services or 123409  
public children services agency that receives an allocation from 123410  
the Department of Children and Youth, in consultation and 123411  
coordination with the Department of Job and Family Services, 123412  
from the foregoing appropriation item 830506, Family and 123413  
Children Services, or 830502, Court Appointed Special Advocates, 123414  
may transfer a portion of either or both allocations to a 123415  
flexible funding pool as authorized by this section. 123416

**Section 423.160. CHILDRENS CRISIS CARE** 123417

The foregoing appropriation item 830419, Childrens Crisis 123418  
Care, shall be allocated by the Department of Children and Youth 123419  
in each fiscal year to children's crisis care facilities as 123420  
defined in section 5103.13 of the Revised Code. The Director of 123421  
Children and Youth shall calculate funds semi-annually and 123422  
allocate funds quarterly based on the total number of days of 123423  
care for each child residing in the facility, which is 123424  
determined by calculating the total days each child resides at 123425  
the crisis care facility, including the date of admission, but 123426  
not the day of discharge. A children's crisis care facility may 123427



decline to receive funds provided under this section. A 123428  
children's crisis care facility that accepts funds provided 123429  
under this section shall use the funds in accordance with 123430  
section 5103.13 of the Revised Code and any rules adopted under 123431  
that section. 123432

**Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT** 123433

Of the foregoing appropriation item 830608, Maternal and 123434  
Child Health Block Grant, up to \$5,000,000 in each fiscal year 123435  
shall be used to implement Title V Maternal and Child Health 123436  
Services Block Grant activities in the prenatal, maternal, 123437  
perinatal, and infant domains. 123438

**Section 423.180. MENTAL HEALTH BLOCK GRANT** 123439

The foregoing appropriation item 830622, Mental Health 123440  
Block Grant, shall be used for infant and early childhood mental 123441  
health activities. 123442

**Section 423.190. CHILD CARE CHOICE VOUCHER PROGRAM** 123443

(A) Of the foregoing appropriation item, 830604, Child 123444  
Care, a portion in each fiscal year shall be used by the 123445  
Department of Children and Youth to establish and administer the 123446  
Child Care Choice Voucher Program. Subject to available funds, 123447  
the program shall provide support, in the form of vouchers, to 123448  
families to assist them with child care costs. To be eligible to 123449  
participate in the program, a family must meet all of the 123450  
following conditions: 123451

(1) The caretaker parent is employed or participating in a 123452  
program of education or training for an amount of time 123453  
reasonably related to the time that the parent's children are 123454  
receiving child care. 123455

(2) The family does not meet the income conditions for 123456  
initial eligibility under the Publicly Funded Child Care Program 123457  
administered by the Department as described in section 5104.30 123458  
of the Revised Code, but the maximum amount of the family's 123459  
income does not exceed two hundred percent of the federal 123460  
poverty line. 123461

(3) The family meets any other condition established by 123462  
the Department. 123463

(B) In providing vouchers under this section, both of the 123464  
following apply: 123465

(1) The program shall utilize, not later than November 1, 123466  
2026, the publicly funded child care payment rates established 123467  
in section 5104.30 of the Revised Code, except that such payment 123468  
rates shall not be enhanced payment rates as described in 123469  
division (E) (2) (c) of that section. 123470

(2) If a participating family uses its voucher at a type A 123471  
family child care home or licensed type B family child care 123472  
home, the program shall not require the family child care home 123473  
to be rated through the Step Up to Quality Program administered 123474  
by the Department as described in section 5104.29 of the Revised 123475  
Code. 123476

**Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS** 123477

A portion of the foregoing appropriation item 830609, 123478  
Community Social Service Programs, may be used by the Early 123479  
Intervention Services Advisory Council for the following 123480  
purposes: 123481

(A) In addition to other necessary and allowed uses of 123482  
funds and in accordance with 20 U.S.C. 1441(d), the Early 123483  
Intervention Services Advisory Council established pursuant to 123484

section 5123.0422 of the Revised Code, may, in its discretion,	123485
use budgeted funds to do all of the following:	123486
(1) Conduct forums and hearings;	123487
(2) Reimburse council members for reasonable and necessary	123488
expenses, including child care expenses for parent	123489
representatives, for attending council meetings and performing	123490
council duties;	123491
(3) Pay compensation to a council member if the member is	123492
not employed or must forfeit wages from other employment when	123493
performing official council business;	123494
(4) Hire staff;	123495
(5) Obtain the services of professional, technical, and	123496
clerical personnel as necessary to carry out the performance of	123497
its lawful functions.	123498
(B) Except as provided in division (A) of this section,	123499
council members shall serve without compensation or	123500
reimbursement.	123501
<b>Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS</b>	123502
Of the foregoing appropriation item 830623, Federal	123503
Children and Youth Grants, up to \$195,000 in each fiscal year	123504
shall be used for the training of guardians ad litem and court-	123505
appointed special advocates as well as to conduct a study to	123506
demonstrate the impact of court-appointed special advocate	123507
volunteers on outcomes for children who are in child welfare	123508
custody as a result of abuse, neglect, or dependency.	123509
<b>Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES</b>	123510
BLOCK GRANT	123511

Of the foregoing appropriation item 830605, TANF Block 123512  
Grant, at least \$5,000,000 in each fiscal year shall be used for 123513  
the Kinship Permanency Incentive Program established under 123514  
section 5180.52 of the Revised Code to promote a permanent 123515  
commitment by kinship caregivers through becoming guardians and 123516  
custodians over minor children who would otherwise be unsafe or 123517  
at risk of harm if they remained in their own homes. 123518

Of the foregoing appropriation item 830605, TANF Block 123519  
Grant, not less than \$2,500,000 in each fiscal year shall be 123520  
provided, in accordance with sections 5101.80 and 5101.801 of 123521  
the Revised Code, to the Ohio Commission on Fatherhood. 123522

Of the foregoing appropriation item 830605, TANF Block 123523  
Grant, not less than \$1,000,000 in each fiscal year shall be 123524  
provided, in accordance with sections 5101.80 and 5101.801 of 123525  
the Revised Code, to the Ohio Children's Trust Fund. 123526

**Section 423.230. PUBLICLY FUNDED CHILD CARE ELIGIBILITY** 123527

Beginning on the effective date of this section and 123528  
through June 30, 2027, all of the following apply to a family's 123529  
eligibility for publicly funded child care as described in 123530  
division (A) of section 5104.38 of the Revised Code: 123531

(A) Except as provided in division (B) of this section, 123532  
the maximum amount of income that a family may have for initial 123533  
eligibility shall not exceed one hundred forty-five per cent of 123534  
the federal poverty line; 123535

(B) For special needs child care, as defined in section 123536  
5104.01 of the Revised Code, the maximum amount of income that 123537  
the family may have for initial eligibility shall not exceed one 123538  
hundred fifty per cent of the federal poverty line; 123539

(C) The maximum amount of income that a family may have 123540

for continued eligibility shall not exceed three hundred per 123541  
cent of the federal poverty line. 123542

**Section 425.10.** 123543  
123544

1	2	3	4	5
A	NAI NEW AFRICAN IMMIGRANTS COMMISSION			
B	General Revenue Fund			
C	GRF 061501 Operating Expenses		\$250,000	\$250,000
D	General Revenue Fund Total		\$250,000	\$250,000
E	TOTAL ALL BUDGET FUND GROUPS		\$250,000	\$250,000

**Section 503.10. PERSONAL SERVICE EXPENSES** 123545

Unless otherwise prohibited by law, any appropriation from 123546  
which personal service expenses are paid shall bear the 123547  
employer's share of public employees' retirement, workers' 123548  
compensation, disabled workers' relief, and insurance programs; 123549  
the costs of centralized financial services, centralized payroll 123550  
processing, and related reports and services; centralized human 123551  
resources services, including affirmative action and equal 123552  
employment opportunity programs; the Office of Collective 123553  
Bargaining; centralized information technology management 123554  
services; administering the enterprise resource planning system; 123555  
and administering the state employee merit system as required by 123556  
section 124.07 of the Revised Code. These costs shall be 123557  
determined in conformity with the appropriate sections of law 123558  
and paid in accordance with procedures specified by the Office 123559  
of Budget and Management. Expenditures from appropriation item 123560

070601, Public Audit Expense - Intra-State, may be exempted from 123561  
the requirements of this section. 123562

**Section 503.15.** APPROPRIATIONS FOR EMPLOYEE COMPENSATION 123563  
CHANGES 123564

Notwithstanding any provision of law to the contrary, 123565  
beginning with the pay period that includes July 1, 2025, each 123566  
state appointing authority is authorized to make expenditures 123567  
from current state operating appropriations contained in this 123568  
act or any other act necessary to provide for the changes to 123569  
compensation provisions pursuant to approved collective 123570  
bargaining agreements between employee organizations and State 123571  
of Ohio public employers and pursuant to provisions of law, as 123572  
amended by this act, for employees exempt from collective 123573  
bargaining to allow parity for those employees. Notwithstanding 123574  
any provision of law to the contrary, on or after July 1, 2025, 123575  
the Director of Budget and Management may authorize increased 123576  
expenditures from General Revenue Fund and non-General Revenue 123577  
Fund appropriation items in this act or any other appropriations 123578  
act of the General Assembly to the extent the Director 123579  
determines necessary to effectuate the changes to compensation. 123580  
Any increases in expenditures authorized pursuant to this 123581  
section are hereby appropriated. 123582

**Section 503.20.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS 123583  
AGAINST THE STATE 123584

Except as otherwise provided in this section, an 123585  
appropriation in this act may be used for the purpose of 123586  
satisfying judgments, settlements, or administrative awards 123587  
ordered or approved by the Court of Claims or by any other court 123588  
of competent jurisdiction in connection with civil actions 123589  
against the state. This authorization does not apply to 123590

appropriations to be applied to or used for payment of 123591  
guarantees by or on behalf of the state, or for payments under 123592  
lease agreements relating to, or debt service on, bonds, notes, 123593  
or other obligations of the state. Notwithstanding any other 123594  
statute to the contrary, this authorization includes 123595  
appropriations from funds into which proceeds of direct 123596  
obligations of the state are deposited only to the extent that 123597  
the judgment, settlement, or administrative award is for, or 123598  
represents, capital costs for which the appropriation may 123599  
otherwise be used and is consistent with the purpose for which 123600  
any related obligations were issued or entered into. Nothing 123601  
contained in this section is intended to subject the state to 123602  
suit in any forum in which it is not otherwise subject to suit, 123603  
and is not intended to waive or compromise any defense or right 123604  
available to the state in any suit against it. 123605

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 123606

This section specifies an additional and supplemental 123607  
procedure to provide for payments of judgments and settlements 123608  
if the Director of Budget and Management determines, pursuant to 123609  
division (C) (4) of section 2743.19 of the Revised Code, that 123610  
sufficient unencumbered moneys do not exist in the fund to 123611  
support a particular appropriation to pay the amount of a final 123612  
judgment rendered against the state or a state agency, including 123613  
the settlement of a claim approved by a court, in an action upon 123614  
and arising out of a contractual obligation for the construction 123615  
or improvement of a capital facility if the costs under the 123616  
contract were payable in whole or in part from a state capital 123617  
projects appropriation. In such a case, the Director may either 123618  
proceed pursuant to division (C) (4) of section 2743.19 of the 123619  
Revised Code or apply to the Controlling Board to increase an 123620  
appropriation or create an appropriation out of any unencumbered 123621

moneys in the state treasury to the credit of the capital 123622  
projects fund from which the initial state appropriation was 123623  
made. The amount of an increase in appropriation or new 123624  
appropriation approved by the Controlling Board is hereby 123625  
appropriated from the applicable capital projects fund and made 123626  
available for the payment of the judgment or settlement. 123627

If the Director does not make the application authorized 123628  
by this section or the Controlling Board disapproves the 123629  
application, and the Director does not make application under 123630  
division (C) (4) of section 2743.19 of the Revised Code, the 123631  
Director shall for the purpose of making that payment make a 123632  
request to the General Assembly as provided for in division (C) 123633  
(5) of that section. 123634

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 123635

In order to provide funds for the reissuance of voided 123636  
warrants under section 126.37 of the Revised Code, there is 123637  
hereby appropriated, out of moneys in the state treasury from 123638  
the fund credited as provided in section 126.37 of the Revised 123639  
Code, that amount sufficient to pay such warrants when approved 123640  
by the Office of Budget and Management. 123641

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 123642  
**BALANCES OF OPERATING APPROPRIATIONS** 123643

(A) Notwithstanding the original year of appropriation or 123644  
encumbrance, the unexpended balance of an operating 123645  
appropriation or reappropriation that a state agency lawfully 123646  
encumbered prior to the close of fiscal year 2025 or fiscal year 123647  
2026 is hereby reappropriated on the first day of July of the 123648  
following fiscal year from the fund from which it was originally 123649  
appropriated or reappropriated for the period of time listed in 123650



this section and shall remain available only for the purpose of 123651  
discharging the encumbrance: 123652

(1) For an encumbrance for personal services, maintenance, 123653  
equipment, or items for resale not otherwise identified in this 123654  
section, for a period of not more than five months from the end 123655  
of the fiscal year; 123656

(2) For an encumbrance for an item of special order 123657  
manufacture not available on state contract or an item not 123658  
available in the open market, for a period of not more than five 123659  
months from the end of the fiscal year or, with the written 123660  
approval of the Director of Budget and Management, for a period 123661  
of not more than twelve months from the end of the fiscal year; 123662

(3) For an encumbrance for reclamation of land or oil and 123663  
gas wells, for a period ending when the encumbered appropriation 123664  
is expended; 123665

(4) For an encumbrance for any other type of expense not 123666  
otherwise identified in division (A) (1), (2), or (3) of this 123667  
section, for such period as the Director approves, provided such 123668  
period does not extend beyond the FY 2026 - FY 2027 biennium. 123669

(B) Any operating appropriations for which unexpended 123670  
balances are reappropriated in fiscal year 2026 or fiscal year 123671  
2027 pursuant to division (A) (2) of this section shall be 123672  
reported to the Controlling Board by the Director of Budget and 123673  
Management by the thirty-first day of December of each year. The 123674  
report shall include the item, the cost of the item, and the 123675  
name of the vendor. The report shall be updated on a quarterly 123676  
basis for encumbrances remaining open. 123677

(C) Upon the expiration of the reappropriation period set 123678  
out in division (A) of this section, a reappropriation made by 123679

this section lapses and the Director of Budget and Management 123680  
shall cancel the encumbrance of the unexpended reappropriation 123681  
not later than the end of the weekend following the expiration 123682  
of the reappropriation period. 123683

(D) If the Controlling Board approved a purchase, that 123684  
approval remains in effect so long as the appropriation used to 123685  
make that purchase remains encumbered. 123686

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 123687

(A) The Director of Budget and Management may correct 123688  
accounting errors committed by the staff of the Office of Budget 123689  
and Management, such as reestablishing encumbrances or 123690  
appropriations canceled in error, during the cancellation of 123691  
operating encumbrances in November and of non-operating 123692  
encumbrances in December. 123693

(B) The Director of Budget and Management may at any time 123694  
correct accounting errors committed by staff or a state agency 123695  
or state institution of higher education, as defined in section 123696  
3345.011 of the Revised Code, such as reestablishing prior year 123697  
non-operating encumbrances canceled or modified in error. The 123698  
reestablished encumbrance amounts are hereby appropriated. 123699

**Section 503.70. TEMPORARY REVENUE HOLDING** 123700

The Director of Budget and Management may create funds in 123701  
the state treasury solely for the purpose of temporarily holding 123702  
revenue required to be credited to a fund in the state treasury, 123703  
whose disposition is not immediately known at the time of 123704  
receipt. Once identified, the Director shall credit the revenue 123705  
to the appropriate fund in the state treasury. 123706

Notwithstanding section 153.63 of the Revised Code or any 123707  
other provision of law to the contrary, upon certification by a 123708

director or head of a state agency, in lieu of banks, buildings 123709  
and loan associations, or other institutions, the Director of 123710  
Budget and Management may create funds in the state treasury on 123711  
behalf of an agency when the agency is required by law to detain 123712  
funds in escrow. All investment earnings of the fund shall be 123713  
credited to the fund while the detained amounts remain in 123714  
escrow. The Director of Budget and Management may transfer cash 123715  
between funds within the state treasury to satisfy escrow 123716  
requirements. 123717

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS 123718  
AND RE-ESTABLISHMENT OF ENCUMBRANCES 123719

Any cash transferred by the Director of Budget and 123720  
Management under section 126.15 of the Revised Code is hereby 123721  
appropriated. Any amounts necessary to re-establish 123722  
appropriations or encumbrances under section 126.15 of the 123723  
Revised Code are hereby appropriated. 123724

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 123725

The Director of Budget and Management may transfer 123726  
appropriations between the Third Frontier Research and 123727  
Development Fund (Fund 7011) and the Third Frontier Research and 123728  
Development Taxable Bond Fund (Fund 7014) as necessary to 123729  
maintain the exclusion from the calculation of gross income for 123730  
federal income taxation purposes under the Internal Revenue Code 123731  
with respect to obligations issued to fund projects appropriated 123732  
from the Third Frontier Research and Development Fund (Fund 123733  
7011). 123734

The Director may also create new appropriation items 123735  
within the Third Frontier Research and Development Taxable Bond 123736  
Fund (Fund 7014) and make transfers of appropriations to them 123737

for projects originally funded from appropriations made from the 123738  
Third Frontier Research and Development Fund (Fund 7011). 123739

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 123740

There are hereby appropriated out of any moneys in the 123741  
state treasury to the credit of the General Revenue Fund, which 123742  
are not otherwise appropriated, funds sufficient to make any 123743  
payment required by division (B) (2) of section 5747.03 of the 123744  
Revised Code. 123745

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 123746  
APPROVED BY THE CONTROLLING BOARD 123747

Any money that the Controlling Board approves for 123748  
expenditure or any increase in appropriation that the 123749  
Controlling Board approves under sections 127.14, 131.35, and 123750  
131.39 of the Revised Code or any other provision of law is 123751  
hereby appropriated for the period ending June 30, 2027. 123752

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 123753  
RESIDENCE 123754

If the Governor's Residence Fund (Fund 4H20) receives 123755  
payment for use of the residence pursuant to section 107.40 of 123756  
the Revised Code, the amounts so received are hereby 123757  
appropriated to appropriation item 100604, Governor's Residence 123758  
Gift. 123759

**Section 504.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 123760

Certain appropriations are in this act for the purpose of 123761  
paying debt service and financing costs on general obligation 123762  
bonds or notes of the state issued pursuant to the Ohio 123763  
Constitution, Revised Code, and acts of the General Assembly. If 123764  
it is determined that additional appropriations are necessary 123765

for this purpose, such amounts are hereby appropriated. 123766

**Section 504.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 123767

Certain appropriations are in this act for the purpose of 123768  
making lease rental payments pursuant to leases and agreements 123769  
relating to bonds, notes, or other obligations issued by or on 123770  
behalf of the state pursuant to the Ohio Constitution, Revised 123771  
Code, and acts of the General Assembly. If it is determined that 123772  
additional appropriations are necessary for this purpose, such 123773  
amounts are hereby appropriated. 123774

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND 123775  
OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 123776

The Office of Budget and Management shall process payments 123777  
from general obligation and lease rental payment appropriation 123778  
items during the period from July 1, 2025, through June 30, 123779  
2027, relating to bonds, notes, or other obligations issued by 123780  
or on behalf of the state pursuant to the Ohio Constitution, 123781  
Revised Code, and acts of the General Assembly. Payments shall 123782  
be made upon certification by the Treasurer of State of the 123783  
dates and the amounts due on those dates. 123784

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION 123785

If it is determined that a payment is necessary in the 123786  
amount computed at the time to represent the portion of 123787  
investment income to be rebated or amounts in lieu of or in 123788  
addition to any rebate amount to be paid to the federal 123789  
government in order to maintain the exclusion from gross income 123790  
for federal income tax purposes of interest on those state 123791  
obligations under section 148(f) of the Internal Revenue Code, 123792  
such an amount is hereby appropriated from those funds 123793  
designated by or pursuant to the applicable proceedings 123794

authorizing the issuance of state obligations. 123795

Payments for this purpose shall be approved and vouchered 123796  
by the Office of Budget and Management. 123797

**Section 505.20.** STATEWIDE INDIRECT COST RECOVERY 123798

Whenever the Director of Budget and Management determines 123799  
that an appropriation made to a state agency from a fund of the 123800  
state is insufficient to provide for the recovery of statewide 123801  
indirect costs under section 126.12 of the Revised Code, the 123802  
amount required for such purpose is hereby appropriated from the 123803  
available receipts of such fund. 123804

**Section 505.30.** TRANSFERS ON BEHALF OF THE STATEWIDE 123805  
INDIRECT COST ALLOCATION PLAN 123806

The total transfers made from the General Revenue Fund by 123807  
the Director of Budget and Management under this section shall 123808  
not exceed the amounts transferred into the General Revenue Fund 123809  
under section 126.12 of the Revised Code. 123810

The director of an agency may certify to the Director of 123811  
Budget and Management the amount of expenses not allowed to be 123812  
included in the Statewide Indirect Cost Allocation Plan under 123813  
federal regulations, from any fund included in the Statewide 123814  
Indirect Cost Allocation Plan, prepared as required by section 123815  
126.12 of the Revised Code. 123816

Upon determining that no alternative source of funding is 123817  
available to pay for such expenses, the Director of Budget and 123818  
Management may transfer cash from the General Revenue Fund into 123819  
the fund for which the certification is made, up to the amount 123820  
of the certification. The director of the agency receiving such 123821  
funds shall include, as part of the next budget submission 123822  
prepared under section 126.02 of the Revised Code, a request for 123823

funding for such activities from an alternative source such that 123824  
further federal disallowances would not be required. 123825

The director of an agency may certify to the Director of 123826  
Budget and Management the amount of expenses paid in error from 123827  
a fund included in the Statewide Indirect Cost Allocation Plan. 123828  
The Director of Budget and Management may transfer cash from the 123829  
fund from which the expenditure should have been made into the 123830  
fund from which the expenses were erroneously paid, up to the 123831  
amount of the certification. 123832

The director of an agency may certify to the Director of 123833  
Budget and Management the amount of expenses or revenues not 123834  
allowed to be included in the Statewide Indirect Cost Allocation 123835  
Plan under federal regulations, for any fund included in the 123836  
Statewide Indirect Cost Allocation Plan, for which the federal 123837  
government requires payment. If the Director of Budget and 123838  
Management determines that an appropriation made to a state 123839  
agency from a fund of the state is insufficient to pay the 123840  
amount required by the federal government, the amount required 123841  
for such purpose is hereby appropriated from the available 123842  
receipts of such fund, up to the amount of the certification. 123843

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 123844

Notwithstanding any provision of law to the contrary, on 123845  
or before the first day of September of each fiscal year, the 123846  
Director of Budget and Management, in order to reduce the 123847  
payment of adjustments to the federal government, as determined 123848  
by the plan prepared under division (A) of section 126.12 of the 123849  
Revised Code, may designate such funds as the Director considers 123850  
necessary to retain their own interest earnings. 123851

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 123852

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

**Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS**

Notwithstanding section 113.09 of the Revised Code, the Director of Budget and Management may designate any fund within the state treasury that receives federal revenue to be credited with investment earnings to comply with federal law.

**Section 505.70. REPAYMENT OF FEDERAL FUNDS**

Any unexpended federal revenue received into the state treasury remaining at the end of its applicable period for expenditure which must be returned in compliance with federal law, is hereby appropriated to the fund in which it was received, for that purpose.

**Section 505.75. STATE FISCAL RECOVERY FUND**

An amount equal to the unexpended and unencumbered portions of appropriation items under the State Fiscal Recovery Fund (Fund 5CV3) plus an amount equal to cash previously expended but returned to the fund at the end of fiscal year 2025 are hereby reappropriated for the same purpose in fiscal year 2026. An amount equal to the unexpended and unencumbered portions of appropriation items under Fund 5CV3 plus an amount equal to cash previously expended but returned to the fund at the end of fiscal year 2026 are hereby reappropriated for the same purpose in fiscal year 2027.



The Director of Budget and Management may create new 123882  
appropriation items under Fund 5CV3. In each fiscal year, the 123883  
Director may transfer appropriation among newly created or 123884  
existing appropriation items under Fund 5CV3. The Director shall 123885  
report appropriation transfers made under this section to the 123886  
Controlling Board no later than January 30, 2027. 123887

**Section 505.80.** REAPPROPRIATION OF RECOVERY AND RELIEF 123888  
FUNDS 123889

Amounts equal to the unexpended portions of appropriation 123890  
items under the following recovery and relief funds, at the end 123891  
of fiscal year 2025 are hereby reappropriated to the same 123892  
appropriation items and shall be used for the same purposes in 123893  
fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), 123894  
Governor's Emergency Education Relief Fund (Fund 3HQ0), 123895  
Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects 123896  
Fund (5CV5), ARPA Home and Community Based Services - Federal 123897  
Fund (Fund 3HC8), and ARPA Home and Community Based Services 123898  
Fund (Fund 5HC8). 123899

Amounts equal to the unexpended portions of appropriation 123900  
items under the following recovery and relief funds, at the end 123901  
of fiscal year 2026, are hereby reappropriated to the same 123902  
appropriation items and shall be used for the same purposes in 123903  
fiscal year 2027: ARPA Home and Community Based Services - 123904  
Federal Fund (Fund 3HC8), Governor's Emergency Education Relief 123905  
Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), 123906  
Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital 123907  
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 123908  
Services Fund (Fund 5HC8). 123909

**Section 509.10.** TRANSFERS INTO GENERAL REVENUE FUND 123910  
INTEREST EARNED 123911

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2027, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.

NON-GRF FUNDS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$200,000,000 cash, during the biennium ending June 30, 2027, from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund.

TANGIBLE PROPERTY TAX REPLACEMENT FUNDS

During the biennium ending June 30, 2027, the Director of Budget and Management may transfer up to a total of \$480,000,000 cash as necessary from the School District Tangible Property Tax Replacement Fund (Fund 7047) and the Local Government Tangible Property Tax Replacement Fund (Fund 7081) to the General Revenue Fund.

**Section 512.10.** TRANSFERS OUT OF GENERAL REVENUE FUND

STATE MARKETING OFFICE FUND

On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$22,000,000 cash from the General Revenue Fund to the State Marketing Office Fund (Fund 5MJ0).

FOUNDATION FUNDING - ALL STUDENTS FUND

Notwithstanding any provision of law to the contrary, the 123940  
Director of Budget and Management may transfer up to 123941  
\$600,000,000 cash, in each fiscal year, from the General Revenue 123942  
Fund to the Foundation Funding - All Students Fund (Fund 5VS0). 123943

OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND 123944

On July 1, 2025, or as soon as possible thereafter, the 123945  
Director of Budget and Management shall transfer \$20,000,000 123946  
cash from the General Revenue Fund to the OhioMeansJobs 123947  
Workforce Development Revolving Loan Fund (Fund 5NH0) to support 123948  
the Talent Ready Grant Program. 123949

SECOND CHANCE GRANT PILOT PROGRAM FUND 123950

On July 1, 2025, or as soon as possible thereafter, the 123951  
Director of Budget and Management shall transfer up to 123952  
\$4,000,000 cash from the General Revenue Fund to the Second 123953  
Chance Grant Pilot Program Fund (Fund 5YD0). 123954

PROFESSIONAL DEVELOPMENT FUND 123955

On July 1, 2025, or as soon as possible thereafter, the 123956  
Director of Budget and Management shall transfer \$1,200,000 cash 123957  
from the General Revenue Fund to the Professional Development 123958  
Fund (Fund 5L70). 123959

MARCS ADMINISTRATION FUND 123960

On July 1 of each fiscal year, or as soon as possible 123961  
thereafter, the Director of Budget and Management may transfer 123962  
up to \$10,500,000 cash from the General Revenue Fund to the 123963  
MARCS Administration Fund (Fund 5C20). 123964

WILDLIFE FUND 123965

On July 1 of each fiscal year, or as soon as possible 123966

thereafter, the Director of Budget and Management may transfer 123967  
\$500,000 cash from the General Revenue Fund to the Wildlife Fund 123968  
(Fund 7015). 123969

TRANSCRANIAL MAGNETIC STIMULATION FUND 123970

On July 1 of each fiscal year, or as soon as possible 123971  
thereafter, the Director of Budget and Management may transfer 123972  
\$2,500,000 cash from the General Revenue Fund to the 123973  
Transcranial Magnetic Stimulation Fund (Fund 5VV0). 123974

EWARRANT LOCAL INTEGRATION FUND 123975

On July 1, 2025, or as soon as possible thereafter, the 123976  
Director of Budget and Management may transfer \$4,000,000 cash 123977  
from the General Revenue Fund to the eWarrant Local Integration 123978  
Fund (Fund 5AZ1). 123979

H2OHIO FUND 123980

On July 1, 2025, or as soon as possible thereafter, the 123981  
Director of Budget and Management may transfer \$150,000,000 from 123982  
the General Revenue Fund to the H2Ohio Fund (Fund 6H20). 123983

OHIO MARITIME ASSISTANCE PROGRAM 123984

On July 1, 2025, or as soon as possible thereafter, the 123985  
Director of Budget and Management shall transfer \$8,000,000 cash 123986  
from the General Revenue Fund to the Ohio Maritime Assistance 123987  
Fund (Fund 5QT0). 123988

WATERWAY SAFETY FUND 123989

On July 1, 2025, or as soon as possible thereafter, the 123990  
Director of Budget and Management shall transfer \$1,750,000 cash 123991  
from the General Revenue Fund to the Waterway Safety Fund (Fund 123992  
7086). On July 1, 2026, or as soon as possible thereafter, the 123993

Director of Budget and Management shall transfer \$1,250,000 cash 123994  
from the General Revenue Fund to the Waterway Safety Fund (Fund 123995  
7086). 123996

WELCOME HOME OHIO FUND 123997

On July 1, 2025, or as soon as possible thereafter, the 123998  
Director of Budget and Management shall transfer \$45,000,000 123999  
cash from the General Revenue Fund to the Welcome Home Ohio Fund 124000  
(Fund 5AP1). 124001

OPLIN TECHNOLOGY FUND 124002

On July 1 of each fiscal year, or as soon as possible 124003  
thereafter, the Director of Budget and Management shall transfer 124004  
\$3,689,788 cash from the General Revenue Fund to the OPLIN 124005  
Technology Fund (Fund 4S40). 124006

DEMOLITION AND SITE REVITALIZATION 124007

On July 1 of each fiscal year, or as soon as possible 124008  
thereafter, the Director of Budget and Management shall transfer 124009  
\$20,000,000 cash from the General Revenue Fund to the Building 124010  
Demolition and Site Revitalization Fund (Fund 5YF0). 124011

**Section 513.10.** FISCAL YEARS 2025 AND 2026 GENERAL REVENUE 124012  
FUND ENDING BALANCE 124013

Notwithstanding section 131.44 of the Revised Code and 124014  
except as provided in section 5163.04 of the Revised Code, the 124015  
cash balance of the General Revenue Fund on June 30, 2025, and 124016  
on June 30, 2026, shall remain in the General Revenue Fund. 124017

**Section 514.10.** UTILITY RADIOLOGICAL SAFETY BOARD 124018  
ASSESSMENTS 124019

Unless the agency and nuclear electric utility mutually 124020

agree to a higher amount by contract, the maximum amounts that 124021  
 may be assessed against nuclear electric utilities under 124022  
 division (B) (2) of section 4937.05 of the Revised Code and 124023  
 deposited into the specified funds are as follows: 124024  
 124025

	1	2	3	4
A	Fund	User	FY 2026	FY 2027
B	Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$136,000	\$142,000
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,551,682	\$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$274,997	\$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,420,000	\$1,467,000

**Section 515.30.** TEMPORARY TRANSFER TO UNEMPLOYMENT 124026  
 COMPENSATION SPECIAL ADMINISTRATIVE FUND 124027

On July 1, 2025, or as soon as possible thereafter, the 124028  
 Director of Budget and Management may transfer up to \$15,000,000 124029  
 cash from the Controlling Board Emergency Purposes/Contingencies 124030  
 Fund (Fund 5KM0) to the Unemployment Compensation Special 124031  
 Administrative Fund (Fund 4A90) to pay the costs of building and 124032  
 developing a new unemployment insurance information technology 124033  
 system. 124034

Not later than June 30, 2027, the Director of Budget and Management, upon the request of the Director of Job and Family Services, shall transfer cash equal to the amount previously transferred to Fund 4A90 from Fund 5KM0 in fiscal year 2026, from Fund 4A90 back to Fund 5KM0.

**Section 515.40. EMPLOYEE BENEFITS FUNDS CASH TRANSFERS**

Notwithstanding any provision of law to the contrary, upon request of the Director of Administrative Services, the Director of Budget and Management may make temporary cash transfers between the Accrued Leave Liability Fund (Fund 8060), the State Employee Health Benefit Fund (Fund 8080), the Dependent Care Spending Fund (Fund 8090), the Life Insurance Investment Fund (Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and the Health Care Spending Account Fund (Fund 8130) to ensure appropriate and supportable cash flow.

**Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS**

(A) On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management may transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

	1	2	3	4	5
A	Transfer from:			Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name

C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund
F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective Bargaining Fund	1250	Human Resources Services Fund
H	MHA	3A60	Federal- Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund
J	DPS	5RS0	Community Police Relations Fund	5AZ1	eWarrant Local Integration Fund
K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site	GRF	General Revenue Fund



Development Bond  
Retirement Fund

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

	124059
	124060
	124061

	1	2	3
A	User Agency Fund		Fund Name
B	AGR	5HP0	Ohio Livestock Care Standards Fund
C	DDD	4U40	Developmental Disabilities Trust Fund
D	MCD	3ER0	Health Information Technology Fund
E	OBM	5AT1	Statewide Children's Vision Initiative Fund
F	OBM	5CV1	Coronavirus Relief Fund
G	PRX	3DV0	Enhancing Ohio's PMP Fund
H	PRX	3BC0	Dangerous Drug Database Fund
I	PRX	3EB0	NASPER Fund
J	PRX	3EY0	Administration of PMIX HUB Fund
K	PRX	3EZ0	NASPER 10 Fund
L	PRX	3CT0	2008 Developing/Enhancing PMP Fund

<b>Section 518.10.</b> OHIO STATE SMALL BUSINESS CREDIT	124062
INITIATIVE VENTURE CAPITAL PROGRAM FUND	124063
The Ohio State Small Business Credit Initiative Venture	124064

Capital Program Fund (Fund 3IC0) is hereby created in the state 124065  
treasury. Money in the fund shall be used to pay the expenses of 124066  
the Ohio Department of Development for the Ohio Growth Capital, 124067  
Ohio Early-Stage Focus, Certified Development Financial 124068  
Institution Loan, and Collateral Enhancement programs, including 124069  
administrative expenses. All federal funds received from the 124070  
State Small Business Credit Initiative of the United States 124071  
Department of the Treasury shall be credited to the fund. All 124072  
investment earnings of the fund shall be credited to the fund. 124073

**Section 525.10.** (A) As used in this section, "Ohio 124074  
Benefits Program" means the integrated enterprise solution 124075  
administered by the Department of Administrative Services that 124076  
assists individuals in verifying eligibility for, and applying 124077  
for, benefits offered through various programs administered by 124078  
the Department of Job and Family Services and the Department of 124079  
Medicaid, including the Medicaid program, Supplemental Nutrition 124080  
Assistance Program, and Temporary Assistance for Needy Families. 124081

(B) Not later than July 1, 2026, the Director of 124082  
Administrative Services and the Director of Job and Family 124083  
Services shall develop a detailed organizational plan and enter 124084  
into a memorandum of understanding to transfer administration of 124085  
the Ohio Benefits Program from the Department of Administrative 124086  
Services to the Department of Job and Family Services. 124087

(C) Not later than July 1, 2027, the Director of 124088  
Administrative Services may transfer the Director's 124089  
responsibility for administering the Ohio Benefits Program to 124090  
the Director of Job and Family Services. If the Director of 124091  
Administrative Services transfers the program, all of the 124092  
following apply: 124093

(1) All contracts, records, documents, files, equipment, 124094

assets, materials, and staff resources that relate to the Ohio 124095  
Benefits Program shall be transferred to the Director of Job and 124096  
Family Services. 124097

(2) Any business commenced, but not completed, by July 1, 124098  
2027, by the Director of Administrative Services with respect to 124099  
the Ohio Benefits Program shall be completed by the Director of 124100  
Job and Family Services in the same manner, and with the same 124101  
effect, as if completed by the Director of Administrative 124102  
Services. 124103

(3) No validation, cure, right, privilege, remedy, 124104  
obligation, or liability is lost or impaired by reason of the 124105  
transfer of the Ohio Benefits Program. 124106

(D) If the Director of Administrative Services transfers 124107  
the program, no action or proceeding pending on the date of the 124108  
transfer is affected by the transfer, and any such action or 124109  
proceeding shall be prosecuted or defended in the name of the 124110  
Director of Job and Family Services or Department of Job and 124111  
Family Services. In all such actions or proceedings, the 124112  
Director or Department, on application to the court, shall be 124113  
substituted as a party. 124114

(E) If the Director of Administrative Services transfers 124115  
the program, all rules, orders, and determinations issued with 124116  
respect to the Ohio Benefits Program continue in effect as if 124117  
issued by the Director of Job and Family Services until modified 124118  
or rescinded by the Director. Pursuant to section 103.05 of the 124119  
Revised Code and at the request of the Director of Job and 124120  
Family Services, the Director of the Legislative Service 124121  
Commission may renumber any rules related to the Ohio Benefits 124122  
Program to reflect its transfer. 124123

(F) If the Director of Administrative Services transfers 124124  
the program, the Director of Administrative Services and the 124125  
Director of Job and Family Services, jointly or separately, may 124126  
enter into a contract with a public or private entity for staff 124127  
training and development to facilitate the transfer of the Ohio 124128  
Benefits Program. Division (B) of section 127.16 of the Revised 124129  
Code does not apply to a contract entered into under this 124130  
division. 124131

(G) Subject to the layoff provisions of sections 124.321 124132  
to 124.328 of the Revised Code, if the Director of 124133  
Administrative Services transfers the program, all of the 124134  
Director of Administrative Service's employees, as identified by 124135  
the Director, whose primary responsibilities include 124136  
administering the Ohio Benefits Program are transferred to the 124137  
Department of Job and Family Services. Except as provided in 124138  
division (H) of this section, employees transferred under this 124139  
division retain their positions and all of the benefits accruing 124140  
thereto. Any changes to an employee's position or benefits that 124141  
occur after the employee is transferred to the Department under 124142  
this division are subject to Chapter 124. of the Revised Code. 124143  
Any actions taken under this division are not appealable to the 124144  
State Personnel Board of Review. 124145

(H) If the Director of Administrative Services transfers 124146  
the program, the Director of Job and Family Services may do all 124147  
of the following: 124148

(1) Establish, change, or abolish positions within the 124149  
Department of Job and Family Services; 124150

(2) Assign, reassign, classify, reclassify, transfer, 124151  
reduce, promote, or demote employees of the Department who are 124152  
not subject to Chapter 4117. of the Revised Code; 124153

(3) Assign or reassign an exempt employee, as defined in 124154  
section 124.152 of the Revised Code, to a bargaining unit for 124155  
purposes of Chapter 4117. of the Revised Code if the Director 124156  
determines the bargaining unit is the appropriate bargaining 124157  
unit with respect to that exempt employee. 124158

(I) If, in accordance with division (H) of this section, 124159  
the Director of Job and Family Services assigns, reassigns, 124160  
classifies, reclassifies, transfers, reduces, or demotes an 124161  
employee paid in accordance with schedule E-1 of section 124.152 124162  
of the Revised Code to a position in a lower classification, 124163  
both of the following apply: 124164

(1) The Director of Job and Family Services, or if the 124165  
employee is transferred outside of the Department of Job and 124166  
Family Services, the Director of Administrative Services, shall 124167  
assign the employee to the appropriate classification and place 124168  
the employee in pay step X. 124169

(2) The employee shall not receive an increase in 124170  
compensation until the maximum rate of pay for that 124171  
classification exceeds the employee's compensation. 124172

(J) If the Director of Administrative Services transfers 124173  
the program, the Director of Job and Family Services, with the 124174  
approval of the Director of Budget and Management, may establish 124175  
a retirement incentive plan for employees transferred to the 124176  
Department of Job and Family Services under division (G) of this 124177  
section. Notwithstanding any provision to the contrary in 124178  
section 145.297 of the Revised Code, if the Director establishes 124179  
such a plan under this division, it shall remain in effect until 124180  
December 31, 2027. 124181

(K) Notwithstanding any provision to the contrary in 124182

sections 4117.08 and 4117.10 of the Revised Code, the transfer 124183  
of the Ohio Benefits Program and the transfer of employees 124184  
described under division (J) of this section, and the 124185  
reassignment of administering the Ohio Benefits Program, are not 124186  
appropriate subjects for collective bargaining under Chapter 124187  
4117. of the Revised Code. 124188

(L) Notwithstanding any provision of law to the contrary, 124189  
if the Director of Administrative Services transfers the 124190  
program, the Director of Budget and Management shall make budget 124191  
and accounting changes to implement the transfer. The Director 124192  
may rename funds, create new funds, transfer funds, consolidate 124193  
funds, or make other administrative changes. If necessary, the 124194  
Director may cancel or establish encumbrances or parts of 124195  
encumbrances in the appropriate funds and appropriation items 124196  
for the same purposes and for payments to the same vendor. Such 124197  
encumbrances are hereby appropriated. If necessary for the 124198  
continued efficient administration of the Ohio Benefits Program, 124199  
the Director may transfer appropriations between the Department 124200  
of Job and Family Services and the Department of Administrative 124201  
Services to continue levels of program services and efficiently 124202  
deliver funding to the program as appropriated under this 124203  
division. Such changes are hereby appropriated. 124204

**Section 525.20. PROGRAM TRANSFERS** 124205

(A) Notwithstanding any provision of law to the contrary, 124206  
before July 1, 2027, the Department of Development shall 124207  
transfer the entirety of its responsibility of managing the 124208  
following programs to the Ohio Department of Job and Family 124209  
Services: 124210

(1) Low-income customer assistance programs; 124211

(2) Electric Partnership Plan Fund;	124212
(3) Consumer Education Program;	124213
(4) Community Services Block Grant.	124214
(B) Any business commenced but not completed by July 1, 2027, within the Department of Development that is planned to be transferred pursuant to this section shall be completed by the Department of Job and Family Services in the same manner and with the same effect as if completed by the Department of Development.	124215 124216 124217 124218 124219 124220
(C) By July 1, 2026, the Director of Job and Family Services and the Director of Development, or their designees, shall develop a detailed organizational plan to implement the transfer of duties and functions of the programs listed in this section from the Department of Development to the Department of Job and Family Services. Pursuant to this plan, the directors of the respective departments shall enter into a memorandum of understanding to implement the transfer of duties and functions of the programs listed in this section from the Department of Development to the Department of Job and Family Services.	124221 124222 124223 124224 124225 124226 124227 124228 124229 124230
(D) The Director of Job and Family Services and the Director of Development may jointly or separately enter into one or more contracts with public or private entities for staff training and development to facilitate the transfer of duties and functions of the programs listed in this section from the Department of Development to the Department of Job and Family Services. Division (B) of section 127.16 of the Revised Code does not apply to contracts entered into under this section.	124231 124232 124233 124234 124235 124236 124237 124238
(E) All Department of Development employees and resources identified by the Director of Development to be associated with	124239 124240

the work of the programs listed in this section are transferred 124241  
to the Department of Job and Family Services on July 1, 2027, or 124242  
an earlier date identified by the respective directors. Subject 124243  
to the layoff provisions of sections 124.321 to 124.381 of the 124244  
Revised Code, employees who are transferred retain their same 124245  
positions and all benefits accruing thereto. Once transferred to 124246  
the Department of Job and Family Services, changes to positions 124247  
or benefits for employees shall be controlled by Chapter 124. of 124248  
the Revised Code, or other applicable Revised Code or 124249  
Administrative Code sections. Actions taken under this section 124250  
are not subject to appeal to the State Personnel Board of 124251  
Review. 124252

(1) Notwithstanding division (E) of this section, the 124253  
Director of Job and Family Services has the authority to 124254  
establish, change, and abolish positions for the Department of 124255  
Job and Family Services, and to assign, reassign, classify, 124256  
reclassify, transfer, reduce, promote, or demote all employees 124257  
of the Department of Job and Family Services who are not subject 124258  
to Chapter 4117. of the Revised Code. 124259

(2) The authority granted under division (E)(1) of this 124260  
section includes assigning or reassigning an exempt employee, as 124261  
defined in section 124.152 of the Revised Code, to a bargaining 124262  
unit classification if the Director of Job and Family Services 124263  
determines that the bargaining unit classification is the proper 124264  
classification for that employee. If an employee in the E-1 pay 124265  
range is to be assigned, reassigned, classified, reclassified, 124266  
transferred, reduced, or demoted to a position in a lower 124267  
classification, the Director of Job and Family Services, or in 124268  
the case of a position transferred outside of the Department, 124269  
the Director of Development, shall assign the employee to the 124270  
appropriate classification and place the employee in Step X. The 124271



employee shall not receive any increase in compensation until 124272  
the maximum rate of pay for that classification exceeds the 124273  
employee's compensation. 124274

(3) Notwithstanding any provision to the contrary in 124275  
sections 4117.08 and 4117.10 of the Revised Code, the transfer 124276  
of programs and employees under this section, and the 124277  
reassignment of certain functions and duties, are not 124278  
appropriate subjects for collective bargaining under Chapter 124279  
4117. of the Revised Code. 124280

(4) The Director of Job and Family Services may, with the 124281  
approval of the Office of Budget and Management, establish a 124282  
retirement incentive plan for eligible employees of those 124283  
agencies who are members of the Public Employee Retirement 124284  
System whose job duties will be transferred to the Department of 124285  
Job and Family Services. Notwithstanding any provision of 124286  
section 145.297 of the Revised Code to the contrary, a 124287  
retirement incentive plan established pursuant to this section 124288  
shall remain in effect until December 31, 2027. 124289

(F) No validation, cure, right, privilege, remedy, 124290  
obligation, or liability is lost or impaired by reason of the 124291  
transfer required by this section but shall be administered by 124292  
the Department of Job and Family Services. No action or 124293  
proceeding pending on the effective date of the transfer of 124294  
duties, functions, and programs to the Department of Job and 124295  
Family Services is affected by the transfer and shall be 124296  
prosecuted or defended in the name of the Department or 124297  
Director, as appropriate. In all such actions for those 124298  
transferred duties, functions, and programs, the Department or 124299  
Director shall be substituted as a party. 124300

(G) Effective July 1, 2027, or on an earlier date 124301

determined by the directors identified in this division, all 124302  
contracts, records, documents, files, equipment, assets, and 124303  
other materials of the programs and staff resources transferred 124304  
under this section are to be transferred to the Department of 124305  
Job and Family Services. 124306

(H) All rules, orders, and determinations made or 124307  
undertaken related to programs listed in this section shall 124308  
continue in effect as rules, orders, and determinations of the 124309  
Department of Job and Family Services until modified or 124310  
rescinded by the Department of Job and Family Services. If 124311  
necessary to ensure the integrity of the numbering of the 124312  
Administrative Code and at the request of the Director of Job 124313  
and Family Services, the Director of the Legislative Service 124314  
Commission may renumber the rules related to the programs listed 124315  
in this section to reflect this transfer. 124316

(I) Notwithstanding any provision of law to the contrary, 124317  
the Director of Budget and Management shall make budget and 124318  
accounting changes to implement the transfer of duties, 124319  
functions, and program of the programs listed in this section to 124320  
the Department of Job and Family Services as described in this 124321  
section, including administrative organization, renaming of 124322  
funds, creation of new funds, transfer of state funds, and 124323  
consolidation of funds. The Director of Budget and Management 124324  
may, if necessary, cancel or establish encumbrances or parts of 124325  
encumbrances in the appropriate funds and appropriation items 124326  
for the same purposes and for payment to the same vendor. Such 124327  
encumbrances are hereby appropriated. If necessary for the 124328  
continued efficient administration of programs listed in this 124329  
section, the Director of Budget and Management may transfer 124330  
appropriations between the Department of Job and Family Services 124331  
and the Department of Development to continue levels of program 124332

services and efficiently deliver state funding to those programs 124333  
as appropriated herein. Such changes are hereby appropriated. 124334

**Section 525.30.** (A) On the effective date of this section, 124335  
the Ohio Air Quality Development Authority is abolished. All 124336  
records of the Authority shall be transferred to the Office of 124337  
Air Quality Development in the Environmental Protection Agency, 124338  
and all of its other assets and liabilities shall be transferred 124339  
to the Office. The Office of Air Quality Development in the 124340  
Environmental Protection Agency is successor to, and assumes all 124341  
the obligations of, the Ohio Air Quality Development Authority 124342  
incurred on the effective date of this section. 124343

(B) The Office of Air Quality Development is responsible 124344  
for the payment of any outstanding debt obligations of the Ohio 124345  
Air Quality Development Authority. Any business commenced, but 124346  
not completed by the Ohio Air Quality Development Authority or 124347  
the Executive Director of the Authority prior to the effective 124348  
date of this section shall be completed by the Executive 124349  
Director of Office of Air Quality Development in the same 124350  
manner, and with the same effect, as if completed by the Ohio 124351  
Air Quality Development Authority or by the Executive Director 124352  
of the Authority. No validation, cure, right, privilege, remedy, 124353  
obligation, or liability is lost or impaired by reason of the 124354  
abolishment of the Ohio Air Quality Development Authority. 124355

(C) Subject to the lay-off provisions of sections 124.321 124356  
to 124.328 of the Revised Code, all of Ohio Air Quality 124357  
Development Authority's employees are transferred to the Office 124358  
of Air Quality Development in the Environmental Protection 124359  
Agency and retain their positions and all of the benefits 124360  
accruing thereto. 124361

(D) Wherever the Executive Director or the Ohio Air 124362

Quality Development Authority is referred to in any law, 124363  
contract, or other document, the reference shall be deemed to 124364  
refer to the Executive Director of the Office of Air Quality 124365  
Development, the Office of Air Quality Development, the Director 124366  
of Environmental Protection, or Environmental Protection Agency, 124367  
whichever is appropriate. 124368

(E) No action or proceeding pending on the effective date 124369  
of this section is affected by the transfer, and any such action 124370  
or proceeding shall be prosecuted or defended in the name of the 124371  
Executive Director, Director, Office of Air Quality Development, 124372  
or the Environmental Protection Agency. In all such actions and 124373  
proceedings, the Executive Director, Director, Office of Air 124374  
Quality Development, or the Environmental Protection Agency, on 124375  
application to the court, shall be substituted as a party. 124376

**Section 610.10.** That Sections 125.10 (as amended by H.B. 124377  
33 of the 135th General Assembly) and 125.11 (as amended by H.B. 124378  
33 of the 135th General Assembly) of H.B. 59 of the 130th 124379  
General Assembly are hereby repealed. 124380

**Section 620.10.** That Section 265.550 of H.B. 33 of the 124381  
135th General Assembly (as amended by H.B. 250 of the 135th 124382  
General Assembly) be amended to read as follows: 124383

**Sec. 265.550.** PUPIL TRANSPORTATION PILOT ~~PROGRAM~~PROGRAMS 124384

(A) The Department of Education and Workforce shall 124385  
establish two pilot programs under which two educational service 124386  
centers shall provide transportation to students in lieu of the 124387  
students receiving transportation from their resident school 124388  
district. Not later than October 15, 2023, the Department shall 124389  
select both of the following to participate in a pilot program 124390  
under this section: 124391

(1) One service center that is in a county located in central Ohio with a population of 1,323,807, according to the 2020 United States census;

(2) One service center that is in a county located in southwest Ohio with a population of 537,309, according to the 2020 United States census.

(B) (1) The service center selected under division (A) (1) of this section shall identify students who are struggling with transportation issues, as determined by their resident school district, and are served by the service center, community schools, or chartered nonpublic schools that enroll students from the district or districts for whom the service center will provide transportation during the 2024-2025 school year.

(2) The service center selected under division (A) (2) of this section shall provide transportation during the 2024-2025, 2025-2026, and 2026-2027 school ~~year~~ years to any student whom the district and the educational service center determine is struggling with transportation issues that meets either of the following criteria:

(a) The student attends a school different from the one to which the student would be assigned in the student's resident school district.

(b) The student is a child with a disability for whom the student's resident school district is required to provide transportation as a related service.

(3) Both service centers shall report to the Department, in the manner prescribed by the Department, students who are transported by the service center.

(C) No community school or chartered nonpublic school

shall be required to participate in either pilot program. 124421

~~(D) Each~~ (D) Each participating educational service center 124422  
shall do all of the following for ~~the 2024-2025~~ each applicable 124423  
school year: 124424

(1) Arrange for the use of a sufficient number of school 124425  
buses or other approved vehicles designed to transport not more 124426  
than nine passengers, not including the driver, and bus drivers 124427  
or other individuals authorized to transport students in other 124428  
approved vehicles, to transport students from participating 124429  
schools who qualify for transportation under section 3327.01 of 124430  
the Revised Code and the school district's transportation 124431  
policy. However, nothing shall preclude the service center from 124432  
providing transportation to other students enrolled in the 124433  
schools. 124434

(2) Collaborate with participating schools to designate 124435  
daily start and end times for ~~the 2024-2025~~ each applicable 124436  
school year that will enable timely and efficient transportation 124437  
of the schools' students; 124438

(3) On behalf of participating schools, notify the school 124439  
district ~~that those~~ of the students that they will not require 124440  
transportation for the ~~2024-2025~~ applicable school year. 124441

(E) (1) Except as described in division (E) (2) of this 124442  
section, the Department shall deduct from the school district's 124443  
transportation payment under section 3317.0212 of the Revised 124444  
Code and pay to the educational service center the statewide 124445  
average cost per student for the qualifying ridership, under 124446  
section 3317.0212 of the Revised Code, for each student 124447  
transported by the service center in compliance with this 124448  
section. 124449

(2) In the case of a student described in division (C) (1) 124450  
of section 3317.024 of the Revised Code, the service center 124451  
shall not receive a payment under division (E) (1) of this 124452  
section. Instead, the department shall make a payment to the 124453  
service center for such student in the manner prescribed under 124454  
division (C) of section 3317.024 of the Revised Code. 124455

(F) The educational service centers and the school 124456  
districts shall not be subject to section 3327.021 of the 124457  
Revised Code during ~~the 2024-2025~~ each school year in which the 124458  
pilot program they participate in operates with regard to 124459  
students enrolled in participating schools. Notwithstanding 124460  
section 3314.46 of the Revised Code, the service centers may 124461  
provide transportation to any participating community school 124462  
they sponsor. 124463

(G) The educational service centers shall comply with all 124464  
transportation requirements for students with disabilities as 124465  
specified in the individualized education programs developed for 124466  
the students pursuant to Chapter 3323. of the Revised Code 124467

(H) The Department shall evaluate ~~each~~ the pilot program 124468  
in which the service center selected under division (A) (1) of 124469  
this section participates and issue a report of its findings not 124470  
later than September 15, 2025. The Department shall evaluate the 124471  
pilot program in which the service center selected under 124472  
division (A) (2) of this section participates and issue a report 124473  
of its findings not later than September 15, 2027. The 124474  
educational service centers and participating schools shall 124475  
submit data and other information to the Department, in a manner 124476  
determined by the Department, for the purpose of conducting the 124477  
evaluation. 124478

**Section 620.11.** That existing Section 265.550 of H.B. 33 124479

of the 135th General Assembly (as amended by H.B. 250 of the 124480  
135th General Assembly) is hereby repealed. 124481

**Section 620.20.** That Section 363.10 of H.B. 2 of the 135th 124482  
General Assembly be amended to read as follows: 124483

**Sec. 363.10.** 124484  
124485

	1	2	3
A	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
B			Reappropriations
C	Building Improvement Fund (Fund 5KZ0)		
D	C10035	Building Improvement	\$210,942
E	TOTAL Building Improvement Fund		\$210,942
F	Administrative Building Taxable Bond Fund (Fund 7016)		
G	C10041	MARCS - Taxable	\$5,045,730
H	C10044	Lorain County MARCS Tower/Sheffield Lake	\$250,000
I	C10052	Symmes Valley Tower Project in Lawrence County	\$1,000
J	C10055	Highland County MARCS Tower	\$1,000
K	TOTAL Administrative Building Taxable Bond Fund		\$5,297,730
L	Administrative Building Fund (Fund 7026)		



M	C10000	Governor's Residence	\$2,536,996
N	C10010	Office Services Building Renovations	\$64,539
O	C10015	SOCC Renovations	\$622,172
P	C10019	25 S. Front Street Renovations	\$11,801
Q	C10020	North High Building Complex Renovations	\$400,000
R	C10021	Office Space Planning	\$5,000,000
S	C10034	Aronoff Center Systems Replacements and Upgrades	\$1,150,000
T	C10038	Riffe Renovations	\$710,702
U	C10042	IT Projects	\$4,000,000
V	C10051	Fleet Sustainability	\$250,000
W	TOTAL Administrative Building Fund		\$14,746,210
X	Capital IT Projects Fund (Fund 7091)		
Y	C10054	Statewide IT Projects	\$10,000,000
Z	TOTAL Capital IT Projects Fund		\$10,000,000
AA	TOTAL ALL FUNDS		\$30,254,882

MARCS ~~STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS~~ 124486

SYSTEM 124487

~~(A) There is hereby continued a Multi-Agency Radio~~ 124488

~~Communications System (MARCS) Steering Committee consisting of~~ 124489  
~~the following members:~~ 124490

~~(1) The directors, or designees thereof, of Administrative~~ 124491  
~~Services, Public Safety, Natural Resources, Transportation,~~ 124492  
~~Rehabilitation and Correction, and Budget and Management, and~~ 124493  
~~the State Fire Marshal or the State Fire Marshal's designee;~~ 124494

~~(2) The following members appointed by the Governor:~~ 124495

~~(a) One representative of the Ohio Chapter of the~~ 124496  
~~Association of Public Safety Communications Officials or its~~ 124497  
~~successor organization;~~ 124498

~~(b) One representative of the Buckeye State Sheriff's~~ 124499  
~~Association or its successor organization;~~ 124500

~~(c) One representative of the Ohio Association of Chiefs~~ 124501  
~~of Police or its successor organization;~~ 124502

~~(d) One representative of the Ohio Fire Chiefs'~~ 124503  
~~Association or its successor organization.~~ 124504

~~(3) Two members of the House of Representatives appointed~~ 124505  
~~by the Speaker of the House of Representatives, one from the~~ 124506  
~~majority party and one from the minority party;~~ 124507

~~(4) Two members of the Senate appointed by the President~~ 124508  
~~of the Senate, one from the majority party and one from the~~ 124509  
~~minority party.~~ 124510

~~(B) The Director of Administrative Services or the~~ 124511  
~~Director's designee shall chair the Committee.~~ 124512

~~(C) The Committee shall provide assistance to the Director~~ 124513  
~~of Administrative Services for effective and efficient~~ 124514  
~~implementation of MARCS as well as develop policies for the~~ 124515

~~ongoing management of the system. Upon dates prescribed by the~~ 124516  
~~Directors of Administrative Services and Budget and Management,~~ 124517  
~~the MARCS Steering Committee shall report to the Directors on~~ 124518  
~~the progress of MARCS implementation and the development of~~ 124519  
~~policies related to the system.~~ 124520

~~(D) The Committee shall establish a subcommittee to~~ 124521  
~~represent MARCS users on the local government level. The~~ 124522  
~~chairperson of the subcommittee shall serve as a member of the~~ 124523  
~~MARCS Steering Committee.~~ 124524

~~(E) The foregoing appropriation item C10041, MARCS -~~ 124525  
Taxable, shall be used to purchase or construct the components 124526  
of MARCS that are not specific to any one agency. The equipment 124527  
may include, but is not limited to, computer and 124528  
telecommunications equipment used for the functioning and 124529  
integration of the system, communications towers, tower sites, 124530  
tower equipment, and linkages among towers. The Director of 124531  
Administrative Services shall, ~~with the concurrence of the MARCS~~ 124532  
~~Steering Committee,~~ determine the specific use of funds. 124533  
Expenditures from this appropriation shall not be subject to 124534  
Chapters 123. and 153. of the Revised Code. 124535

MEDINA COUNTY RADIO SYSTEM-SEVILLE TOWER 124536

The amount reappropriated for the foregoing appropriation 124537  
item C10057, Medina County Radio System-Seville Tower, is the 124538  
unencumbered balance as of June 30, 2024, in appropriation items 124539  
C230FM, Cultural and Sports Facilities Projects, earmarked for 124540  
Westfield Center Community Center ADA Improvement Project and 124541  
the Medina County and Brunswick Historical Societies 124542  
Project/Wadsworth Historical Society, and C58001, Community 124543  
Assistance Projects, earmarked for Westfield Center 124544  
Improvements. 124545

BUILDING IMPROVEMENT 124546

The amount reappropriated for the foregoing appropriation 124547  
item C10035, Building Improvement, is the unencumbered balance 124548  
as of June 30, 2024, in appropriation item C10035, Building 124549  
Improvement, plus up to \$293,343. Prior to the expenditure of 124550  
this additional appropriation, the Department of Administrative 124551  
Services shall certify to the Director of Budget and Management 124552  
canceled encumbrances up to \$293,343 from appropriation item 124553  
C10035, Building Improvement. 124554

MARCS - TAXABLE 124555

The amount reappropriated for the foregoing appropriation 124556  
item C10041, MARCS - Taxable, is the unencumbered balance as of 124557  
June 30, 2024, in appropriation item C10041, MARCS - Taxable, 124558  
plus up to \$45,731. Prior to the expenditure of this additional 124559  
appropriation, the Department of Administrative Services shall 124560  
certify to the Director of Budget and Management canceled 124561  
encumbrances up to \$45,731 from appropriation item C10041, MARCS 124562  
- Taxable. 124563

LORAIN COUNTY MARCS TOWER/SHEFFIELD LAKE 124564

The amount reappropriated for the foregoing appropriation 124565  
item C10044, Lorain County MARCS Tower/Sheffield Lake, is the 124566  
unencumbered balance as of June 30, 2024, in appropriation item 124567  
C10044, Lorain County MARCS Tower/Sheffield Lake, plus the 124568  
unencumbered balance as of June 30, 2024, in appropriation item 124569  
C10048, Williams County MARCS Tower. 124570

OFFICE SERVICES BUILDING RENOVATIONS 124571

The amount reappropriated for the foregoing appropriation 124572  
item C10010, Office Services Building Renovations, is the 124573  
unencumbered balance as of June 30, 2024, in appropriation item 124574

C10010, Office Services Building Renovations, plus up to 124575  
\$64,539. Prior to the expenditure of this additional 124576  
appropriation, the Department of Administrative Services shall 124577  
certify to the Director of Budget and Management canceled 124578  
encumbrances up to \$64,539 from appropriation item C10010, 124579  
Office Services Building Renovations. 124580

SOCC RENOVATIONS 124581

The amount reappropriated for the foregoing appropriation 124582  
item C10015, SOCC Renovations, is the unencumbered balance as of 124583  
June 30, 2024, in appropriation item C10015, SOCC Renovations, 124584  
plus up to \$873,760. Prior to the expenditure of this additional 124585  
appropriation, the Department of Administrative Services shall 124586  
certify to the Director of Budget and Management canceled 124587  
encumbrances up to \$873,760 from appropriation item C10015, SOCC 124588  
Renovations. 124589

25 S. FRONT STREET RENOVATIONS 124590

The amount reappropriated for the foregoing appropriation 124591  
item C10019, 25 S. Front Street Renovations, is the unencumbered 124592  
balance as of June 30, 2024, in appropriation item C10019, 25 S. 124593  
Front Street Renovations, plus up to \$28,717. Prior to the 124594  
expenditure of this additional appropriation, the Department of 124595  
Administrative Services shall certify to the Director of Budget 124596  
and Management canceled encumbrances up to \$28,717 from 124597  
appropriation item C10019, 25 S. Front Street Renovations. 124598

ARONOFF CENTER SYSTEMS REPLACEMENTS AND UPGRADES 124599

The amount reappropriated for the foregoing appropriation 124600  
item C10034, Aronoff Center Systems Replacements and Upgrades, 124601  
is the unencumbered balance as of June 30, 2024, in 124602  
appropriation item C10034, Aronoff Center Systems Replacements 124603

and Upgrades, plus up to \$385,580. Prior to the expenditure of 124604  
this additional appropriation, the Department of Administrative 124605  
Services shall certify to the Director of Budget and Management 124606  
canceled encumbrances up to \$385,580 from appropriation item 124607  
C10034, Aronoff Center Systems Replacements and Upgrades. 124608

RIFFE RENOVATIONS 124609

The amount reappropriated for the foregoing appropriation 124610  
item C10038, Riffe Renovations, is the unencumbered balance as 124611  
of June 30, 2024, in appropriation item C10038, Riffe 124612  
Renovations, plus up to \$11,514. Prior to the expenditure of 124613  
this additional appropriation, the Department of Administrative 124614  
Services shall certify to the Director of Budget and Management 124615  
canceled encumbrances up to \$11,514 from appropriation item 124616  
C10038, Riffe Renovations. 124617

**Section 620.21.** That existing Section 363.10 of H.B. 2 of 124618  
the 135th General Assembly is hereby repealed. 124619

**Section 620.30.** That Sections 335.20 and 757.60 of H.B. 33 124620  
of the 135th General Assembly are hereby repealed. 124621

**Section 630.10.** That Section 6 of H.B. 150 of the 134th 124622  
General Assembly is hereby repealed. 124623

**Section 630.20.** That Section 5 of S.B. 202 of the 134th 124624  
General Assembly is hereby repealed. 124625

**Section 701.30.** 124626

**Section 701.40.** (A) The Governor may execute a Governor's 124627  
Deed in the name of the State conveying to Madison County 124628  
("grantee"), and its successors and assigns, to be determined in 124629  
the manner provided in division (C) of this section, all of the 124630  
State's right, title, and interest in the following described 124631

real estate: 124632

Situated in the State of Ohio, Madison County, Deer Creek Township, VMS 6246, being part of a 579.44 original acre tract (Deer Creek Township Parcel 05-00542.000) as conveyed to the State of Ohio Madison Correctional Prison by Deed Book 134 page 347, and being more particularly described as: 124633

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124637

Beginning at a mag nail set in the centerline of State Route 38, in the line between VMS 6246 and VMS 6169, in the line between Deer Creek Township and the City of London, being the Southeast corner of a 1.000 acre tract conveyed to Tom Farms Inc by Deed Book 278 page 889 and a corner to said 579.44 original acre tract, said mag nail bears North 15°36'05" West a distance of 5646.35 feet from Madison County Monument 02-004, said mag nail bears North 04° 15' 00" East a distance of 1079.10 feet from the intersection of the centerline of State Route 38 with the line between Deer Creek Township and Union Township; 124638

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Thence, with the centerline of State Route 38, said VMS line and said Corp. line, South 04° 15' 00" a distance of 616.00 feet to a mag nail set; 124648

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Thence, across said 579.44 original acre tract with the following two new courses: 124651

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1) South 81° 53' 47" West, passing an iron pin and cap set at 35.00 feet, a total distance of 728.66 feet to an iron pin and cap set; 124653

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124655

2) North 10° 12' 38" West a distance of 569.69 feet to an iron pin and cap set in the South line of a 100 original acre tract conveyed to Tom Farms Inc by Deed Book 268 page 770; 124656

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124658

Thence, with the South line of said 100 original acre tract, North 79° 47' 22" East, passing a 1/2 inch diameter iron 124659

124660

pipe found at the Southwest corner of said Tom Farms Inc's 1.000 124661  
acre tract at 591.70 feet, passing a 5 inch diameter steel post 124662  
in concrete found at 849.53 feet, a total distance of 881.99 124663  
feet returning to the Point of Beginning, containing 10.8003 124664  
Acres more or less. 124665

Bearings are based on the centerline of State Route 38 124666  
(North 04° 15' 00" East) as described in Official Record 307 124667  
page 2131. 124668

Subject to and with the benefit of all legal highways, 124669  
restrictions, easements, limitations, and reservations, of 124670  
record, if any and to zoning restrictions which have been 124671  
imposed thereon, if any. 124672

All iron pins are 5/8-inch diameter rebar with yellow 124673  
plastic cap stamped "Cotrill Surveying." 124674

The foregoing legal description may be corrected or 124675  
modified by the Department of Administrative Services to a final 124676  
form if such corrections or modifications are needed to 124677  
facilitate recordation of the deed. 124678

(B) (1) The conveyance includes improvements and chattels 124679  
situated on the real estate, and is subject to all easements, 124680  
covenants, conditions, leases, and restrictions of record: all 124681  
legal highways and public rights-of-way; zoning, building, and 124682  
other laws, ordinances, restrictions, and regulations; and real 124683  
estate taxes and assessments not yet due and payable. The real 124684  
estate shall be conveyed in an "as-is, where-is, with all 124685  
faults" condition. 124686

(2) The deed for conveyance of the real estate may contain 124687  
restrictions, exceptions, reservations, reversionary interests, 124688  
and other terms and conditions the Director of Administrative 124689



Services determines to be in the best interest of the state. 124690

(3) Subsequent to the conveyance, any restrictions, 124691  
exceptions, reservations, reversionary interests, or other terms 124692  
and conditions contained in the deed may be released by the 124693  
state or the Department of Administrative Services without the 124694  
necessity of further legislation. 124695

(C) The Director of Administrative Services shall offer 124696  
the real estate to the grantee to be determined through a real 124697  
estate purchase agreement. Consideration for the conveyance of 124698  
the real estate described in division (A) of this section shall 124699  
be at a price acceptable to the Director of Administrative 124700  
Services. If the grantee to be determined does not complete the 124701  
purchase of the real estate within the time period provided in 124702  
the real estate purchase agreement, the Director of 124703  
Administrative Services may use any reasonable method of sale to 124704  
determine an alternate grantee willing to complete the purchase 124705  
within three years after the effective date of this section. The 124706  
Department of Administrative Services shall pay all advertising 124707  
costs, additional fees, and other costs incident to the sale of 124708  
the real estate to an alternate grantee. 124709

(D) The real estate described in division (A) of this 124710  
section shall be sold as an entire tract and not in parcels. 124711

(E) Except as otherwise specified above, the grantee shall 124712  
pay all costs associated with the purchase, closing and 124713  
conveyance, including surveys, title evidence, title insurance, 124714  
transfer costs and fees, recording costs and fees, taxes, and 124715  
any other fees, assessments, and costs that may be imposed. 124716

The proceeds of the sale shall be deposited into the state 124717  
treasury to the credit of the General Revenue Fund. 124718

(F) Upon execution of the real estate purchase agreement, 124719  
the Director of Administrative Services, with the assistance of 124720  
the Attorney General, shall prepare a Governor's Deed to the 124721  
real estate described in division (A) of this section. The 124722  
Governor's Deed shall state the consideration and shall be 124723  
executed by the Governor in the name of the state, countersigned 124724  
by the Secretary of State, sealed with the Great Seal of the 124725  
State, presented in the Department of Administrative Services 124726  
for recording, and delivered to the grantee. The grantee shall 124727  
present the Governor's Deed for recording in the Office of the 124728  
Franklin County Recorder. 124729

**Section 709.10.** Of the two additional members appointed to 124730  
the Ohio Grape Industries Committee under section 924.51 of the 124731  
Revised Code as amended by this act, the initial term of office 124732  
of one member shall be for a term of one year and the initial 124733  
term of office of one member shall be for a term of two years. 124734  
Thereafter, terms of those members shall be for three years as 124735  
provided in that section. 124736

**Section 715.10.** A member of a board of park commissioners 124737  
of a park district who, before the effective date of this 124738  
section, was appointed to a board of commissioners of a park 124739  
district that was a township park district created before the 124740  
year 1892, and converted into a park district under section 124741  
1545.041 of the Revised Code on or before January 1, 1989, may 124742  
complete the balance of the member's term. Any members appointed 124743  
to a board of commissioners of a park district that was a 124744  
township park district created before the year 1892, and 124745  
converted into a park district under section 1545.041 of the 124746  
Revised Code on or before January 1, 1989, after the effective 124747  
date of this section shall be appointed in accordance with 124748  
section 1545.05 of the Revised Code, as amended by this act. 124749

**Section 731.10.** A county prevention specialist who is 124750  
serving an existing term on a child abuse and child neglect 124751  
regional prevention council in accordance with section 3109.172 124752  
of the Revised Code as of the effective date of this section may 124753  
complete the council member's term of office. 124754

**Section 733.20.** (A) Notwithstanding the repeal of former 124755  
sections 3313.902, 3314.38, and 3345.86 of the Revised Code and 124756  
sections 3317.23, 3317.231, and 3317.24 of the Revised Code by 124757  
this act, any individual enrolled in a program established under 124758  
one of those sections may do either of the following: 124759

(1) Complete the program in accordance with the applicable 124760  
section, as it existed prior to the section's repeal or repeal 124761  
and reenactment by this act, provided the individual completes 124762  
the program not later than June 30, 2027; 124763

(2) Complete a program described in section 3313.902, 124764  
3314.38, or 3345.86 of the Revised Code in accordance with the 124765  
applicable section, as enacted by this act. 124766

(B) The Department of Education and Workforce shall pay an 124767  
eligible institution or eligible provider as required by the 124768  
section under which the individual completes the program. 124769

**Section 733.40.** Notwithstanding anything to the contrary 124770  
in Revised Code, nothing prohibits any other community college, 124771  
as defined in section 3333.168 of the Revised Code, from serving 124772  
the counties previously served by Eastern Gateway Community 124773  
College under section 3354.24 of the Revised Code. 124774

Nothing in this section exempts a community college from 124775  
academic program approval by the Chancellor of Higher Education 124776  
under section 3333.04 of the Revised Code or from seeking 124777  
approval under rules adopted by the Chancellor. 124778

**Section 737.10.** (A) The Director of Environmental 124779  
Protection shall conduct a review to assess the motor vehicle 124780  
inspection and maintenance program that is implemented in 124781  
accordance with section 3704.14 of the Revised Code. The 124782  
Director shall include all of the following in the review: 124783

(1) A determination of the necessity of the program; 124784

(2) An evaluation of whether each county that is subject 124785  
to the program during the prior calendar year has achieved, and 124786  
has the ability to maintain, compliance with federal ozone 124787  
standards without implementation of the program in that county. 124788  
The evaluation shall include the most recent air quality 124789  
monitoring data and predictive modeling of future compliance. 124790

(3) An analysis of whether a revision to Ohio's state 124791  
implementation plan could be submitted to the United States 124792  
Environmental Protection Agency to discontinue the program while 124793  
maintaining compliance with national ambient air quality 124794  
standards. If the Director's analysis finds that compliance may 124795  
be achieved without participation in the program, the Director 124796  
shall formally submit a request to the United States 124797  
Environmental Protection Agency for reconsideration of the 124798  
program's implementation in affected regions. 124799

(4) After proper monitoring, an analysis of weather 124800  
patterns over northeast Ohio and the entire great lakes region 124801  
with respect to how those patterns impact ozone levels, air 124802  
circulation, and overall emissions. The analysis shall include a 124803  
review of temperature inversions, seasonal variations, and other 124804  
meteorological factors that could contribute to emissions 124805  
buildup or dispersion. The analysis also shall evaluate current 124806  
ozone levels and how such weather patterns affect compliance 124807  
status with the national ambient air quality standards. 124808

(5) Any potential alternative measures for maintaining air quality if the program is altered or discontinued. 124809  
124810

(B) Not later than eighteen months after the effective date of this section, the Director shall compile the findings of the review into a report. The Director shall submit the report to the General Assembly and make the report available to the public on the Environmental Protection Agency's web site. 124811  
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**Section 741.10.** (A) As used in this section, "contributions," "contributory employer," "payments in lieu of contributions," and "wages" have the same meanings as in section 4141.01 of the Revised Code. 124816  
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124818  
124819

(B) Except as provided in division (E) of this section, the Director of Job and Family Services shall, in accordance with division (C) of this section, collect a technology and customer service fee from all contributory employers and all nonprofit organizations, or groups of such organizations, that elect to become liable for payments in lieu of contributions under section 4141.241 of the Revised Code. 124820  
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(C) (1) The Director shall collect a technology and customer service fee of not more than fifteen-hundredths of one per cent of wages per employee subject to this chapter from each contributory employer. The Director shall collect any fee due under this section from a contributory employer at the same time and in the same manner as contributions due under section 4141.25 of the Revised Code. 124827  
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(2) At the time a nonprofit organization, or group of such organizations, that elects to become liable for payments in lieu of contributions files or renews a surety bond with the Director in accordance with division (C) of section 4141.241 of the 124834  
124835  
124836  
124837

Revised Code, the Director shall collect a technology and 124838  
customer service fee of not more than thirteen dollars and fifty 124839  
cents from the organization or group of organizations. 124840

(D) Technology and customer service fees collected under 124841  
this section shall be paid into the Unemployment Compensation 124842  
Special Administrative Fund established in section 4141.11 of 124843  
the Revised Code. 124844

(E) The technology and customer service fee required under 124845  
this section applies only to the period beginning on the 124846  
effective date of this section and ending on the date that is 124847  
two years after the effective date of this section. 124848

**Section 747.10. TRANSITION OF PEER SUPPORTER CERTIFICATION** 124849

(A) (1) Beginning one year after the effective date of this 124850  
section, an individual who holds, on the effective date of this 124851  
section, a valid certificate that is accepted under rules 124852  
adopted pursuant to section 5119.36 of the Revised Code as 124853  
authority to practice as a peer recovery supporter, youth peer 124854  
supporter, or family peer supporter, may apply to the Chemical 124855  
Dependency Professionals Board to continue practicing as a peer 124856  
supporter under the certificate issued by the Department of 124857  
Mental Health and Addiction Services. 124858

(2) At the Board's discretion and notwithstanding section 124859  
4758.02 of the Revised Code, the Board may allow an individual 124860  
to continuing practicing as a peer recovery supporter, youth 124861  
peer supporter, or family peer supporter until a date the Board 124862  
specifies. The date the Board specifies shall not be later than 124863  
the date that is one year after the effective date of the 124864  
Board's initial rules regarding peer recovery supporters, youth 124865  
peer supporters, or family peer supporters adopted under section 124866

4758.20 of the Revised Code. 124867

(3) An individual who is permitted to continue practicing 124868  
under a certificate issued by the Department of Mental Health 124869  
and Addiction Services under this section may perform services 124870  
within the scope, standards, and ethics of the certificate 124871  
issued by the Department until the date specified by the Board. 124872

(B) Notwithstanding the amendments made by this act to 124873  
sections 4758.10, 4758.11, and 4758.13 of the Revised Code, both 124874  
of the following apply regarding the position on the Board that 124875  
is to be held by a peer recovery supporter, youth peer 124876  
supporter, or family peer supporter certified by the Board: 124877

(1) The Governor may delay filling the position until the 124878  
Board's certification of such individuals has been initiated or 124879  
may choose to fill the position before that time by appointing 124880  
an individual who otherwise meets the same qualifications. 124881

(2) If the Governor delays filling the position on the 124882  
Board as described in division (B)(1) of this section, the Board 124883  
shall operate by making corresponding adjustments to the 124884  
required number of members who must be present to constitute a 124885  
quorum. 124886

**Section 751.20.** (A) The Department of Medicaid shall 124887  
conduct a comprehensive study on the feasibility, legality, and 124888  
potential cost savings of establishing a Medicaid waiver 124889  
component that establishes work requirements for Medicaid 124890  
recipients and includes additional supplemental workforce 124891  
development requirements. 124892

(B) As part of the study required under this section, the 124893  
Department shall evaluate the impact of requiring Medicaid 124894  
recipients who maintain eligibility by satisfying work 124895

requirements for twelve consecutive months to enroll in a 124896  
workforce development program that satisfies either of the 124897  
following: 124898

(1) The program is a state-sponsored workforce development 124899  
program that can be completed within twelve months. 124900

(2) The program is one that is offered through a private 124901  
or public training facility, community college, or university 124902  
that can be completed within twelve months. 124903

(C) The study required under this section shall assess all 124904  
of the following: 124905

(1) The legal feasibility of implementing the requirements 124906  
described in division (B) of this section; 124907

(2) The workforce development training capacity within 124908  
this state; 124909

(3) The potential cost savings associated with 124910  
implementing the requirements described in division (B) of this 124911  
section; 124912

(4) The projected impact on Medicaid enrollment in this 124913  
state if the requirements described in division (B) of this 124914  
section were to be implemented. 124915

(D) Not later than September 1, 2026, the Medicaid 124916  
Director shall prepare a report detailing the Department's 124917  
findings of the study conducted under this section, including 124918  
any policy recommendations. The report shall be submitted to the 124919  
Governor, the Speaker of the House of Representatives, the 124920  
President of the Senate, and the chairperson of the finance 124921  
committee of both the House of Representatives and Senate. 124922

**Section 751.30.** (A) (1) The Child Care Provider Recruitment 124923



and Mentorship Grant Program is created in the Department of 124924  
Children and Youth. Under the program, the Department shall 124925  
award grants to eligible organizations for the following 124926  
purposes: 124927

(a) To increase, through recruitment efforts, Ohio's 124928  
supply of licensed child care providers, including at least one 124929  
hundred twenty new family child care homes, especially in areas 124930  
or communities of the state most in need of such care; 124931

(b) To assist entities and individuals recruited under the 124932  
program in establishing and operating child care businesses and 124933  
adopting business practices to best serve the needs of Ohio's 124934  
families. 124935

(2) The Department shall operate the program described in 124936  
division (A)(1) of this section until July 1, 2027. 124937

(3) Each grant recipient shall do all of the following 124938  
over the course of the recipient's grant period: 124939

(a) With the assistance of the Department and relevant 124940  
stakeholders, identify and recruit entities and individuals 124941  
interested in operating family child care homes, in particular, 124942  
in areas and communities with limited access to such homes; 124943

(b) Partner with prospective child care providers to 124944  
assist them in developing and implementing child care business 124945  
models; 124946

(c) Assist prospective child care providers in obtaining 124947  
licensure under Chapter 5104. of the Revised Code; 124948

(d) Mentor licensed child care providers in such topics as 124949  
operating, maintaining, and expanding child care businesses. 124950

(B) An organization seeking a program grant shall apply to 124951

the Department in the manner prescribed by the Department. To be 124952  
eligible for a program grant, an applicant shall demonstrate 124953  
that it is able to do all of the following: 124954

(1) In collaboration with the Department and relevant 124955  
stakeholders, plan, staff, and hold events, either in-person or 124956  
virtually, to identify and recruit prospective child care 124957  
providers; 124958

(2) Develop informational materials to assist licensed 124959  
child care providers with marketing, advertising, and outreach; 124960

(3) Establish a software platform, with a customizable 124961  
dashboard, that may be accessed by licensed child care providers 124962  
to assist them with tasks such as marketing their businesses, 124963  
enrolling children, communicating with families, billing for 124964  
services, and reporting expenses; 124965

(4) Offer and provide coaching and training to child care 124966  
staff employed by licensed child care providers, which may 124967  
include in-person, group training sessions, on-site coaching 124968  
visits, community forums, and other events; 124969

(5) Perform any other activity the Department considers 124970  
relevant. 124971

The Department shall review each application it receives 124972  
under this section. After receiving an application it considers 124973  
complete, the Department shall determine whether the applicant 124974  
meets the eligibility conditions described in this division. If 124975  
the eligibility conditions are met, and subject to available 124976  
funds, the Department shall award a grant to the recipient. Each 124977  
grant shall expire at the close of fiscal year 2027. 124978

(C) The Department shall require each grant recipient, as 124979  
a condition of continued funding, to submit to the Department on 124980

a periodic basis reports describing the recipient's progress in 124981  
partnering with, assisting, and mentoring prospective and 124982  
licensed child care providers, in particular the number and 124983  
content of trainings offered by the recipient, the types of 124984  
software or web site platforms the recipient makes available to 124985  
child care providers, and any other information the Department 124986  
considers necessary. The reports shall be completed and 124987  
submitted in the manner and at the intervals prescribed by the 124988  
Department. 124989

**Section 751.40.** (A) The Ibogaine Treatment Study Committee 124990  
is established to study and evaluate the use of ibogaine for the 124991  
care and treatment of individuals with substance use disorders 124992  
and veterans with post-traumatic stress disorder, depression, 124993  
and mild traumatic brain injuries. In conducting its study and 124994  
evaluation, the committee shall consider the following topics: 124995

(1) The needs of individuals with substance use disorders; 124996

(2) The needs of veterans with post-traumatic stress 124997  
disorder, depression, and mild traumatic brain injuries; 124998

(3) The efficacy of using ibogaine for the care and 124999  
treatment of the individuals specified in divisions (A) (1) and 125000  
(2) of this section, including a review of available scientific 125001  
literature; 125002

(4) State and federal law regarding ibogaine; 125003

(5) Any other topics the committee considers relevant. 125004

(B) The committee consists of the following six members: 125005

(1) Four members of the General Assembly, two appointed by 125006  
the Speaker of the House of Representatives and two appointed by 125007  
the Senate President; 125008

(2) The Director of Behavioral Health or the Director's  
designee; 125009  
125010

(3) The Director of Veterans Services or the Director's  
designee. 125011  
125012

The members shall be appointed not later than thirty days  
after the effective date of this section. Vacancies, including 125013  
any vacancy due to the expiration of a member of the General 125014  
Assembly's term of office, shall be filled not later than thirty 125015  
days after the vacancy occurs in the same manner as the original 125016  
appointment. The members shall select a chairperson from among 125017  
the committee's membership and shall meet as necessary to 125018  
satisfy the requirements of this section. 125019  
125020

(C) Not later than December 31, 2027, the committee shall 125021  
prepare and submit to the General Assembly a report of its 125022  
recommendations for legislation addressing use of ibogaine for 125023  
the care and treatment of individuals with substance use 125024  
disorders and veterans with post-traumatic stress disorder, 125025  
depression, and mild traumatic brain injuries. The report shall 125026  
be submitted in accordance with section 101.68 of the Revised 125027  
Code. The Ohio Department of Behavioral Health shall provide to 125028  
the committee the administrative support necessary to execute 125029  
its duties. 125030

(D) The committee ceases to exist on the submission of the 125031  
report described in division (C) of this section. 125032

**Section 751.50.** The Department of Rehabilitation and 125033  
Correction shall create a pilot program in the Ross Correctional 125034  
Institution to ensure that no private entity provides food 125035  
service within the institution and instead utilizes state 125036  
employees to oversee meals and food service to the extent such a 125037

program does not conflict with existing contracts. 125038

**Section 751.60.** Beginning on the effective date of this 125039  
section, the Department of Medicaid shall reestablish and resume 125040  
the prior authorization requirements for prescription and other 125041  
drugs, tests and diagnostic procedures, and medical procedures 125042  
under the Medicaid program that were in effect on June 29, 2024. 125043

**Section 751.70.** Not later than December 31, 2027, the 125044  
Auditor of State shall conduct both a performance audit and 125045  
fiscal audit of the Department of Medicaid's next generation 125046  
system that went into effect on February 1, 2023. The Auditor of 125047  
State shall submit a copy of the audit reports to the Executive 125048  
Director of the Joint Medicaid Oversight Committee. 125049

In conducting audits under this section, the Auditor of 125050  
State shall examine all of the following components of the 125051  
system: 125052

- (A) The Provider Network Management; 125053
- (B) The Ohio Medicaid Enterprise System; 125054
- (C) The Ohio Resilience Through Integrated Systems and 125055  
Excellence (OhioRISE) Program; 125056
- (D) The Electronic Data Interchange; 125057
- (E) The Medicaid state pharmacy benefit manager that was 125058  
selected in accordance with section 5167.24 of the Revised Code; 125059
- (F) Centralized Provider Credentialing; 125060
- (G) Prior authorization requirements; 125061
- (H) Issues with late payments to Medicaid providers; 125062
- (I) Any other aspects of the system that the Auditor of 125063  
State considers relevant. 125064

**Section 751.80.** PRIVATE INSURANCE OUTREACH PROGRAM 125065

During Fiscal Year 2027, the Department of Medicaid shall 125066  
create and administer an outreach program to provide 125067  
information, awareness, and assistance to Medicaid recipients to 125068  
help them transition from Medicaid to private insurance. 125069

**Section 755.10.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM 125070

There is hereby established in the Highway Operating Fund 125071  
(Fund 7002), used by the Department of Transportation, a Diesel 125072  
Emissions Reduction Grant Program. The Director of Environmental 125073  
Protection shall administer the program and shall solicit, 125074  
evaluate, score, and select projects submitted by public and 125075  
private entities that are eligible for the federal Congestion 125076  
Mitigation and Air Quality (CMAQ) Program. The Director of 125077  
Transportation shall process Federal Highway Administration- 125078  
approved projects as recommended by the Director of 125079  
Environmental Protection. 125080

In addition to the allowable expenditures set forth in 125081  
section 122.861 of the Revised Code, Diesel Emissions Reduction 125082  
Grant Program funds also may be used to fund projects involving 125083  
the purchase or use of hybrid and alternative fuel vehicles that 125084  
are allowed under guidance developed by the Federal Highway 125085  
Administration for the CMAQ Program. 125086

Public entities eligible to receive funds under section 125087  
122.861 of the Revised Code and CMAQ shall be reimbursed from 125088  
moneys in Fund 7002 designated for the Department of 125089  
Transportation's Diesel Emissions Reduction Grant Program. 125090

Private entities eligible to receive funds under section 125091  
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 125092  
direction of the local public agency sponsor and upon approval 125093

of the Department of Transportation, through direct payments. 125094  
These reimbursements shall be made from moneys in Fund 7002 125095  
designated for the Department of Transportation's Diesel 125096  
Emissions Reduction Grant Program. Total expenditures from Fund 125097  
7002 for the Diesel Emissions Reduction Grant Program shall not 125098  
exceed \$10,000,000 in both fiscal year 2026 and fiscal year 125099  
2027. 125100

Any allocations under this section represent CMAQ program 125101  
moneys within the Department of Transportation for use by the 125102  
Diesel Emissions Reduction Grant Program by the Environmental 125103  
Protection Agency. These allocations shall not reduce the amount 125104  
of such moneys designated for metropolitan planning 125105  
organizations. 125106

The Director of Environmental Protection, in consultation 125107  
with the Director of Transportation, shall develop guidance for 125108  
the distribution of funds and for the administration of the 125109  
Diesel Emissions Reduction Grant Program. The guidance shall 125110  
include a method of prioritization for projects, acceptable 125111  
technologies, and procedures for awarding grants. 125112

**Section 755.20.** (A) As used in this section: 125113

(1) "First responder" means a law enforcement agency, fire 125114  
department, or emergency medical services organization. 125115

(2) "Unmanned aerial vehicle" has the same meaning as in 125116  
section 4561.50 of the Revised Code. 125117

(B) The Director of Transportation shall establish a 125118  
Drones for First Responders pilot program to be administered by 125119  
the Department of Transportation. 125120

(C) The program shall be designed to focus on the 125121  
following goals: 125122

(1) Acquiring unmanned aerial vehicle system assets for first responders within municipal corporations;	125123 125124
(2) Providing training on the operation of unmanned aerial vehicle systems to the operators of those systems;	125125 125126
(3) Obtaining approval from the Federal Aviation Administration for beyond visual line of sight operations for purposes of the pilot program and the operation of unmanned aerial vehicle systems within the program;	125127 125128 125129 125130
(4) Integrating existing Ohio unmanned aerial vehicle system infrastructure for purposes of conducting beyond visual line of sight operations within the program;	125131 125132 125133
(5) Collecting metrics for cost-benefit analyses related to advanced unmanned aerial vehicle system operations;	125134 125135
(6) Developing a comprehensive approach for community acceptance and integration of unmanned aerial vehicle system operations;	125136 125137 125138
(7) Standardizing an approval process with the Federal Aviation Administration for unmanned aerial vehicle system operators across the state.	125139 125140 125141
(D) The Director shall establish a process to award money available under the program to the legislative authority of municipal corporations that are willing to participate in the program and meet any guidelines established by the Director for meeting the program's goals. The money awarded shall be allocated towards the purchase of unmanned aerial systems for first responders within the municipal corporations, for training support, for assisting in navigating federal processes and approvals, and for supporting the integration of statewide operations.	125142 125143 125144 125145 125146 125147 125148 125149 125150 125151



(E) The Director shall establish any procedures and requirements necessary to administer this section, including award processes, and any conditions for the expenditure of funding awarded under the program.

(F) (1) Not later than two years after the effective date of this section, the Director shall submit a report regarding the program to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Minority Leaders of the House of Representatives and Senate, and the chairs of any committee of the House of Representatives and Senate related to transportation issues.

(2) The report shall detail how funds were expended through the program, the success of the program in meeting its goals, the cost-benefit analysis created through the program, and any recommendations for additional integration of unmanned aerial vehicle system operations by first responders.

**Section 757.10.** The amendment by this act of section 5747.05 of the Revised Code is intended to clarify the meaning of that section as it existed before the effective date of this section and is not intended to change the meaning in any way.

**Section 757.20.** The amendment by this act of section 5747.40 of the Revised Code is intended to clarify the meaning of that section as it existed prior to the effective date of this section. It is not intended to change the meaning of section 5747.40 of the Revised Code in any way.

**Section 757.30.** The Tax Commissioner may issue assessments pursuant to the amendment by this act of divisions (A) and (F) of section 5736.09 of the Revised Code on or after the effective date of that amendment, subject to the four-year time limitation

prescribed in division (F) of that section. 125181

**Section 757.40. BUSINESS INCENTIVE TAX CREDITS** 125182

In order to facilitate an understanding of business 125183  
incentive tax credits, as defined in section 107.036 of the 125184  
Revised Code, the following table provides an estimate of the 125185  
amount of credits that may be authorized in each fiscal year of 125186  
the 2026-2027 biennium, an estimate of the credits expected to 125187  
be claimed in each fiscal year of that biennium, and an estimate 125188  
of the amount of credits authorized that will remain outstanding 125189  
at the end of that biennium. In totality, this table provides an 125190  
estimate of the state revenue forgone due to business incentive 125191  
tax credits in the 2026-2027 biennium and future bienniums. 125192  
125193

	1	2	3	4	5	6
A	Biennial Business Incentive Tax Credit Estimates					
	(All Figures in Thousands of Dollars)					
B		Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Estimate of tax credits issued/claimed	Estimate of tax credits issued/claimed	Expected Out- standing Credits
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	\$170,000	\$175,000	\$139,200	\$145,000	\$705,000
E	Job Retention	\$0	\$0	\$15,300	\$10,710	\$23,000
F	Historic Preservation	\$60,000	\$60,000	\$122,300	\$86,100	\$372,000

G	Film	\$50,000	\$50,000	\$40,000	\$35,000	\$100,000
H	Film and Theatre	\$25,000	\$25,000	\$15,000	\$25,000	\$70,000
I	New Markets	\$10,000	\$10,000	\$7,500	\$7,500	\$46,000
J	R&D Loan	\$0	\$0	\$0	\$0	\$5,000
K	InvestOhio Program	\$5,000	\$5,000	\$3,750	\$3,750	\$7,500
L	Ohio Rural Business Growth	\$0	\$0	\$18,750	\$18,750	\$7,500
M	Ohio Opportunity Zone	\$25,000	\$25,000	\$25,000	\$25,000	\$0
N	Transformational Mixed-Use Development	\$0	\$0	\$136,200	\$110,600	\$237,500

**Section 757.60.** The amendment by this act of division (I) 125194  
of section 5747.08 of the Revised Code and section 5747.39 of 125195  
the Revised Code is intended to clarify the meaning of those 125196  
sections as they existed before the effective date of this 125197  
section and is not intended to change their meaning in any way. 125198

**Section 757.70.** (A) As used in this section, "qualified 125199  
property" means property that satisfies the qualifications for 125200  
tax exemption under section 5709.07 of the Revised Code, or any 125201  
other section of the Revised Code that provides a tax exemption 125202  
for property owned or used by a church, and that was acquired by 125203  
a church which recorded the deed for the property between May 1, 125204  
2022, and May 31, 2022. 125205

(B) Notwithstanding sections 5713.08, 5713.081, and 125206

5715.27 of the Revised Code, and without regard to any time or 125207  
payment limitations under any section of the Revised Code, the 125208  
owner of qualified property at any time within twelve months 125209  
after the effective date of this section may file an application 125210  
with the Tax Commissioner requesting that the qualified property 125211  
be placed on the exempt list and that all unpaid taxes, 125212  
penalties, and interest on the property be abated, including 125213  
taxes, penalties, and interest that have become a lien prior to 125214  
the date of acquisition of title to the property by the 125215  
qualified property's owner. 125216

(C) The application shall be made on the form prescribed 125217  
by the Tax Commissioner under section 5715.27 of the Revised 125218  
Code and shall list the name of the county in which the property 125219  
is located; the property's legal description, taxable value, and 125220  
the amount, in dollars, of the unpaid taxes, penalties, and 125221  
interest; the date of acquisition of title to the property; the 125222  
use of the property during any time that the unpaid taxes 125223  
accrued; and any other information required by the Commissioner. 125224  
The county auditor shall supply the required information upon 125225  
request of the applicant. 125226

(D) Upon request of the applicant, the county treasurer 125227  
shall determine if all taxes, penalties, and interest that 125228  
became a lien on the qualified property before it was first used 125229  
by the property's owner or a prior owner for an exempt purpose 125230  
have been paid in full. If so, the county treasurer shall issue 125231  
a certificate to the applicant stating that all such taxes, 125232  
penalties, and interest have been paid in full. The applicant 125233  
shall attach the county treasurer's certificate to the 125234  
application filed with the Tax Commissioner under this section. 125235

(E) Upon receipt of an application, the Tax Commissioner 125236

shall determine if the qualified property meets the 125237  
qualifications set forth in this section and if so shall issue 125238  
an order directing that the property be placed on the exempt 125239  
list of the county in which it is located and that all unpaid 125240  
taxes, penalties, and interest for each year that the property 125241  
met the qualifications for exemption described in section 125242  
5709.07 or another section of the Revised Code be abated. If the 125243  
Commissioner finds that the property is or previously was being 125244  
used for a purpose that would disqualify it for such exemption, 125245  
the Tax Commissioner shall issue an order denying the 125246  
application with respect to such tax years where the 125247  
Commissioner finds that disqualifying use. 125248

(F) If the Tax Commissioner finds that the property is not 125249  
entitled to the tax exemption and abatement of unpaid taxes, 125250  
penalties, and interest for any of the years for which the 125251  
applicant claims an exemption or abatement, the Commissioner 125252  
shall order the county treasurer of the county in which the 125253  
property is located to collect all taxes, penalties, and 125254  
interest on the property for those years as required by law. 125255

**Section 757.80.** (A) As used in this section, "qualified 125256  
property" means real property that is owned by a municipal 125257  
corporation or township and satisfies the qualifications for tax 125258  
exemption under the terms of section 5709.08 of the Revised 125259  
Code. 125260

(B) Notwithstanding sections 5713.08, 5713.081, and 125261  
5715.27 of the Revised Code, and without regard to any time or 125262  
payment limitations under any section of the Revised Code, the 125263  
owner of qualified property at any time within twelve months 125264  
after the effective date of this section may file an application 125265  
with the Tax Commissioner requesting that the qualified property 125266

be placed on the exempt list and that all unpaid taxes, 125267  
penalties, and interest on the property be abated, including 125268  
taxes, penalties, and interest that have become a lien prior to 125269  
the date of acquisition of title to the property by the 125270  
qualified property's owner. 125271

(C) The application shall be made on the form prescribed 125272  
by the Tax Commissioner under section 5715.27 of the Revised 125273  
Code and shall list the name of the county in which the property 125274  
is located; the property's legal description, taxable value, and 125275  
the amount, in dollars, of the unpaid taxes, penalties, and 125276  
interest; the date of acquisition of title to the property; the 125277  
use of the property during any time that the unpaid taxes 125278  
accrued; and any other information required by the Commissioner. 125279  
The county auditor shall supply the required information upon 125280  
request of the applicant. 125281

(D) Upon request of the applicant, the county treasurer 125282  
shall determine if all taxes, penalties, and interest that 125283  
became a lien on the qualified property before it was first used 125284  
by the property's owner or a prior owner for an exempt purpose 125285  
have been paid in full. If so, the county treasurer shall issue 125286  
a certificate to the applicant stating that all such taxes, 125287  
penalties, and interest have been paid in full. The applicant 125288  
shall attach the county treasurer's certificate to the 125289  
application filed with the Tax Commissioner under this section. 125290

(E) Upon receipt of an application, the Tax Commissioner 125291  
shall determine if the qualified property meets the 125292  
qualifications set forth in this section and if so shall issue 125293  
an order directing that the property be placed on the exempt 125294  
list of the county in which it is located and that all unpaid 125295  
taxes, penalties, and interest for each year that the property 125296

met the qualifications for exemption described in section 125297  
5709.08 or another section of the Revised Code be abated. If the 125298  
Commissioner finds that the property is or previously was being 125299  
used for a purpose that would disqualify it for such exemption, 125300  
the Tax Commissioner shall issue an order denying the 125301  
application with respect to such tax years where the 125302  
Commissioner finds that disqualifying use. 125303

(F) If the Tax Commissioner finds that the property is not 125304  
entitled to the tax exemption and abatement of unpaid taxes, 125305  
penalties, and interest for any of the years for which the 125306  
applicant claims an exemption or abatement, the Commissioner 125307  
shall order the county treasurer of the county in which the 125308  
property is located to collect all taxes, penalties, and 125309  
interest on the property for those years as required by law. 125310

**Section 757.90.** (A) (1) The amendment by this act of 125311  
division (A) of section 5715.19 of the Revised Code is intended 125312  
to be a remedial measure and applies to original complaints 125313  
filed on or after the effective date of this section. 125314

(2) The amendment by this act of division (B) of section 125315  
5715.19 of the Revised Code is intended to be a remedial measure 125316  
to clarify existing law and applies to tax year 2022 and after. 125317

(3) The amendment or enactment by this act of division (I) 125318  
of section 5715.19 of the Revised Code applies to agreements 125319  
entered into on or after the effective date of this section. 125320

(4) The enactment by this act of divisions (K) and (L) of 125321  
section 5715.19 of the Revised Code applies to original 125322  
complaints filed on or after the effective date of this section. 125323

(B) The amendment by this act of section 5717.01 of the 125324  
Revised Code is intended to be a remedial measure to clarify 125325

existing law and applies to any appeal taken from a decision of 125326  
a board of revision rendered on or after July 21, 2022, except 125327  
that the amendment of that section prohibiting an appeal by a 125328  
third party complainant, as defined in section 5715.19 of the 125329  
Revised Code, applies to any appeal taken from a board of 125330  
revision decision rendered on or after the effective date of 125331  
this section. 125332

**Section 801.10.** Section 4141.29 of the Revised Code, as 125333  
amended by this act, applies to valid applications for 125334  
determination of benefit rights filed on or after the effective 125335  
date of this section. 125336

**Section 801.20.** (A) The amendment by this act of division 125337  
(A) (18) of section 5747.01 of the Revised Code is intended to 125338  
clarify the meaning of that division as it existed before the 125339  
effective date of this section and is not intended to change its 125340  
meaning in any way. 125341

(B) The amendment by this act of division (S) (14) of 125342  
section 5747.01 of the Revised Code applies to taxable years 125343  
beginning on and after January 1, 2025. 125344

(C) The amendment by this act of division (A) (31) of 125345  
section 5747.01 of the Revised Code applies to taxable years 125346  
ending on or after the effective date of this section. 125347

(D) The enactment by this act of division (A) (44) of 125348  
section 5747.01 of the Revised Code applies contributions 125349  
described in that division made on and after the effective date 125350  
of this section. 125351

**Section 801.40.** The amendment by this act of section 125352  
5747.09 and division (C) of section 5747.43 of the Revised Code 125353  
applies to taxable years beginning on or after January 1, 2025. 125354



**Section 801.60.** The repeal and reenactment by this act of section 3780.22 of the Revised Code applies on and after July 1, 2025. 125355  
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125357

**Section 801.70.** The amendment by this act of sections 5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised Code involving notice to the tax commissioner applies to resolutions adopted under sections 5748.02, 5748.021, 5748.08, and 5748.09 and petitions filed under section 5748.04 of the Revised Code on or after the effective date of those amendments. 125358  
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**Section 801.90.** The amendment by this act of division (B) of section 5747.43 of the Revised Code applies to taxable years beginning on or after January 1, 2026. 125364  
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**Section 801.100.** The amendment by this act of sections 5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 5748.081, and 5748.09 of the Revised Code involving eliminating school district income taxes on estates applies to any school district income tax, as defined in section 5748.01 of the Revised Code, in effect, levied, or renewed on or after January 1, 2026. The amendments do not invalidate or modify any portions of a properly enacted tax in effect on that date, other than those applicable to estates. For any school district income tax in effect on that date, the school district is not required to adopt a new resolution or obtain voter approval for the tax in order to effectuate those amendments. 125367  
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**Section 801.110.** The amendment by this act of divisions (A) and (E) of section 3734.904 of the Revised Code applies on and after January 1, 2026. 125379  
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**Section 801.120.** The amendment by this act of sections 718.031, 3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 125382  
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3770.10, 3770.25, 3775.16, 5747.062, 5747.063, and 5747.064 of 125384  
the Revised Code and the enactment by this act of sections 125385  
3770.074 and 3770.075 of the Revised Code apply to amounts 125386  
deducted and withheld on or after January 1, 2026. 125387

**Section 801.130.** The amendment by this act of section 125388  
5747.071 of the Revised Code applies to withholding requests 125389  
made under that section on or after January 1, 2026. 125390

**Section 801.150.** The enactment by this act of section 125391  
5747.073 of the Revised Code applies to income tax withholding 125392  
returns, reports, or payments filed or remitted on or after 125393  
January 1, 2026. 125394

**Section 801.160.** The amendment by this act of section 125395  
5739.07 of the Revised Code applies to refunds made pursuant to 125396  
applications that are filed on or after the effective date of 125397  
this section. 125398

**Section 801.170.** The amendment by this act of section 125399  
5739.132 of the Revised Code applies to refunds allowed on and 125400  
after the effective date of that amendment. 125401

**Section 801.180.** The amendment by this act of section 125402  
5747.38 of the Revised Code applies to taxable years ending on 125403  
or after January 1, 2025. 125404

**Section 801.190.** The amendment by this act of section 125405  
718.01 of the Revised Code applies to taxable years ending on or 125406  
after the effective date of this section. 125407

**Section 801.200.** The amendments made by this act to 125408  
divisions (B) (3), (4), and (22) of section 3119.01 and section 125409  
3119.07 of the Revised Code apply beginning January 1, 2026. 125410  
During the period between the effective date of this section and 125411  
January 1, 2026, the Ohio Department of Job and Family Services 125412

shall update the child support guideline worksheets and 125413  
instructions pursuant to section 3119.022 of the Revised Code 125414  
and perform necessary administrative changes in order to 125415  
implement section 3119.07 of the Revised Code as amended by this 125416  
act. 125417

**Section 801.210.** The amendment by this act of division (A) 125418  
(1) of section 5749.02 of the Revised Code applies to calendar 125419  
quarters ending on or after the effective date of this section. 125420

**Section 801.220.** The amendment by this act of section 125421  
3735.67 of the Revised Code applies to all agreements entered 125422  
into under section 3735.671 of the Revised Code on or after 125423  
January 1, 2025. The amendment by this act of section 3735.671 125424  
of the Revised Code applies to agreements entered into under 125425  
that section before, on, or after the effective date of this 125426  
section. 125427

**Section 801.230.** The amendment by this act of section 125428  
5747.29 of the Revised Code applies to taxable years beginning 125429  
on or after the effective date of this section. 125430

**Section 805.10. SEVERABILITY** 125431

The items of law contained in this act, and their 125432  
applications, are severable. If any item of law contained in 125433  
this act, or if any application of any item of law contained in 125434  
this act, is held invalid, the invalidity does not affect other 125435  
items of law contained in this act and their applications that 125436  
can be given effect without the invalid item of law or 125437  
application. 125438

**Section 810.10. NO EFFECT AFTER END OF BIENNIUM** 125439

An item of law, other than an amending, enacting, or 125440  
repealing clause, that composes the whole or part of an 125441

uncodified section contained in this act has no effect after 125442  
June 30, 2027, unless its context clearly indicates otherwise. 125443

**Section 820.10.** Sections of this act prefixed with numbers 125444  
in the 200s, 300s, 400s, and 500s of this act are exempt from 125445  
the referendum under Ohio Constitution, Article II, Section 1d, 125446  
and therefore take immediate effect when this act becomes law. 125447

**Section 820.20.** The amendment, enactment, or repeal by 125448  
this act of the sections listed below is exempt from the 125449  
referendum under Ohio Constitution, Article II, section 1d and 125450  
section 1.471 of the Revised Code and therefore takes effect 125451  
immediately when this act becomes law or, if a later effective 125452  
date is specified below, on that date. 125453

Sections 3302.03, 3319.51, 3780.02, 3780.03, 3780.10, 125454  
3780.18, 3780.19, 3780.22, 3780.23, 3780.25, 3780.26, 3780.30, 125455  
4743.05, 5119.211, 5124.15, 5709.93, and 5751.02 of the Revised 125456  
Code. 125457

Sections 126.68, 127.14, 131.44, 131.51, 133.10, 135.352, 125458  
321.08, 3375.121, 3375.404, 3375.85, 5705.31, 5705.32, 5705.321, 125459  
5705.37, 5707.04, 5719.041, 5747.03, 5747.46, 5747.47, 5747.48, 125460  
5747.49, 5747.51, 5747.52, and 5747.99 of the Revised Code. 125461

**Section 820.30.** SUBJECT TO REFERENDUM 125462

Except as otherwise provided in this act, the amendment, 125463  
enactment, or repeal by this act of a section is subject to the 125464  
referendum under Ohio Constitution, Article II, section 1c and 125465  
therefore takes effect on the ninety-first day after this act is 125466  
filed with the Secretary of State or, if a later effective date 125467  
is specified below, on that date. 125468

**Section 820.70.** Sections 1546.01, 1547.531, and 1547.54 of 125469  
the Revised Code, as amended by this act, take effect January 1, 125470

2027.	125471
<b>Section 820.80.</b> Sections 4503.511, 4507.41, and 5747.75 of the Revised Code as amended, enacted, or repealed by this act take effect on January 1, 2026.	125472 125473 125474
<b>Section 820.90.</b> Section 2303.201 of the Revised Code as amended by this act takes effect six months after the effective date of this section.	125475 125476 125477
<b>Section 820.100.</b> Sections 3305.05 and 3305.053 of the Revised Code, as amended by this act, take effect one year after the effective date of this section.	125478 125479 125480
<b>Section 830.10.</b> The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	125481 125482 125483 125484 125485 125486 125487 125488
Section 123.28 of the Revised Code as amended by both H.B. 64 and H.B. 141 of the 131st General Assembly.	125489 125490
Section 124.385 of the Revised Code as amended by both H.B. 1 and H.B. 16 of the 128th General Assembly.	125491 125492
Section 149.43 of the Revised Code as amended by H.B. 265, H.B. 315, S.B. 29, and S.B. 109, all of the 135th General Assembly.	125493 125494 125495
Section 173.38 of the Revised Code as amended by both H.B. 110 and S.B. 217 of the 134th General Assembly.	125496 125497
Section 173.381 of the Revised Code as amended by both	125498

H.B. 110 and S.B. 217 of the 134th General Assembly.	125499
Section 319.54 of the Revised Code as amended by both H.B. 265 and H.B. 496 of the 135th General Assembly.	125500 125501
Section 1533.71 of the Revised Code as amended by both H.B. 389 and S.B. 310 of the 129th General Assembly.	125502 125503
Section 2925.14 of the Revised Code as amended by both H.B. 29 and S.B. 95 of the 135th General Assembly.	125504 125505
Section 3302.03 of the Revised Code as amended by both S.B. 104 and S.B. 168 of the 135th General Assembly.	125506 125507
Section 3314.03 of the Revised Code as amended by H.B. 8, H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, all of the 135th General Assembly.	125508 125509 125510
Section 3326.11 of the Revised Code as amended by H.B. 8, H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, all of the 135th General Assembly.	125511 125512 125513
Section 3328.24 of the Revised Code as amended by both S.B. 208 and S.B. 234 of the 135th General Assembly.	125514 125515
Section 3517.11 of the Revised Code as amended by both H.B. 166 and S.B. 107 of the 133rd General Assembly.	125516 125517
Section 3701.79 of the Revised Code as amended by both H.B. 281 and S.B. 157 of the 134th General Assembly.	125518 125519
Section 4141.29 of the Revised Code as amended by both H.B. 49 and H.B. 158 of the 132nd General Assembly.	125520 125521
Section 4751.20 of the Revised Code as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	125522 125523
Section 4758.46 of the Revised Code as amended by both H.B. 113 and H.B. 230 of the 131st General Assembly.	125524 125525

Section 5101.35 of the Revised Code as amended by both H.B. 33 and S.B. 21 of the 135th General Assembly.	125526 125527
Section 5117.07 of the Revised Code as amended by both H.B. 283 and S.B. 3 of the 123rd General Assembly.	125528 125529
Section 5122.03 of the Revised Code as amended by both H.B. 281 and S.B. 2 of the 134th General Assembly.	125530 125531
Section 5122.15 of the Revised Code as amended by both H.B. 7 and H.B. 281 of the 134th General Assembly.	125532 125533
Section 5123.169 of the Revised Code as amended by H.B. 263 of the 133rd General Assembly and S.B. 3 of the 134th General Assembly.	125534 125535 125536
Section 5123.41 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	125537 125538
Section 5123.42 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	125539 125540
Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	125541 125542
Section 5747.01 of the Revised Code as amended by both H.B. 101 and S.B. 154 of the 135th General Assembly.	125543 125544
Section 5747.03 of the Revised Code as amended by both H.B. 281 and S.B. 246 of the 134th General Assembly.	125545 125546
Section 6111.04 of the Revised Code as amended by both H.B. 49 and S.B. 2 of the 132nd General Assembly.	125547 125548